

INTERNATIONAL MANAGEMENT INSTITUTE, BHUBANESWAR
Post Graduate Diploma in Management (PGDM)
Industrial Relations and Labour Laws (ER604)
CREDIT: Full (three credits)
SESSION DURATION: 90 Minutes

TERM: IV
YEAR: 2016-2017
BATCH: II

FACULTY: Dr. Deepak Sharma
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Office hours: 9.30 AM – 5.30 PM

Course Introduction: Good laws, their effective enforcement and understanding of their interpretation by Supreme Court and High Courts are central to the creation of trust between employers and employees and are necessary for future HR/management professionals to understand. This course has been designed with this perspective to impart detailed knowledge of the laws relating to Industrial Relations, Wages and protective legislation in India.

Course Objectives:

The course would enable the students to get an overview of Labour & Industrial laws relating to promotion of smooth industrial relations, machinery of resolving industrial disputes, provisions related to discharge, dismissal, retrenchment and other related matters, laws relating to health, safety and welfare in factories, laws related to deduction of wages, disciplinary action, and would equip them with the necessary judgements to enable the understanding of application of the legal provisions to a given situation. It would help to understand in detail laws existing on Trade Unions, Standing Orders and Industrial Disputes, Disciplinary proceedings, Employee Compensation Act, Factories Act, Contract Act, Minimum Wages Act and Payment of Wages Act. It would also enable the students to interpret and apply these laws. It would also help to develop insight into protective, wage related and social security labour legislations and also into various Supreme Court/High Court rulings applicable to industrial organizations. The course also includes inputs on latest amendments in labour laws and would help the students to understand and appreciate these changes in labour legislations.

Learning Outcomes

Upon completion of this course, students should be able to:

- Understand the concept of industrial relations (LO1)
- Understand the relevance of laws relating to Trade Unions, Standing Orders and Industrial Disputes, Wages, Contract labour in organizations. (LO2)
- Understand the relevance of laws relating to Factories, wages (LO3)
- Appreciate the requirement and applicability of these laws in industries (LO4)
- Appreciate the changes and amendments that have taken place in protective, wage related and social security legislations (LO5)

PEDAGOGY:

- Lecture will be supplemented by discussion on Cases/Acts both individually and in groups. Students are expected to review the cases/Act as group assignments.
- Experiential Exercises to give real life feel of industrial relations issues, labour problems and remedies

Course Readings

Text Book:

- Kumar, H.L.(2014), Labour Problems and Remedies, Universal Law Publishing Company, New Delhi.

Reference Books

- Goswami, Dr. V.G.(2011), Labour and Industrial Laws (Vol.1 & 2), Central Law Agency (Ninth Edition), Allahabad.
- Gupta, Ritu (2014). Sexual Harassment at Workplace. Lexis Nexis
- Jai Singh, Indira (2014), Sexual Harassment at Workplace, Universal Law Publishing: New Delhi
- Kumar, H.L. (2003), Obligation of Employers under Labour Laws, Universal Law Publishing Company, New Delhi.
- Kumar, H.L. (2004), Law Relating to Disciplinary proceedings in Industries, Universal Law Publishing Company, New Delhi.
- Kumar, H.L. (2004), Practical Guide to Contract Labour, Universal Law Publishing Company, New Delhi.
- Kumar, H.L. (2004), Practical Guide to Labour Management, Universal Law Publishing Company, New Delhi.
- Kumar, H.L. (2010), Compliances under Labour Laws, Universal Law Publishing Company, New Delhi.
- Misra, S.N. and Misra, S.K.(2007), Labour & Industrial Laws (23rd ed.), Central Law Publications, Allahabad.
- Monappa, A., Nambudiri, R and Selvaraj, P.(2012) Industrial Relations and Labour Laws, McGraw Hill.
- Sen, Ratna (2010). Industrial Relations: Text and Cases, MacMillan.
- Singh, P.N and Kumar, Neeraj (2011) Employee Relations Management, Pearson.
- Sinha, P.R.N, Sinha, I.B and Shekhar, S.P.(2013) Industrial Relations, Trade Unions and Labour Legislation, Pearson
- Srivastava, S.K (2000). Industrial Relations & Labour Laws (4th ed), Vikas Publications, Delhi.
- Venkatratnam, C.S., Industrial Relations, Oxford University Press, 2006.

