U.P. STATE ELECTRICITY BOARD AND ORS.

v.

HARI SHANKER JAIN AND ORS.

August 28, 1978

[V. R. KRISHNA IYER, D. A. DESAI AND O. CHINNAPPA REDDY, JJ.]

Industrial Employment (Standing Orders), 1946 (Act 20), S. 138, scope of —Whether the provisions of the Electricity Supply Act, 1948 prevails over the provisions of Industrial Employment (Standing Orders) Act or vice versa— Scope of the rule of ejusdem generis explained—Maxim—Generalis specialibus non derogant, applicability of.

Respondents were two workmen originally employed by M/s Seth Ram Gopal and Partners, who were licensees for the distribution of electricity under the Electricity Act, 1910. There were certified Standing Orders for the industrial establishment of the said licensees; but they did not prescribe any age of superannuation for the employees with the result the workmen could continue to work as long as they were fit and able to discharge their duties. Pursuant to the purchase by the appellant with effect from 15-12-1964 of the electricity undertaking of M/s Seth Ram Gopal, the employees in their industrial establishment including the respondents became the employee of the appellant. The appellant board which is admittedly an industrial establishment to which the Industrial Employment (Standing Orders) Act, 1946 applies, neither made nor got certified any standing orders as it was bound so to do under that Act. The Board however considered the certified Standing Orders of the establishment of Seth Ram Gopal as applicable to their employees even after the purchase of the undertaking by the Board. However, on May 28, 1970 the Governor of Uttar Pradesh notified under Section 13-B of the Industrial Employment (Standing Orders) Act, 1946, a regulation made by the U.P. State Electricity Board under Section 79(c) of the Electricity Supply Act, 1948 fixing the age of superannuation as 58 and 60 on a par with the other State Govt. employees. Acting in pursuance of the regulation as notified by the Governor the appellant sought to retire the respondents on July 2, 1972 and July 7, 1972 respectively on their attaining the age of 58 years. The respondents filed a Writ Petition in the Allahabad High Court challenging the regulation made by the Board and its notification by the Governor which was dismissed. But the Division Bench which heard the special appeal preferred by them, referred three questions to a Full Bench. The Full Bench answered the questions as follows:

"(1) The Industrial Employment (Standing Orders) 1946 applies to the industrial establishment of the State Electricity Board.

(2) The Standing Orders framed, in an industrial establishment by an electrical undertaking, do not cease to be operative on the purchase of the undertaking by the Board or on framing of the Regulations under Section 79(c) of the Electricity (Supply) Act, 1948 and

(3) Section 13-B of the Industrial Employment (Standing Orders) Act, 1946, applies only to the industrial establishments of the Government and to no other establishments.

A Following the opinion of the Full Bench, the Division Bench allowed the special Appeal and issued a writ quashing the notification dated May 28, 1970 and directing the appellant not to enforce the regulation against the respondents. The appellant obtained a certificate under Art. 133(1) of the Constitution and has preferred the appeal.

B Allowing the appeal, the Court

HELD : 1. The Industrial Employment (Standing Orders) Act, 1946 (Act 20) is a special law in regard to the matters enumerated in the schedule and the regulations made by the Electricity Board with respect to any of those matters are of no effect, unless such regulations are either notified by the Government under Section 13-B or certified by the certifying officer under Section 5 of the Industrial Employment (Standing Orders) Act, 1946. In regard to C matters in respect of which regulations made by the Board have not been notified by the Governor or in respect of which no regulations have been made by the Board, the Industrial Employment (Standing Orders) Act shall continue to apply. In the present case, the regulation made by the Board with regard to the age of superannuation having been duly notified by the Government, the regulation shall have effect, notwithstanding the fact that it is a matter which could be the subject matter of Standing Orders under the Industrial D Employment (Standing Orders) Act. The respondents were, therefore, properly retired when they attained the age of 58 years. [371A-F]

2. The Industrial Employment (Standing Orders) Act is an Act specially designed to define the terms of employment of workmen in industrial establishment, to give the workmen a collective voice in defining the terms of employment and to subject the terms of employment to the scrutiny of quasi-judicial E authorities by the application of the test of fairness and reasonableness. It is an Act giving recognition and hard-won and precious right of workmen. It is a Special Act expressly and exclusively dealing with the schedule-enumerated conditions of service of workmen in industrial establishments. [364E-G]

Associated Cement Co. Ltd. v. *P. D. Vyas,* [1960] 2 S.C.R. 974; *Rohtak Hissar District Electricity Supply Co. Ltd.* v. *State of U.P. and Ors.,* [1966] 2 F S.C.R. 863; *Western India Match Co. Ltd.* v. *Workmen,* [1974] 1 S.C.R. 434; referred to.

