

Chanakya National Law University, Patna
B.A., LL.B (Hons.) / B.B.A., LL.B. (Hons.) 2022-23; SEMESTER- V

Course Title: Labour Laws II

Course Overview

The curriculum is designed to focus on helping the students understand rights and responsibilities of the workers and their employers. The syllabus is designed to help the students in understanding the basic Labour & Industrial laws, rules, and concepts so that they can identify and apply the different Labour laws in a concrete fact situation.

Module one deals with the concept of wages and the related concepts.

Module two focuses on health and safety aspects at the workplace.

Module three deals with social securities and welfare policies.

Module four covers some of the contemporary issues like gig workers, platform workers, etc.

Module five deals with legislation against child labour.

Learning Outcomes

The course aims not only to help the student develop a clear understanding of the theoretical concepts but also enable them to apply the same in any given situation.

On completion of the course, students will be able to:

1. Understand basic Labour & Industrial laws, rules, and related concepts.
2. Identify Labour & Industrial Laws issues in concrete fact situations.
3. Apply Labour & Industrial Laws rules and concepts in concrete fact situations.
4. Think critically about and evaluate Labour & Industrial Laws doctrines.
5. Critically analyse the law and practice of Industrial Tribunals and other Quasi-Judicial Authorities under Labour & Industrial Laws.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Remuneration for Labour	<ul style="list-style-type: none"> • Concepts of wages (minimum wages, fair wages, living wages, need-based minimum wages) • Components of wages: dearness allowance, principle of fixation. • Disparity in wages in different sectors - need for rationalisation and national approach • Wage determining process - modes and modalities. • Concept of bonus - computation of bonus • Protection of wages: non-payment, delayed payment, unauthorised deductions - remedial measures, authorised deductions. 	1-12
Module II: Health and Safety	<ul style="list-style-type: none"> • Obligations for health and safety of workmen - legislative controls: factory, mines and plantations. • Employer's liability • Workmen's compensation: doctrine of notional extension, and doctrine of added peril • Employee's State Insurance. • Liability for hazardous and inherently dangerous industries - environmental protection. 	13-24

Module III: Social Security and Welfare Policies	<ul style="list-style-type: none"> • Concept, Historical Perspective. • Constitutional Perspective- Part III & Part IV • Maternity Benefit • Unorganized Workers • Building and Construction Workers • Provident Fund • Gratuity • Inter-state migrant workmen - regulation of employment and conditions of service. 	25-35
Module IV: Contemporary issues under labour laws	<ul style="list-style-type: none"> • Gig worker, Platform workers • Unorganized workers • Gender inequality • Sexual harassment at workplace- meaning, issues, remedial measures • Exploitation of contract workers and policy of the State 	36-46
Module V: Legislation against Child Labour	<ul style="list-style-type: none"> • Historical Background of Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 • Article 24, Article 21-A • Applicability • Constitutional Aspect • Amendments • Important Definitions • Technical Advisory Committee • Authorities, Offences, Compounding of Offences, • Inspectors, Role of District Magistrates, 	47-60

	<ul style="list-style-type: none"> Monitoring and Inspection by the Authorities 	
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Recommended/Reference Text Books and Resources:

Textbooks

- **O.P. Malhotra, The Law of Industrial Disputes (1998), Universal, Delhi.**
- **S.C. Srivastava, Social Security and Labour Laws Pts. 5 and 6 (1985). Universal, Delhi.**
- **S.C.Srivastava, Commentary on the Factories Act 1948 (1999) Universal, Delhi.**
- **V.G.Goswami, Labour & Industrial Laws, Central law Agency, 11th edition, 2019**

References

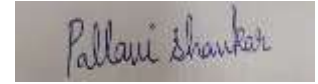
- John Bowers and Simon Honeyball, Text Book on Labour Law (1996),
- Blackstone, London Srivastava K.D., Commentaries on Payment of Wages Act 1936 (1998),
- Eastern, Lucknow Srivastava K.D., Commentaries on Minimum Wages Act 1948 (1995),
- Eastern, Luknow Rao.S.B., Law and Practice on Minimum Wages (1999),
- Law Publishing House, Allahabad Seth.D.D., Commentaries on Industrial Disputes Act 1947 (1998),
- Law Publishing House, Allahabad Srivastava K.D., Disciplinary Action against Industrial Employees and Its Remedies (1990),
- Eastern, Lucknow Srivastava. K .D., Commentaries on Factories Act 1948 (2000), Eastern, Luknow R.C. Saxena, Labour Problems and Social Welfare Chapters 1, 5 and 6.(1974)
- V.V. Giri, Labour Problems in Indian Industry Chs. 1 and 15, (1972).
- Indian Law Institute, Labour Law and Labour Relations (1987)
- (1982) Cochin University Law Review, Vol. 6 pp. 153-210. Report of the National Commission on Labour. Ch. 14-17, 22, 23 and 24.

Web Resources

- <https://www.labour.gov.in>
- <https://www.epfindia.gov.in>
- <https://www.ilo.org>

Instructor Details

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Signature