Manual/Digest

- Kumar, H.L. (2011), Digest of Labour Cases 1990-2011 (Eighth Edition), Universal Law Publishing Co., New Delhi.
- Labour & Industrial Law Manual (2011), Universal Law Publishing Co., New Delhi.

Course Evaluation criteria

| Component | Weight |
|------------------------|--------|
| Review of Acts & Cases | 20% |
| Class Participation | 10% |
| Assignments | 10% |
| Viva | 10% |
| Mid-term | 20% |
| End-term | 30% |
| Total | 100% |

Session Plan

| Session | Topic | Reading & Learning Outcomes |
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| 1-2 | <p>Introduction Definition and Conceptual framework of IR;HRM-IR-HRD Integration Objectives and principles of labour legislation; Scope and emergence of Labour laws; Judicial Approach to Industrial Relations; Shift in Judicial Approach; Writ Jurisdiction of Supreme Court and High Courts; Recent Trends in IR and Labour laws; Labour Law Reforms: Apprenticeship Act, 1961, and the Labour Laws (exemption from furnishing returns and maintaining registers by certain establishments) Act, 1988; Second wave: The new bills are the Small Factories (Regulation of Employment and Other Conditions of Service) Act, 2014, and the National Workers Vocational Institute Act, 2015.</p> | <p>Readings:</p> <ul style="list-style-type: none"> · Sinha, Sinha and Shekhar Chapter 10 pp 203-222 · Goswami, pp1-23. · Misra, pp 1-15 <p>Cases:</p> <ul style="list-style-type: none"> · To prove the employer-employee relationship, employee has to lead positive evidence. Only then employer may rebut the assertion of the employee: <i>The Indian Express Limited v. P.P.Kothari</i> 2015 LLR 850 (Bom HC) · Social and economic upliftment of labour imperative for securing industrial peace: <i>Hindustan Antibiotics Ltd. v. Workmen</i> AIR 1967 SC 948. · Labour Laws are to be interpreted in favour of beneficiaries: <i>S.M.Nilajkar v. Telecom District Manager</i> 2003 SCC (L&S) 380. · State being model employer should not exploit the employees: <i>State of Haryana v. Piara Singh</i> 1992 SCC (L&S) 825. · Main objective of enacting labour laws is to ensure peace and harmony between the employers and employees in larger interests of society: <i>Workmen of Bhurkunda Colliery of Central Coalfield Ltd. v. Bhurkunda Colliery of Central Coalfield Ltd.</i> 2006 SCC (L&S) 530. · Punishment of dismissal from service when justified: <i>Hombe Gowda Educational Trust v. State of Karnataka</i> 2006 SCC 9L&S) 133. · When are charges grave enough to justify dismissal: <i>Krishnakali Tea Estate v. Akhil Bhartiya Chah mazdoor Sangh</i> 2004 SCC (L&S) 1067. <p>LO1</p> |
| 3-4 | <p>Trade Unions Act, 1926 Aims and Objects; Recognition of Trade Unions; Definition and Nature of Trade Unions; Legal Character of a Registered Trade Unions S.13 Trade Union Act; Trade Unions (Amendment) Act, 2001; Minimum Requirement about Membership of Trade Union; Legal character of a Registered Trade Union; Registration of Trade Unions (S.4); Cancellation of Registration; Rights, Liabilities and duties of Trade Unions(S.10); Immunities of a Registered Trade Union(S.17 and S.18); Disqualification of Office Bearers of Trade Unions (S.21 A); Change of name(S.23);Amalgamation of Trade</p> | <p>Readings:</p> <ul style="list-style-type: none"> · Kumar, Chapter 10, pp270-281. · Misra, pp 267-306. · Goswami, pp24-99. <p>Cases:</p> <p>There cannot be a trade union for collective bargaining in a trade dispute where the Trade Union is not connected at all with the industry : <i>All Escorts Employees Union v. State of Haryana</i> 2015 LLR 1222 (P&H HC)</p> <p>Office Bearers of the Trade Union have no privilege from misconducts: <i>M.Selvaraj v. P.O.Principal labour Court, Chennai</i> 2014 LLR 972 (Mad. HC).</p> <p>Whether employer under obligation to recognize a union: <i>Pondicherry Shasun Chemicals and Drugs Nirvana</i></p> |

