

NIRMA UNIVERSITY
Institute of Law
B.A., LL.B. (Hons.) and B.Com. LL.B. (Hons.) Programmes
Academic Year 2020-21
Semester VI

L	T	P	C
4	-	-	4

Course Code	2BL641
Course Title	Labour and Industrial Law I

Course Learning Outcomes (CLO):

At the end of the course, the students will be able to:

1. Outline and model the ideas, doctrines and framework of labour laws.
2. Simplify and examine the impact of the laws regulating industrial relations.
3. Justify and test the acquired knowledge for amicable settlement of disputes under labour laws.

Syllabus:

Teaching Hours: 60

1. Introduction to Labour Law

5 hours

- 1.1 Origin and development of Labour Laws
- 1.2 Nature and need of Labour Laws
- 1.3 Development of Labour Laws in India: Pre and Post Independence period
- 1.4 Theory of Laissez Faire and Impact of Liberalisation and Globalisation and Labour Policy of India
- 1.5 Aims and Objectives of the ILO
- 1.6 Role of ILO in setting labour standards

2. Constitutional Protection of Labour

3 hours

- 2.1 Indian Constitution and Labour laws: social justice and labour
- 2.2 Fundamental Rights, Directive Principles of State Policy and labour
- 2.3 Judicial Activism and labour welfare in India

3. Industrial Dispute Act, 1947

15 hours

- 3.1 Development of Industrial Disputes Legislation in India
- 3.2 Object and applicability of the Act
- 3.3 Definition of Industry, Industrial Dispute, Workmen and 'Public Utility Service'
- 3.4 Authorities under Industrial Dispute Act, 1947
- 3.5 Duties and jurisdiction of adjudicating authorities
- 3.6 Procedure and power of authorities
- 3.7 Voluntary reference of disputes to Arbitration
- 3.8 Lay-off, Retrenchment, and Closure
- 3.9 Strike and lockout
- 3.10 Unfair Labour Practices

- 4. Trade Union Act, 1926** **10 hours**
- 4.1 Definition of trade union
 - 4.2 History of trade union movement
 - 4.3 Registration of trade unions
 - 4.4 Rights and Liabilities of a Registered Trade Union
 - 4.5 Immunities and privileges of a Registered Trade Union
 - 4.6 Trade Union Funds
 - 4.7 Amalgamation and dissolution of Trade Unions
 - 4.8 Collective bargaining so exercised by trade unions
 - 4.9 Recognition of trade unions
- 5. The Industrial Employment (Standing Orders) Act, 1946** **7 hours**
- 5.1 Objective and purpose of the Act
 - 5.2 Scope and applicability of the Act
 - 5.3 Definitions
 - 5.4 Necessity of Standing Orders
 - 5.5 Certification of Standing Orders
 - 5.6 Procedure for certification of Standing Orders
 - 5.7 Modification of Standing Orders
 - 5.8 Model Standing Orders
 - 5.9 Domestic enquiry and Disciplinary proceedings
- 6. Industrial Relations and Labour Law** **5 hours**
- 6.1 Overview of Industrial Relations
 - 6.2 Concept of Industrial relations
 - 6.3 Objectives and significance of Industrial Relations
 - 6.4 Constitutional and Statutory Framework in India relating to Industrial relations
 - 6.5 Changing Dimensions of Industrial Relations in India
- 7. Laws relating to wages: Wage Code, 2019** **15 hours**
- 7.1 Concept of wages: living wage, fair wage and minimum wage
 - 7.2 Theories of wage and wage policy
 - 7.3 Minimum Wages
 - 7.3.1 Payment of Minimum rate of wages: Floor rate
 - 7.3.2 Component of minimum wage
 - 7.3.3 Wage of two or more classes of work
 - 7.3.4 Penalties and procedure
 - 7.4 Payment of Wages
 - 7.4.1 Mode of payment of wages
 - 7.4.2 Responsibility, fixation of wage period, time and mode of payments
 - 7.4.3 Deduction for damage or loss: services rendered, recovery or advances
 - 7.4.4 Claims arising out of unauthorized deduction and delay in payment of wages
 - 7.4.5 Penalties and procedure
 - 7.5 Payment of Bonus
 - 7.5.1 Eligibility for Bonus
 - 7.5.2 Proportionate reduction in bonus in certain cases
 - 7.5.3 Disqualification for bonus
 - 7.5.4 Deduction of certain amounts from bonus payable

Suggested Reading[^]:

- Bruce E. Kaufman, (2006). Industrial Relations, Geneva: ILO.
- Rao EM.,(2004). Industrial Jurisprudence. New Delhi: Lexis Nexis.
- Srivastava, S.C. (2007) Industrial Relations and Labour Laws (5th ed.). New Delhi: Vikas Publishing House.
- Kothari, G.M. (2000). A Study of Industrial Law (5th ed). Nagpur: Wahdwa Publications.
- Mishra,S.N. (2009). Labour and Industrial Laws (2th ed.). Allahabad: Central Law Publications.
- K M Pillai, Labour and Industrial Law, 10th Edn- 2005, Allahabad Law Agency, Allahabad.
- Malhotra, O.P.(2004). The Law of Industrial Disputes (6th ed. Vol. 1 & 2.) New Delhi :Butterworths.
- Dhyani, S.N. (1989). Trade Unions and the Right to Strike, Jaipur: University Book House.
- Goswami, G.V. (2004). Labour Industrial Laws (8th ed.) Allahabad: Central Law Agency.

L= Lecture, T= Tutorial, P= Practical, C= Credit

[^] This is not an exhaustive list

