

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA

LABOUR LAWS - II

SYLLABUS (Vth Semester)

Academic Year 2020

MODULE 1 (7 LECTURES)

The Payment of Wages Act, 1936- Historical background, Object and Applicability, Definitions, Wages, Wage Periods, Deductions and Fines, Authorities, Penal Provisions. Important Amendments. Comparison with the Code on Wages, 2019.

MODULE 2 (6 LECTURES)

The Minimum Wages Act, 1948- Introduction, history of the Act, Role of ILO, Aims and Object of the Act, Applicability, Definitions, Constitutional validity, Scheduled Employments, Wages in Kinds, Composition of Minimum Wages, Concept of Living Wages, Fair Wages and Minimum Wages, Fair Wage Committee Report, Fixation and Revision of Minimum Wages, Advisory Boards, Fixation of Working Hours and Overtime , Authorities under the Act, Offences under the Act, Comparison with the Code on Wages, 2019.

MODULE 3 (4 LECTURES)

Payment of Bonus Act, 1965- Historical background, Extent and Application, Definitions, Gross profit, Available surplus, Eligibility of bonus, Minimum Bonus, Maximum Bonus, Working days, Non- Applicability, Comparison with the Code on Wages, 2019.

MODULE 4 (6 LECTURES)

Equal Remuneration Act, 1976- Historical development, Aims and Objects, Role of ILO, Definitions, Applicability, Constitutional Perspectives, Duty of employer, Advisory Committees, Authorities, Penalties under the Act, Comparison with the Code on Wages, 2019.

MODULE 5 (6 LECTURES)

Employees' Compensation Act, 1923- Concept of Social Security, Historical Background, Object, Scope and Application, Definitions, Compensation, Employer's Liability for compensation, Calculation of Compensation, Notional Extension, Commissioner.

MODULE 6 (8 LECTURES)

The Employees' State Insurance Act, 1948- Historical Sketch, Objects, Application, Definitions, Concept of Factory, Seasonal Factory, Employee, Insured Person, Employment injury, Contributions, Benefits available under the Act, Adjudication of Disputes and claims, Employees' Insurance Court.

MODULE 7 (5 LECTURES)

Maternity Benefit Act, 1961- Historical Background, ILO's Role, Constitutional Perspective, Definitions, Scope and Application, Prohibition of Employment during certain period, Payment and Forfeiture of Maternity Benefit, Payment of Medical Bonus, Benefits under the Act, Administration, Enforcement and Penalties, Inspectors, Penalties.

MODULE 8 (6 LECTURES)

The Factories Act, 1948 – History of Factory Legislation, Definitions, Object, Application , Test to determine whether any establishment is a factory, Concept of Occupier, Inspectors, Provisions related to Health of Workers, Provisions related to Safety of Workers, Hazardous Processes, Welfare Provisions, Working hours with respect to Adults, Adolescent, and Young Persons, Certificate of fitness, Penalties.

MODULE 9 (5 LECTURES)

Contract Labour (Regulation and Abolition) Act, 1970- Historical Background, Scope and Object, Application, Definitions, Constitutional Validity, Advisory Boards, Registering Officers, Registration of Establishment, Effect of non- registration, Licensing Officers, Grant of Licenses, Offences.

MODULE 10 (4 LECTURES)

The Bonded Labour System (Abolition) Act, 1976 – Historical Perspective, ILO and Bonded Labour , Our Constitution and Bonded Labour, Article 23, Scope and Object of the Act, Abolition of Bonded Labour System, Implementing Authorities, Role of Supreme Court, National Human Right Commission, Vigilance Committee, Offences and Procedure of Trial.

List of cases:

1. People's Union for Democratic Rights v. Union of India 1982 SCC(3)235
2. Payment of Wages Inspector v. B.E.S. & Co. Purshottam V. Potadar AIR 1966 SC 856
3. Payment of Wages Inspector v. B.E.S. & Co. AIR 1969 SC 590
4. Kamani Metals & Alloys v. Their workmen. AIR 1967 SC 1175
5. Hydro (Engineers) Private Ltd. V. Their Workmen AIR 1969 SC 182
6. Haldia Refinery Canteen Employees Union and Another v. IOCL & Others(2005) II LLJ 684
7. Randhir Singh v. Union of India and others (1982) 1 LLJ 344 (SC)

8. Air India v. Nargesh Meerza (1981) SCC (L&S) 599
9. M/S Mackinon Mackenzie & Co. Ltd v. Andrey D'Costa & Another (1987) I LLJ 536 (SC)
10. Bandhua Mukti Morcha v. Union of India & Ors. AIR 1984 SC 802
11. Sanjit Ray v. State of Rajasthan AIR 1983 SC 328
12. M.C.Mehta v. State of Tamil Nadu & others 1997 SC 699
13. Employees' State Insurance Corporation & another v. Tata Engineering & Locomotive Co. Ltd. & another 1976 I LLJ 81 SC
14. Oriental Insurance Company Ltd. V. Sorumai Gagoi and others 2008 II LLJ 863 (SC)
15. National Iron and Steel Co. Ltd v. Manorama AIR 1953 Cal 143
16. Jyothi Ademma v. Plant Engineer, Nellore 2006 III LLJ 324 (SC)
17. Y.A. Mamarade and ors. V. Authority under the Minimum Wages Act (1972) 2SCC108
18. Express Newspapers (P) Ltd. v. Union of India 1959 SCR 12
19. Standard- Vacuum Refining Co. of India v. Its. Workmen and others (1961) 3 SCR 536
20. Workmen (Represented by Secretary) v. Reptakos Brett. & Co. Ltd. and another (1992) 1 SCC290.
21. Crown Aluminium Works v. their workmen 1958 SCR 651
22. Francis Coralie Mullin v. Administrator, Union Territory of Delhi AIR 1981 SC746
23. Secretary, Haryana State Electricity Board v. Suresh and others. 1999 SCC (L&S) 765
24. D.S. Nakara v. Union of India 1983 SCC (L&S) 145
25. Hindustan Antibiotics Ltd. v. Workmen AIR 1967 SC 948
26. Municipal Corporation of Delhi v. Female Workers (Muster Roll) and another 2000SCC(L&S) 331
27. Hotel New Nalanda v. Regional Director, ESI Corporation (2010) 1 SCC (L&S) 424
28. J.K. Industries Ltd. v. Chief Inspector of Factories, 1997 SCC (L&S) 1
29. Bank of India v. T.S. Kelawala and others (1990) II LLJ 39 SC

** The above list of cases is not the final list.

Statutory References

- The Payment of Wages Act, 1936.
- The Minimum Wages Act, 1948.
- Payment of Bonus Act, 1965.
- Equal Remuneration Act, 1976.
- Employees' Compensation Act, 1923.
- The Employees' State Insurance Act, 1948.
- Maternity Benefit Act, 1961.
- The Factories Act, 1948.
- Contract Labour (Regulation and Abolition) Act, 1970.
- The Bonded Labour System (Abolition) Act, 1976.

Books:

- "Labour and Industrial Laws" by S.N. Mishra.
- "Labour and Industrial Laws" by Prof. (Dr.) V.G. Goswami
- Commentaries on Payment of Wages Act, 1936 by K.D.Srivastava
- Commentaries on Minimum Wages Act, 1948 by K.D.Srivastava
- Commentaries on Factories Act, 1948 by S.C.Srivastava
- Etc.

Total number of Lectures (Tentative)- 60

Name of the Faculty- Pallavi Shankar