



**SGT UNIVERSITY, GURGAON  
FACULTY OF LAW**

**SYLLABUS**

<b>PROGRAMME</b>	<b>SEMESTER</b>	<b>COURSE NAME</b>	<b>COURSE CODE</b>
<b>LL. B. (Hons)</b>	<b>IV</b>	<b>Labour &amp; Industrial Law-II</b>	<b>08040405</b>

**Labour & Industrial Law II**

**Course Objective:**

In this course, the students are to be acquainted with the various aspects of Labour and Industrial relations framework in our country. The course will introduce the students with various legal frameworks which are necessary for the upkeep of industrial peace. This course will also deal with the protection of the interest of the workers through various legal instruments like Trade Unions, Minimum Wages, etc. There is an emphasis on the safety and security measures provided through the legal measures of minimum wages, compensation, etc.

**Part – A: THE INDUSTRIAL DISPUTES ACT**

**Module I : Aims and Objects of the Industrial Disputes Act. 1947**

- 1.1 Investigation & Settlement of Industrial Disputes – General (section 3-15)
- 1.2 Dispute Settlement Machinery: Conciliation and Adjudication
  - I. Conciliation/Mediation as a Dispute Settlement Mechanism
  - II. Adjudication : Voluntary Adjudication/Arbitration and Compulsory Adjudication

**Module II : Reference of the Industrial Dispute**

- 2.1 Nature & Scope of the Power of the Appropriate Government under section 10, 10A
- 2.2 Jurisdiction of Adjudicatory Authorities.

**Module III : Awards and Settlements**

- 3.1 Settlement: Nature, Duration and Termination
- 3.2 Awards: Nature and Duration
- 3.3 Judicial Review of Industrial Awards

**Module IV : Managerial Prerogative**

Domestic Enquiry and Disciplinary actions with special reference to the Industrial employment (Standing Orders) Act, 1946

**Module V : Powers of the Adjudicatory Authorities**

Power in cases of Discharge/Dismissal (section 11A)

## **Module VI : Restraints on Managerial Prerogatives (section 33, 33A)**

### **General Reading:**

1. Report of the National Commission on Labour (1969)
2. Report of the Second National Commission on Labour (2002)
3. Report of the Committee on Fair Wages (1948)

### **Prescribed Legislations:**

1. The Industrial Disputes Act. 1947
2. The Industrial Employment (Standing Orders) Act. 1946

## **PART – B WAGES**

### **Module-VII (i) The Minimum Wages Act, 1948**

Concept; kinds- (a) Minimum wage; (b) Fair Wage; (c) Living Wage  
Machinery under the Act for the Fixation of Minimum Wage

### **(ii) The Payment of Wages Act, 1936**

Salient Features, Authorised deductions (sec. 7-13), Authority for Adjudication of claims: (sec 17- 18), Penalty for offences under the Act.

### **Module VIII: Social Security; The Workmen's Compensation Act, 1923 (Sec.1-10, 12, 14, 14A, 17,20 & 25)**

The Workmen's Compensation Act, 1923: Definitions, Aims & Object, Liability of Employer, Notional Extension & Defences, Determination of Amount of compensation, Compensation when due-Penalty for default, Contracting Out (Sec.17), Appointment & Powers of Commissioner (Sec.19-31)

**Course Outcomes:** After the completion of the course the students will be able to:

1. Work efficiently and with critical engagement with various concepts of Labour and Industrial Law, having due regard to the practical implementation of the principles in actual cases, like judicial review of industrial awards, managerial prerogatives, etc;
2. Develop coherent, comprehensive and persuasive arguments from an adversarial point of view;
3. Understand the various dimensions of the various aspects of the implementation of the law through Judicial interpretation, etc;
4. Demonstrate a thorough and contextual knowledge of application of procedures of dispute settlements as a part of this law and the various leading cases, particularly in its application to real life legal scenario;

5. Demonstrate an understanding of the various legal measures enacted to protect the workers interest pertaining Social Security areas like that of minimum wages, compensation, etc.

**Prescribed Books:**

1. O.P. Malhotra, *The Law of Industrial Disputes* (6<sup>th</sup> ed., 2004)
2. G.B. Pai, *Labour law in India* (2001)
3. P.L. Malik (Rev.), *K.D. Srivastava's Industrial Employment (Standing Orders) Act. 1946* (4<sup>th</sup> ed., 2000)
4. P.L. Malik's *Industrial Law* (21<sup>st</sup> ed., 2008)
5. S.C. Srivastava (Rev.) *Labour Law and Labour Relation : Cases and Materials* (3<sup>rd</sup> ed., 2007)
6. K.D. Srivastava, *Minimum Wages Act, 1948* (1995)
7. P.L. Malik, K.D. Srivastava's *Commentaries on Payment of Wages Act, 1936* (5<sup>th</sup> ed., 1998)

**Prescribed Legislations:**

- I. The Minimum Wages Act. 1948
- II. The Payment of Wages Act. 1936