



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்  
**The Tamilnadu Dr. Ambedkar Law University**



**SCHOOL OF EXCELLENCE IN LAW**

**LL.M CBCS PATTERN**

**REVISED CURRICULUM**

**FROM ACADEMIC YEAR 2020-2021**

**DEPARTMENT OF LABOUR LAW  
AND ADMINISTRATIVE LAW**

## **THE DEPARTMENT OF LABOUR LAW AND ADMINISTRATIVE LAW**

The Department of Labour Law and Administrative Law of the Tamil Nadu Dr. Ambedkar Law University, Chennai, was established in the year 2013, as the VIII branch of specialized study in the University. The University established this crucial Department of Labour Law and Administrative Law in recognition of the increasingly critical role and overweening importance of these disciplines in all branches of economic life, from unorganized labour to Constitutionally mandated employees and services. This Department has been one of the most active departments in the University, with its constant focus on research, learning and education; conducting national workshops and special lectures; actively participating in national and international workshops, seminars and conferences; and, above all, furthering the knowledge and research bases of labour law in India.

Economic growth is fueled not only by capital and big corporations, but by the sweat, blood and tears of its employees and workers. The effort to protect the rights of every individual, especially those who are disadvantaged and unable to assert their rights, is a cornerstone of labour law in a welfare state like India. A plethora of labour legislations have been enacted in India to ensure the highest possible standards of health, safety, and welfare of workers; to protect workers against oppressive terms and conditions of service; to protect workers from being exploited for their economic weakness and poor bargaining power; to encourage and facilitate workers in their organization into unions; to deal with industrial disputes; to enforce social insurance and labour welfare schemes and alike. It is impossible to have a strong and healthy economy, without strong and protective labour legislations.

India is in a unique position in history as a major economy poised to become a superpower. At the same time, the COVID pandemic, technology, automation, and “work-from-home” are changing the future of the work landscape. The syllabus of the Department of Labour Law and Administrative Law has been re-designed with effect from the academic year 2020-21 with these twin ideals in mind – a thorough knowledge of the basics and the training required to take labour law into the future – while championing, at all times the principle of worker protection. This is achieved through a combination of theory, judicial precedents, and practical approaches – captured through 6 Specialized Core Papers, 3 Discipline Specific Elective papers and 2 Generic Elective papers which will be studied over 4 semesters in 2 Years (CBCS system).

It is critical to have a thorough grounding in the law governing industrial relations and governance; laws on unionization and collective bargaining; protecting workers from unfair labour practices; protection of occupational health, safety and welfare of employees; industrial discipline; and laws relating to wages and of social security legislations. Indian laws are enacted in a global context, including ILO directives. Labour law is implemented by administrative officials and quasi-judicial bodies, local governments and regulatory mechanisms. It is critical to understand administrative law, and the basic principles of natural justice, judicial review, the administrative processes, the importance of eschewing all arbitrariness; and liabilities for violations. This must extend up to the single largest Constitutionally mandated workforce in India – the civil services. Labour law stems from basic human rights, which form the heart and soul of labour legislations. Migrant rights, the rights of labourers in the unorganized sector and vulnerable workers must always form the central core of labour legislation’s philosophy.

Labour law is a dynamic and constantly evolving subject with a multitude of facets and bylanes for students to explore. A mastery of this subject makes the student invaluable to industries; to workers and labourers; to human rights organisations; to trade unions and employee organisations; to the governments at the Centre and the States; to administrative authorities charged with implementing these laws; to research organisations and think tanks; and to the workforce at large. Students will be poised to contribute meaningfully and thoughtfully to this field in flux, shape debates and provide direction to the future of work and work-related legislations.

**THE TAMILNADU Dr. AMBEDKAR LAW UNIVERSITY**

**BRANCH -VIII**

**DEPARTMENT OF LABOUR LAW AND ADMINISTRATIVE LAW**

**LL.M SYLLABUS**

**Specialized Core Papers – 06**

1. Law of Industrial Relations and Governance.
2. Law and Policy of Social Security.
3. Administrative Process and Liability.
4. ILO and Industrial Jurisprudence.
5. Law and Policy on Wages.
6. Judicial Review of Administrative Action.

**Discipline Specific Elective - 03**

7. Law and Service Jurisprudence.
8. Law relating to Occupational Safety, Health and Working Conditions.
9. Law and Governance of Industrial Discipline.

**Generic Elective - 02**

10. Labour Law and Human Rights.
11. Law of Local Governance and Regulatory Mechanism

## SUBJECTS IN SEMESTERS

<b>First Semester</b>	<ol style="list-style-type: none"> <li>1. Judicial Process (<b>Common Paper-1</b>)</li> <li>2. Legal Education and Research Methodology (<b>Common Paper-II</b>)</li> <li>3. Law of Industrial Relations and Governance (<b>Specialized Core paper-I</b>)</li> <li>4. ILO and Industrial Jurisprudence (<b>Specialized Core paper-II</b>)</li> <li>5. Law of Local Governance and Regulatory Mechanism (<b>Generic Elective-1</b>)</li> </ol>
<b>Second Semester</b>	<ol style="list-style-type: none"> <li>1. Constitutional Law: The New Challenges (<b>Common Paper -III</b>)</li> <li>2. Law and Social Transformation (<b>Common Paper -IV</b>)</li> <li>3. Law and Policy of Social Security (<b>Specialized Core paper-III</b>)</li> <li>4. Law and Service Jurisprudence (<b>Discipline Specific Elective-I</b>)</li> <li>5. Applied Research Methodology.</li> </ol>
<b>Third Semester</b>	<ol style="list-style-type: none"> <li>1. Administrative Process and Liabilities (<b>Specialized Core paper-IV</b>)</li> <li>2. Law and Policy on Wages (<b>Specialized Core paper-V</b>)</li> <li>3. Law relating to Occupational Safety, Health and Working Conditions (<b>Discipline Specific Elective-II</b>)</li> <li>4. Labour Law and Human Rights (<b>Generic Elective-II</b>)</li> </ol>
<b>Fourth Semester</b>	<ol style="list-style-type: none"> <li>1. Judicial Review of Administrative Action (<b>Specialized Core paper-VI</b>)</li> <li>2. Law and Governance of Industrial Discipline (<b>Discipline Specific Elective-III</b>)</li> <li>3. Dissertation</li> <li>4. Skill Enhancement Course</li> </ol>

## **PAPER - I**

### **LAW OF INDUSTRIAL RELATIONS AND GOVERNANCE**

**(Specialized Core Paper)**

#### **OBJECTIVES OF THE COURSE**

*Industrial Relations law significantly evolves Labour and Industrial Jurisprudence and it is a law which speaks about employer employee relations and their rights in vice versa. It focuses on Trade Unionism and its functions. The Industrial Relations Law deals with basic and fundamental concepts deriving certain labor theories and their rights. This law has governed that access to adjudication under various industrial dispute resolution mechanisms. Moreover, The appropriate government has an obligation to reconcile certain labour issues particularly power to refer industrial dispute to adjudication machinery. It deals with international labour standards and its ratification of recommendations and conventions by various countries like USA and UK. In the new era the establishment of Code of Industrial Relations, 2020 emphasis the power of appropriate govt. and trade union and workers rights and liabilities aspect focused more.*

*This course has been designed to*

- *Enable the students understanding the concept of industrial jurisprudence in the national and international perspectives*
- *Make them effective participation in trade union movements and inculcate knowledge on labour matters in Legal and Judicial perspectives*
- *Provide practicing knowledge on industrial adjudicatory mechanism in the field of Labour issues like ID cases, tribunal cases and other cases.*
- *Understand International labour standards and its ratification of recommendations and conventions by various countries like USA and UK*

#### **COURSE OUTLINE**

##### **MODULE I - General Principles of Industrial Law and its Governance**

- a) Meaning and significance of Industrial Jurisprudence - Theories of Labour Jurisprudence
- b) Human Rights perspective on Labour Rights
- c) Tripartite Mechanism and workers participation