3. The Electricity Supply Act does not presume to be an Act to regulate the conditions of service of the employees of State Electricity Board. It is an act to regulate the coordinated development of electricity. It is a special Act in regard to the subject of development of electricity, even as the Industrial G Employment (Standing Orders) Act is a special act in regard to the subject of conditions of service of workmen in industrial establishments. If section 79 of the Electricity Supply Act generally provides for the making of regulations providing for the conditions of service of the employees of the Board, it can only be regarded as a general provision which must yield to the special provisions of the Industrial Employment (Standing Orders) Act in respect of matters covered by the latter Act. [365D-F]

H 4. The reason for the rule "Generalis Specialibus non derogant", that a general provision should yield to specific provision is this : In passing a special Act, Parliament devotes its entire consideration to a particular subject. When a

General Act is subsequently passed, it is logical to presume that Parliament has not repealed or modified the former special Act unless it appears that the Special Act again received consideration from Parliament. [366B-D] A

The provisions of the Standing Orders Act, therefore, must prevail over Section 79(c) of the Electricity Supply Act in regard to matters to which the Standing Orders Act applies. It is impossible to conceive that Parliament sought to abrogate the provisions of the Industrial Employment (Standing Orders) Act, embodying as they do hard-won and precious rights of workmen and prescribing as they do an elaborate procedure, including a quasi-judicial determination, by a general, incidental provision like Section 79(c) of the Electricity Supply Act. It is obvious that Parliament did not have before it the Standing Orders Act, when it passed the Electricity Supply Act and Parliament never meant that the Standing Orders Act should stand *pro tanto* repealed by Section 79(c) of the Electricity Supply Act. [366F-H] B C

Sukhdev Singh v. *Bhagat Ram*, [1975] 3 S.C.R. 619; *Rajasthan Electricity Board* v. *Mohan Lal*, [1967] 3 S.C.R. 277; held inapplicable.

5. The true scope of the rule of "*ejusdem generis*" is that words of a general nature following specific and particular words should be so construed as limited to things which are of the same nature as those specified. But the rule is one which has to be "applied with caution and not pushed too far". It is a rule which must be confined to narrow bounds so as not to unduly or unnecessarily limit general and comprehensive words. If a broad-based genus could consistently be discovered there is no warrant to cut down general words to dwarf size. If giant it cannot be, dwarf it need not be. [369 A-B] D

It is true that in Section 13-B the specie specifically mentioned happen to be Government servants. But they also possess this common characteristic that they are all public servants enjoying a statutory status and governed by statutory rules and regulations. If the legislature intended to confine the applicability of Section 13-B to industrial undertakings employing government servants only nothing was easier than to say so instead of referring to various rules specifically and following it up with a general expression like the one in the instant case. [369B-D] E F

6. The words 'rules and regulations' have come to acquire a special meaning when used in statutes. They are used to describe subordinate legislation made by authorities to whom the statute delegates that function. The words can have no other meaning in Sec. 13-B. Therefore, the expression "workmen ...to whom ...any other rules or regulations that may be notified in this behalf means, in the context of Sec. 13-B, workmen enjoying a statutory status, in respect of whose conditions of service the relevant statute authorises the making of rules or regulations. The expression cannot be construed so narrowly as to mean Government servants only; nor can it be construed so broadly as to mean workmen employed by whomsoever including private employers. so long as their conditions of service are notified by the Govt. under Sec. 13-B [369D-F] G

The words 'nothing in this Act shall apply' are not to be interpreted too literally as to lead to absurd results. The only reasonable construction that can be put upon the language of Section 13-B is that a rule of regulation, it H

A notified by the Government, will exclude the applicability of the Act to the extent that the rule or regulation covers the field. To that extent and to that extent only "nothing in the Act shall apply". [307 F-G]

Raman Nambissan v. State Electricity Board [1967] 1 L.L.J. 252 and *Thiruvenkataswami v. Coimbatore Municipality,* [1968] 1 L.L.J. 361 explained.

B CIVIL APPELLATE JURISDICTION : Civil Appeal No. 2199 of 1977.

From the Judgment and Decree dated 29-11-1976 of the Allahabad High Court in Special Appeal No. 378 of 1974.

G. B. Pai and *O. P. Rana* for the Appellant.

R. K. Garg, V. J. Francis, Madan Mohan, K .P. Aggarwal and
C *Mrs. Manju Gupta,* for Respondents Nos. 1 and 2.

Manoj Swarup and *Miss Lalita Kohli* for the Intervener.

The Judgment of the Court was delivered by

CHINNAPPA REDDY, J. The case is primarily concerned with the
D age of retirement of two obscure workmen but it raises questions of general importance concerning workmen employed by most statutory bodies and corporations. It is on such chance cases that the development of our law depends.

