

### Course Plan

Course Title: LABOUR LAW - I - Law Relating to Resolution of Industrial Conflicts and Labour Welfare	Course Code: 21LLC108
Programme: LL.B	Semester: II
Credits: 4	L-T-P: 3-1-0
ISA Marks: 50	ESA Marks: 50
Course Teacher: Ms. Zeenia S and Mr. Kavi Shankar	Date of Preparation: 07-03-2022
Course Plan Reviewer:	Date of Review:

#### **Course Description:**

Developments in industrial jurisprudence have increased significantly since the Industrial Revolution. New changes which are in tandem with newer technologies emerged as a result. This growth is reflected in the increased labour legislations as well as the large mass of labour related adjudication, both decided by and pending in its Courts. Labour welfare and protection in line with the Constitutional vision as well as the vision of social justice imbibed in its scheme of governance is of special significance to India. Labour faces immense challenges today, particularly regarding its honour, place and status vis-a-vis management which looks towards substitution of labour with technology. The historical, legal, social, economical, human and political aspects of this struggle forms the core of this course. Wide-ranging issues from hours of work, pay disparity to social security and human rights violations of the labour force plague Industrial jurisprudence today. With globalisation and liberalisation becoming the norm, labour welfare gains paramount importance in this study.

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**Course Objectives:**

1. The Course helps students to acquaint themselves with the historical evolution of industrial jurisprudence and the emergence of Trade Unionism in India.
2. The Course helps students to critically analyse the Industrial Disputes Act, 1947.
3. The Course helps students to understand the international obligations in light of ILO conventions.
4. The Course helps students to critically analyse the Human Rights perspective and Constitutional provisions for the protection of child via the Child Labour (Prohibition and regulation) Amendment Act, 2016.
5. The Course provides insight on the framework relating to abolition and regularisation of Contract Labour via the Contract Labour (Regulation and Abolition) Act, 1970.
6. The Course helps students to incisively examine the Factories Act, 1948.
7. The Course sensitises students towards Labour rights while orienting them on the contemporary challenges faced by the labour sector in India.

**Course Outcomes (COs):**

1. Students would be well equipped to analyse and apply relevant industrial relations framework by exposing themselves to scrutinising the functioning of the Labour Commissioner's office and the Labour Court.
  2. Students would be enabled to analyse labour law philosophy in light of aids and principles of interpretation. They'd be able to draw a comparative analysis with the soon to be implemented labour codes.
  3. Students would be enabled to critically scrutinise the constitutional and human rights dimensions of select labour legislations and their impact on everyday life of the working class.
  4. Students will be capable of examining the extent of adherence of the existing labour legislations to the international obligations in light of ILO conventions.
  5. Aside from learning the industrial law framework, students would be able to critique contemporary issues in relation to the same.
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6. Students would not only acquaint themselves with the crises faced by the labour sector but also be enabled to pen research papers in light of the same.

### Mapping of Course Outcomes (COs) with Programme Outcomes

Course Outcomes (COs)	Relevant Programme Outcomes (POs)
1. The Course helps students to be well equipped to analyse and apply relevant industrial relations framework by exposing themselves to scrutinising the functioning of the Labour Commissioner's office and the Labour Court.	1, 4, 6
2. Students would be enabled to analyse labour law philosophy in light of aids and principles of interpretation. They'd be able to draw a comparative analysis with the soon to be implemented labour codes.	4, 6, 14, 15
3. Students would be enabled to critically scrutinise the constitutional and human rights dimensions of select labour legislations and their impact on everyday life of the working class.	6,7
4. Students will be capable of examining the extent of adherence of the existing labour legislations to the international obligations in light of ILO conventions.	8, 9
5. Aside from learning the industrial law framework, students would be able to	7, 8

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critique contemporary issues in relation to the same.	
6. Students would not only acquaint themselves with the crises faced by the labour sector but also be enabled to pen research papers in light of the same.	4, 6, 14, 15

