

## APPENDIX – I

### POST GRADUATE DIPLOMA IN LABOUR LAWS

Sr. No.	Name of the Paper	No. of Credits	Max. Marks	Min. Marks
1	Law relating to Collective Bargaining & Trade unions	4	Theory 80 I. A. 20	40 10
2	Law relating to Industrial Adjudication	4	Theory 80 I. A. 20	40 10
3.	Law relating to Wages and Montetary Benefits	4	Theory 80 I. A. 20	40 10
4	Social Security Legislation	4	Theory 80 I. A. 20	40 10
5.	Project Work : 1 Project Work ( Ext. Examiner) 75marks 2 Viva – Voce ( Ext. Examiner) 25 marks	4	100	50

## APPENDIX – II

### DETAILED SYLLABUS FOR

### POST GRADUATE DIPLOMA IN LABOUR LAWS

#### PAPER - 1

#### Law Relating to Collective Bargaining and Trade Unions

- I. Freedom of Association :
  - a. international norms : right to form association of industrial and unorganized labour.
  - b. Constitutional and legal aspects of right to form association in India.
- II. Concept and Process of Collective Bargaining :
  - a. Nature, Definition and Theories of collective Bargaining.
  - b. Advantages, Disadvantages and Comparative appraisal.
  - c. Types of bargaining at different levels-plant level, industry level and national level.
- III. Legal Control of Collective Bargaining Endeavours :
  - a. Strikes and Lockouts under IDA and BIR. ( Case Laws )
  - b. Gherao.

- IV. Factors Affecting Collective Bargaining :
- a. Multi-unionism. ( Case Laws )
  - b. Other factors.
  - c. Conditions for successful functioning comparative analysis.
  - d. Policies towards worker's participation in Management-Role of State.
- V. History of Trade Unionism :
- a. History of the Trade Union Movement with reference to India.
  - b. Need, objectives and functions.
  - c. The character of present trade unions.
- VI. Trade Unions under the Law :
- a. Registration of Trade Unions under the Trade Unions Act 1927.
  - b. Bombay Industrial Relation Act, 1956.( Relevant Sections )
  - c. MRTU & PULP Act 1971. ( Case Laws )
- VII. Rights and Liabilities of Registered Trade Unions under the T. U. Act. And MRTU and PULP Act.
- a. Rights and Liabilities of registered Trade Union under the Trade Union Act.
  - b. Recognition of trade union as a bargaining agent.
  - c. Rights, Privileges and Duties of Recognised Unions.
  - d. Unfair Labour Practices and victimization.

Books Suggested For Reading :

1. ILO-Collective Bargaining.
2. Otto Kahn Freund-Labour and the Law (1977).
3. ILI-Labour Law and Labour Relations (1987).
4. V. P. Arya-Strikes, Lockouts and Gherao.
5. Kothari - Industrial law, Vol. I & II.
6. Mary Sur-Collective Bargaining.
7. Russel A., Smith et. al-Collective Bargaining and Labour Arbitration (1970).
8. Rideont-Principles of Labour Law, Chap. 8,9 & 10 (1983).
9. Shrivastava S. C. -Industrial and Labour Relations.
10. R. Dayal, MRTU and PULP Act, 1971 (Act and Rules).
11. Abdul Majid – Legal Protection to unorganized labour 2000, Deep & Deep Publications Pvt.

## PAPER -2

### Law Relating To Industrial Adjudication

1. Adjudicatory Machinery- Appointments, Power, Duties, Jurisdiction & Role of :
  - i.) Arbitration Proceedings.
  - ii.) Labour Courts.
  - iii.) Industrial Tribunals.
  - iv.) National Tribunal under IDA.
  
2. Agreements, Settlements and Awards:  
Commencement ,Operation, Duration, Persons on whom it is binding.
  
3. Judicial Review of the Adjudicatory Process :
  - i.) Principles of Interpretation of Social Welfare Legislation.
  - ii.) Finality of decision making in adjudicatory process.
  - iii) Jurisdiction of the adjudicatory authority in respect of dismissal of workmen.
  
4. Juridical Formulation of the following Concepts and Changing Dimensions:
  - i. Industry.
  - ii. .Retrenchment-the widening dimension.
  - iii. Lay-Off.
  - iv. Closure.
  - v. Transfer of undertaking.
  - vi. Workmen.
  - vii. Industrial Dispute.
  
5. Compensation under IDA :Chap VA &VB:
  1. Change of Service Conditions under IDA: 33, 33-A, 33-B & 33- C.

#### Books Suggested For Reading:

1. ILI-Labour Law and Labour Relations.
2. O.P.Malhotra-Law of Industrial Disputes,Vol-1 & 2
3. Kothari-Industrial Law, Vol-1& 2.
4. Report of National Commission on Labour (Relevant Provisions).
5. Rideout-Principles of Labour Law (1983).
6. Arya-Strikes, Lockouts and Gheraos.
7. Justice D.D.Seth-Industrial Disputes Act. 1947 (1994).
8. Russel A Smith,et al-Collective Bargaining and Labour Arbitration,(1970) Part

## PAPER – 3

### Law relating to Wages and Monetary Benefits

1. Theories and Facets of Wages:
  - i. Definition of Wages.
  - ii. Theories of Wages.
  - iii. Facets of Wages.
  - iv. Minimum, Fair and Living Wages.
  - v. Basic Wage.
  - vi. Bonus as Deferred Wage or share of profit.
  - vii. Allowances and Concessions.
  