##### **MODULE II - Law relating to Trade Unionism**

- a) Historical Background of Trade Unionism and Trade Union Movement

- b) Legal Frame work on Trade Union
- c) Recognition of Trade Union and its legal rights

### **MODULE III - Global Commercial Impact on Trade Unionism**

- a) Impact of Globalization, Liberalization and Privatization on Trade Unionism
- b) Judicial Approach on Trade Unionism
- c) Recent amendment on trade union recognition – 2020

### **MODULE IV - Industrial Relations Law and its Governance: General principles**

- a) Industrial Relation -Perspectives and Foundations
- b) State Regulation Of Employer - Employee Relationship-
- c) Constitutional Goals Protecting Capital And Labour

### **MODULE V - Employer and Employee rights on Industrial Dispute**

- a) Employers and Employees rights: Lay off- Retrenchment and Closure in industry
- b) Transfer of undertaking
- c) Legal Control of lay-off retrenchment and closure

### **MODULE VI - Industrial Relations Law and its Governance:**

#### **Adjudicatory Mechanism**

- a) Reference Power Of Government
- b) Adjudication Authorities- Direct Access to Adjudicatory Authority
- c) Judicial Review Of the Reference Power and Adjudicatory Process: Writs And Appeal

### **MODULE VII - Industrial Relations Law and its Governance:**

#### **Alternative Dispute Mechanism**

- a) Voluntary Dispute Settlement Mechanism – Arbitration, Collective Bargaining
- b) Collective Bargaining – Process and Structure and workers participation
- c) Collective Bargaining in U.K., U.S.A., and India

### **MODULE VIII - Impact on International covenants on Industrial Relations**

- a) International Labour Organisation and Industrial Relations and Trade Union
- b) Comparative study on Industrial dispute and its position in UK, USA and India.
- c) ILO Conventions and Recommendations on Collective Bargaining

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3. P.K. Padhi, Labour and Industrial Relations Laws, PHI Learning publication pvt. Ltd., 4<sup>th</sup> ed. 2019
4. S.N.Mishra, Labour and Industrial Law (Central Law Publications, 29th ed., 2019).
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3. Ganga Sahai Sharma - Trade Union Freedom in India. (Deep and Deep Publication),
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3. Bangalore Water Supply and Sewerage Board v. A. Rajappa and another, AIR 1978 SC 548
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5. Arkal Govind Rajrao v. Ciba Geigy of India Ltd., (1985) 3 SCC 371
6. Syndicate Bank v. K. Umesh Nayak, AIR 1995 SC 319
7. Municipal Corporation of Greater Bombay v. Labour Appellate Tribunal of India, AIR 1957 Bom 188
8. D.P. Maheshwari v. Delhi Administration and others, (1983) 4 SCC 293
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19. Management of the Barara Cooperative Marketing cum Processing Society Ltd. v. Workman Pratap Singh, 2019 Latest Caselaw 1 SC

20. Smt. K.A. Annamma v. The Secretary, Cochin Co-operative Hospital Society Ltd, 2018 Latest Caselaw 16 SC

**LEARNING OUTCOMES**

- *After completion of this course the student will have significant research ideas on labour perspective research work.*
- *The student will write labour service-related competitive exams and take practice on labour and industrial relations matters.*
- *Understand the common as well as distinguishing features between Indian, English, and American e Law.*
- *Comprehend the Industrial relation with reference to workers participation in management.*

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**PAPER - II**  
**LAW AND POLICY OF SOCIAL SECURITY**  
**(Specialized Core Paper)**

**OBJECTIVES OF THE COURSE**

*A crucial linchpin of any welfare state is its Social Security law. The concept of social security is based on ideas of human dignity and social justice. According to the International Labour Organisation, social security is the protection that society provides to individuals and households to (a) guarantee income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner; and (b) ensure access to healthcare. This is a protective form of social security. Another aspect of social security is to provide a broad system of support for all those who, for whatever reasons, are unable to maintain themselves, in order to ensure that every individual can attain and maintain a decent standard of life. This is a preventive or promotional form of social security.*

*The concept and aspiration of social security is enshrined in the Indian Constitution. These ideals are further embodied in various statutes and a plethora of administrative measures. These prove that the Indian government, Central and State, consider social security to be a critical objective to be achieved in the democratic process.*

*This course shall examine the various dimensions of labour security measures and explore the role of labour security in a comprehensive and integrated social security.*

- *Enable students to comprehend a global perspective of social security, with specific emphasis being laid on the principles expounded by the International Labour Organisation and a comparative study of the approaches in UK, USA and India.*
- *Provide students with a deep understanding of the laws which provide compensation to employees for workplace accidents, and the underlying principles and doctrines of injuries “Arising out of and in the course of employment”, “Notional extension of Employer’s Premises, Doctrine of added peril” etc..*
- *Explore, in depth, the state insurance scheme for employees, benefits available, conditions for such benefits etc. Study various forms of social security and*

*labour welfare laws passed with the sole aim of ameliorating the lives of workers (such as maternity benefit, gratuity etc.)*

- *Analyse the concept and law of provident funds, which is a form of social security to breadwinners, and allied concepts such as Superannuation Pension, Invalidation Pension, Family Pension and Deposit-Linked Insurance.*

### **COURSE OUTLINE**

#### **MODULE I – Concept of Social Security**

- a) Meaning and Definition of Social security - Evolution of Social Security.
- b) Characteristics of Social Security - Constituents of Social Security – Traditional Constituents of Social Security, Social Insurance and Social Assistance – Modern Constituents of Social Security.
- c) Objectives of Social Security - Benefits provided under Social Security.

#### **MODULE II – Constitutional Perspectives of Social Security**

- a) Social Security and Fundamental Rights.
- b) Social Security and Directive Principles of State Policy.
- c) Judiciary on Social Security.

#### **MODULE III – Law on Employee’s Compensation**

- a) The Employees’ Compensation Act, 1923 - Scope, Objects, Coverage and Definitions.
- b) Liability of The Employer to Pay Compensation - Arising Out of and in the Course of Employment - Doctrine of Notional Extension - Occupational Diseases.
- c) Determination and Distribution of Compensation - Principal Employer’s Right of Indemnity - Commissioner’s Powers and Functions.

#### **MODULE IV – Law on Social Insurance**

- a) The Employee’s State Insurance Act, 1948 - Objects, applications and ‘Seasonal Factory’ – Definitions - E.S.I. Corporation, Standing Committee and Medical Benefit Council.
- b) E.S.I. Fund – Contributions - Benefits.
- c) Adjudication of Disputes and Claims - Penalties.

#### **MODULE V – Law on Maternity Benefits**

- a) The Maternity Benefit Act, 1961 - Object, Application and Definitions - Eligibility to Maternity Benefit.
- b) Maternity Benefit and Other Benefits - Notice of Claim.

- c) Prohibition Against Dismissal - Powers and Duties of Inspectors.

## **MODULE VI – Law on Retiral Benefits**

### **1. Employee’s Provident Fund and Miscellaneous Provisions Act, 1952**

- a) Scope, Coverage, Applications and Definitions - Authorities to Administer the Fund -Contributions.
- b) Employees Provident Fund Scheme, Employees’ Pension Scheme and Deposit Linked Insurance Scheme.
- c) Authorities to determine and Recover Money Due from Employer - Employees’ Provident Fund Appellate Tribunal - Offences and Penalties.

### **2. Payment of Gratuity Act,1972**

- a) Background, Object and Definitions - Payment of Gratuity – Eligibility - Rate of Gratuity – Forfeiture.
- b) Compulsory Insurance - Determination of Gratuity - Recovery of Gratuity.
- c) Controlling Authority - Offences and Penalties.

## **MODULE VII - ILO on Social Security Legislation and its impact in India**

- a) International norms on social security for labour: the ILO Conventions and Recommendations on Social Security
- b) Impact of ILO on Indian Labour Legislations.