### Course Content

Unit Contents	Number of Sessions
<u>Unit I</u> Introduction to Labour Laws  Evolution of Labour Laws  Historical aspects <ul style="list-style-type: none"> <li>· Master and slave relationship</li> <li>· Industrial revolution</li> <li>· Laissez faire state</li> </ul> Impact of Constitution on Labour Laws  Trade Union Act, 1926	16

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<p>Salient features of the Trade Union Act 1926</p> <ul style="list-style-type: none"> <li>· Registration and cancellation of Trade unions</li> <li>· Funds of the union and immunity enjoyed by the union.</li> <li>· Amalgamation of Trade Unions</li> <li>· Recognition of Trade Union</li> <li>· Collective Bargaining</li> <li>· Methods of Collective Bargaining</li> </ul> <p>Status of Collective Bargaining Agreements.</p> <p>Comparative analysis with the provisions of the new labour codes.</p>	
<p><u>Unit II</u> Industrial Disputes Act, 1947</p>	17

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<p>Industrial Disputes Act, 1947.</p> <p>Historical Background</p> <ul style="list-style-type: none"> <li>· Definition and Law</li> <li>a. Appropriate Government</li> <li>b. Award and settlement</li> <li>c. Industry</li> <li>d. Industrial dispute</li> <li>e. Workman</li> </ul> <p>Industrial Dispute Resolution Machineries</p> <ul style="list-style-type: none"> <li>· Works Committee</li> <li>· Conciliation Officer</li> <li>· Board of Conciliation</li> <li>· Court of Inquiry</li> <li>· Grievance Settlement Authority</li> </ul> <p>Voluntary Arbitration U/S10(A)</p> <p>Compulsory Adjudication</p> <p>Awards and Settlement</p> <p>· Comparative analysis with the provisions of the new labour codes.</p>	
<p><u>Unit III</u> Industrial Disputes Act, 1947</p> <ul style="list-style-type: none"> <li>· Government's power of reference u/s. 10: critical</li> </ul>	12

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<p>analysis with reference to decided cases</p> <ul style="list-style-type: none"> <li>· Strikes and Lock-outs</li> <li>· Lay off and Retrenchment</li> <li>· Closure and Transfer of Undertaking</li> </ul> <p>Chapter V A &amp; V B of I.D. Act</p> <ul style="list-style-type: none"> <li>· Regulation of managerial prerogatives.</li> </ul> <p>Industrial Employment Standing Orders Act, 1946.</p> <ul style="list-style-type: none"> <li>· Comparative analysis with the provisions of the new labour codes.</li> </ul>	
<p><u>Unit IV</u></p> <p>Regulation of unfair labour practices under the I D Act, 1947</p> <ul style="list-style-type: none"> <li>- Regulation of managerial prerogatives - Ss. 9A, 9B, 11A, 33 and 33A, 33B and 33C</li> <li>- Certified Standing Orders: Meaning and Procedure for Certification,</li> <li>- Certifying officers: Powers and Functions, etc.-</li> </ul> <p>Child labour: reasons for and competing views on necessity and feasibility of abolition of child labour -</p> <ul style="list-style-type: none"> <li>- Human Rights perspective and Constitutional provisions for the protection of child.</li> </ul> <p>The Child Labour (Protection and Regulation) Act, 1986:</p>	14

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<ul style="list-style-type: none"> <li>- Definitions, prohibition of child labour in certain establishments and processes, regulation of condition of work, penalties, Judicial Interpretations.</li> <li>- Critical analysis of amendments made through the Child Labour (Prohibition and regulation) Amendment Act, 2016.</li> </ul> <p>Comparative analysis with the provisions of the new labour codes.</p>	
<p><u>Unit V</u></p> <ul style="list-style-type: none"> <li>. Abolition and Regularisation of Contract Labour</li> <li>. Regulation of Contract Labour under the Contract Labour (Regulation and Abolition) Act, 1970</li> <li>. Judicial decisions relating absorption of sham practice of contract labour, critical appraisal of working of the Act in present days</li> </ul> <p>The Factories Act, 1948:</p> <ul style="list-style-type: none"> <li>- Definitions, Factory, Manufacturing process, Occupier, Worker, Hazardous process, etc., provisions <i>in re</i> safety and welfare of workers, hazardous processes, regulation of employment of women, children and young persons, working conditions of employment: working hours, weekly leave, annual leave facility.</li> </ul>	<p>13</p>

