

Labour and Industrial Law - II

Objectives:

This course is designed to equip students with the understanding of international and national foundations of labour welfare and protection legal framework. The course familiarizes them with the objectives, scope and structure of the Code on Social Security, 2020 and the Occupational Safety, Health and Working Conditions Code of 2020. It aims to provide clear understanding of social security measures, occupational safety standards and welfare provisions applicable to both organized and unorganized sectors and focuses on the rights articulation of the stakeholders in the tripartite paradigm. The course encourages critical evaluation of contemporary legal framework on social security and occupational safety health and working conditions of labour in the light of constitutional architecture and the judicial interpretations.

Course Contents:

Unit I

Labour Welfare: Social Welfare, Social Security, Impact of ILO on National Laws, Constitutional Dimensions of Social Security. Employee's Compensation (Chapter VII of the Code on Social Security, 2020): History, Evolution, Meaning of Compensation, Workman, Dependents, Employer, Partial Disablement, Total Disablement, 'Arising out of' and 'in the course of employment', Notional Extension, Liability of the Employer in cases of Personal Injury and Occupational Disease. Calculation of Compensation: Competent Authorities, Appointment, Notice and Claim, Powers and Functions.

Unit II

Employees State Insurance (Chapter IV of the Code on Social Security): Evolution, Object and Scope, Meaning of Factory, Principal Employer, Employee, Dependent, Insured Person, Employment Injury etc. Benefits under the Code: Sickness Benefit, Maternity Benefit, Disablement Benefit, Dependent's Benefit, Medical Benefit, Funeral Expenses. Employee's State Insurance Corporation: Dispute and Claim Settlement.

Maternity Benefit (Chapter VI of the Code on Social Security): Nature and Scope, Restrictions on Employment of Women, Right to Maternity Benefit and its Calculation, Entitlement and Forfeiture of Maternity Benefit, Other benefits; Inspectors: Powers, Functions and Duties.

Unit III

Employees Provident Funds (Chapter III of the Code on Social Security): Object, Definitions and Scope; Provident Fund Schemes, Authorities;

Gratuity (Chapter V of the Code on Social Security, 2020): Payment, Continuous Service, Nomination, Determination of Amount, Compulsory Insurance and Competent Authority.

Unit IV

Occupational Safety Health and Working Condition Code, 2020: Objectives, Scope and Applicability of the Code. Definitions: Adolescents, Adult, Appropriate Government, Employee, Employer, Establishment, Audio-Visual Workers, Construction Workers, Contract Labour, Contractor, Factory, Family.

Duties of Employer and Employees, Occupational safety and Health, Safety, Health and Working Conditions, Welfare Provisions. Hours of Work and Annual leave with Wages. Inspector cum Facilitator and other authority, Special provisions relating to Employment of Women, Special provisions relating to Contract Labour. Audio- Visual workers, Provisions pertaining to factories. Offences and Penalties, Social Security Fund.

Social Security for Unorganized workers, Gig Workers and Platform workers (Chapter IX of the Code on Social Security)

Unit V

The Contract Labour (Part I of Chapter XI of Occupational Safety Health and Working Condition Code 2020): Its Objectives and Essential Features;

Inter-State Migrant Workers (Part II of Chapter XI of Occupational Safety Health and Working Condition Code 2020): Its Applicability, Facilities and Benefits.

Building and Construction Workers 1996 (Chapter VIII of Social Security Code on 2020)

Social Security for Unorganized Workers, Gig workers and Platform Workers (Chapter IX of the Code on Social Security)

Prescribed Book:

1. Srivastava, S.C. – Industrial Relations and Labor Laws, (Vikas Publishing House Pvt. Ltd.)
2. S.N. Mishra- Labour and Industrial Laws, Central Law Publication
3. Bhagyashree A Deshpande -Textbook on New Labour and Industrial Laws. Taxmann's New Labour Codes

Reference Books:

1. Saji Narayan C.K., The Law Relating to the Industrial Relations Code 2020, OakBridge
2. Saji Narayan C.K., The Law Relating to the Code on Wages, 2019, OakBridge
3. Kharbanda and Kharbanda, Commentaries on Industrial and Labour Codes, Law Publication House.
4. Jivitesh Kumar Singh - Labor Economics- Principles, problems and practices
5. Meenu Paul - Labour and Industrial Law.
6. Related Bare Acts on New Labour Codes