## **MODULE VIII - Social Security Law: Comparative Perspectives**

- a) Social Security in UK
- b) Social Security in USA

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#### **LEARNING OUTCOMES**

Upon completing this course, the student will be able to:

- *Comprehend various global approaches to social security, understand the ILO's recommendations in this regard, and appreciate the comparative aspects of approaches adopted by UK, USA and India.*
- *Understand the laws of compensation to employees for workplace accidents, injuries, death etc. and the key underlying principles and doctrines thereof.*
- *Enjoy a wide understanding of employee state insurance schemes and the benefits available thereunder, along with conditions for claiming such benefits.*
- *Appreciate the law relating to provident funds and its allied concepts.*

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**PAPER - III**  
**ADMINISTRATIVE PROCESS AND LIABILITY**

**(Specialized Core Paper)**

**OBJECTIVES OF THE COURSE**

*The Administrative explosion of the 19th century in the common law world brought in new norms of relationship between the state and its citizens. In due course, the continental strategies of control over administration had their influence. Along with this the civil service and administrative agencies gained more and more importance when the state launched welfare programmes and became the guardian of the rights of individuals. The standards of administrative behaviour are moulded and supported through constitutional values in the lands of constitutional sovereignty. Necessarily, a student of law relating to administration should get a deep knowledge of the operation and changing phenomena of these standards from a comparative angle. This is so especially in the wake of technological revolution and its aftermath on the administration.*

*Judicial decisions in the common law world have formulated several duties and liabilities on the administrative hierarchy towards the citizens. Is the state in exercise of sovereign functions liable to compensate the affected persons? To what extent is the state in exercise of sovereign functions immune from liability? The state enters into contracts in more ways than one. Should there be standards of conduct laid down on the state when it does so? How can accountability be determined in all these areas? Open government is one of the significant attributes of good government in democracy. In what way these norms can be meticulously followed by the state in meting out administrative justice. There are problems a country like India does confront in her march towards good governance.*

This course has been designed to:

- *Understand the historical development of the concept of administrative law and the evolution and current status of administrative law in civil and common law countries, such as UK, USA, France and India;*
- *Critically analyse the concept, growth and controls over delegated legislation; Examine the need and reason for the growth of discretionary powers and the ground and extent of judicial review.*

- *Elucidate the basic requirements of procedural fairness and natural justice in administrative procedures; Detail the remedies available for maladministration and the role of ombudsmen in a comparative perspective.*
- *Create a broad understanding of State accountability and enumerate the doctrine of promissory estoppel and legitimate expectation and its position in UK, USA and India.*

### **COURSE OUTLINE**

#### **MODULE I - Origin and Development of Administrative Law in various Systems of Government from Ancient to Modern**

- a) Meaning, Nature and Scope - Origin and Development of Administrative Law in France, U.K., U.S.A., and India.
- b) Droit Administratif.
- c) Reasons for Growth of Administrative Law - Sources of Administrative Law - Relationship between Administrative Law and Constitutional Law.

#### **MODULE II - Administrative Law and Constitutional Concepts**

- a) Rule of Law - Changing dimensions of Rule of Law - Dicey's formulation of Rule of Law - Rule of Law vis-à-vis Administrative Law - Rule of Law in U.K., U.S.A, and India.
- b) Separation of powers – From rigidity to flexibility - Separation of powers in U.K., U.S.A. and India - System of Checks and Balances.
- c) Judicial Functions of Administration.

#### **MODULE III - Delegated Legislation**

- a) Delegated legislation - Reasons for growth of Delegated Legislation - Constitutionality of Delegated Legislation.
- b) Classification of types of Delegate Legislation - Conditional Legislation - Sub-Delegation.
- c) Controls over Delegated Legislation – Legislative Control - Judicial Control - Procedural Control.

#### **MODULE IV - Administrative Discretion**

- a) Meaning and Nature of Administrative Discretion - Need for Discretionary Powers.
- b) Reasons for growth of Discretionary Powers - Ground and Extent of Judicial Review.

- c) Fundamental Rights and Administrative Discretion - Administrative Discretion and Article 14.

#### **MODULE V - Liability of state**

- a) Liability of State in Torts - Principle of Constitutional Torts - Sovereign immunity - Sovereign and non – Sovereign function - Tortious Liability in U.K., and U.S.A.
- b) Liability of the State in Contract - Article 299 and Doctrine of Unjust Enrichment -Contractual Liability and Writ Jurisdiction.
- c) Personal accountability and compensatory jurisprudence vis – a – vis right to life -Government Privileges in Legal Proceedings.

#### **MODULE VI - Privilege against Disclosure**

- a) Concept of Privilege against disclosure - Privilege to With-hold Documents – Position in U.K., U.S.A., and India.
- b) Right to information - Official secrecy.
- c) Executive privilege - Security of state and control on information - Judicial review.

#### **MODULE VII - Promissory Estoppel**

- a) Promissory Estoppel – Concept, Meaning and Evolution - Constitutional Dimensions of Promissory estoppel - Position in U.K. and India.
- b) Estoppel against Statute - Estoppel and Fraud on Constitution - Estoppel and Public Interest -Estoppel and Public Policy.
- c) Doctrine of Legitimate expectation - Position in U.K and India.

#### **MODULE VIII - Controls on Mal-Administration**

- a) Ombudsman – Meaning, Object and Main Characteristics – Need and Utility – Origin and Development - Ombudsman in India – Lok Pal and Lok Ayukta.
- b) Commission of Inquiry - Vigilance Commission.
- c) Inquiries by Legislative Committees - Judicial inquiries - Comparative perspective- Scandinavian Countries U.K., New Zealand and India.

#### **RECOMMENDED READINGS:**

##### **BOOKS**

1. I.P.Massey, “Administrative Law”, (Lucknow: Eastern Book Company, 2008).
2. C.K.Takwani, “Lectures on Administrative Law” (Allahabad law Agency, 2014).

3. M.P.Jain & S.N. Jain, "Principles of Administrative Law" (Gurgaon: Lexis Nexis, 2013).
4. Ivor Jennings , "The Law and the Constitution" (University of London Press, 1964).
5. Neville L. Brown and J.F. Garner, "French Administrative Law", London, Butterworths, (1973).

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2. V.S.Chauhan, "Reasoned Decision: A Principle of Natural Justice" 37(1) JILI 92-104 (1995).
3. V.Ramaseshan, "Promissory Estoppel and State Liability" 31(4) JILI 482-520 (1989).
4. Rajeev Dhavan, "Information and Democracy in India" 47(3) JILI 295-325 (2005).
5. K.I.Vibhute, "Administrative Tribunals and the High Courts: A Plea for Judicial Review" 29(4) JILI 524-546 (1987).

#### **FURTHER READINGS:**

##### **BOOKS**

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2. Peter H. Schuck, Foundation of Administrative Law (Foundation Press, 2004).
3. W. Friedman, "The State and the Rule of Law in a Mixed Economy" (London: Stevens & Sons, 1971).
4. Dr.J.J.R. Upadhyay, "Administrative Law" (Central Law Agency, 1998).
5. Neville L. Brown and J. F. Garner, "French Administrative Law" (Butterworths & Co. Publishers Ltd, 1973).
6. A.V. Dicey, "Law of the Constitution" (Oxford Publishers, 2013).
7. Schwartz and Wade, "Legal Control of Government" (Oxford University Press, 1972).
8. A.T.Markose, "Judicial control of Administrative action in India" (1956).
9. Schwartz, "Introduction to American Administrative Law" (Pitman Publishers, 1962).

10. Anderson & Moore, "Establishing Ombudsman offices: Recent Experience in the United States" (University of California, 1972).

