



جامعہ ملیہ اسلامیہ
जामिया मिल्लिया इस्लामिया

Jamia Millia Islamia

A Central University
(NAAC Accredited 'A' Grade)

POST-GRADUATE DIPLOMA IN LABOUR LAW
COURSE CONTENT

FACULTY OF LAW
JAMIA MILLIA ISLAMIA
NEW DELHI-25

Paper - I

INDUSTRIAL RELATIONS AND THE LAW

- ❖ **Industrial Relations:** Genesis, Concept and Emerging Patterns; Parties to Industrial Relations; Role and interaction of Trade Unions-Employers (Management) and the State in Labour Welfare.
- ❖ **Trade Unions:** Concept, Growth and Structure with special reference to India, UK, USA and Russia; Position of Trade Unions in India-Multiplicity of Trade Unions, Recognition of Trade Union movements, Central Trade Union Organisations, Role and functions, Role of Trade Union in Modern Industrial Society of India; Trade Union Rivalry.
- ❖ **Industrial Disputes:** Definitions - Industry, Workman & Industrial Dispute; Concept of Collective Bargaining- Conditions Precedent, Merits & Demerits of Bargaining, Process-Collective Bargaining in India-Meaning; Nature and Scope - Strike and Lock Out: Definitions -Kinds of Strike - Legality and Illegality of Strike and Lockout; Lay off and Retrenchment- Concept & Procedure; Unfair Labour Practice.
- ❖ **Workers Participation in Management:** Indian and Foreign Experience-Historical Development in USA, UK and India
- ❖ **Industrial Relation:** Legislative and Judicial Perspectives

Relevant Legislations:

- (a) The Indian Trade Union Act, 1926
- (b) The Industrial Disputes Act, 1947

Leading Cases:

- (i) *R.S. Ruikar v. Emperor* A.I.R. 1935 Nag. 149
- (ii) *Jay Engineering Work Ltd. v. State of West Bengal* A.I.R.1968 Cal 406
- (iii) *Rohtas Industries Ltd. v. Rohtas Industries Staff Union* A.I.R. 1997S.C. 425
- (iv) *L.I.C. of India v. D.T. Bahadur* 1981 I.L.L. J.I. (S.C.)
- (v) *Balmer Lawrie Worker Union Bombay v. Balmer Lawrie & Co. Ltd.* 1984 I.L.L. J. 314 (S.C.)
- (vi) *Bangalore Water Supply and Sewerage Board v. A. Rajappa* A.I.R.1978 S.C. 548

Paper II

LABOUR WELFARE LEGISLATIONS AND INDUSTRIAL SOCIOLOGY

- ❖ **Labour Welfare:** Concept, Philosophy and Theories of Labour Welfare-The Industrial Employment (Standing Orders) Act, 1946- Application- Main Features of the Act-Definitions of Industrial Establishment & Standing Orders etc.-Submission of Draft Standing Orders-Duration and Modification -Powers of Certifying Officer.
- ❖ **The Factories Act, 1948:** Application-Main Features of the Act-Definitions-Factory, Hazardous Process, Manufacturing Process, Worker and Occupier-Approval-Licensing and Registration of Factories-Duties of the Occupier, Manufacturer & Importer etc.; Powers of Inspector; Provisions Relating to Health, Safety, Welfare, Hazardous Process, Employment of Adult and Young Persons, Role in Labour Welfare: Officers; Labour Welfare and Environment Pollution.
- ❖ **Labour Welfare Legislations in India:** The Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979-Need, Object, Aims & Scope; The Contract Labour (Regulation and Abolition) Act, 1970-Need, Object, Aims & Scope, Registration of Establishment Employing Contract Labour-Licensing of Contractors - Welfare and Health of Contract Labour-Penalties and Procedure.
- ❖ **Industrial Sociology:** Meaning, Scope and Development-Industrialization and Social Change- Social Problems of Industrial Relations.

Relevant Legislations:

- (i) The Industrial Employment (Standing Orders) Act, 1946
- (ii) The Factories Act, 1948
- (iii) The Contract Labour (Regulation and Abolition) Act, 1970
- (iv) The Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

Leading Cases:

- (i) *Alembic Chemical Works v. The Workmen*, A.I.R. 1961, S.C. 647
- (ii) *V.P. Gopal Rao v. Public Prosecutor A.P.* A. I.R. 1970 S.C. 66
- (iii) *Labourers Working in Salal Hydro Project v. State of J.K.* A.I.R. 1983 S.C. 177
- (iv) *Rural Litigation and Entitlement Kendra Dehradun v. State of U.P.* A.I.R. 1985. S.C. 652
- (v) *Workmen of F.C.I. v. F.C.I.* A.I.R. 1985 S.C. 670