The two workmen were originally employed by Messrs Seth Ram
E Gopal and Partners who were licensees for the distribution of electricity under the Indian Electricity Act, 1910. There were certified Standing Orders for the industrial establishment of M/s. Seth Ram Gopal and partners. The certified Standing Orders did not prescribe any age of superannuation for the employees. That, according to the workmen, meant that they could continue to work as long as they
F were fit and able to discharge their duties. The electricity undertaking of M/s. Seth Ram Gopal and Partners was purchased by the U.P. State Electricity Board, with effect from 15-12-1964, under the provisions of the Electricity (Supply) Act, 1948. The employees of Seth Ram Gopal and Partners became the employees of the U.P. State Electricity Board. The U.P. State Electricity Board, which it is no
G longer disputed is an industrial establishment to which the Industrial Employment (Standing Orders) Act, 1946, applies, neither made nor got certified any Standing Orders as it was bound so to do under that Act. But it is evident, though not admitted from two letters, one from the Superintending Engineer in reply to a letter dated 31-12-1966 from the Executive Engineer and the other from the Certifying Officer
H for Standing Orders and Labour Commissioner to the General Secretary of the Employees' Union that the Board and the workmen considered the certified Standing Orders of the establishment of Seth Ram

Gopal and Partners as applicable to them even after the purchase of the undertaking by the Board. This, however, is not very material. The Board, as we said earlier, made and got certified no standing orders either in regard to age of superannuation or in regard to any other matter mentioned in the schedule to the Standing Orders Act. We may mention here that by reason of a notification dated 17-11-1959 "age of superannuation or retirement, rate of pension or any other facility which the employers may like to extend or may be agreed upon between the parties" is one of the matters in respect of which an employer to whom the Standing Orders Act applies is bound to make Standing Orders and get them certified. However, on May 28, 1970. the Governor of Uttar Pradesh notified, under Section 13-B of the Industrial Employment (Standing Orders) Act, 1946, a regulation made by the U.P. State Electricity Board under Section 79(c) of the Electricity (Supply) Act, 1948. The notification was as follows:

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"No. 3822-2/70/XXIII-PB-15EH-67
May 28, 1970.

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In pursuance of the provision of Section 13-B of the Industrial Employment (Standing Orders) Act 1946 (Act No. 20 of 1946), the Governor is pleased to notify in the official Gazette that the U.P. State Electricity Board has made the following Regulations under sub-section (c) of Section 79 of the Electricity (Supply Act, 1948) (Act No. 54 of 1948)—

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"Notwithstanding any rule if one order or practice hitherto followed, the date of compulsory retirement of an employee of the Board will be the date on which he attains the age of 58 years; provided that—

(i) in the case of the inferior servants of the Board, whose counterparts under State Government are at present entitled to serve upto the age of 60 years, the age of compulsory retirement will be the date on which they attain the age of 60 years.

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(ii) the Board or its subordinate appointing authority may require an employee to retire after he attains or has attained the age of 55 years on three months' notice or three months' salary in lieu thereof without assigning any reason".

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Acting in pursuance of this regulation as notified by the Governor, the Board sought to retire the two respondents on July 2, 1972 and July 7, 1972 respectively on their attaining the age of 58 years. The respondents thereupon filed a writ petition in the Allahabad High Court challenging the regulation made by the Board and its notification by

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A the Governor. Their contention was that the Board was not competent to make a regulation in respect of a matter covered by the Industrial Employment (Standing Orders) Act. The writ petition was dismissed by a learned Single Judge. The respondents preferred a special appeal and the Division Bench which heard the Special Appeal in the first instance referred the following three questions to a Full B Bench :

> "(1) Whether the Industrial Employment (Standing Orders) Act, 1946 applies to the Industrial establishments of the State Electricity Board ?
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> C (2) Whether the standing orders framed for an Industrial establishment of an electrical undertaking cease to be operative on the purchase of the undertaking by the Board or on the framing of regulations under section 79(c) of the Electricity (Supply) Act, 1948 ?
>
> (3) Whether section 13-B of the Industrial Employ- D ment (Standing Orders) Act, 1946, applies only to industrial establishments of the Government or also to other industrial establishments ?

The Full Bench answered the questions as follows:

> E "1. The Industrial Employment (Standing Orders) Act 1946 applies to the industrial establishments of the State Electricity Board.
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> 2. The Standing Orders framed in an industrial establishment by an electrical undertaking do not cease to be operative on the purchase of the undertaking by the Board F or on framing of the regulations under section 79(c) of the Electricity (Supply) Act, 1948.
>
> 3. Section 13-B of the Industrial Employment (Standing Orders) Act, 1946, applies only to the industrial establishments of the government and to no other establish- G ments".