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| | <p>Union(S.24) Jurisdiction of Court.</p> | <p>Thozhilalargal Muneerta Sangam v. Labour Officer, 2010 LLR 498.</p> <p>Whether a union leader has immunity from misconduct: Usha Breco Mazdoor Sangh v. Management of Usha Breco Ltd. 2008 LLR 619 (SC).</p> <p>Only Registrar of Trade Unions, not the Industrial Court, can grant registration: Indo Count Choongnam, Employees Union v. Registrar(Bombay Industrial Relations Act), 2009 LLR 877 (SC).</p> <p>Status and Powers of Representative Trade Union: Shivanand Gaurishankar Baswanti v. Laxmi Vishnu Textile Mills and others, 2009 1 SCC (L&S) 293.</p> <p>Right of a Union Recognition: MRF United Workers Union v. Govt of Tamil Nadu, 2010 LLR 165 (Mad HC)</p> <p>Settling Dispute of a Workman by a Union: G.S.Kalra v. Naresh Kumar Bansal, 1993(82) FJR 317 (Del HC)</p> <p>An unrecognized union can espouse grievances of individual members for representation in enquiries and not beyond that?: State Bank of India v. All Orissa State Bank Officers Associations (2002) 5 SCC 669.</p> <p>Is there no common law of a Trade Union to represent its members, whether for purposes of collective bargaining or individual grievance redressal of its members?: Bank of India v. All Orissa State Bank Officers Associations (2003) 11 SCC 607.</p> <p>LO2</p> |
| 5 | <p>Industrial Employment (Standing Orders) Act, 1946</p> <p>Applicability of the Act; Submission of draft Standing orders; Conditions of service; Terms of standing orders and misconduct mentioned in standing orders; Matters to be provided in Standing Orders; Submission of Draft Standing Orders(S.3); Procedure for Certification of Standing Orders(S.5); Appeals; Date of Operation of Standing Orders; Posting of Standing Orders(S.9); Duration and Modification of Standing Orders (S.10); Temporary Application of Model Standing Orders(S.12-A); Payment of subsistence allowance for suspended workers(S.10-A); Penalty (S.13); Interpretation of standing orders (S.13 A);</p> | <p>Readings:</p> <ul style="list-style-type: none"> · Kumar, Chapter 10, pp282-308 · Goswami, pp100-135. · Misra, pp239-266. <p>Cases:</p> <p>In absence of certified standing orders, model standing order applicable: IOCL v R.P.Garg 2015(145) FLR 93 (All HC)</p> <p>Employer must get incorporated misconduct of sexual harassment in its certified Standing Orders: Rina Mukherjee@Rine Jamshedji v. State of West Bengal 2014 LLR 1109 (Cal. HC).</p> <p>If Certified Standing Orders or model standing orders do not provide for any service conditions, then employment contract would prevail M/s Delhi printing and Publishing Co. Ltd. v. Labour Court-X 2014 LLR 126 9Delhi HC).</p> <p>Once Standing Orders Act become applicable to an establishment, its status on account of a subsequent fall in the number of workmen in the establishment: Balakrishna Pillai v. Anand Engineering Works Pvt. Ltd. 1974 II LLR 199 Bom HC</p> <p>Misconducts mentioned in Standing orders whether exhaustive: Glaxo Laboratories (India) Ltd. v. Presiding officer Labour Court, Meerut AIR 1984 SC 505</p> <p>Certified standing orders to bind new employees?: Sudhir Chandra Sarkar v. Tata Iron and Steel Co. Ltd. 1984 3 SCC 369</p> <p>LO2</p> |