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1. Farrah Ahmed and Adam Perry, "The Coherence of the Doctrine of Legitimate Expectation" 73(1) CLJ 61-85 (2014).
2. V.S.Chauhan, "Reasoned Decision: A Principle of Natural Justice" 37(1) JILI 92-104 (1995).
3. Surendra Yadav, "State Liability: A New Dimension from Rudul Shah" 43(4) JILI 559-569 (2001).
4. M.P.Singh, "Duty to give reasons for Quasi-Judicial and Administrative Decisions" 21(1) JILI 45-73 (1979).
5. Janina Boughey, "Administrative Law: The Next Frontier for Comparative Law" 62(1) ICLQ 55-95 (2013).
6. Charles H.Koch Jr., "Introduction: Globalisation of Administrative and Regulatory Practice" 54(1) ALR 409-414 (2002).
7. Joseph Minattur, "French Administrative Law" 16(3) JILI 364-376 (1974).
8. Bernard Schwartz, "Fashioning and Administrative Law System" 40(3) ALR 415-432 (1988).
9. David Annousamy, "French Administrative Tribunals" 26 JILI 80-88 (1984).
10. Kevin M.Stack, "An Administrative Jurisprudence: The Rule of Law in the Administrative State" 115(7) CLR 1985-2018 (2015).

#### **CASES FOR GUIDANCE**

1. Jalan Trading Co. (P) Ltd. v. Mill Mazdoor Union, AIR 1967 SC 691.
2. Avinder Singh v. State of Punjab, AIR 1979 SC 321.
3. Chintamanrao v. State of M.P, AIR 1951 SC 118.
4. Raza Buland Sugar Co. v. Rampur Municipality, AIR 1965 SC 895.
5. State of Rajasthan v. Vidyawati, AIR 1962 SC 933.
6. Kasturilal v. State of UP, AIR 1965 SC 1039.
7. People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473.
8. R.K.Karanjia v. Emperor, AIR 1946 Bom.322.
9. State v. K.Balakrishna, AIR 1961 Ker 25.
10. Nandalal More v. The State, (1965) Cr.LJ 392 (Pb.).
11. Bennett Coleman & Co. v. Union of India, AIR 1973 SC 783.
12. State of U.P v. Raj Narain, AIR 1975 SC 865.

13. Duncan v Cammell Laird & Co.Ltd, (1942) AC 624.
14. Conway v Rimmer, (1968) AC 910.
15. State of Punjab v Sodhi Sukhdev Singh, AIR 1961 SC 493.
16. N. Nagendra Rao v. State of A.P., AIR 1994 SC 2663.
17. Rudal Shah v. State of Bihar, AIR 1983 SC 2083.
18. Sebastian M. Hongray v. Union of India, AIR 1984 SC 1026.
19. Bhim Singh v. State of J & K, AIR 1986 SC 494.
20. Ranjit Singh v. Union of India, 1981 AIR 461.

### **LEARNING OUTCOMES**

After completion of the course students will be able to –

- *Appreciate the historical development of administrative law and gain conceptual clarity of this branch of law across various civil and common law jurisdictions;*
- *Understand the common as well as distinguishing features between Indian, English, French and American Administrative Law.*
- *Comprehend the Nature, Limits and Control over Delegated Legislation and the exercise of Administrative discretion and Procedural fairness.*
- *Discern the criticality of judicial review and state accountability and understand the available remedies.*

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**PAPER - IV**  
**ILO AND INDUSTRIAL JURISPRUDENCE**

**(Specialized Core paper)**

**OBJECTIVES OF THE COURSE**

*The International Labour Organization (ILO) providing for the International labour standards (ILS) which is the foundation for the development of Domestic Labour Laws. ILS developed through the industrial jurisprudences is strengthening domestic case law on labour matters., Labour jurisprudences as catalyst for law reforms both at the national and International level for the promotion of ILS applicability. The contribution of ILO and Industrial Jurisprudence is widely appreciated by national legislations promoting to settle labour disputes. It is the foundation of interpretation and enforcement for administrators, judges and lawyers in ILO member States. International labour Conventions and Recommendations along with the work of the ILO's supervisory bodies guide to interpret and complement the domestic law of respective nations. The course on ILO and Industrial Jurisprudence intends to equip law professionals with the knowledge that will enable them to use international labour law sources at national level in their daily practice. After undergoing the study, the student will:*

- *Get the in-depth knowledge of the instruments and supervisory machinery of the ILS system;*
- *Analysis and pronouncements of the ILO's supervisory bodies;*
- *Determine when and how domestic judges and lawyers can use international labour law to solve labour disputes;*
- *Identify and make use of ILS in key areas such as freedom of association, the right to collective bargaining, non-discrimination in employment and occupation, forced labour, child labour, occupational safety and health, determination of the existence of employment relationships, termination of employment.*

**COURSE OUTLINE**

**MODULE I - Introduction- International Labour Organisation (ILO)**

- a) Genesis- ILO-Factors responsible for establishment of ILO
- b) Aims, Objectives and Development and Dimensions -Tripartism
- c) Voluntarism in Labour Relations and Code of Discipline in Industry.

## **MODULE II - Structure and Functions of ILO**

- a) Organs of the International Labour Organisation (i) The International Labour Conference (ii) The governing Body (iii) The International Labour Office
- b) The Regional Conferences
- c) Industrial Committees, their composition, functions.

## **MODULE III - Industrial Jurisprudence**

- a) Industrial Jurisprudence and Interpretations -Concept & Growth of Labour Law Industrial Relations
- b) Human Rights, Social Welfare State, Globalization, Economy, Social Justice, Natural Justice,Stake holders -State, Employer, Employee.
- c) Comparative analysis - Industrial Jurisprudence in UK and USA

## **MODULE IV - ILO Conventions and Recommendations**

- a) ILO - Basic Human Rights- Freedom of Association - Forced Labour -Equality of opportunity and Treatment
- b) Empowerment of Women -Employment of Children and Young Persons
- c) Conditions of Employment-Industrial Relations - Wages, Salary, Health and Welfare.

## **MODULE V - Ratification and Enforcement**

- a) The I.L.O -Legislative Procedure-Conventions and Recommendation
- b) Procedure for Adoption, Ratification and Application
- c) Problems in their Rectification.Obligation of Members

## **MODULE VI - Tripartite Structure -Industrial Relations**

- a) India in ILO- Position of India in the Governing Body- International Labour Office
- b) Tripartisim -Indian Procedure of ratification of Conventions – Tripartite consultations
- c) Constitutional Framework -Administrative Procedure- Indian Labour Conference - Standing Labour Committee.

## **MODULE VII - Constitution of India, Human rights and ILO**

- a) Constitution of India and Labour Rights, Inter-relationship, employment relationship, termination of service, rights, powers and immunities
- b) b.ILO-Standard and Indian response -ratification and to unratified conventions



- c) I.L.O. Conventions and Recommendations -Interpretation of definitions, duties and liabilities

### **MODULE VIII - Supervision, Enforcement and Adjudication**

- a) ILO-Labour Law and Administration, Enforcement and Public Interest Litigation, Legal services programme,
- b) Industrial Relations, Human Rights and Justice - Registration of Conventions with UNO
- c) Supervisory Mechanism to ensure observance of ratified conventions  
Commissions of Enquiry - Role of ICJ

### **RECOMMENDED READINGS:**

#### **BOOKS**

1. I.L.O. Office, Geneva: “*International Labour Conventions and Available at-  
https:// Recommendations*” in 3 volumes, Geneva.  
[www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_192621.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_192621.pdf)
2. Vaidyanathan N, “ *I.L.O. Standards for Social Justice and development of labour*”, (1992), Deep and Deep Publications, New Delhi,
3. Rama Jois, *Ancient Indian Law-Eternal Values in Manu Smriti*, (2002) Universal Law Publishing Co., New Delhi,.
4. S.N.Dhyani : *International Labour Organisation and India*, (1977) Allahabad Law Agency, Allahabad.
5. Dr.EM Rao , “*Industrial Jurisprudence – A critical Commentary*”,( 2015) Lexis Nexis.