Following the opinion of the Full Bench, the Division Bench allowed the Special Appeal and issued a Writ quashing the notification dated May 28, 1970 and directing the U.P. State Electricity Board not to enforce the regulation against the appellants before them. The U.P. H State Electricity Board, having obtained a Certificate from the High Court under Article 133(1) of the Constitution, has preferred this appeal.

Shri G. B. Pai learned Counsel for the appellant did not canvass the correctness of the answer of the Full Bench to the first question referred to it. He confined his attack to the answers to the second and third questions. Relying upon the decisions of this Court in *Sukhdev Singh* v. *Bhagat Ram*(1), and *Rajasthan Electricity Board* v. *Mohan Lal*(2), Shri Pai argued that the U.P. State Electricity Board was an authority within the meaning of Article 12 of the Constitution and that the regulations made by the Board under Section 79(c) of the Act had the 'full force and effect of the statute and the force of law" so as to displace, over-ride or supersede Standing Orders made and certified under the Industrial Employment (Standing Orders) Act, which, he submitted were mere contractual conditions of service subjected to a quasi-judicial process and which, therefore, could not take precedence over legislative processed regulations. The learned Counsel further submitted that Section 79(c) of the Electricity Supply Act was a special law and that it prevailed over the provisions of the Industrial Employment Standing Orders Act. Alternately, he submitted, the notifying of the regulation regarding age of superannuation under Section 13-B of the Industrial Employment Standing Orders Act excluded the applicability of that Act in regard to the subject of age of superannuation. He urged that Secton 13-B was not confined in its application to Government undertakings only or to cases where there were comprehesinve sets of rules, as was thought by the High Court.

Shri R. K. Garg, for the Workmen contended that the Industrial Employment (Standing Orders) Act was an act specially designed to define and secure reasonable conditions of service for workmen in industrial establishments employing one hundred or more workmen and to that end to compel employers to make Standing Orders and to get them certified by a quasi-judicial authority. It was, therefore, a special Act with reference to its subject matter. The Electricity Supply Act, on the other hand, was intended "to provide for the rationalisation of the production and supply of electricity, and generally for taking measures conducive to electrical development." It was not specially designed to define the conditions of service of empolyees of Electricity Board or to displace the Standing Orders Act. The power given to an Electricity Board under Section 79(c) to make regulations providing for "the duties of officers and servants of the Board and their salaries, allowances and other conditions of service" was no more than the usual, general power possessed by every

(1) [1975] 3 SCR 619.
(2) [1967] 3 SCR 377.

A employer. Shri Garg argued that the Industrial Employment Standing Orders Act was a special Act which dealt with the special subject of conditions of employment of workmen in industrial establishments and, therefore, in the matter of conditions of employment of workmen in industrial establishments, it prevailed over the provisions of the Electricity Supply Act. He urged that under Section 13-B of the B Standing Orders Act, Government undertakings which had a comprehensive set of rules alone could be excluded from the applicability of the Act. He submitted that to permit a single rule or regulation made for a limited purpose to be notified under Sec. 13-B would have the disastrous effect of excluding the applicability of the whole of the Standing Orders Act.

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Before examining the rival contentions, we remind ourselves that the Constitution has expressed a deep concern for the welfare of workers and has provided in Art. 42 that the State shall make provision for securing just and humane conditions of work and in Art. 43 that the State shall endeavour to secure, by suitable legislation or eco- D nomic organisation or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure etc. These are among the "Directive Principles of State Policy". The mandate of Article 37 of the Constitution is that while the Directive Principles of State Policy shall not be enforceable by any Court, the principles E are 'nevertheless fundamental in the governance of the country' and 'it shall be the duty of the State to apply these principles in making laws'. Addressed to Courts, what the injunction means is that while Courts are not free to direct the making of legislation, Courts are bound to evolve, affirm and adopt principles of interpretation which will further and not hinder the goals set out in the Directive Principles of State F Policy. This command of the Constitution must be ever present in the minds of judges when interpreting statutes which concern themselves directly or indirectly with matters set out in the Directive Principles of State Policy.