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. Comparative analysis with the provisions of the new labour codes.	
<b>Total</b>	<b>72</b>

### Prescribed Text Books:

1. Srivastava, S.C., (7th ed.) 2022. *Industrial Relations and Labour Laws*. Vikas Publishing House Pvt. Ltd.
2. Goswami, V. G., (11th ed.) 2019. *Labour Industrial Laws*. Central Law Agency.
3. Mishra, S. N., (29th ed.) 2019. *Labour and Industrial Laws*, Central Law Publications.
4. Srivastava S.C., (1st ed.) 2005. *Treatise on Social Security*, Eastern Book Company.

### References:

1. Malhotra, O.P., (7th ed.) 2015. *Law of Industrial Disputes*, LexisNexis.
2. Ramanujam, G., 1986. *Indian Labour Movement*. Sterling Publishers.
3. Malik P.L., (10th ed.) 2006. *Industrial Law*, Eastern Book Company.
4. Mamoria, Mamoria, (16th ed.) 2008 *Dynamics of Industrial Relations*, Himalayan Publishing House.
5. First National Labour Commission Report, 1969.
6. Second National Labour Commission Report, 2002.
7. International Labour Conventions and Recommendations

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### Unit Wise Plan

Unit Number: 1	Planned Sessions: 16
Unit Number: 2	Planned Sessions: 17
Unit Number: 3	Planned Sessions: 12
Unit Number: 4	Planned Sessions: 14
Unit Number: 5	Planned Sessions: 13

### Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
<p>UNIT 1 - At the end of this unit the students will be able to summarise, discuss and elucidate the historical background, the importance of legislative and judicial initiations for the protection of the labour, a vital element of the country's economy.</p> <p>Students will be able to elaborate on the growth of trade unions, collective bargaining process as an important tool of workers and the rights and immunities of trade unionists.</p>	1	2,3,4

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<p>UNIT 2 - At the end of the course students will be able to define relevant terminologies, explain the composition, powers, functions, duties and procedure of the machineries created under the Industrial Disputes Act, 1947 and enumerate the different provisions which regulate industrial relations for industrial peace and harmony.</p> <p>Students will be able to distinguish and make a comparative analysis of resolution mechanism of industrial disputes in contrast with the statutory provisions under the Trade Union Act, 1926</p>	2	2, 3
<p>UNIT 3 - Students will be able to elaborate on the provisions relating to standing orders, the powers and functions of the Certifying officers. Students will be able to examine and explain the concept of collective bargaining.</p>	3	2,3
<p>UNIT 4 - Students will be able to comprehend the regulation of unfair labour practices under the ID Act. Students will be able to critique upon the need and provision for The child labour (Protection and Regulation) Act, 1986 in light of Human Rights perspective and Constitutional provisions for the protection of child. They'd be able to analyse and elucidate judicial interpretations as well critique on the amendments made through the Child Labour (Prohibition and regulation) Amendment Act, 2016.</p>	4, 6	2,3,4

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UNIT 5 - Students will be able to discuss and elucidate the provisions pertaining abolition and regularisation of Contract Labour under the Contract Labour (Regulation and Abolition) Act, 1970 in light of judicial decisions. They'd be able to critically appraise the working of the Act in present days. Students will be able to identify the rationale behind and the need for The Factories Act, 1948 and be capable of enumerating the various provisions pertaining the same.	5	2,3
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### Topic Wise Plan

S.No.	Topic	Number of Sessions	Pedagogy
	<b>U 1</b> - Introduction to Labour Laws : Evolution of Labour Laws - Key historical aspects - Master and Slave Relationship	3	Lecture and Discussion, Socratic Method
	Industrial revolution  Laissez faire state	1	Lecture and Debate