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1. Alston, P. (2005). Facing up to the complexities of the ILO’s core labour standards agenda. In *European Journal of International Law*.  
<https://doi.org/10.1093/ejil/chi126>
2. Niu, S. (2010). Ergonomics and occupational safety and health: An ILO perspective. *Applied Ergonomics*. <https://doi.org/10.1016/j.apergo.2010.03.004>
3. Tomei, M., & Belser, P. (2011). New ILO standards on decent work for domestic workers: A summary of the issues and discussions. *International Labour Review*. <https://doi.org/10.1111/j.1564-913X.2011.00127.x>

4. Taderera, H. (2012). Occupational Health and Safety Management Systems: Institutional and Regulatory Frameworks in Zimbabwe. *International Journal of Human Resource Studies*. <https://doi.org/10.5296/ijhrs.v2i4.2149>
5. International Labour Organization. (2003). Code of practice on workplace violence in services sectors and measures to combat this phenomenon. *International Labour Review*.

#### **FURTHER READINGS:**

##### **BOOKS**

1. David A.Morse: The Origin and Evolution of I.L.O. and the Role in the World Community. (1969) Cornell University-New York State School of Industrial and Labor Relations
2. A.Gewirth, "The Epistemology of Human Rights ,in social Philosophy and Policy" ,Vol 1,Issue 02, Spring 1984
3. A.W.B Simpson ,Oxford Essay on Jurisprudence, Clarendon Press , @ed Series ,1973.
4. G. K. Johri : Indian Tripartite System. Report of National Commission on Labour 1969 and 2002 (India).
5. Government of India Report 1940 on BTLEC
6. G.P Singh Principles of Statutory Interpretation, Wadhwa Nagpur, 5h Ed,1992.
7. R.Pound ,Outline of Jurisprudence, Harvard University Press,5<sup>th</sup> Ed. 1943.
8. AIOE, Industrial Unrest – Past trends and Lessons for Future,FICCI,New Delhi,2012.
9. Austin, Granville. The Indian Constitution: Cornerstone of a Nation. New Delhi: Oxford University Press, 2015.
10. E.M. Rao, Industrial Jurisprudence: A Critical Commentary, Lexis Nexis, Butterworths, Wadhwa, 2008

##### **JOURNALS/ ARTICLES:**

1. Rio Tinto. (2012). Human Rights Policy. *Rio Tinto*. <https://doi.org/10.1017/CBO9781107415324.004>
2. ILO. (2008). Women's Empowerment: 90 years of ILO action. In *International Labor Organization (ILO)*.
3. Asmat, R., & Mehboob, M. S. (2016). International Laws and Policies for Addressing Sexual Harassment in the Workplace. In *International Research*

*Journal of Interdisciplinary & Multidisciplinary Studies (IRJIMS) A Peer-Reviewed Monthly Research Journal.*

4. United Nations Encyclopedia of International Organisations.,  
<https://www.britannica.com/topic/United-Nations>
5. Fried, John H. E. “Relations Between the United Nations and the International Labor Organization,” *American Political Science Review*, Vol. 41, No. 5 (October, 1947), pp. 963–977
6. Dufty, N.F. “Organizational Growth and Goal Structure: The Case of the ILO,” *International Organization* 1972 Vol. 26, pp 479–498
7. VanDaele, Jasmien. “The International Labour Organization (ILO) In Past and Present Research,” *International Review of Social History* 2008 53(3): 485–511, historiography
8. Morse, D. *The Origin and Evolution of the ILO and its Role in the World Community* (Ithaca, 1969)
9. VanDaele, Jasmien. “Engineering Social Peace: Networks, Ideas, And the Founding of the International Labour Organization,” *International Review of Social History* 2005 50(3): 435–466
10. I.L.O. :*International Labour Codes, Vol. I & II*

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1. *Som Prakash v. Union of India*. A. I. R. 1981 S. C. 212.
2. *Bandhua Mukti Morcha v. Union of India* A. I. R. 1984 S. C. 802.
3. *People Union for Democratic Rights & others. v. Union of India*. 1982 II L. L. J. 454(S.C.)
4. *National Textiles Workers Union v. Ram Krishna* A. I. R. 1983 S. C. 759.
5. *Excel Wear v. Union of India* 1978, L. C. J. 527 (S.C.)
6. *The Delhi Cloth & General Mills Ltd. v. Sambhunath Mukerjee*. 1935 I. L. J. 36 (S.C.)
7. *S.N. Rai v. Viswanath Lal*, AIR 1960 Patna 10
8. *State of Bihar v. Kameshwar*, AIR, 1952 SC 252
9. *Western India Automobile Association v. industrial Tribunal*, 1949, AIR, 1949 FC 111
10. *J.K Iron Steel Company Ltd v. Iron and Steel Mazdoor Union*, ILLJ 1956, 227 SC

11. All India Bank Employee's Association v. National Industrial Tribunal and others, 1962, 3, SCR, 269
12. B.R. Singh v. Union of India, 1989(4), SCC, 710.
13. Communist party of India v. Bharat Kumar and Others, 1998(1) SCC 201
14. Kameswar Prasad and others v. State of Bihar 1962 Supp. 3, SCR, 369.
15. Radhey Sham Sharma v. The Post Master General, Central Circle, Nagpur, 1964(7) SCR. 403
16. Romesh Thappar v. State of Madras, 1950, SCR, 404
17. T.K Rangarjan v. State of Tamil Nadu, 2003 (5) SCALE 537
18. Keshawanand Bharati v. State of Kerala, AIR .1973 SC1461.
19. JK Cotton Spinning and Weaving Mills & Weaving Mills V. Labour Appellate Tribunal, A.I.R. 1964 S.C. 737.
20. Shambhu Nath Coyal V. Bank of Baroda, 1978 LLJ 484 (SC)

#### **LEARNING OUTCOMES**

At the end of the semester, the students will be able to:

- *Competent to practice Labour and service matters with the knowledge of both national and International laws-undertake legal research and promote legal reforms in theory and practice.*
- *Gain skill and competency to decide and resolve ethical hitches in ratification and enforcement of conventions and Recommendations by the members countries.*
- *Analyze and apply the substantive techniques of tripartite structure and functioning of ILO and its organs.*
- *Choose the right laws and effective interpretations, bringing about consensus and draw up a settlement agreement in Labour disputes.*

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**PAPER - V**  
**LAW AND POLICY ON WAGES**  
**(Specialized Core Paper)**

**OBJECTIVES OF THE COURSE**

*The Law relating to Wage and its policy is in par with Constitutional ideals and values with special to Directive Principles of State Policy in Indian Constitution Law. It derives certain theories and classifies various form of wage determination in India. The Legal Frame work on law relating to wages and its contribution of appropriate govt. is significantly emphasized in this course. This course is mainly focuses on rationalization of wage differential and the need of wage increase in order to make country in a socio – economic status of the country. It also proposes various national wage policies in India. Moreover, the contribution of ILO and its recommendations and conventions is a leading policy mechanism for every country in the wage perspective.*

*This course has been designed to*

- *Provide know how of wage law and policy and the students are taking part in wage negotiations at regional as well in industrial level*
- *Enable the students to contribute wage and other benefits related matters in their carrier.*
- *Encompass certain research on wage laws*
- *Understand the policies and make recommendations to State.*

**COURSE OUTLINE**

**MODULE I - Constitutional Perspectives on Wages**

- a) Directive Principles of State Policy and Wage policy
- b) The constitutional ideals: protection against exploitation
- c) Right to equal pay for equal work – Legal and Judicial Perspective

**MODULE II - General Principles of Concept of Wage**

- a) Concept of Wage - Theories of wages
- b) Kinds of Wage: Minimum Wage, Fair Wage and Living Wage
- c) Concept of bonus-Theories of bonus

**MODULE III - Law relating to Wage Determination**

- a) Legal Frame work on Law relating to Wages in India
- b) Minimum wage protection and responsibility of State

- c) Fixation and revision of Minimum wage and its enforcement

#### **MODULE IV - Legal Frame work on Payment of Wages**

- a) Payment of wages
- b) Delay and deduction
- c) Statutory regulation — Computation of bonus – Disqualification – Set off and set on.

