

Labour and Industrial Laws – I (New Syllabus)

SEMESTER – V

Code: 5.1

Full Marks: 100 [80+20]

Pass marks: 45 [36+9]

Credit: 5

Time : 3 hours

Detailed Syllabus

	Marks
Unit 1: Evolution of Labour Laws and Constitutional Jurisprudence	16
1.1 Evolution	
1.1.1 History of Labour Movement in India.	
1.1.2 Reports of the First and Second National Commission on Labour.	
1.1.3 The transition from fragmented laws to the consolidated 4 Codes.	
1.2 Impact of ILO Core Conventions on the New Labour Codes	
1.3 Constitutional Framework	
1.3.1 Labour as a Concurrent Subject (List III, Entry 22, 23, 24).	
1.3.2 Fundamental Rights (Art. 14, 19, 21, 23, 24).	
1.3.3 Directive Principles (Art. 38, 39, 41, 42, 43A).	
Unit 2: The Industrial Relations Code, 2020 (Trade Unions)	16
2.1 Core Definitions: Appropriate Government [S. 2(b)], Industry [S. 2(p)], Industrial Dispute [S. 2(q)], Worker [S. 2(zr)], Fixed-term Employment [S. 2(o)]	
2.2 Partite Forums: Works Committee (S. 3) and Grievance Redressal Committee (S. 4).	
2.3 Registration (Trade Unions)	
2.3.1 Procedure for registration, alteration of name and procedure thereof (S. 8).	
2.3.2 Certificate of registration and cancellation (S. 9).	
2.3.3 Incorporation of registered Trade Unions (S. 12).	
2.4 Criteria for recognition of a sole negotiating union and constitution of a negotiating council (S. 14).	
2.5 Rights, Liabilities and Disqualifications of office-bearers of Trade Unions.	
2.5.1 Rights of Trade Unions.	
2.5.2 Immunities from civil and criminal liability (S. 16 & 17).	
2.5.3 Disqualification of office-bearers of Trade Unions (S. 21)	
2.6 Amalgamation and Dissolution	
2.6.1 Procedure for change of name, amalgamation (S. 24).	
2.6.2 Dissolution of unions (S. 25).	
Unit 3: Standing Orders and Managerial Prerogatives	16
3.1 Standing Orders	
3.1.1 Application of the Code to establishments (S. 28).	

- 3.1.2 Preparation and certification of standing orders (S. 30 - 35).
- 3.2 Time-limit for completing disciplinary proceedings and payment of subsistence allowance during suspension (S. 38).
- 3.3 Power of Adjudicatory Authorities (Tribunals and National Industrial Tribunal) to give appropriate relief in cases of discharge or dismissal of worker (S. 50).
- 3.4 Restraints on Managerial Prerogatives
 - 3.4.1 Conditions of service, etc., to remain unchanged during pendency of proceedings (S. 90).
 - 3.4.2 Special provisions for adjudication if conditions are changed (S. 91).

Unit 4: The Code on Wages, 2019

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- 4.1 Definitions: Accounting year, appropriate government, contract labour, co-operative society, corporation, employee, employer, government establishment, industrial dispute, Inspector-cum-facilitator, wages, worker.
- 4.2 Minimum Wages
 - 4.2.1 Concept of Floor Wage.
 - 4.2.2 Fixation of Floor Wage by Central Govt (S. 9).
 - 4.2.3 Fixation and revision of minimum rates of wages (S. 6 - 8).
- 4.3 Payment of Wages
 - 4.3.1 Mode of payment (S. 15).
 - 4.3.2 Fixation of wage period (S. 16).
 - 4.3.3 Fine (S. 19).
 - 4.3.4 Different Deductions (S. 18, 20, 21, 22, 23, 24)
- 4.4 Payment of Bonus
 - 4.4.1 Eligibility for bonus (S. 26).
 - 4.4.2 Disqualification for Bonus (S. 29).
 - 4.4.3 Calculation of bonus based on allocable surplus/available surplus (S. 31-33).
- 4.5 Equal Remuneration
 - 4.5.1 Prohibition of discrimination on ground of gender (S. 3).
 - 4.5.2 Decision as to disputes with regard to same or similar nature of work (S. 4).
- 4.6 Advisory Boards
 - 4.4.1 Constitution and functions of Central and State Advisory Boards (S. 42).
 - 4.4.2 Claims under Code and procedure thereof. (S. 45).

Unit 5: The Assam Shops and Establishment Act, 2022

16

- 5.1 Definitions of Shop, Commercial Establishment, and Worker (S. 2).
- 5.2 Registration
 - 5.2.1 Registration of shops and establishments (S. 6).

- 5.2.2 Intimation by small establishments (S. 7).
- 5.3 Working Conditions
 - 5.3.1 Hours of work (S. 13).
 - 5.3.2 Overtime work and wages (S. 14).
 - 5.3.3 Shift working (S. 15).
- 5.4 Annual leave with wages, casual leave, and sick leave (S. 17).
- 5.5 Welfare & Safety:
 - 5.5.1 Health and safety measures (S. 12).
 - 5.5.2 Provision for Safe drinking conditions, Latrines and Urinals, Creche, Canteen, and First aid (S. 18-22).
- 5.6 Prohibition of discrimination and conditions for night shift for women (S. 11).
- 5.7 Enforcement
 - 5.7.1 Appointment and powers of Chief Facilitator and Facilitators (S. 23-24).
 - 5.7.2 Offences and penalties (S. 27-32).

Referred Case:

1. *Rangaswami and Another v. Registrar of Trade Unions*, AIR 1962 Mad. 231.
2. *BALCO Employees' Union v. Union of India*, AIR 2002 SC 350.
3. *Bangalore Water Supply and Sewerage Board v. A. Rajappa*, 1978 (3) SCR 207.
4. *Food Corporation of India Staff Union v. FCI*, AIR 1995 SC 1157.
5. *Workmen of Firestone Tyre & Rubber Co. v. Management* AIR 1973 SC 1227.
6. *Debotosh Pal Choudhary v. Punjab National Bank*, AIR 2002 SC 3276.
7. *Rohtas Industries Ltd. v. Rohtas Industries Staff Union*, AIR 1976 SC 425.
8. *People's Union for Democratic Rights v. Union of India*, AIR 1982, SC 1473.
9. *Standard Vacuum Refining Co. v. Its Workmen*, AIR 1961 SC 895.
10. *Jalan Trading Co. v. Mill Mazdoor Sabha*, AIR 1967 SC 69.
11. *Management of Bata India Ltd. v. State of Assam and Ors.*
12. *State of Assam v. Md. Jowaidur Rahman Mazumdar*
13. *Santha, Jorhata v. The Asstt. Labour Commissioner Jorhat*
14. *Management of Kalabati Talkies v. State of Assam & Ors.*
15. *State of Assam v. Md. Jowaidur Rahman Mazumdar*
16. *Bularam Chandra Roy v. M.N. Bhattacharjee and Ors.*

Prescribed Legislations :

1. *The Industrial Relations Code, 2020* (Subsumes Industrial Disputes Act, Trade Unions Act, Standing Orders Act).
2. *The Code on Wages, 2019* (Subsumes Minimum Wages Act, Payment of Wages Act, Bonus Act, Equal Remuneration Act).
3. *The Assam Shops and Establishment Act*

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Internal Assessments:

Recommended Books:

1. B.P. Todi, *The Assam Shops and Establishment Act & Rules* (Ashok Publishing, Guwahati).
2. Bhagyashree A. Deshpande, *Textbook on New Labour and Industrial Laws* (Central Law