



**NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM**

**PROGRAMME: B.A., LL.B(HONS.)FYIC**

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER (IV)— ACADEMIC YEAR .....**

<b>SL. NO</b>	<b>COURSE CODE</b>	<b>COURSE TITLE</b>	<b>L</b>	<b>T/P</b>	<b>CR</b>	<b>CH</b>
<b>1</b>	<b>BL406</b>	<b>LABOUR AND INDUSTRIAL LAW I</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>	<b>4</b>	

**A. CODE AND TITLE OF THE COURSE: BL406 ,LABOUR AND INDUSTRIAL LAW I**

**B. COURSE CREDIT: 4 (TOTAL MARKS 200)**

**C. MEDIUM OF INSTRUCTION: ENGLISH**

**D. COURSE COMPILED BY: DR KASTURI GAKUL**

**E. COURSE INSTRUCTOR: DR KASTURI GAKUL**

## **1. COURSE OBJECTIVES**

Course is so designed to acquaint the students with the comprehensive knowledge of labour law in India. The students are motivated to learn about labour law and industrial law from jurisprudential standpoint. They are to study about labour law and industrial law from its historical perspective.

The course is intended to make students understand critically the constitutional and legislative provisions pertaining to labour law and industrial relations.

The students are required to make critical studies of various legal provisions relating to industrial disputes, trade union law, strikes, lay-off, lockout, retrenchment, standing orders, minimum wages, bonus, equal remuneration, relation between employer and employee and concept of collective bargaining.

Students will be acquainted with functions and duties of different authorities constituted under various labour and industrial legislations.

Parliament had passed four broad codes on wages, industrial relations, social security and occupational safety health and working conditions (OSH) which ultimately have rationalised 44 central labour laws. The Code on Wages was passed by Parliament in 2019 while the three other codes got clearance from both the Houses in 2020. The implementation of the four codes which were to come in force from 1<sup>st</sup> April 2020 has been deferred by the Government until the finalisation of rules by the States (The Hindu, 31<sup>st</sup> March 2020). In the present course provisions relating to the Code of Wages 2019 and the Industrial Relations Code 2020 will be discussed. A comparative study of the provisions of the Industrial Relations Code 2020 with that of existing laws on labour laws such as Industrial Disputes Act 1947 will also be discussed.

## **2. TEACHING METHODOLOGY**

For teaching Labour and Industrial Law I in the National Law University and Judicial Academy, Assam lecture method along with alternative and supplementary strategies for effective teaching will be utilized such as permissive style of teaching, group discussion and seminar presentation. There will be participatory teaching with discussion on important concepts and judicial decisions relating to labour law. To encourage self-study, individualized instruction and to inculcate study attitudes individual project topics are allotted to students in advance. The students prepare their topics from the list of sources suggested to them under the supervision of the teacher-in-charge of the subject. In the classroom every student is required to present his/her project topic through seminar presentation and to have his/her doubt cleared through discussion. The teacher will guide the students in their pursuit of learning labour law and clarify doubts and queries of students, if any, and put forward suggestions for further readings. The topics will be taught through projected teaching aids like power point presentation and white board.

### 3. EXPECTED OUTCOMES OF THE COURSE

On completion of the Course the students are expected to understand the nuances of each module and thereafter they shall be in a position to undertake litigation relating to labour law and industrial law. Students will get acquainted with the working of Labour Courts and various authorities constituted under different labour and industrial legislations in India. The study of labour law and industrial law will improve the knowledge-base of the law students and encourage them to pursue labour law as a subject of specialization at the master (LL.M.) and Ph.D. level.

### 4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation scheme would be as follows:

Internal assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks
5	Attendance in class	10 marks
6	Semester End Examination	60 marks

### 5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

#### MODULE I

##### **Introduction to Labour Law:**

Industrial Jurisprudence

Labour Policy in India

Labour Problems in India

Industrial Relations

Principles and need of Labour Legislation in India

Growth of Labour Legislation in India.

##### **The Trade Unions Act, 1926:**

History of Trade Unionism in India

Development of Trade Union Law in India  
Definition and Concept of Trade Union  
Trade Dispute and Workman under the Trade Unions Act 1926  
Registration of trade unions  
Rights and Liabilities of Registered Trade Union  
Immunity of Registered Trade Union  
Amalgamation and Dissolution of trade unions  
Recognition of Trade Union  
Penalties and procedure under the Act  
Collective Bargaining and Trade Disputes.