Paper III

WAGES AND SOCIAL SECURITY LEGISLATIONS

- ❖ **Wage Regulation:** Genesis of Wage Regulation-Deduction Theory, Subsistence Theory, Cost of Production Theory, Wage Fund Theory, Theory of Marginal Productivity and Determinant Theory-Historical Development of Wage in India-Aims and Objectives of Minimum Wages Act, 1948- Constitutionality of the Act- National Commission on Labour
- ❖ **Wages:** Concepts of Minimum, Fair, Living and Need based Minimum Wages-Methods of Wage Fixation-Wages Differentials-Working of Wage Boards-Standardization of Wages-Factors in Wage Determination, Dearness Allowance and Fringe Benefits-National Wage Policy Protection of Wages- Fixation and Revision of Wages under Section 3 of the Act- Role of State and Central Advisory Boards, Social and Economic Factors
- ❖ **Employers Liability:** The Payment of Wages Act, 1936-Mode of Payment of Wages-Deduction from Wages-Penalty for Nonpayment of Wages; Employees Compensation Act, 1948 Disability and its Kinds-Loss of Physical Capacity-Loss of Earning Capacity-Employers Liability to Pay Compensation-Conditions in which employer may or may not pay compensation-Notional Extension of Employers Liability to Pay Compensation-Commissioner's Powers and Duties; The Equal Remuneration Act, 1976: Same Work or Work of Similar Nature-Obligations of Employer
- ❖ **Bonus & Incentive Scheme:** Development of the Concept of Bonus-Issue and Perspectives, Concepts of Profit-Sharing; Meaning and Concept of Gratuity and Provident Fund
- ❖ **Social Security Legislations:** Meaning of Social Security, Social-Assistance and Social Insurance; Social Security and Social Justice and Main Characteristics of Social Security System; The Employer's State Insurance Act, 1948-Application and Scope-Constitutional Validity-Definitions-Employee, Family & Dependent, Employment, Injury and Workmen

Relevant Legislations:

- (i) The Payment of Wages Act, 1936
- (ii) The Minimum Wages Act, 1948
- (iii) The Payment of Bonus Act, 1965
- (iv) The Equal Remuneration Act, 1976
- (v) The Employee Compensation Act, 1923
- (vi) The Employees State Insurance Act, 1948

- (vii) The Maternity Benefit Act, 1961
- (viii) The Payment of Gratuity Act, 1972

Leading Cases:

- (i) *B.E.S.T. Undertaking Bombay v. Mrs. Agens* A.I.R. 1964 S.C. 193
- (ii) *Royal Talkies Hyderabad v. E.S.I. Corporation* F.J.R. 1978 S.C. 19
- (iii) *Air India v. Nargesh Meerza* A.I.R. 1981 S.C. 1830

Paper IV

LABOUR JURISPRUDENCE & INTERNATIONAL LABOUR ORGANISATION (ILO)

- ❖ **International Labour Organization:** Genesis, Development and Dimensions-Aims and Objectives-Organs of the International Labour Organization-ILO Legislative Procedure, Conventions, Recommendation-ILO Standard and Indian Ratification-ILO Conventions and Indian Labour Legislation with Special Reference to Labour Welfare Social Security, Human Rights and Social Justice
- ❖ **Labour Jurisprudence:** Concept & Growth of Labour Jurisprudence-Concept of Labour and Social & Natural Justice-Theory of Social Engineering and its Implementation through Labour Laws.
- ❖ **Constitutional Philosophy & Labour Welfare Scheme:** Constitution of India and Labour, Inter-relationship, Its Impact to Impart Justice to Weaker Sections, Children and Women
- ❖ **Social Justice and Labour Laws:** Labour Law and Public Interest Litigation, Legal Services Programme, Environmental Pollution and Human Rights Justice through Labour Laws
- ❖ **Social Impact Assessment:** Environmental Pollution Law & Procedure-The Environment Impact Assessment Notification, 2006-Regulation of Hazardous Industries: Legal and Institutional Framework; The National Green Tribunal Act 2010: Environmental Dispute Resolution and Machinery; The Public Liability Insurance Act, 1991: Need, Object, Aims & Scope-Compensation and Relief

Leadings Cases:

- (i) *Som Prakash v. Union of India* A.I.R.1981 S.C. 212 (PF & Gratuity Case)
- (ii) *Bandhua Mukti Morcha v. Union of India* A.I.R. 1984 S.C. 802 (Bonded Labour & Child Labour (R&A))
- (iii) *People Union for Democratic Rights & Others v. Union of India*, 1982 II L.L.J. 454 (S.C.) ISMW Act & Child Labour (R&A) Case
- (iv) *National Textiles Workers Union v. Ram Krishna* A.I.R. 1983 S.C. 759
- (v) *Excel Wear v. Union of India* 1978, L.C.J. 527 (S.C.) 25 (0) Industrial Dispute Act Case

Paper V

LABOUR ECONOMICS AND ORGANIZED AND UN-ORGANIZED LABOUR

- ❖ **Labour Force in Organized and Unorganized Sector:** Sources, Composition, Characteristics-Employment, Unemployment and Underemployment: Conceptual and Development Aspects; Unorganized Labour: Magnitude, Problems and Public Policy on Unorganized Labour
- ❖ **Labour Legislations I:** The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979: Migrant Labour-Nature and Causes of Migration-Effect of Migratory Character-Registration of Establishments-Contractors-Licensing, Duties and Obligation of Contractors-Wages, Welfare and Facilities to Inter-State Migrant Workers
- ❖ **Labour Legislations II:** The Bonded Labour System (Abolition) Act, 1976: Aims, Object and Scope-Bonded Labour-Indian and International Scenario-Abolition of Bonded Labour-Implementation Authorities-Vigilance Committee-Offences and Procedure for Trail
- ❖ **Employment Guarantee Scheme:** Integrated Rural Development Programmes and Labour; Labour in Five-Year Plans-MNREGA
- ❖ **Industrial Policy Resolutions and Development in Private and Public Sector:** Industrial Development- Heavy, Large, Small- Scale; Cottage Industries, Location, Finance, Planning and Problems