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| 6-8 | <p>Industrial Disputes Act, 1947 Objects and Reasons; Relevant Amendments (1982, 2010); Extent and scope; Definitions— S.2(b)Award, S.2(j)Industry, S.2(k)industrial dispute Analysis of the terms “industry” and “industrial dispute” ;S.2A(Ins. by Act 35 of 1965)Dismissal of an individual workman to be deemed to be an industrial dispute; S.2(kkk)lay-off, S.2(oo)retrenchment, S.2(q) Strike, S.2(ra)unfair labour practice, S.2(rr)wages, S.2(s)workman. Strike and Lock-Out; Lay-Off andRetrenchment; Authorities— S.3Works committee,S.5Board of conciliation, S.6 Court of enquiry, S.7 Labour Courts, S.7A Tribunals; S.7B National Tribunals; S.9A Notice of Change; S.10 Reference of Disputes to Boards, Courts or Tribunals; S.10A Voluntary Reference of Disputes to Arbitration; S.11A(Ins.by Act 45 of 1971)Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen; S.17B Payment of Full Wages to workman pending proceedings in higher courts; S.22 Prohibition of strikes and lock-outs; S.23 General prohibition of strikes and lock-outs; S.24 Illegal strikes and lock-outs; S.25C Right of workmen laid off for compensation; S.25E Workmen not entitled to compensation in certain cases; S.25F Conditions precedent to retrenchment of workmen; S.25FFA Sixty days’ notice to be given of intentions to close down any undertaking; S.25FFF Compensation to Workmen in case of closing down of undertaking; S.25G Procedure for Retrenchment; S.25H Re-employment of retrenched Workmen; S.25N Conditions Precedent to retrenchment of workmen; S.25O Procedure for closing down undertaking; S.33 Conditions of service to remain unchanged under certain circumstances during pendency of proceedings; S.33C Recovery of money due from an employer; Distinction between S. 33(1) and 33(2) – Distinction between S. 33C (1) & 33C (2);</p> | <p>Readings: Kumar,Chapter 7,pp160-193 Goswami,pp136-588. Misra, pp16-238. Cases Termination of an employee having worked for 240 days in preceding 12 calender months without complying with section 25 F bad in law: State of UP v. Shashi Joshi 2015 LLR 158 SC Objects of the Act: Workmen of Dimakuchi Tea Estate v Management of Dimakuchi Tea Estate (1958) SCR 1156; AIIMS v. O.P.Chauhan, 2007 LLR 435 (Del HC) Whether Labour Court has unlimited jurisdiction under S.11A Industrial Disputes Act,1947:BHEL v. M.Chandrashekhhar Reddy (2005) 2 SCC 481. Scope of ‘Industry’: Bangalore Water Supply and Sewerage Board v. A.Rajappa AIR 1978 SC 548. Matter to be placed before the Hon'ble the Chief Justice of India to consider whether a larger Bench should be constituted to re-consider the decision of this Court regarding scope of ‘industry’ in Bangalore Water Supply and Sewerage Board: Coir Board v. Indira Devi P.S. and others,1992 SCC 806. Strike—Legality and Justification; entitlement to wages during strike period: Syndicate Bank v. K Umesh Nayak(1994)II LLJ 836 SC Deduction of wages during strike: Bank of India v. T.S.Kelawala and others (1990) II LLJ 39 SC. Constitutional validity of S.25 N IDAct,1947 examined:Workmen of Meenakshi Mills v. Meenakshi Mills Ltd., 1992 LLR 481 (SC). Strike to be legal and justified: Syndicate Bank v. State Bank Staff Union,1994 LLR 833 (SC) (FB).</p> <p>LO2</p> |
| 9-10 | <p>Disciplinary Proceedings in Industries Disciplinary proceedings: Misconduct-implications of preliminary enquiry - Charge-sheet - nature, scope and criticality of CS - contents of CS - precautions, issues and concerns in framing charges - Show-cause notice vs. Charge-sheet – Right to suspend an employee and payment of suspension allowance-- Domestic Enquiry – Principles of</p> | <p>Readings: · Kumar, Labour Problems and Remedies, Chapter 12-14. · Kumar, Practical Guide to Labour Management,pp302-368. Cases: Unless acquittal of employee by Criminal court is honorable, i.e. on merits, departmental proceeding can</p> |

