



SGT UNIVERSITY, GURGAON FACULTY OF LAW

PROGRAMME	SEMESTER	COURSE NAME	COURSE CODE
LL.B. (Hons)	III	Labour & Industrial Law – I	08040305

Labour & Industrial Law I

Course Objective:

This course will educate the students about various aspects relating to labour legislations in India. The object of the course is to introduce the students to the provisions in the Trade Unions Act, 1926 and the Industrial Dispute Act, 1947. Industrial Employment (Standing Orders) Act, 1946 is also to be studied with a view to acquaint the students with the concept of misconduct and the procedure to be followed before imposing punishment for misconduct.

Part – A :

INDUSTRIAL RELATIONS: THE TRADE UNIONS ACT, 1926.

Module : 1: General – Evolution and Growth of Trade Unions in India

- 1.1 Historical reasons for the formation of combinations of workers, legal impediments
- 1.2 Constitutional freedom to form associations and unions – Constitution of India, Articles 19 (1) (c), (4) and 33
- 1.3 International Labour Organisation – its influence in bringing changes in national legislations.

Module :2: Trade Union – Definition, Registration and Recognition

Definitions of 'trade union', 'workman' and 'trade dispute' - The Trade Unions Act, 1926, sections 2 (g) and (h), 3-13, 15, 22

Module :3: Immunities in trade disputes : Criminal and Civil

- 3.1 The Trade Unions Act. 1926, sections 17 and 18
- 3.2 The Indian Penal Code, sections 120-A, 120 -B

Part B :

INDUSTRIALRELATIONS : THE INDUSTRIAL DISPUTES ACT

Module : 4 : 'Industry' – Conceptual Analysis

The Industrial Disputes Act, 1947, section 2 (j)

Module : 5 : Industrial Dispute v. Individual Dispute – Contrast

The Industrial Disputes Act, 1947, section 2 (k), 2A

Module : 6 : Concept of 'Workman'

- 6.1 Distinction between contract for services and contract of service
- 6.2 Due control and super-vision test
- 6.3 Predominant nature of duty test
- 6.4 The Industrial Dispute Act, 1947, section 2 (s)

Module : 7 : ‘Strike’&‘Lock out’

- 7.1 Concepts, legality and justification
- 7.2 The Industrial Disputes Act - Sections 2(q), 2(l), 2(n), 10 (3), A (3A), 22-28 10
- 7.3 The Industrial Employment (Standing Orders) Act, 1946
- 7.4 The Essential Services Maintenance Act, 1981

Module : 8 : ‘Lay off’ ‘Retrenchment’ & ‘Closure’

- 8.1 Analysis of the Concepts, Pre-requisites
- 8.2 The Industrial Disputes Act, 1947, sections 2(cc). 2(kkk), 2(oo), Chapters VA, VB
- 8.3 The Industrial Employment(Standing Orders) Act,1946

Course Outcomes: At the end of this course the students will be able:

1. To carry out research with a view to develop knowledge in the field of labour relevant to Indian conditions.
2. To understand various terms like strike, lock-out, workman, trade union, etc.
3. To impart legal awareness to prospective and practicing managers, administrators and office bearers of Trade Unions through teaching and training.
4. To identify the various contemporary issues relating to labour and being able to put forward views resolve that.

General Reading:

1. Report of the National Commission on Labour(1969)
2. Report of the Second National Commission on Labour (2002)

Prescribed Legislation: Industrial Relations are governed by the following enactment:

1. The Trade Unions Act, 1926
2. The Industrial Disputes Act. 1947
3. The Industrial Employment (Standing Orders) Act, 1946

Prescribed Books:

1. G.B. Pai, Labour Law in India (2001)

2. P.L.Malik, K.D. Srivastava's Law Relating to Trade Unions and Unfair Labour Practices in India (4th ed., 2002, with Supplement 2003)
3. S.C. Srivastava (Rev.)Labour Law and Labour Relations : Cases and Materials (Indian Law Institute, 2007)
4. E.M. Rao, O.P. Malhotra's The law of Industrial Disputes(6th ed., 2004)
5. K.D. Srivastava, Industrial Employment (Standing Orders) Act, 1946 (4th ed., 1998 with Supplement 2003)