Let us now examine the various statutory provisions in their G proper context with a view to resolve the problem before us. First, the Industrial Employment (Standing Orders) Act, 1946. Before the passing of the Act conditions of service of industrial employees were invariably ill defined and were hardly ever known with even a slight degree of precision to the employees. There was no uniformity of conditions of service for employees discharging identical duties in H the same establishment. Conditions of service were generally *ad-hoc* and the result of oral arrangements which left the employees at the mercy of the employer. With the growth of the trade union move-

ment and the right of collective bargaining, employees started putting forth their demands to end this sad and confusing state of affairs. Recognising the rough deal that was being given to workers by employers who would not define their conditions of service and the inevitability of industrial strife in such a situation, the legislature intervened and enacted the Industrial Employment Standing Orders Act. It was stated in the statement of objects and reasons;

> "Experience has shown that "Standing Orders" defining the conditions of recruitment, discharge, disciplinary action, holidays, leave etc., go a long way towards minimising friction between the management and workers in industrial undertakings. Discussion on the subject at the tripartite Indian Labour Conferences revealed a consensus of opinion in favour of legislation. The Bill accordingly seeks to provide for the framing of "Standing Orders" in all industrial establishments employing one hundred and more workers".

It was, therefore, considered, as stated in the preamble "expedient to require employers in industrial establishments to define with sufficient precision the conditions of employment under them and to make the said conditions known to workmen employed by them". The scheme of the Act, as amended in 1956 and as it now stands, requires every employer of an industrial establishment as defined in the Act to submit to the Certifying Officer draft Standing Orders, that is, "Rules relating to matters set out in the schedule", proposed by him for adoption in his industrial establishment. This is mandatory. It has to be done within six months after the commencement of the Act. Failure to do so is punishable and is further made a continuing offence. The draft Standing Orders are required to cover every matter set out in the schedule. The schedule enumerates the matters to be provided in the Standing Orders and they include classification of workmen, shift working, attendance and late coming. Leave and holidays, termination of employment, suspension or dismissal for misconduct, means of redress for wronged workmen etc. Item No. 11 of the Schedule is "Any other matter which may be prescribed". By a notification dated 17-11-1959 the Government of Uttar Pradesh has prescribed "Age of superannuation or retirement, rate of pension or any other facility which the employer may like to extend or may be agreed upon between the parties" as a matter requiring to be provided in the Standing Orders. On receipt of the draft Standing Oders from the employee, the Certifying Officer is required to forward a copy of the same to the trade union concerned or the workmen inviting them to prefer objections, if any. Thereafter the Certifying Officer is required to give a hearing to the employer and the trade union or workmen as the case may be

A and to decide "whether or not any modification of or addition to the draft submitted by the employer is necessary to render the draft Standing Orders certifiable under the Act'. Standing Orders are certifiable under the Act only if provision is made therein for every matter set out in the schedule, if they are in conformity with the provisions of the Act and if the Certifying Officer adjudicates them as fair and reasonable. The Certifying Officer is invested with the powers of a Civil Court for the purposes of receiving evidence, administering oaths, enforcing the attendance of witnesses etc. etc. The order of the Certifying Officer is subject to an appeal to the prescribed appellate authority. The Standing Orders as finally certified are required to be entered in a Register maintained by the Certifying Officer. The employer is required to prominently post the Certified Standing Orders on special boards maintained for that purpose. This is the broad scheme of the Act. The Act also provides for exemptions. About that, later. The Act, as originally enacted, precluded the Certifying Officer from adjudicating upon the fairness or reasonableness of the draft Standing Orders submitted by the employer but an amendment introduced in 1956 now casts a duty upon the Certifying Officer to adjudicate upon the fairness or reasonableness of the Draft Standing Orders. The Scheme of the Act has been sufficiently explained by this Court in *Associated Cement Co. Ltd.* v. *P. D. Vyas*(1), *Rohtak Hissar District Electricity Supply Co. Ltd.* v. *State of U.P. & Ors.*(2), and *Western India Match Co. Ltd. v. Workmen*(3). The Industrial Employment (Standing Orders) Act is thus seen to be an Act specially designed to define the terms of employment of workmen in industrial establishments, to give the workmen a collective voice in defining the terms of employment and to subject the terms of employment to the scrutiny of quasi-judicial authorities by the application of the test of fairness and reasonableness. It is an Act giving recognition and form to hard-won and precious rights of workmen. We have no hesitation in saying that it is a Special Act expressly and exclusively dealing with the schedule-enumerated conditions of service of workmen in industrial establishments.

Turning next to the Electricity Supply Act, it is, as its preamble says. An Act to provide for the rationalisation of the production and supply of electricity, and generally for taking measures conducive to electrical development". The statement of objects and reasons and a glance at the various provisions of the Act show that the primary object