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| | <p>Natural Justice reasonable opportunity - Appointment and role of Enquiry Officer – Intimation to workman for the enquiry-right of workman to be represented by legal practitioner in a domestic enquiry-evidence in enquiry-enquiry report-punishment</p> | <p>proceed: GM,SBI V R.Periyasami 2015 LLR 121 SC.</p> <p>An order of discharge or acquittal by criminal court not bar to award of departmental punishment: State of West Bengal v. Sankar Ghosh, 2014 LLR 319 (SC).</p> <p>Unauthorized absences cannot be put into a straight jacket formula, depends on many factors: Chennai Metropolitan Water Supply v. T.T.Murali Babu 2014 (141) FLR 772 (SC).</p> <p>Disobeying unlawful Instructions not a misconduct; dismissal illegal: Management of Sundaram Industries Ltd. v. Sundaram Industries Employees' Union. 2014 LLR 121 (SC).</p> <p>Misrepresentation for employment—whether termination justified without enquiry?: P.S.E.B. v. Leela Singh 2007 LLR 590.</p> <p>Obstruction by strikers—whether a misconduct: Peco Engg. & Mfg. Works v. Their Workmen</p> <p>Can termination be justified if its without enquiry for continuous absence for a long time: Subhash Dumbre v. Maharashtra State Cooperative Agricultural & Rural Development Bank Ltd., 2010 II LLJ 632 (Bom HC).</p> <p>Misconduct if not prescribed in Standing Orders: A.L.Kalra v. Project and Equipment Corporation of India Ltd., 1984 Lab IC 961 (SC).</p> <p>Would misconduct of habitual negligence and using abusive language justify dismissal: Biecco lawrie Ltd. v. State of WB,2009 LLR 1057 (SC).</p> <p>Is not joining at transferred place by workman a misconduct warranting disciplinary proceeding: Novartis India Ltd. v. State of Bengal, 2009 LLR 113 (SC).</p> <p>Dismissal of a workman for habitual absence—whether justified: Chairman and MD VSP v. Goparaju Sri Prabhakara Hari Babu, 2008 LLR 715 (SC).</p> <p>Workman tampered with attendance register-labour Court u/s 11A directed reinstatement-can it be sustained in law: Ballarpur Industries Ltd. v. PO,Labour Court,Bhubaneswar,2004 LLR 474 (Ori HC).</p> <p>Mulchandani Electrical and Radio Industries Ltd. v. Workmen AIR 1975 SC 2125</p> <p>Whether some evidence which could have appeared to the enquiry officer to be relevant was treated by it as unreliable would make enquiry unfair: Tata Oil Mills Co. Ltd. v. Its Workmen AIR 1963 5 SCLJ 3075.</p> <p>Information to be included in charge-sheet--State of Uttar Pradesh v. Mohammed Sharif, 1982 (45) FLR 289 (SC).</p> <p>Establishment of Causal connection between misconduct and employment—whether necessary: Glaxo Laboratories (India)Ltd. v. PO Labour Court,Meerut, AIR 1984 SC 5050.</p> <p>LO4</p> |
| 11 | <p>Employees' Compensation Act, 1923 Objects and Reasons; Amendment Act, 2009; Scope and Application; Definitions of important terms; Employer's Liability for Compensation; Amount of Compensation; Employees'</p> | <p>Readings:</p> <ul style="list-style-type: none"> · Kumar, Chapter 3, pp.29-57. · Goswami, pp 24-140. · Misra, pp 307-388. |