#### **MODULE V - Legal frame work on Payment of Bonus and other benefits**

- a) Classification of Bonus
- b) Full Bench Formula
- c) Doctrine of set off and set on - Ex gratia payment and Payment of Bonus

#### **MODULE VI - Principles of Wage Differential Procedure and Process**

- a) Wage Structure and contribution of Pay Commissions in India
- b) Wage Differentials: Problems and Perspectives
- c) Diminishing the differentia: Inter-industry, intra-industry and regional factors

#### **MODULE VII - Wage Policy: Extent, Nature and Scope**

- a) National Wage Policy: Problem and Perspectives
- b) National wage policy and its approaches: Need for integrated approach, income approach price approach on wage
- c) Problems of mixed economy and Wage Policy in India

#### **MODULE VIII - International Perspective on Wage law and policy**

- a) International Standardization of wages
- b) Role of ILO: conventions and recommendations relating to wages
- c) Recent amendment on Wages : Labour Code, 2020 - Comparative study on wage structure in USA, UK and India

#### **RECOMMENDED READINGS:**

##### **BOOKS**

1. O.P. Malhotra, Law of industrial Disputes (1999)
2. G.L- Kothari, Wages, Dearness Allowances and Bonus (1968)
3. J.N.Malik, “The Payment of Wages Act”
4. D.S.Chopra, “Payment of Bonus Act”
5. Menon, “Foundation of Wage Policy”

##### **JOURNALS / ARTICLES**

1. Indian Journal of Labour Economics
2. International Labour Organisation and its Publications

3. Industrial Law Journal
4. Labour Law Journal
5. Employee Relations Law Journal

**FURTHER READINGS:**

**BOOKS**

1. R.D. Agarwal, Dynamics of Labour Relations in India (1972)
2. Victor George , “ Social Security & Society” (1973) ILO on Wages (1968)  
ILO on Poverty and Minimum living standards (1970)
3. G.L. Kothari, “Wages, Dearness Allowance and Bonus” (1968).
4. Deepak Bhatnagar, “State and Labour Welfare in India” (1985)
5. International Labour Organisation, “India Wage Report: Wage Policies for Decent work and inclusive growth”, 2018
6. Deepak Bhatnagar, “Labour Welfare and Social Security Legislation in India” (1984) School of Legal Studies , “ Cochin University Law Review”, pp. 1-36 and 125-150 CUSAT Volume (1989)
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2. Himanshu, “Growth, structure change and wages in India: recent trends”, Indian Journal of Labour Economics, 2017
3. Patrick Baiser and Uma Rani, “Extending the Coverage of Minimum Wages in India: Simulations from Household Data”, Economic and Political Weekly 46(22), 2011
4. Nivedita Jayaram, “Protection of Workers’ Wages in India: An Analysis of the Labour Code on Wages, engage, vol.54, Issue.49, 2019
5. Shuriti Sharma, “Employment, Wages and Inequality in India: An Occupations and Tasks Based Approach”, Indian Journal of Labour Economics, 2016

6. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India -Problems and Prospects" 23 J.I.L.I. 495 (1981)
7. Sahab Dayal. "Wage, Income and Industrial Relations in Modern India: An Evaluation of selected Empirical Implications". 15 Indian Journal of Industrial Relations 295 (1977)
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9. Deepak Lal, "Theories of Industrial Wage Structures: A Review" 15 Indian Journal of Industrial Relations 167 (1979)
10. C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344 (1985)

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1. Unichinoy v. State of Kerala, AIR 1962 SC 12
2. N.M. Wadhia Charitable Hospital v. State of Maharashtra, 1993
3. Balaram Abaji Patil and Others v. M.C. Ragojiwalla and another, AIR 1961 Bom 59
4. Randhir Singh v. Union of India, AIR 1982 SC 879
5. People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1793
6. D.P. Kelkar v. Ambadas Keshav Bajaj and Others, 1970
7. Syed Yakoob v. K. S. Radhakrishnan and others, AIR 1964 SC 477
8. Bakshi Security and Personnel Services Pvt. Ltd. v. Devkishan Computed Pvt. Ltd. and Ors. [July 26, 2016]
9. Managing Director, Chalthan Vibhag Sahakarikhanda Udyog, Cha v. Government Labour Officer & Ors [1981] INSC 23 (4 February 1981)
10. Commissioner Of Income-Tax v. Andhra Pradesh Riding Club on 3 March, 1987, 1987 168 ITR 393 AP
11. Sabanayagam K. vs The Secretary To Government Of TamilNadu and others on 24 January, 1983, (1984) ILLJ 87 Mad
12. The Upper India Coupar Paper Mills ... v. J.C. Mathur on 23 March, 1959, AIR 1959 All 664
13. Senior Superintendent of Post Offices v. Gursewak Singh and Others, 2019 Latest Caselaw 278 SC
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[2003] Insc 532 (28 October 2003)
16. The Hindustan Times Ltd.v. Their Workmen on 14 December, 1962, AIR 1963  
SC 1332
17. Hindustan Antibiotics Ltd vs The Workmen & Ors on 3 October, 1966, 1967  
AIR 948
18. M/s. Lakshmi Precision Screw Ltd., v. Ram Baghat, 2002
19. Steel Authority of India Ltd., and another v. Jaggu and others, 2019
20. Union of India Vs. Dr. O.P. Nijhawan, 2019 Latest Caselaw 5 SC

### **LEARNING OUTCOMES**

- *This course will give significant ideas on research on Wage policy and its issues at their Doctorial research level.*
- *This course will give research ideas on Constitutional and Judicial perspective research work.*
- *The student will write labour service-related competitive exams and take practice on labour and industrial relations matters.*
- *Understand the significance of the process of fixation of wages and the role played by various stake holders in this process.*

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**PAPER - VI**  
**JUDICIAL REVIEW OF ADMINISTRATIVE ACTION**  
**(Specialized Core Paper)**

**OBJECTIVES OF THIS COURSE**

*Administrative law is a law in which derived by mainly on judge-made laws and has secured its present features through a myriad of judicial decisions. The evolution of the judicial trends and its reviewing administrative process and procedures has been made of this law. The jurisdictional aspects of administrative decision is subjected to review on the grounds on principles of natural justice which decisions are challenged, the scope of review of delegated legislation and the limitations on the judicial review of administrative action are to be studied in detail in this course. The procedural fairness is the key to good administrative decision and the various remedies rendered in judicial process is way to clear for achieving administrative justice. The ever-increasing number of delegated legislations in the form of notifications, rules, regulations, circulars and general orders has been forming the characteristics of law. Such administrative actions are under judicial review in par with interest of general public and laying down constitutional ideals and values.*

*This course has designed to*

- *Provide knowledge on administrative action and its judicial scrutiny on such action*
- *Make the students to get knowledge on administrative process and judicial review on such process*
- *The students can enhance knowledge on service matters and High Court and Supreme Court role on check and balance on administrative functions*
- *Enable them to take practice on Writ Jurisdiction and its judicial trends*

**COURSE OUTLINE**

**MODULE I -General principles of Judicial function**

- a) Meaning, Scope and Significance of concept of Judicial review
- b) Evolution of Concept of judicial review in Common law countries and French system Judicial review in India
- c) National and International perspective on Judicial review

**MODULE II - Classification of Administrative process and judicial review - I**

- a) Delegation powers
- b) Extraneous consideration
- c) Acting under dictation

**MODULE III - Classification of Administrative process and judicial review - I**

- a) Malafides and bias
- b) Unreviewable discretionary powers
- c) Fundamental rights and its violations

**MODULE IV - Grounds to approach of judicial review**

- a) Doctrine of ultra vires
- b) Violation of fundamental rights
- c) Discretion and justifiability - Lack of rationality and proportionality

**MODULE V - Principles of Natural Justice and Judicial review**

- a) Procedural fairness and legitimate expectation
- b) Natural justice and duty to act fairly - Principles of natural and Fair hearing.
- c) Bias and personal interest

**MODULE VI - Statutory Remedies of Administrative action - I**

- a) General and specific remedies
- b) Constitutional remedies
- c) Parent Act and enabling Act remedies

**MODULE VII - Statutory Remedies of Administrative action - II**

- a) Legal remedies: Injunction and Declaration.
- b) Limits of judicial review and public interest litigation
- c) Doctrine of standing and doctrine of Ripeness

**MODULE VIII - Judicial review Mechanism and its non-statutory Remedies**

- a) Writ Jurisdiction and Judicial review Remedies - Locus standi - Latche
- b) Human Rights perspective of Judicial Remedy – Preventive Detention
- c) Comparative study on concept of Judicial Review in U.K., U.S.A., and India

**RECOMMENDED READINGS:**

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1. Jain & Jain, Principles of Administrative Law (1986),
2. Peter Leyland and Gordon Antony, Text Book on Administrative Law, Oxford University Press, 8<sup>th</sup> ed., 2016
3. S.P. Sathe, Administrative Law (1998), Butterworths, India.