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	Impact of constitution on Labour Laws	2	Lecture and Discussion
	Salient features of Trade Union Act	1	Lecture and Discussion
	Registration and cancellation of Trade unions	1	Practical Exposure (Visit)
	Funds of the union and immunity enjoyed by the unions	1	Lecture and Discussion
	Amalgamation of Trade Unions	1	Lecture and Discussion
	Recognition of Trade Union	1	Lecture and Discussion
	Collective Bargaining	2	Lecture, Simulation Exercise
	Methods of Collective Bargaining	1	Lecture and Discussion
	Status of Collective Bargaining Agreements	1	Inquiry based Discussion
	Comparative analysis with the provisions of the new labour codes.	1	Lecture and Debate
	<b>U2 - Industrial Disputes Act 1947.</b>  Historical Background <ul style="list-style-type: none"> <li>· Definition and Law               <ul style="list-style-type: none"> <li>a. Appropriate Government</li> <li>b. Award and settlement</li> </ul> </li> </ul>	8	Lecture and Discussion

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	<ul style="list-style-type: none"> <li>c. Industry</li> <li>d. Industrial dispute</li> <li>e. Workman</li> </ul>		
	<p>Industrial Dispute Resolution Machinery</p> <ul style="list-style-type: none"> <li>· Works Committee</li> <li>· Conciliation Board</li> <li>· Court of Inquiry</li> <li>· Grievance Settlement Authority</li> </ul>	4	Lecture and Discussion
	<p>Voluntary Arbitration U/S10(A)</p> <p>Reference U/S 10</p> <p>Compulsory Adjudication</p> <p>Awards and Settlements</p>	4	Lecture and Discussion
	<p>Comparative analysis with the provisions of the new labour codes.</p>	1	Lecture
	<p><b>U3</b> - Strikes and Lock-Outs</p> <ul style="list-style-type: none"> <li>· Lay off and Retrenchment</li> </ul>	4	Case based Learning

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	· Closure and Transfer of Undertaking	1	Lecture and Discussion
	· Chapter V A & V B of I.D. Act	2	Lecture and Discussion
	· Regulation of managerial prerogatives.	1	Lecture and Discussion
	Industrial Employment standing orders Act, 1946	3	Lecture and Discussion
	Comparative analysis with the provisions of the new labour codes.	1	Lecture
	<b>U4 - Regulation of unfair labour practices under the I D Act</b>  · Regulation of managerial prerogatives - Ss. 9A, 9B, 11A, 33 and 33A, 33B and 33C  · Certified Standing Orders: Meaning and Procedure for Certification  · Certifying officers: Powers and Functions, etc.-	3	Lecture, Inquiry based discussion
	· Child labour: reasons for and competing views on necessity and feasibility of abolition of child labour  · Human Rights perspective and Constitutional provisions for	4	Lecture and Discussion

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	the protection of child.		
	. The child labour (Protection and Regulation) Act, 1986: definitions, prohibition of child labour in certain establishments and processes, regulation of condition of work, penalties, Judicial Interpretations.	4	Documentary Screening, Lecture Method
	. Critical analysis of amendments made through the Child Labour (Prohibition and regulation) Amendment Act, 2016.	2	Lecture and Discussion
	Comparative analysis with the provisions of the new labour codes.	1	Lecture
	<b>U5</b> – Abolition and Regularisation of Contract Labour . Regulation of Contract Labour under the Contract Labour (Regulation and Abolition) Act, 1970.	3	Lecture, Case Law Reading
	- Judicial decisions relating to absorption of sham practice of	2	Lecture, Presentation, Case Law Analysis

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	contract labour, critical appraisal of working of the Act in present days.		
	. The Factories Act, 1948: Definitions, Factory, Manufacturing process, Occupier, Worker, Hazardous process, etc.,	4	Documentary Screening, Lecture Method
	. Provisions <i>in re</i> safety and welfare of workers, hazardous processes . Regulation of employment of women, children and young persons . Working conditions of employment: working hours, weekly leave, annual leave facility.	3	Lecture, Presentation
	Comparative analysis with the provisions of the new labour codes.	1	Lecture
	<b>Total</b>		<b>72</b>