(1) [1960] 2 SCR 974
(2) [1966] 2 SCR 863
(3) [1974] 1 SCR 434

of the Act is to provide for the coordinated, efficient and economic development of electricity in India on a regional basis consistent with the needs of the entire region including semi-urban and rural areas. Chapter II of the Act provides for the constitution of the Central Electricity Authority and Chapter III for the constitution of State Electricity Boards. Chapter IV prescribes the powers and duties of State Electricity Boards, and Chapter V the Boards' works and trading procedure. Chapter VI deals with the Board's finance, Accounts and Audit. Chapter VII (from S. 70 to S. 83) which is headed "Miscellaneous" contains various miscellaneous provisions amongst which are S. 78 which empowers the Government to make rules and S. 79 which empowers the Board to make regulations in respect of matters specified in clauses (a) to (k) of that Section. Clause (c) of S. 79 is "the duties of Officers and servants of the Board, and their salaries, allowances and other conditions of service". This, of course is no more than the ordinary general power, with which every employer is invested in the first instance, to regulate the conditions of service of his employees. It is an ancillary or incidental power of every employer. The Electricity Supply Act does not presume to be an Act to regulate the conditions of service of the employees of State Electricity Boards. It is an act to regulate the coordinated development of electricity. It is a special Act in regard to the subject of development of electricity, even as the Industrial Employment (Standing Orders) Act is a special Act in regard to the subject of Conditions of Service of workmen in industrial establishments. If Sec. 79(c) of the Electricity Supply Act generally provides for the making of regulations providing for the conditions of service of the employees of the Board, it can only be regarded as a general provision which must yield to the special provisions of the Industrial Employment (Standing Orders) Act in respect of matters covered by the latter Act.

The maxim *"Generalia specialibus non derogant"* is quite well known. The rule flowing from the maxim has been explained in *Mary Seward* v. *The Owner of the "Vera Cruz"*(1) as follows :

> "Now if anything be certain it is this, that where there are general words in a later Act capable of reasonable and sensible application without extending them to subjects specially dealt with by earlier legislation, you are not to hold that earlier and special legislation indirectly repealed, altered, or derogated from merely by force of such general words, without any indication of a particular intention to do so".

(1) [1884] 10 AC 59 at 68.

A The question in *Seward* v. *Vera Cruz* was whether Sec. 7 of the Admiralty Court Act of 1861, which gave jurisdiction to that Court over "any claim for damage done by any ship" also gave jurisdiction over claims for loss of life which would otherwise come under the Fatal Accidents Act. It was held that the general words of Sec. 7 of the Admiralty Court Act did not exclude the applicability of the Fatal Accidents Act B and therefore, the Admiralty Court had no jurisdiction to entertain a claim for damages for loss of life.

The reason for the rule that a general provision should yield to a specific provision is this : In passing a Special Act, Parliament devotes its entire consideration to a particular subject. When a General Act C is subsequently passed, it is logical to presume that Parliament has not repealed or modified the former Special Act unless it appears that the Special Act again received consideration from Parliament. Vide *London and Blackwall Railway* v. *Limehouse District Board of Works*(1) and *Thorpe* v. *Adams*(2). *In J. K. Cotton Spinning & Weaving Mills Co. Ltd.* v. *State of Uttar Pradesh*(3), this Court observed (at p. 1174) :

D "The rule that general provisions should yield to specific provisions is not an arbitrary principle made by lawyers and judges but springs from the common understanding of men and women that when the same person gives two directions one covering a large number of matters in general and another to only some of them his intention is that these latter E directions should prevail as regards these while as regards all the rest the earlier direction should have effect".

We have already shown that the Industrial Employment (Standing Orders) Act is a Special Act dealing with a Specific subject, namely the conditions of service, enumerated in the Schedule, of workmen in industrial establishments. It is impossible to F conceive that Parliament sought to abrogate the provisions of the Industrial Employment (Standing Orders) Act embodying as they do hard-won and precious rights of workmen and prescribing as they do an elaborate procedure, including a quasi-judicial determination, by a general incidental provision like Sec. 79(c) of the Electricity Supply G Act. It is obvious that Parliament did not have before it the Standing Orders Act when it passed the Electricity Supply Act and Parliament never meant that the Standing Orders Act should stand *pro tanto* repealed by Sec. 79(c) of the Electricity Supply Act. We are clearly of the view that the provisions of the Standing Orders Act must prevail over S. 79(c) of the Electricity Supply Act, in regard to matters to H which the Standing Orders Act applies.

(1) 26 L. J. Ch. 164 = 69 E.R. 1048. (2) (1871) L. R. 6 C. P. 125
(3) A. I. R. 1961 S. C. 1170 .