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2. P. Leelakrishnan, “Reviewing Decision of Administrative Tribunal: Paternalistic Approach of the Indian Supreme court and need for Institutional reform”, Journal of Indian Law Institute, Vol.54, Issue 1, 2012, pp 1-26
3. Antharvedi, Usha, “Judicial review of administrative action and principles”, <http://papers.ssrn.com>, 2008
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2. M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur.
3. Fazal - Judicial Control of Administrative Action in India and Pakistan (1969)
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10. Hentry William Rason Wade and C. F. Forsyth, Administrative Law, Oxford University Press, 11<sup>th</sup> ed., 2014

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2. Joseph Minattur, "French Administrative Law" 16(3) JILI 364-376 (1974).
3. Bernard Schwartz, "Fashioning and Administrative Law System" 40(3) ALR 415-432 (1988).
4. David Annousamy, "French Administrative Tribunals" 26 JILI 80-88 (1984).
5. Kevin M.Stack, "An Administrative Jurisprudence: The Rule of Law in the Administrative State" 115(7) CLR 1985-2018 (2015).
6. Schapiro., "Judicial Federalism and the Challenges of State Constitutional Contestation", 115(4) Penn State Law Review 983-1006 (Spring 2011).
7. Jonathan Siegel, "Institutional case for Judicial Review" 97(4) Iowa Law Review 1147- 1200 (2012 May).
8. Prof. Upendra Baxi, "Development in Indian Administrative Law", Jaipur Law journal, (1969) 9 pp 133-171
9. K.L. Bhatia, "Review: Administrative Law", Journal of Indian Law Institute, Vol.38, Issue 2, 1996, pp 253-259
10. Santanu Sabhapandit, "Art.12 and Judicial Review of Administrative Action: An Analysis", Indian Law Review, 2018

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1. A.K. Kraipak v. Union of India, AIR 1970 SC 150
2. Ridge v. Baldwin [1963] UKHL 2
3. Maneka Gandhi v. Union of India, (1978) 1 SCC 248
4. A.V. Bellarmin v. V. Santhakumaran Nair, judgement delivered on 13.08.2015 by Hon,ble High court of Madras, Madurai Bench
5. Tata cellular v. Union of India, Supreme Court of India, 26<sup>th</sup> July, 1994
6. Gullappali Nageshwara Rao and other v. Andhra Pradesh State Road Transport Corp. and another, Supreme Court of India, 5<sup>th</sup> November, 1958
7. Sub – Committee of Judicial Accountability v. Union of India and Others, Supreme Court of India, 29<sup>th</sup> October, 1991
8. Uma Nath Pandey v. State of U.P, AIR 2009 SC 2375
9. S. P. Gupta v. Union of India, (1982) 2 SCR 365
10. Mdd Medical systems (P) Ltd., and others v. State of Gujarat, 7<sup>th</sup> May, 2018

11. L. Chandra Kumar v. Union of India and Others, Supreme Court of India ,18<sup>th</sup> March, 1997
12. Common Cause, A Registered Society v. Union of India and others, Supreme Court of India, 03/08/1999
13. State of Andhra Pradesh v. Venugopal, AIR 1964 SC 337
14. Rai Sahib Ram Jawaya Kapur And Others v. The State Of Punjab, AIR 1955 SC 549,
15. Dwarka Prasad Laxmi Narain v. State of UP 1954
16. J.R. Raghupathy and others v. State Of Andhra Pradesh and Others, AIR 1988 SC 1681
17. S.R. Bommai and Others v. Union of India and Others, AIR 1994 SC 1918
18. B.V. Narayana Reddy and others v. State of Karnataka and others, AIR 1985 Kant 99
19. Raghunath Thakur v. State of Bihar, (1989) 1 SCC 229
20. Union of India v. International Trading Co., (2003) 5 SCC 437

#### **LEARNING OUTCOMES**

- *This course will give research ideas on Constitutional and Judicial perspective research work.*
- *It gives significant knowledge on service law matters and the student will take practice on service side. .*
- *Understand administrative functions and the extent of judicial control*
- *Comparative analysis of the concepts in USA ,UK and Indian perspective.*

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**PAPER - VII**  
**LAW AND SERVICE JURISPRUDENCE**  
**(Discipline Specific Elective Paper)**

**OBJECTIVES OF THE COURSE**

*It has long been an axiom that government service is not merely a contract but a status. The Indian civil service and the appointment of civil servants are constitutionally mandated processes and events which flow from one of the foundational basic features of the Constitution, Separation of Powers. A Specialist in Labour and Administrative law is entrusted with the unique responsibility of ensuring that they are well versed in these Constitutionally enshrined laws. A Master's student of Labour and Administrative Law must be in a position to critically analyse, assess and understand legal developments regarding Civil Servants in India, while also being able to place these developments in their appropriate global and comparative context. Service law jurisprudence in India traces its genesis to British and American law.*

*This specialist course focuses on the civil servants, their recruitment and promotion, conditions of service, special category of services and settlement of disputes in Service matters, both in India and through a comparative lens.*

*This course has been designed to:*

- Analyse in-depth the Constitutional mandate governing civil services, along with precedents, doctrines (including the Doctrine of Pleasure) and their limitations; and principles of natural justice;*
- Provide a detailed picture of the recruitment and promotion guidelines and understand the rules governing conditions of service, which is critical to promote transparency and public participation;*
- To study, with specific emphasis, the law governing recruitment, promotion, conditions of service and disciplinary action for Judicial Officers and civil servants related to judicial services;*
- Introduce the student to certain special categories of services and laws applicable to them; Place Indian service laws in a global and comparative context; Elucidate dispute settlement mechanisms.*

## **COURSE OUTLINE**

### **MODULE I – Historical Background and Constitutional Dimensions of Service**

#### **Law**

- a) Origin and Concept Governance in Ancient India – Concept of *Dharma* and Duty - *Arthashastra* and Kautilya's '*Amatyas*'- *Bhagavad Gita* and Administration
- b) Centralised Administration of Mughals
- c) Evolution of Modern Service Law - British Civil Service - Modernisation of Civil Services in Independent India – Constitutional Dimension: Civil Servants and Fundamental Rights - Doctrine of Pleasure - Limitation on the Doctrine of Pleasure - Disciplinary Authority - Action only by an authority not subordinate to Appointing Authority - Opportunity of Being Heard and its Exceptions.

### **MODULE II – Recruitment and Promotion**

- a) Central and State Agencies for Recruitment – Methods – Jurisdiction – Qualification - Functions.
- b) Immunities of Public Service Commission.
- c) Civil Service Reforms in India.

### **MODULE III - Conditions of Service**

- a) Kinds of Leave and Conditions of Eligibility - Pay, Dearness Allowances and Bonus: Machinery for fixation and Revision of Pay Commission.
- b) Social Security: Provident Fund - Superannuation and Retrial Benefits - Medicare. Maternity Benefits - Employment of Children of those dying in Harness (Compassionate Appointments) - Compulsory Insurance.
- c) State Government Employees and Central Government Employees.

