



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

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

**DETAILS OF COURSE OFFERED**

**EVEN SEMESTER (VI) – 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>603</b>	<b>LABOUR AND INDUSTRIAL LAW II</b>	<b>4 PER WEEK</b>	<b>1 PER WEEK</b>	<b>4</b>	

**A. CODE AND TITLE OF THE COURSE: 603, LABOUR AND**

**INDUSTRIAL LAW II**

**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 designed to acquaint the students with the comprehensive knowledge of labour law in India.

Parliament of India have 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 September 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. Efforts are being made by the Government to implement all the four codes together and bring them into effect by 1<sup>st</sup> October 2021. Section 142 of the Code on Social Security 2020 has come into force on 3<sup>rd</sup> May 2021. In the present course provisions relating to the Occupational Safety, Health and Working Conditions Code 2020 and the Social Security Code 2020 will be discussed. The issues of child labour, bonded labour and sexual harassment of woman at workplace are serious concerns in India and hence the present course will also focus on analysing legal provisions relating to such issues.

The objectives of the course are-

- i. To impart to students detailed knowledge on the law relating to safety, health, welfare and working conditions under the Occupational Safety, Health and Working Conditions Code 2020.
- ii. To explain provisions relating to social security as provided under the Social Security Code 2020.
- iii. To acquaint students with functions and duties of different authorities constituted under the labour law in India.
- iv. To develop in students a critical understanding about the issues relating to child labour and bonded labour in India.
- v. To discuss the law relating to child and adolescent labour in India.
- vi. To analyze the law pertaining to sexual harassment of women at workplace.
- vii. To explain the law relating to bonded labour in India.
- viii. To discuss relevant judicial decisions relating to labour and industrial law in India.
- ix. To familiarize students with the changes in labour law in India in the context of the Code on Social Security 2020 and the Occupational Safety, Health and Working Conditions Code 2020.

## **2. TEACHING METHODOLOGY**

For teaching Labour and Industrial Law II 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

seminar topics are allotted to students in advance. The students are to 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 their respective topic through seminar presentation and to have their doubts 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. COURSE OUTCOMES

- On completion of the Course the students are expected to understand the nuances of each module.
- To acquire the skill of analytical in-depth research along with a publishable research work.
- To 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)**

**External assessment: 30% (60 marks)**

Sl. No.	Internal Assessment	
1	2 Assignments	2 x 20 marks = 40 marks
2	Seminar/Group Discussion	20 marks
3	Class Test (Twice in a Semester)	2 x 35 marks = 70 marks
4	Attendance in Class	10 marks
5	Semester End Examination	60 Marks

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

**MODULE I**

**LAW RELATING TO OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS (PART 1)**

Registration

Duties of Employer and Employee

Provisions relating to Occupational Safety, Health, Welfare, Hours of Work, Annual leave with wages

Inspector cum Facilitators and Authority

Special Provisions relating to Employment of Women

**MODULE II**

**LAW RELATING TO OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS (PART 2)**

**Special Provisions relating to Workers-**

Contract Labour

Inter-State Migrant Workers

Audio-visual workers

Beedi and Cigar Workers

Mines, Factories and Plantation

**MODULE III**

**LAW RELATING TO SOCIAL SECURITY**

Social Security Organisation

Employees Provident Fund

Employees State Insurance Corporation

Gratuity

Maternity Benefit

Employees' Compensation

Social Security for Building and Other Construction Workers, Unorganised Workers, Gig Workers and Platform Workers

Authorities, Assessment, Compliance and Recovery

Offences and Penalties

Employment Information and Monitoring

#### **MODULE IV**

### **LABOUR LAW AND CHILD, WOMEN AND BONDED LABOUR**

#### **The Child Labour (Prohibition and Regulation) Act, 1986:**

Object and Scope of the Act

Definition of Adolescent, Child, Establishment, Family, Family Enterprise and Occupier

Provision relating to Prohibition of Employment of Children and Adolescents

Technical Advisory Committee;

Regulation of Condition of Work of Adolescents

Penalties under the Act

Child and Adolescent Labour Rehabilitation Fund

Procedure relating to offences

Inspectors and District Magistrate

Inspection and monitoring

## **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:**

Historical background

Object and Scope of the Act

Definition of Sexual Harassment, Aggrieved Woman, Workplace, Employer, Employee,

Domestic worker, Unorganized sector, Internal Complaints Committee, Local complaints Committee

Constitution of Internal Committee and Local Committee

Complaint procedure

Inquiry into Complaints

Duties of Employer

Powers of District Officer

Penalty under the Act

## **The Bonded Labour System (Abolition) Act, 1976:**

Objects of the Act

Definition of Bonded Labour, Bonded Labourer, and Bonded Labour System

Abolition of Bonded Labour System

Extinguishment of Liability to repay bonded debts

Authorities under the Act

Vigilance Committees and their functions

Offences and Punishments under the Act

International Labour Organization and Bonded Labour.