Shri G. B. Pai, relying on what was said in the *Rajasthan State Electricity Board* case and *Sukhdev Singh & Ors.'s* case argued that the regulations made under Sec. 79(c) of the Electricity Supply Act being statutory in nature stood on so high a pedestal as to override, by their very nature, the Standing Orders made under the Standing Orders Act. The observations on which he relied are, in the *Rajasthan State Electricity Board* case :

> "The State, as defined in Art. 12, is thus comprehended to include bodies created for the purpose of promoting the educational and economic interests of the people. The State, as constituted by our Constitution, is further specifically empowered under Art. 298 to carry on any trade or business. The circumstance that the Board under the Electricity Supply Act is required to carry on some activities of the nature of trade or commerce does not, therefore, give any indication that the Board must be excluded from the scope of the word "State" as used in Art. 12. On the other hand, there are provisions in the Electricity Supply Act which clearly show that the powers conferred on the Board include power to give directions, the disobedience of which is punishable as a criminal offence. In these circumstances, we do not consider it at all necessary to examine the cases cited by Mr. Desai to urge before us that the Board cannot be held to be an agent or instrument of the Government. The Board was clearly an authority to which the provisions of Part III of the Constitution were applicable".

and in *Sukhdev Singh's* case (at p. 627) :

> "Rules, regulations, schemes, Bye-laws, orders made under statutory powers are all comprised in delegated legislation"

(at p. 628)

> "Subordinate legislation has, if validly made, the full force and effect of a statute".

and (at p. 684-685)

> "Rules and Regulations of the Oil and Natural Gas Commission, Life Insurance Corporation, Industrial Finance Corporation have the force of law.
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> The employees of these statutory bodies have a statutory status and they are entitled to a declaration of being in employment when their dismissal or removal is in contravention of statutory provisions.

A These statutory bodies are authorities within the meaning of Art. 12 of the Constitution".

The proposition that Statutory Bodies are 'authorities' within the meaning of Art. 12 of the Constitution, that the employees of these bodies have a statutory status and that regulations made under the B statutes creating these bodies have the force of law are not in dispute before us. The question is not whether the employees and the Board have a statutory status; they undoubtedly have. The question is not whether the regulations made under Sec. 79 have the force of law; again, they undoubtedly have. The question is whether Sec. 79(c) of the Electricity Supply Act is a general law and therefore, regulations C cannot be made under it in respect of matters covered by the Industrial Employment (Standing Order) Act, a special law. That question we have answered and the answer to that question makes irrelevant the submissions based on the statutory status of the employees and the statutory force of the regulations.

Next, we turn to the submission based on the notification made D under Sec. 13-B of the Standing Orders Act. Section 13-B reads as follows :

> "13B. Nothing in this Act shall apply to an industrial establishment in so far as the workmen employed therein are persons to whom the Fundamental and Supplementary Rules, E Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate F Govermnent in the Official Gazette, apply".

The notification made by the Government has already been extracted by us. Some doubts were expressed whether the U.P. State Electricity Board had in fact made the regulation and whether the Government merely notified the regulation without appyling its mind. G The learned counsel appearing for the Board and the Government placed before us the relevant records and note-files and we are satisfied that the Board did make the regulation and the Government did apply its mind.

The High Court expressed the views that the expression "any other rules or regulations" should be read *ejusdem generis* with the expres- H sions "Fundamental and Supplementary Rules", "Civil Services, Control, Classification and Appeal Rules" etc. So read, it was said, the provisions of Section 13-B could only be applied to industrial establish-

ments in which the workmen employed could properly be described as Government servants. We are unable to agree that the application of the *ejusdem generis* rule leads to any such result. The true scope of the rule of "*ejusdem generis*" is that words of a general nature following specific and particular words should be construed as limited to things which are of the same nature as those specified. But the rule is one which has to be "applied with caution and not pushed too far". It is a rule which must be confined to narrow bounds so as not to unduly or unnecessarily limit general and comprehensive words. If a broad-based genus could consistently be discovered, there is no warrant to cut down general words to dwarf size. If giant it cannot be, dwarf it need not be. It is true that in Sec. 13-B the specie specifically mentioned happen to be Government servants. But they also possess this common characteristic that they are all public servants enjoying a statutory status, and governed by statutory rules and regulations. If the legislature intended to confine the applicability of Sec. 13-B to industrial undertakings employing Government servants only nothing was easier than to say so instead of referring to various rules specifically and following it up with a general expression like the one before us. The words 'rules and regulations' have come to acquire a special meaning when used in statutes. They are used to describe subordinate legislation made by authorities to whom the statute delegates that function. The words can have no other meaning in Sec. 13-B. Therefore, the expression "workmen....to whom.....any other rules or regulations that may be notified in this behalf means, in the context of Sec. 13-B, workmen enjoying a statutory status, in respect of whose conditions of service the relevant statute authorises the making of rules or regulations. The expression cannot be construed so narrowly as to mean Government servants only; nor can it be construed so broadly as to mean workmen employed by whomsoever including private employers, so long as their conditions of service are notified by the Government under Sec. 13-B.