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### **Additional Reading(s) / Learning Resource(s)**

#### **List of cases:**

- People's Union for Democratic Rights v. Union of India 1982 SCC (3)235
- Payment of Wages Inspector v. B.E.S. & Co. Purshottam V. Potadar AIR 1966 SC 856
- Payment of Wages Inspector v. B.E.S. & Co. AIR 1969 SC 590
- Kamani Metals & Alloys v. Their workmen. AIR 1967 SC 1175
- Hydro (Engineers) Private Ltd. V. Their Workmen AIR 1969 SC 182
- Haldia Refinery Canteen Employees Union and Another v. IOCL & Others (2005) II LLJ 684
- Randhir Singh v. Union of India and others (1982) 1 LLJ 344 (SC)
- Air India v. Nargesh Meerza (1981) SCC (L&S) 599
- M/S Mackinnon 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
- Sanjit Ray v. State of Rajasthan AIR 1983 SC 328
- M.C. Mehta v. State of Tamil Nadu & others 1997 SC 699
- Employees' State Insurance Corporation & another v. Tata Engineering & Locomotive Co. Ltd. & another 1976 I LLJ 81 SC
- 14. Oriental Insurance Company Ltd. V. Soremia 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

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- 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 2000 SCC(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

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### Industry/Professional Skills, Human Values, Service Learning

Industry/Professional Skills	<p>Students will be able to pen principles, concepts and apply statutory provisions to real life disputes arising out of industrial relations.</p> <p>They'd be enabled to map labour court proceedings in India.</p>
Human Values	<ul style="list-style-type: none"> <li>• Sensitised to work upon reducing arbitrariness, unfair labour practices and to promote transparency through active participation.</li> <li>• Impartiality</li> <li>• Reasonableness</li> <li>• Equal treatment</li> <li>• Duty consciousness</li> <li>• Promote labour rights by protecting the weaker party in an unequal contractual relationship.</li> </ul> <p>Respect for dignity of labour and Co-operation.</p>
Service Learning (if any)	<p>Sensitization of factory workers by students via distribution of pamphlets containing rights that can be availed by the workmen.</p>

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### Evaluation Scheme for ISA

Assessment	Weightage in Marks
Mid-Term Exam	25
Teacher Chosen Assessment	25
Total	50

### Teacher Chosen Assessment Method

Component	Details	Weightage
Individual Research Paper submission	Research Paper of a minimum 1500 words inclusive of footnotes and a maximum of 3000 words on any contemporary labour law issue is to be submitted in the typed format over google classroom with appropriate formatting and Standard Indian Legal Citation (SILC) format.	15
Individual Research Paper Presentation	The Research paper penned has to be presented, highlighting the conclusions and recommendations arrived at.	5
Attendance	96% and above- 5 marks 91% to 95% - 4 marks 86%-90% - 3 marks 81%- 85% - 2 marks 76%- 80% - 1 mark	5

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### Weightage of Course Outcomes

Course Outcomes (COs)	Weightage in Assessment
1. Students would be well equipped to analyse and apply relevant industrial relations framework by exposing themselves to scrutinising the functioning of the Labour Commissioner's office and the Labour Court.	15%
2. Students would be enabled to analyse labour law philosophy in light of aids and principles of interpretation. They'd be able to draw a comparative analysis with the soon to be implemented labour codes.	20%
3. Students would be enabled to critically scrutinise the constitutional and human rights dimensions of select labour legislations and their impact on everyday life of the working class.	20%
4. Students will be capable of examining the extent of adherence of the existing labour legislations to the international obligations in light of ILO conventions.	15%
5. Aside from learning the industrial law framework, students would be able to critique contemporary issues in relation to the same.	15%
6. Students would not only acquaint themselves with the crises faced by the labour sector but also be enabled to pen research papers in light of the same.	15%
Total	100

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