2. A National Wage Policy, Problems and Perspective:

Wage Board and Pay Commission:

B. International Standardization: Role of ILO Convention and recommendations relating to Wages:

C Constitutional perspective on Wages:

  - i. Constitutional Ideals.
  - ii. Denial of Minimum Wage as Forced Labour.
  - iii. Right to Work.
  - iv. Living Wages.
  - v. Equal Pay for equal Work
  
3. A Wage Differentials:
  - i. Factors of Differential Wages.
  - ii. Capacity of Industry and Wage Fixation
  - iii. Private Sector and Public Sector –Difference in Wages.

B Wages, Price and Tax :

  - i. Increase of Wages-Impact on Price.
  - ii. Increase in Price -Impact on Wages.
  - iii. Impact of Tax on Wages and Price.
  - iv. .Wages and Consumer.
  
4. Minimum Wage:
  - i. Basis under the Minimum Wages Act, 1947 and Minimum Wages(Maharashtra Amendment) Act, 1992.
  - ii. .Power of State Government to fix different rates for certain employments.
  - iii. Procedure for fixation and work.
  - iv Fixation of hours of work.
  - v. Overtime.
  - vi. Procedure for disposal of claims.
  - vii. Offences and penalties and Exemptions.
  - viii. Concepts of Dearness Allowance and Principles for determination of D.A.

5. Payment of Wages under the Payment of Wages Act, 1936:
  - i. Responsibility for payment of wages.
  - ii. Wage Periods-Time for payment, deduction, fines.
  - iii. Claims arising out of deductions and delay in payment.
  - iv. Procedure for filing and disposal of appeals.
  - v. Offences, their trial procedure and penalties.
  - vi. Enforcement machinery under the Act- their powers and functions.
  
6. Profit sharing and Bonus:
  - i. Concept of Profit Sharing- Desirability.
  - ii. Difficulties in Implementation.
  - iii. Concept of Bonus.
  - iv. Interpretation by Indian Courts and Tribunals.
  - v. Basis for the calculation of Bonus under the Payment of Bonus Act, 1965.
  - vi. Eligibility for Bonus, minimum and maximum bonus.
  - vii. Set on and Set off of allocable.

Books Suggested for Reading:

1. Raghuraj Singh- Movement of Industrial Wages in India (1995).
2. J.C. Sandersara & L.L. Deshpande, Wage Policy and Wage Determination in India.
3. R.B. Sethi- Payment of Wages Act and Minimum Wages Act
4. G.L. Kothari- Wages, Dearness Allowance and Bonus.
5. S.B.L. Nigam- State Regulation of Minimum Wages (1955).
6. Menon- Foundations of Wage Policy.
7. R.D. Agarwal- Dynamics of Labour Relation in India. (1972)
8. O.P. Malhotra- Law of Industrial Disputes Vol. 1 & 2 (5th Edn.).

## PAPER IV

### Social Security Legislation

#### I) Introduction:

1. Meaning and Concept of Social Security.
2. Modality: Social prescription, Social assistance and Social insurance.
3. Distinction with Labour Welfare.

#### II) Constitutional Perspectives:

1. Fundamental Rights: Realization of the rights through meaningful social security measures :right to life , the wider dimensions.
2. Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age, sickness and disablement, maternity relief benefits
3. Directive Principles of State Policy.

#### III) Origin and Development/ Comparative Perspectives of Social Security:

1. The United Kingdom.
2. The United States.
3. International Norms of Social Security- ILO & Human Rights Perspectives.

#### IV) The Workmen's Compensation Act –1923:

1. Employer's liability for compensation.
2. Types of Injuries covered.
3. Workmen-who can claim compensation.
4. Amount of compensation in case of various injuries.

5. Payment of Compensation.
6. Commissioner for Workmen's Compensation – his duties, powers and procedures.

**V) Employees State Insurance Act 1948:**

1. Authorities under the Act –their powers and function.
2. Employees State Insurance Fund-Contributions to the fund by the Employer and Employees, Grant by Central and State Government.
3. Purposes for which the fund may be expended.
4. Benefits available, conditions under which available, persons entitled.
5. Corporation's right to recover damages or other amounts from employer, or to be indemnified in certain cases.
6. Adjudication of disputes and claims.

**VI). The Maternity Benefit Act 1961:**

1. Applicability.
2. Nature of benefits and privileges available under the Act
3. Procedure for claiming payment
4. Inspectors – their powers and functions.
5. Penalties.

**Books Suggested For Reading:**

1. Dr.Vivek Bhattacharya- Social Security Measures in India.
2. Bakshi and Mitra- Workmen's Compensation Act and other Social Insurance Legislation.
3. K.D. Shrivastava- Commentaries on Employees State Insurance Act.
4. Larson- Workmen's Compensation Law.
5. Dr. C. B. Mamoria- Principles of Social Security.
6. V.R. Bhattacharya, Some Aspects of Social Security Measures in India( 1970).
7. S.C.Shrivastava, Social Security and Labour Laws ( 1985).
8. R.N. Choudhary, Commentary on the Workmen's Compensation Act 1923 (2000), Orient.
9. Munkman,Employer's Liability (1985), Chs. 1,2,3,22and 23.
10. Harry Calvert,Social Security Laws (1978).

**PAPER – 5**

**Project Work**

Students are required to submit a project work on given topic in Labour Laws under the guidance of Faculty members. The Project Work will be evaluated by External Examiner and Viva-Voce on the Project work will also be conducted by the External Examiner

**Project Work :**

<b>1 Project Work</b>	<b>( Ext. Examiner)</b>	<b>75marks</b>
<b>2 Viva – Voce</b>	<b>( Ext. Examiner)</b>	<b>25 marks</b>

**Total : 100 Marks**