Relevant Legislations:

- (i) The Sales Promotion Employee's Act (Conditions of Service), 1976
- (ii) The Employment of Manual Scavengers and Construction of Dry Latrines Act, 1993
- (iii) The Dock Workers Act, (Regulation of Employment)1997
- (iv) The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013

Paper VI

PERSONNEL MANAGEMENT AND INDUSTRIAL PSYCHOLOGY

- ❖ **Personnel Management:** Concept, Definition, Scope and Purpose-Evolution and Schools of Management Thoughts-System Approach and Contingency Approach-Managerial Skills and Roles
- ❖ **Personnel Policies:** Man-Power Planning, Recruitment, Selection and Training, Induction, Job Placement including Worker's Education-Job Analysis and Evaluation and Performance Appraisal
- ❖ **Role and Functions of Personnel Manager:** Management of Discipline, Domestic Enquiry and Grievance Procedure; Scientific and Technical Advance *vis-a-vis* Personnel Management.
- ❖ **Industrial Psychology:** Nature, Scope and Functions; Motivation and Moral, Leadership Styles & Dynamics; Psychology of Attitudes-Hawthorne Experiment and their relevance in India
- ❖ **Individual Behaviour in Formal Groups:** Interpersonal and Inter-Group Relationship in Organization and their Impact on Organization

Leading Cases:

- (i) *North Brook Jute Co. Ltd v. Their Workmen* A.I.R. 1960
- (ii) *Monogram Mills Ltd. v. State of Gujarat* 1976 II L.L.J. 174. (S.C.)
- (iii) *Workmen of Williamson vs Magor & Co. Ltd. v. Williamson Magor & Co. Ltd.* 1982. L.L.J. 83 (S.C.)

Selected Reference Books

1. Aamodt, M.G., *Industrial/Organizational Psychology: An Applied Approach*, Thomson-Wadsworth, Belmont, California.
2. Monappa, Arun *et. al.*, *Industrial Relations & Labour Laws*, Tata McGraw Hill, New Delhi.
3. Aswathappa, K., *Human Resource Management, Text and Cases*, Tata McGraw-Hill, New Delhi.
4. Bhargav A. (ed.), *Labour Laws*, Taxman Allied Services Pvt. Ltd., New Delhi.
5. Blum, M. L. & Naylor, J.C., *Industrial Psychology: Its Theoretical & Social Foundations*, CBS Publication, Harper & Row, New York.
6. Gisbert, Ascul S. J., *Fundamentals of Industrial Sociology*, Tata Mc Graw-Hill New Delhi.
7. Gomez, Meja & Balkin, Cardy, *Managing Human Resources*, Pearson Education, New Delhi.
8. Kapoor, N.D., *Elements of Industrial Law*, Sultan Chand & Sons, New Delhi.
9. Lester, R.A., *Economics of Labour*, Macmillan, New York.
10. Mamoria, C.B., *Personnel Management*, Himalaya Publishing House, New Delhi.
11. McConnell, C.R. and S.L. Brue, *Contemporary Labour Economics*, McGraw-Hill, New York.
12. Miner J.B., *Industrial/Organizational Psychology*, McGraw Hill, NY.
13. Nadkarni, Lakshmi, *Sociology of Industrial Worker*, Rawat Publications, Jaipur.
14. Padhi P.K., *Industrial Laws*, PHI Learning Pvt. Ltd., New Delhi.
15. Papola, T.S., P.P. Ghosh and A.N. Sharma (eds.), *Labour, Employment and Industrial Relations in India*, B.R. Publishing Corporation, New Delhi.
16. Ramaswamy, E. A., *Industrial Relations in India*, MacMillian, Delhi.
17. Sarma, A.M., *Industrial Jurisprudence and Labour Legislation*, Himalaya Publishing House, Mumbai.
18. Senapathi, R., *Legal Systems in Business*, ARS Publications, Chennai.
19. Sheth, N. R., *Industrial Sociology in India*, Rawat Publications, Jaipur.
20. Sinha, P.R.N., *et. al.*, *Industrial Relations, Trade Unions and Labour Legislation*, Pearson Education, New Delhi.
21. Snell, Scott, & Bohlander, George, *Human Resource Management*, Cengage Learning, New Delhi.
22. Srivastava, S. C., *Industrial Relations and Labour Laws*, Vikas Publishing House Pvt Ltd, New Delhi.
23. Tripathi P.C *et. al.*, *Industrial Relations and Labour Laws*, Sultan Chand &. Sons Publisher, New Delhi.