## **6. PRESCRIBED READINGS**

- E-Book of The Code on Social Security, 2020 No. 36 OF 2020 (Available at-<https://labour.gov.in/labour-codes>)
- E-Book of The Occupational Safety, Health and Working Conditions Code, 2020 No. 37 of 2020 (Available at-<https://labour.gov.in/labour-codes>)
- S.N. Mishra, *Labour and Industrial Laws* (27<sup>th</sup> ed, Central Law Publications 2014)
- V.G. Goswami, *Labour and Industrial Laws (Social Security Legislation in India)*, (9<sup>th</sup> ed, Central Law Agency 2011)

- S.C.Srivastava, *Social Security and Labour Laws* (Universal Law Publishing 1985)
- Justice.D.Murugesan, *Handbook on Bonded Labour*, (National Human Rights Commission 2018)
- S.C.Srivastava, *Commentary on the Factories Act, 1948* ( Universal Law Publishing 1999).
- A. B. Maity, “Forced Labour in India: A Note”, pp. 77-92, *Indian Journal of Industrial Relations*, Vol. 15, No. 1 (Jul., 1979), (Electronic copy available at: <http://www.jstor.org/stable/27768549>)
- Reeti Pande, “Elimination of Child Labour: Use or Abuse?”, pp. 216-222, *Indian Journal of Industrial Relations*, Vol. 32, No. 2 (Oct., 1996), (Electronic copy available at : <http://www.jstor.org/stable/27767469>)
- *Handbook on Sexual Harassment of Women at Workplace for Employers / Institutions / Organisations/ Internal Complaints Committee / Local Complaints Committee* (Government of India Ministry of Women and Child Development 2015 (Available at <http://www.shebox.nic.in/home/notification>)
- Manjit Singh, “Unorganised Industries: Conditions of Work and Labour” , pp. 373-387, *Indian Journal of Industrial Relations*, Vol. 23, No. 3 (Jan., 1988), ( Electronic copy available at :<http://www.jstor.org/stable/27767001>)

### Statutes

- The Bonded Labour System (Abolition) Act 1976
- The Child Labour (Prohibition and Regulation) Act 1986
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal)
- Act 2013
- The Occupational Safety, Health and Working Conditions Code 2020
- The Code on Social Security 2020

### Cases

- |   |                              |
|---|------------------------------|
| ▪ People’s Union for Democratic Rights v. Union of India            | AIR 1983 SC 1473             |
| ▪ Bandhua Mukti Morcha v. Union of India and Others                 | AIR 1984 SC 802              |
| ▪ Sanjit Ray v. State of Rajasthan                                  | AIR 1983 SC 328              |
| ▪ M.C. Mehta v. State of Tamil Nadu and Others                      | 1997 SC 699                  |
| ▪ Anant Construction Co. v. Government Labour Officer and Inspector | 2006 SCC (L&S) 1683          |
| ▪ Raj Homes Pvt. Limited v. State of M.P. and Another               | (2003) III L.L.J. 626 (M.P.) |

- Deena v. Union of India AIR 1983 SC 1155
- Prakesh Chandra Johari v. Indian Overseas Bank and Another (1986) II L.L.J. 496 (Raj)
  
- Regional Director, ESI Corporation v. Francis De Costa and Another 1994 SCC( L&S) 195
- A.V. D' Costa v. B.C. Patel (1995) I L.L.J. 363
- Air India Statutory Corporation v. United Labour Union 1997 SCC (L& S) 1344
- J.K. Industries Ltd. and Others v. Chief Inspector of Factories and Boilers 1997 SCC (L&S) 1
  
- Municipal Corporation of Delhi v. Female Workers (Muster Roll) and Another 2000 SCC (L&S) 331
- State of Rajasthan v. Ram Prasad and Another (2001) I L.L.J. 177 (SC)
- Rajendra Beva v. Hari Fertilizers, Sahupuri 2002 SCC (L&S) 179
- International Airport Authority of India v. International Cargo Worker's Union and Another (2010) 1 SCC (L&S) 257