## **MODULE II**

### **The Industrial Disputes Act, 1947:**

Definition and Concept of Appropriate Government, Workman, Industry and Industrial Dispute  
Industrial Dispute versus Individual Dispute  
Industrial disputes settlement machineries – Works Committee, Conciliation Officers, Board of Conciliation Voluntary Arbitration  
Adjudicatory machineries for dispute resolution—Labour Court, Industrial Tribunal, National Tribunal  
Provisions relating to Strikes and Lockouts in industrial units  
Concept of Lay-off and Retrenchment  
Closure and Unfair Labour Practices  
Compensation Theory  
Reference of disputes to board, courts or tribunals  
Penalties  
Enforcement of the Awards and Settlements under the Act.

### **The Industrial Employment (Standing Orders) Act, 1946:**

Importance and Object of Standing Orders  
Application of the Act  
Special features of the Act

Definition and Concept of Employer, Industrial Establishment and Standing Orders under the Act

Legal Status of Standing Orders

Conditions for Certification of Standing Orders

Reasonableness of Standing Orders

Certification of Standing Orders

Operation of Standing Orders

Modification of Standing Orders

Payment of Subsistence Allowance

Powers of Certifying Officer and Appellate Authority

Penalties and Grievance Procedure under the Act.

### **MODULE III**

#### **The Code of Wages 2019**

Definition and concept of Appropriate Government, Employee, Worker, Contractor, Contract labour, wages, Employer, Industrial disputes, Minimum wages, Same work or work of similar nature, establishment

Provisions relating to Minimum Wages

Payment of Wages

Payment of Bonus

Advisory Boards

Payment of Dues, Claims and Audit

Inspector-cum-Facilitator

Offences and Penalties

### **MODULE IV**

#### **The Industrial Relations Code 2020**

Definition and Concept of Appropriate Government, Closure, Employee, Employer, Industry, Industrial Dispute, Industrial Establishment Or Undertaking, Lay Off, Lockout, Retrenchment, Settlement, Strike, Trade Union, Trade Dispute, Standing Orders, Wages, Unfair Labour Practices, Unorganised Sector And Worker

Bi-Partite Forums

Trade Unions  
Standing Orders  
Notice of Change  
Voluntary Reference of Disputes to Arbitration  
Mechanism for Resolution of Industrial Disputes  
Strikes and Lock-Outs  
Lay-off, Retrenchment and Closure  
Special Provisions relating to Lay-Off, Retrenchment and Closure in Certain Establishments  
Worker Re-Skilling Fund  
Unfair Labour Practices  
Offences and Penalties

## 6. PRESCRIBED READINGS

- S.N. Mishra, *Labour and Industrial Laws* (Central Law Publications 2011)
- V.G. Goswami, *Labour and Industrial Laws (Law of Industrial Relations in India)* (Vol.2, 9th edn, Central Law Agency 2011)
- S.M Chaturvedi, *Labour and Industrial Laws* (Central Law Agency 2011)
- E-Book of The Code of Wages 2019 (Available at-<https://labour.gov.in/labour-codes>)
- E-Book of The Industrial Relations Code 2020 (Available at-<https://labour.gov.in/labour-codes>)
- Indian Law Institute, *Labour Law and Labour Relations: Cases and Materials* (The Indian Law Institute 2007)
- R. Bean and K. Holden, “*Determinants of Strikes in India: A Quantitative Analysis*”, pp. 161-168, Indian Journal of Industrial Relations, Vol. 28, No. 2 (Oct., 1992), (Electronic copy available at: <http://www.jstor.org/stable/27767245>)
- C. K. Johri, “*Industrial Relations as Regulated by Law: Suggestions for Change*”, pp. 439-449, Indian Journal of Industrial Relations, Vol. 31, No. 4 (Apr., 1996), (Electronic copy available at : <http://www.jstor.org/stable/27767434>) .
- K. R. Shyam Sundar, “*Second National Commission on Labour (SNCL) and Reform of Industrial Relations System: Some Comments*”, pp 252-270, Indian Journal of Industrial Relations, Vol. 42, No. 2 (Oct., 2006) (Electronic copy available at : <http://www.jstor.org/stable/27768068>)

