

CORE COURSE : 202 LABOUR AND INDUSTRIAL LAW – I

OBJECTIVES OF THE COURSE :

Protection of labour is a constitutional mandate. A constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is factor of national progress. Labour makes significant contribution in this respect.

Is labour merely a commodity? Is it only a factor in production? There may be different approaches towards this question. One fact is certain. Today's labour is engaged in a battle for position of honour and status equal with management. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulations relating to the employment of the work force. Its wings spread wider. It has aim on the societal impulses on, and state reactions to the complex social-economic, human and political problems arising out of the constant conflicts between different classes.

The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence.

In order to meet with the above objectives important Labour Laws are divided into two courses to be studied in Sem. III and IV respectively.

SYLLABUS

1. The Industrial Disputes Act, 1947 :

- a. Scope, objects and main features of the Act, Definitions : Industry, Industrial Dispute (Individual and Collective), Workman etc. and Judicial Pronouncements
- b. Authorities under the Act : Works Committee, Conciliation Officer, Boards of conciliation, Courts of Inquiry, Labour Court, Tribunals
- c. Procedure, powers and duties of the Authorities
- d. Strikes and Lock-outs, Lay-off and Retrenchment
- e. Unfair Labour Practices

2. The Industrial Employment (Standing Orders) Act, 1946

- 2.1 Application of the Act
- 2.2 Standing Orders. Model Standing Orders,
- 2.3 Certification and Cancellation of Standing Orders

2.4 Provisions of Appeal

2.5 Disciplinary Procedures : Departmental Enquiries

3. Trade Unions Act, 1926

3.1 History and Development of Trade Unionism in India

3.2 Registration of Trade Union : Procedure

3.3 Rights and Liabilities of Registered Trade Unions

3.4 Privileges of Registered Trade Unions

4. Gujarat Industrial Relations Act (former BIR Act) & Collective Bargaining :

4.1 Important definitions : Industry, Workman, Employee, Wage Board,

4.2 Classification of Unions : Primary Union, Qualified Union, Representative Union

4.3 Rights, duties and privileges of the Representative Union

4.4 Notice of Change

4.5 Concept and importance of Principle of Collective Bargaining

Suggested Reading :

1. John Bowers and Simon Honeyball, Tex Book on Labour Law, Blackstone, London.
2. Srivastava K. D. Commentaries on payment of Wages Act, 1936, Eastern, Lucknow.
3. Srivastava K. D. Commentaries on Minimum Wages Act, 1948, Eastern, Lucknow.
4. Rao S. B. Law and Practice on Minimum Wage, Law Publishing House, Allahabad.
5. Sheth D. D. Commentaries on industrial Disputes Act, 1947, Law Publishing House, Allahabad.
6. Srivastava K. D. Disciplinary Action against Industrial Employees and its Remedies, Eastern, Lucknow.
7. Srivastava K. D. Commentaries on Factories Act, 1948, Eastern, Lucknow.
8. R. C. Saxena, Labour Problems and Social Welfare Chapter 1.5 and V. V. Giri, Labour Problems in Indian Industry Chs. 1 and 15
9. Indian Law Institute, Labour Law and Labour Relation, Cochin University law Review, Vol. 6 app. 153-210
10. Report of the National Commission on Labour Ch. 14-17, 22, 23, and 24
11. O. P. Malhotra, The Law of Industrial Dispute, Universal, Delhi.
12. S.C. Srivastava, Social Security and Labour Laws, Universal Delhi.
13. S.C. Srivastava, Commentary on the Factories Act, 1948, Universal , Delhi.