Shri Garg relied on certain observations of the Madras High Court *in Raman Nambissan* v. *State Electricity Board*(1), *and Thiruvenkataswami* v. *Coimbatore Municipality*(2). In *Raman Nambissan's* case it was held that the mere fact that the Electricity Board had adopted the rules and regulations of the Government of Madras as its transitory rules and regulations did not bring the workmen employed in industrial establishments under the Board within the mischief of Sec. 13-B of the Industrial Establishment's (Standing Order) Act. In *Thiruvenkataswami's* case it was held that rules made by the Government

(1) [1967] 1 L.L.J. 252.
(2) [1968] 1 L.L.J. 361

A under the District Municipalities Act could not be considered to be rules notified under Sec. 13-B of the Standing Orders Act merely because the rules were made by the Government and published in the Government Gazette. We agree with the conclusion in both cases. In *Thiruvenkataswami's* case Kailasam J., also observed that the B Industrial Employment (Standing Order) Act was a special act relating exclusively to the service conditions of persons employed in industrial establishments, and, therefore, its provisions prevailed over the provisions of the District Municipalities Act. We entirely agree. But, the learned judge went on to say "S. 13-B cannot be availed of for purposes of framing rules to govern the relationships in an indus- C trial establishment under private management or in a Statutory Corporation. This rule can apply only to industrial establishments in respect of which the Government is authorised to frame rules and regulations relating to the conditions of employment in industrial establishments". There we disagree. Our disagreement is only in regard to industrial establishment in Statutory Corporations and not those under D private management. Our reasons are mentioned in the previous paragraph.

Shri Garg suggested that the rules and regulations specific mention of which has been made in Sec. 13-B were all comprehensive sets of rules and, therefore, "any other rules or regulations" that might be E notified by the Government should also satisfy the test of comprehensiveness. He argued that a single rule or regulation could not be notified under Sec. 13-B as it would be too much to say, he said, that the notifying of a single rule or regulation would exclude the applicability of all the provisions of the Standing Orders Act. We do not think that the notifying of one or many regulations has the effect that Shri F Garg apprehends it has. The words 'Nothing in this Act shall apply' are not to be interpreted too literally as to lead to absurd results and to what the legislature never intended. In our view the only reasonable construction that we can put upon the language of Sec. 13-B is that a rule or regulation, if notified by the Government, will exclude the applicability of the Act to the extent that the rule or regulation G covers the field. To that extent and to that extent only 'nothing in the Act shall apply'. To understand Sec. 13B in any other manner will lead to unjust and uncontemplated results. For instance, most of the Service Rules and Regulations expressly mentioned in Sec. 13-B do not deal with a large number of the matters enumerated in the schedule such as 'Manner of intimating to workmen periods and hour H of work, holidays, pay-days and wage rates', 'shift working', 'Attendance and late coming', 'conditions of, procedure in applying for, and the authority which may grant leave and holidays'. 'Closing and

reopening of Sections of the industrial establishments and temporary stoppages of work and the rights and liabilities of the employer and workmen arising therefrom' etc. To exclude the applicability of Standing Orders relating to all these matters because the Fundamental Rules, the Civil Service Rules or the Civil Services Control, Classification and Appeal Rules provide for a few matters like 'Classification of workmen' or 'suspension or dismissal for misconduct' would be to reverse the processes of history, apart from leading to unjust and untoward results. It will place workmen once again at the mercy of the employer be he ever so benign and it will certainly promote industrial strife. We have indicated what according to us is the proper construction of Sec. 13-B. That is the only construction which gives meaning and sense to Sec. 13-B and that is a construction which can legitimately be said to conform to the Directive Principles of State Policy proclaimed in Articles 42 and 43 of the Constitution.

We, therefore, hold that the Industrial Employment (Standing Orders) Act is a special law in regard to the matters enumerated in the schedule and the regulations made by the Electricity Board with respect to any of those matters are of no effect unless such regulations are either notified by the Government under Sec. 13-B or certified by the Certifying Officer under Sec. 5 of the Industrial Employment (Standing Orders) Act. In regard to matters in respect of which regulations made by the Board have not been notified by the Governor or in respect of which no regulations have been made by the Board, the Industrial Employment (Standing Orders) Act shall continue to apply. In the present case the regulation made by the Board with regard to age of superannuation having been duly notified by the Government, the regulation shall have effect notwithstanding the fact that it is a matter which could be the subject matter of Standing Orders under the Industrial Employment (Standing Orders) Act. The respondents were therefore, properly retired when they attained the age of 58 years. The appeal is, therefore, allowed. The Writ Petition filed in the High Court is dismissed. The appellants will pay the costs of the respondents as directed by this Court on 28-9-1977. The costs are quantified at Rs. 3,500/-..

S.R. *Appeal allowed.*