

Second Year – Third Semester

COURSE-II; LABOUR LAW

Objectives:

In this course, the students are to be acquainted with the Industrial relations framework in our country. Further, the importance of the maintenance of Industrial peace and efforts to reduce the incidence of Strikes and Lockout and Industrial Strike are to be emphasized. The main theme underlying the Programme is to critically examine the provisions. In the Trade Unions Act, 1926; the machineries contemplated under the provisions of the Industrial Disputes Act for the prevention and settlement of Industrial Disputes. Further, the objectives underlying the Industrial Employment [Standing Orders] Act, 1946 and Disciplinary Enquiry for Misconduct are to be studied with a view to acquaint misconduct and the procedure to be followed before imposing punishment for misconduct alleged and established.

Further, the students are to be acquainted with Social Security Framework prevailing in our Country. It is necessary to know the concept of social security, its importance and also constitutional basis for the same in India. The importance of ensuring the health, safety and welfare of the workmen and social assistance and social Insurance Schemes under various legislations are to be emphasized. The main theme underlying the Programme is to critically examine the provisions in the Workmen's Compensation Act, 1923, the machinery provided for protecting the interests of workers. Further, the objectives underlying the Factories Act, 1948, E.S.I. Act, 1948, the employees provident fund Act, 1952 are to be studied with a view to acquaint the students with various rights and benefits available to the workmen under the legislations.

Course contents:

UNIT – I

Introduction to Law of Industrial Disputes Act, 1947; Historical Aspects-Master and slave relationship-Industrial revolution-Laissez-faire state-Impact of Constitution on Labour provision; Definition and law relating to Appropriate Government- Award and settlement. Industry-Industrial Dispute-Workman, Strikes and Lock-out.

UNIT – II

Industrial Disputes Act, 1947: Lay: off –Retrenchment-Closure – Unfair Labour Practices and Role of Government; Authorities under the Act [Chapter II] to be read with chapters II B. III and IV Adjudication and Arbitration; Restrictions on the right of the employer-Chapter IIA-Notice of change, section II-A and sections 33, 33A; Recovery of money due from an employer.

Industrial Employment [Standing Orders] Act, 1946 and Disciplinary Enquiry.

UNIT – III

Trade Unions Act, 1926; Salient features of the enactment and important definitions – Registration of Unions, Amalgamation of Unions, Cancellation and Registration of Trade Unions, Funds of the Union, Immunity enjoyed by the Union.

Workmen's Compensation Act, 1923: Emergence of the legislation-Total and partial disablement – Dependent-Workman-Wages- Liability of the employer to pay compensation and right of the workman to receive compensation-Accident "Arising out of and in the course of employment"-Occupational disease-Doctrine of 'Added peril'

UNIT – IV

Labour Welfare Legislations:

The employees State Insurance Act, 1948: Corporation, Standing Committee and Medical Benefit Council, Contributions; Benefits; Adjudication of disputes and Claims; Penalties.

The Employees Provident Fund Act, 1952: Employees Provident Fund Scheme and Authorities; Miscellaneous.

The Maternity Benefit Act, 1961 - Its object and its scope.

UNIT – V

The Minimum Wages Act, 1948. Fixation of minimum rates of wages – working hours and determination of wages and claims.

The Factories Act – its essential features, Safety, Health and Welfare measures.

The Contract Labour [Regulation and Abolition] Act, 1970 – Its object and its essential features.

Prescribed Books:

S.N.Mishra – Labour Laws

S.C.Srivastava – Socioal Security and Labour Laws.

Reference Books:

Malhotra O.P – Industrial Disputes Act Vol I and II.

Madhavan Pillai – Labour and Industrial Laws.

Srivastava K.D. Commentaries on Industrial Disputes Act. 1947

V.V.Giri – Labour problems in Indian Industry.

Labour Law and Labour Relations Published by Indian Law Institute