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| | <p>Compensation Commissioners;</p> | <p>Cases:</p> <p>When workman died due to fall of bonnet of other vehicle of owner, insurer liable to pay compensation: Praveenbhai S. Khambayata v. United India Insurance Co. Ltd. 2015 LLR 352 SC.</p> <p>Interest on compensation from date of accident not from date of adjudication: Saberabibi Yakubhai Shaikh v. National Insurance Co. Ltd. 2014 LLR 119 (SC).</p> <p>Commissioner not Officer qualified to assess the disability: B.lakshmana and others v. Divisional Manager, New India Assurance Co. Ltd. 2014 (142) FLR 8 (SC).</p> <p>Benefits under ESI and Workmen's Compensation Act, 1923: Bharagath Engineering v. R.Ranganayaki and another 2000 SCC (L&S) 786.</p> <p>Onus to prove an accident: Mallikarjuna G. Hiremath v. Branch Manager, Oriental Insurance Co. Ltd. AIR 2009 SC 2019</p> <p>Notional Extension of Place of Employment: Saurashtra Salt Mfg. Co. v. Bai Valu Raju, AIR 1958 SC 881; LO3</p> |
| 12-13 | <p>Payment of Wages Act, 1936</p> <p>Object: Time of Payment of Wages; Unlawful Deductions; Authorised Deductions; Mode of payment; Authority to hear claims; Judicial Proceedings before the authority; Jurisdiction of the Authority; Authority under Payment of Wages Act and Labour Court; Appeal</p> <p>Minimum Wages Act, 1948</p> <p>Aims and Objects; Application; Constitutionality of the Act; Scheduled Employment; Wages; Fixing of Minimum rates of Wages; Different Concepts of Wages—Living Wage, Fair Wage; Need based Minimum Wage, National Minimum Wage, Procedure for fixing and revising minimum wages;</p> | <p>Readings:</p> <ul style="list-style-type: none"> · Kumar, Chapter 17. · Goswami, pp 142-198. · Misra, pp 586-622. <p>Cases:</p> <p>Act furnishes a summary remedy for wages: A.C. Arumugham v. Manager, Jawahar Mills Ltd. AIR 1956 Mad 79; S.15: LIC of India v. Anwar Khan 2008 1 SCC (L&S) 664.</p> <p>SC laid down questions related to payment of minimum wages to employee at agreed rate to be decided not only under Payment of Wages Act but also under S.33-C(2) of Industrial Disputes Act, 1947: Town Municipal Council v. PO, Labour Court 1969(1) SCC 873.</p> <p>SC considered jurisdiction of authority under payment of Wages Act: State of Punjab v. Baldev Singh 1998 SCC (L&S) 1187</p> <p>Readings</p> <p>Kumar, Chapter 17</p> <p>Goswami, pp 200-254.</p> <p>Misra, pp 551-585.</p> <p>Cases:</p> <p>Govt. cannot prescribe wages for managers being employers under Minimum Wages Act: Kerala Rubber Foot Wear Manufacturers and Exporters Association v. State of Kerala 2014 LLR 415 (Ker. HC).</p> <p>Constitutionality of the Act: Bijoy Cotton Mills Ltd. v. State of Ajmer AIR 1955 SC 33.</p> <p>Object of Minimum Wages Act: Airfreight Ltd. v. State of Karnataka 1999 SCC (L&S) 1185; U. Unichoyi v. State of Kerala AIR 1962 SC 12.</p> <p>LO3</p> |

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| 14-15 | <p>The Factories Act, 1948</p> <p>Objects and reasons; Validity of Factories Act; Scope and Applicability; measures in regard to health, safety, welfare and employment of young persons; penalties and appeal.</p> | <p>Readings:</p> <ul style="list-style-type: none"> · Kumar, Chapter 6, pp133-159. · Goswami, pp 342-507. · Misra, pp 623-700. <p>Cases:</p> <p>Occupier is that who has ultimate control over affairs of the factory: Mohan Singh v. Chairman Railway Board and Others 2015 LLR 1009 SC</p> <p>Constitutionality of proviso (ii) to S.2(n) of Factories Act: J.K. Industries Ltd. and others v. Chief Inspector of Factories and Boilers 1997 SCC (L&S)</p> <p>Writ petition when not maintainable under the Act: Ardeshir Bhiwandiwalla v State of Bombay AIR 1962</p> <p>Definition of Factory and manufacturing process as contained in S.2(m) and S.2(k) of Factories Act: Uttaranchal Forest Development Corporation v. Jabar Singh 2007 1 SCC (L&S)</p> <p>Objects of Factories Act: Barat Fritz Werner Ltd. v. State of Karnataka 2001 SCC 752.</p> <p>LO3</p> |
| 16 | <p>Contract Labour (Regulation and Abolition) Act, 1970</p> <p>Object, Commencement and Application; Constitutional validity; Prohibition of employment of contract labour; Central and State Advisory Board; registration of establishments employing contract labour; Automatic absorption of contract labour; liability of principal employer in certain cases; licensing of contractors; Effect of laws and agreements inconsistent with the Act.</p> | <p>Readings</p> <ul style="list-style-type: none"> · Kumar, Chapter 2, pp10-28. · Goswami, pp700-754. · Misra, pp 863-886. <p>Cases:</p> <p>Reference of absorption/regularization cannot be sustained when made in respect of contract labour whose services terminated long back: Oshiar Prasad v. Employers in relation to mgmt. of Sudamdih Coal Washery of M/s BCCL, Jharkhand 2015 LLR 254 SC</p> <p>Merely exercising control on working of statutory canteen, contract workers by principal employer will not make such contract labour the employees of principal employer: Balwant Rai Saluja v. Air India Ltd. 2014 CLR 751 (SC).</p> <p>Principal employer is liable to pay wages to contract labour in case of default by contractor: Shyamji Srivastava v. Management of M/s Public Works Department 2014 LLR 130 (Delhi HC).</p> <p>Constitutional Philosophy that led to codification of this law: Secretary, Haryana State Electricity Board v. Suresh and others 1999 SCC (L&S) 765.</p> <p>Automatic absorption of contract labour: SAIL v. National Union Water Front Workers, 2001 (91) FLR 182 and Air India Statutory Corporation v. United Labour Union, 1997 LLR 288: 1997 (1) LLJ 1113 (SC)</p> <p>LO5</p> |
| 17 | <p>ESI Act, 1948</p> <p>Aims and object; Extent and application; Administration of the Act; Medical Benefit Council; Employees State Insurance Fund; Registration; Employers'/Employees' contribution; benefits under the scheme; Occupational disease; Obligations Of Employers; Employees Insurance Court; Appeals to the Tribunal; Penalties</p> | <p>Readings</p> <ul style="list-style-type: none"> · Kumar, Chapter 5, pp104-131. · Goswami, pp 255-340. · Misra, pp 389-476. <p>Cases:</p> <p>Objects of the Act: Kirloskar Brothers Ltd. v. ESI Corporation 1996 SCC (L&S) 533; Transport Corp. of India v. ESI Corp. 2000 SCC (L&S) 121.</p> <p>SC held ESI a social legislation: Whirlpool of India Ltd. v.</p> |