- D. K. Agarwal . “*Problems of Delay in Labour Judiciary: A Case Study*”, pp. 49-59, Indian Journal of Industrial Relations, Vol. 3, No. 1 (Jul., 1967), (Electronic copy available at : <http://www.jstor.org/stable/27760721>)
- Chittaranjan Pal, *Labour Codes-Legislative Reforms* (Available at: <https://www.icsi.edu>)
- *The Industrial Relations Code, 2020 – PRS, Issues for Consideration: Labour Codes – Three Bills on Occupational Safety and Health; Industrial Relations; and Social Security, 2020* (Available at: <https://prsindia.org>)
- Anees S. Kazi , *Brief Notes On New Labour Codes 2020-WIRC* (Available at : <https://www.wirc-icai.org>)

### Statutes

- The Trade Unions Act 1926
- The Industrial Disputes Act 1947
- The Industrial Employment (Standing Orders) Act 1946
- The Code of Wages 2019
- The Industrial Relations Code 2020

### Cases

- *Jay Engineering Works v. State of West Bengal* AIR 1968 Cal 407
- *Newspaper Ltd. v. State Industrial Tribunal, U.P.* AIR 1957 SC 532
- *Mohan Gymkhana Club Employees Union v. Gymkhana Club* AIR 1968 SC 554
- *Rangaswami and Another v. Registrar of Trade Unions* AIR 1962 Mad 231
- *C.P. Sarathy v. State of Madras* AIR 1951 Mad. 191
- *Workmen of D.T.E v. Management of D.T.E.* AIR 1958 SC 353
- *The Standard Vacuum Refining Co. v. Their Workmen* AIR 1960 SC 948
- *Sisir Kumar Shah v. J.N. Majumdar* AIR 1955 Cal. 309
- *Associated Cement Companies Ltd. v. Their Workmen* AIR 1960 SC 777
- *State of Bombay v. Hospital Mazdoor Sabha* AIR 1960 SC 610
- *Bokanjan Cement Corporation Employees v. Cement Corporation of India Ltd.* AIR 2004 SC 245

- *Reserve Bank of India Employees' Association , Nagpur v. A.P. Aiyar Manager Reserve Bank of India, Nagpur and another* (1984) 1 LLJ 156 (Bom)
- *Bangalore Water Supply and Sewerage Board v. A. Rajappa* AIR 1978 SC 548
- *Rohtas Industries v. Rohtas Industries Staff Union* AIR 1976 SC 425
- *Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate* AIR 1958 SC 353
- *Madras Gymkhana Club Employees v. Management of Madras Gymkhana Club* AIR 1968 SC 554
- *Piparaich Sugar Mills Ltd. v. Piparaich Sugar Mills Mazdoor Union* AIR 1957 SC 95
- *General Labour Union (Red Flag) , Bombay v. B.V. Chavan and Others* 1985 1 LLJ 82 (SC)
- *Kairbetta Estate Kotagiri v. Raja Manickam* 1963 SC 893
- *Lakshmi Devi Sugar Mills Ltd. v. Ram Sarup* 1957 1 LLJ 17 (SC)
- *Punjab National Bank v. The Workmen* AIR 1960 SC 160
- *Bharat Bank Ltd., Delhi v. Their Employees* AIR 1950 SC 188
- *Kameshwar Prasad v. State of Bihar* 1962 SC 369
- *Management, Shahdera (Delhi) Saharanpur Light Railway Co. Ltd. v. SS Railway Work Union* AIR 1969 SC 513
- *Avery India Ltd. v. Second Industrial Tribunal , West Bengal* AIR 1972 SC 1626
- *U.P.S.E. Board v. Hari Shankar* AIR 1979 SC 65
- *Karnataka Agro Industries Corporation Employees' Association v. State of Karnataka* (1987) II Lab. L.J. 62 (Karn.)
- *Associated Cements Co.Ltd v. Their Workmen* (1960) 1 Lab. L.J. 1 (SC)
- *Associated Cements Companies . Ltd v. T.C. Srivastava and Others* (1984) II LLJ 105 (SC)
- *Rohtak and Hisssar District Supply Co. Ltd. v. State of U.P.* AIR 1966 SC 1471
- *U.P.E. Supply Co. v. T.N. Chatterjee* AIR 1972 SC 1201
- *Lakshmi Precision Screws Ltd. v. Ram Bhagat* (2002) III L.L.J. 516 (SC)
- *Agra Electricity Supply Co. Ltd. v. Alladin* AIR 1970 SC 512
- *Guest Keen, Williams (Private) Ltd. v. Sterling* AIR 1959 SC 1279
- *Ghaziabad Engg. Co. v Certifying Officer* AIR 1978 SC 769



