

- **COURSE - 1.4: INDUSTRIAL RELATIONS LAW**

The Industrial Relations Law will have 11 Modules. The focus of the course will be Industrial Relations and Industrial Dispute Resolution. Incidentally, this course will also cover areas like Contract Labour (Regulation and Abolition) Act; Wages and Employment Injury Compensation.

- ***Module 1: Industrial Relations and Contract of Employment***

This will be an introductory module. It will cover topics like - What is Industrial Relations Law, What is contract of employment, Where to find the law relating to the terms and conditions of employment; Constitutional values and Industrial Relations Law, Policy with respect to Industrial Relations; the Historical context in which the industrial relations legislations were enacted; Challenges

posed by economic liberalisation; judicial response to the challenges posed by economic liberalisation; ILO Conventions and Recommendations.

- ***Module 2: Trade Union Law***

This module will consist of historical background of Trade Unions - British as well as Indian. Who can form Trade Unions; the need to form Trade Unions; Relevant definition; Registration of Trade Unions; Objectives of a Trade Union - General and Political; Immunity for registered Trade Unions; Amalgamation and dissolution of registered Trade Unions; Minors in a registered Trade Union; Trade Union Democracy; Multiplicity of Trade Unions; Recognition of Trade Unions - Rights and Duties of recognised Trade Unions; ILO and Trade Unions; Problems faced in the process of forming Trade Unions.

- ***Module 3: Industry and Industrial Disputes***

This module will look into the relevant definitions under the Industrial Disputes Act, 1947 - the definitions which will be examined in this module are Industry; Workmen; Industrial Dispute; Deemed Industrial Dispute; Appropriate Government, etc. This module is re-written by taking note of latest judicial pronouncements.

- ***Module 4: Industrial Dispute Resolution Machinery - Collective Bargaining and Conciliation***

The module will include both preventive mechanisms as well as dispute resolution mechanisms. The dispute resolution mechanisms addressed in this module will be - collective bargaining and weapons of collective bargaining; conciliation including Board of Conciliation; Binding nature of settlement; enforcement of settlements, etc.

- ***Module 5: Industrial Dispute Resolution Machinery - Compulsory Adjudication and Voluntary Arbitration***

Appropriate Government's power of reference; Adjudication of Industrial Disputes; Voluntary Arbitration; Publication of awards; Judicial review of awards; Enforcement of awards; Binding nature of awards, etc.; Period of operation of the awards, etc.

- ***Module 6: Regulation of Managerial Prerogatives***

Regulation of Managerial Prerogatives found in Sections 9-A; 11-A; 33 and 33-A of the Industrial Disputes Act, 1947. Regulation through unfair labour practices; Protected workmen; How such status is conferred. The need for such status. Analysis of regulation of Managerial Prerogatives in the light of the challenges posed by economic liberalisation.

- ***Module 7: Job Losses and their Regulation***

Concepts - lay off, retrenchment, closure, transfer of industrial establishments. How these job losses are regulated - Chapter VA & VB of the Industrial Disputes Act, 1947. Voluntary retirement schemes to overcome the regulations on retrenchment and closure.

- ***Module 8: Discipline and Misconduct***

Discipline in the industrial establishments; industrial employment Standing Orders; Certified Standing Orders; the procedure for Certification of Standing Orders, Misconduct - Minor and Major; Domestic

enquiry and the procedure to be followed in the Domestic enquiry. The process of imposing punishment - judicial review of decisions made under the Certified Standing Orders.

- ***Module 9: Contract Labour (Regulation and Abolition) Act***

The background in which this legislation was enacted; Registration of Establishments covered under the Act; Licensing of Contractors Supplying Contract Labour; Responsibility for Welfare and Health of Contract Labour; Abolition of Contract Labour and Consequences - Judicial Attitude towards this.

- ***Module 10: Wages including Minimum Wages Act, 1948***

Wages - Definition under the Industrial Disputes Act, 1927; Payment of Wages Act - How it regulates deductions from wages, etc.; Minimum Wages - Fixation, Payment, Non-payment of minimum wages and consequences; Relevant Constitutional Provisions; Payment of Bonus.

- ***Module 11: Employment Injury Compensation and Relevant Legislations***

Prevention of employment injury; tort law liability; Fatal Accidents Act; Employers Liability Act; Workmen Compensation Act; Employees State Insurance Act; Employment Injury Provisions - collective bargaining; Certified Standing Orders providing for Employment Injury Compensation.