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| | | ESI Corp. 2000 SCC (L&S) 326. Applicability of the Act: Anand Kumar v. ESI Corp. AIR 1996 SC 921. LO5 |
| 18 | The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 Aims and objects; extent and application; constitutional validity ; important definition; procedure for deposit of compensation; central and state boards; Employees' Pension Scheme; Employees' Deposit-linked Insurance Scheme; Employees' Provident Funds Appellate Tribunal; Appeals to tribunal; Penalties. | Readings <ul style="list-style-type: none"> · Kumar, Chapter 4, pp58-103. · Goswami, pp 508-586. · Misra, pp 477-550 Cases: Constitutional Validity of the Act: Mohammad Ali and others . Union of India AIR 1963 SC 980. Act is a beneficial piece of legislation and can be described as a social security statute: Balbir Kaur v SAIL, 2000 SC (L&S) 767. Act is a beneficial welfare legislation to ensure health and other benefit to the employees: R.P.F. Commr v. S.D.College, Hoshiarpur 1997 SCC (L&S) 449. LO5 |
| 19 | Payment of Gratuity Act, 1972 Extent and Application; Payment of Gratuity (Amendment Act), 2010; definitions; continuous service; payment of gratuity; determination of amount of gratuity; recovery of gratuity; penalties; exemption of employer from liability in certain cases; protection of gratuity; validation of payment of gratuity. | Readings: <ul style="list-style-type: none"> · Kumar, Chapter 9, 232-269. · Goswami, pp 756-795. · Misra, pp 822-849. Cases: Apex Court discussed history of the Act and objects and reasons: Lalappa Lingappa v Ixmi Vishnu Textile Mills, 1981 1 LLJ 308 Objects of the Act discussed: B.K.Kale v. Karnataka State Road Transport Corp., 1999 1 LLJ 932. Act a piece of social welfare legislation: Ahmedabad Primary Teachers Assn v. Administrative Officer 2004 SCC (L&S) 306. Pension and gratuity coupled with contributory provident fund are well-recognised retirement benefits: Sudhir Chandra Sarkar v. TISCO Ltd. 1984 SCC (L&S) 5405 LO5 |
| 20 | Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 | Readings: <ul style="list-style-type: none"> · Jai Singh, Sexual Harassment at Workplace. · Gupta, Sexual Harassment at Workplace. Cases: Vishaka v State of Rajasthan 1997 (7) SC 384. Saudi Arabian Airlines v. Shehnaz Mudbhalkar, 1999 (81) FLR 767 LO5 |