### **MODULE IV – Special Category of Services**

- a) Judicial Officers and Servants: Appointment and Conditions of Services.
- b) Officers and Servants of Supreme Court and High Court – Recruitment – Promotion - Conditions of Service and Disciplinary Action.
- c) All India Services – Object - Regulation of Recruitment and Conditions of Service - Disciplinary Proceedings.

### **MODULE V – Settlement of Disputes over Service Matters**

- a) Departmental Remedies – Representation – Review - Revision and Appeal.
- b) Remedy Before the Administrative Tribunal -Jurisdiction - Scope and Procedure - Merits and Demerits - Exclusion of Jurisdiction of Courts.



- c) Judicial Review of Service Matters.

## **MODULE VI – Globalisation, Good Governance and Indian Administrative Machinery**

- a) Administration in a Globalised World – Challenges and Impact.
- b) Good Governance in Administration and Civil Services – Comparative Position in U.S.A., U.K. and France.
- c) RTI, Whistleblower Protection and Transparency in Civil Administration.

### **RECOMMENDED READINGS:**

#### **BOOKS**

1. N. Narayanan Nair, *The Civil Servant under the Law and Constitution* (Academy of Legal Publications, Kerala, 1973).
2. Samaraditya Pal, *Law relating to Public Service* (Lexis Nexis; 3<sup>rd</sup> edn., 2011).
3. H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing - An imprint of Lexis Nexis; 4<sup>th</sup> edn., 2015).
4. K.N. Goyal, *Administrative Tribunals Act, 1985* (Eastern Book Company, Lucknow, 2<sup>nd</sup> edn., 1990).
5. J. K. Soonavala, and Mohan Lal Singha, *Soonavala's Supreme Court on Service Laws (1950-2017)*(Lexis Nexis, 2017).

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2. O.P. Motiwal, “Development of Legal Rights of Civil Servants in India” 17 JILI 437-445 (1975).
3. Rameshwar Dial, “Civil Servants under the Constitution” 2 JILI 481-508 (1960).
4. L.M. Bhatia, “Government Servants and Political Mores” 15 JILI 301-305 (1973).
5. V.K.T. Chari, “A Note on Civil Servants – Disciplinary Proceedings” 5 JILI 148-153 (1963).

### **FURTHER READINGS:**

#### **BOOKS**

1. Durga Das Basu, *Introduction to the Constitution of India* (Wadhwa and Company Law Publishers, New Delhi, 19<sup>th</sup> edn., 2004).

2. S.S. Upadhyay and Sachin Upadhyay, *Law of Disciplinary Proceedings in India* (Thomson Reuters, 2018).
3. Justice T.S. Doabia, *The Law of Services and Dismissals* (Lexis Nexis, 6<sup>th</sup> edn., 2015).
4. Institute of Secretariat Training and Management (DoPT), *Handbook for Inquiry Officers and Disciplinary Authorities* (2013).
5. Elliott Mark, *Administrative Law: Text and Materials* (Oxford University Press, New York, 2007).
6. J.K. Varma, *Misconduct in Employment* (Eastern Book Company, 3<sup>rd</sup> edn., 2015).
7. K.M. Mandal, *Laws on Public Service* (Eastern Law House, 1<sup>st</sup> edn., 2017).
8. M. Rama Jois, *Services under the State* (ILI, Bangalore, 1974).
9. Verma and Kusum (eds.), *Fifty years of Supreme Court of India: Its grasp and reach* (Oxford University Press, 2003).
10. Arghya Sengupta, *Independence and Accountability of Indian Higher Judiciary* (Cambridge University Press, 1<sup>st</sup> edn., 2019).

#### **JOURNALS/ARTICLES**

1. A.G. Noorani, "Accountability of Public Servants" 18 EPW 1428-1429 (1983).
2. S.P. Sathe, "Appointment of Judges: The Issues" 33 EPW 2155-2157 (1998).
3. A.V. Rajwade, "Rule of Law and Civil Servants" 38 EPW 598-599 (2003).
4. Raju Z. Moray, "Code for Judges" 33 EPW 2410 (1998).
5. Indra Jaising, "National Judicial Appointments Commission: A Critique" 49 EPW 16-19 (2014).
6. Mukul Asher and Deepa Vasudevan, "Civil Service Pension Reform" 39 EPW 5363-5365 (2004).
7. D.S. Chopra, "Doctrine of Pleasure – it's some implication and Limitations", *I.J.P.A.* 92 (1975).
8. G.C.V. Subba Rao, "The ONGC Case and New Horizons in Public Services Law" *S.C.J.* 29.
9. Warren H. Pillsbury, 'Administrative Tribunals', 36 HLR 583 (1923).
10. N.R. Madhava Menon, "Evaluating Judicial Performance: A Consumer Perspective" 50 JILI 468- 477 (2008).

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1. S. P. Sampath Kumar v. Union of India, AIR 1987 SC 386.
2. L. Chandra Kumar v. Union of India, AIR 1995 SC 1151.
3. Union of India v. R. Gandhi, President, Madras Bar Association, 2010 6 SCR 857.
4. Shenton v. Smith, (1895) AC 229: 72 LT 103.
5. Government of Andhra Pradesh v. N. Ramanaiah (2009) 7 SCC 165.
6. State of West Bengal v. Nirpendra Nath, AIR 1966 SC 447.
7. State of Assam v. S.N. Sen, AIR 1972 SC 1028.
8. Chandra Mouleshwar Prasad v. The Patna High Court AIR 1970 SC 370.
9. State of Bihar v. Mudan Mohan, AIR 1976 SC 404.
10. J. Panduranga Rao v. The Public Service Commission AP, AIR 1963 SC 268.
11. State of Haryana v. Inder Prakash, AIR 1976 SC 1842;
12. Rangachari v. Secretary of State, AIR 1937PC 27.
13. Bardakant Mishra v. High Court of Orissa, AIR 1976 SC 1899.
14. Colonial Sugar Refining Co. v. Irving, (1905) AC 369.
15. Delhi Cloth and General Mills Co. v. I. T. Commissioner, 54 IA 421.
16. Markaih R v. Tribunal, AIR 1962 AP 303.
17. V. K. Javali v. State of Mysore (1987) Supp SCC 248.
18. Nagendra Nath Bora v. Commissioner of Hills Division and Appeals, AIR 1958 SC 398.
19. State of Gujarat v. Patel Raghav Nath, AIR 1979 SC 1297.
20. S. Ramanathan v. Chief Judicial Magistrate (2002) 10 SCC 473.

## LEARNING OUTCOMES

Upon completing this course, the student will be able to:

- *Appreciate the Constitutional provision governing services law; Comprehend laws governing recruitment, promotion and conditions of public services;*
- *Understand the principles that apply to certain special categories of service, particularly judicial officers and civil servants in judicial services;*
- *Analyse Indian service law in a global context; Critically examine the dispute settlement mechanism;*
- *Participate fully in ensuring accountability, transparency and good governance; and the role of service law in our rapidly changing world.*

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**PAPER - VIII**  
**LAW RELATING TO OCCUPATIONAL SAFETY, HEALTH AND**  
**WORKING CONDITIONS**

**(Discipline Specific Elective Paper)**

**OBJECTIVES OF THE COURSE**

*The Ministry of Labour & Employment's mandates under the Allocation of Business Rules includes, among other things, occupational safety and health. The Ministry's Industrial Safety and Health branch discharges the overall functions of policy-making and laying down guidelines for, inter alia, ensuring occupational safety and health of workers. The principal objective of Occupational Health and Safety is the establishment of a preventive safety and health culture in the country through elimination of work-related injuries, diseases, fatalities, disasters and to enhance the well-being of employees in all the sectors of economic activity in the country. Cognizant of the importance of such legislations, India has multiple laws protecting occupational health and safety, several of which were first enacted over half a century ago.*

*The Factories Act, 1948 (amended, over time, in 1954, 1976, 1987 and 1990); The Mines Act, 1952, Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996, The Beedi And Cigar Workers (Conditions of Employment) Act, 1966, The Building and Other Construction Workers (Regulation of Employment And Conditions of Service) Act, 1996 – all of these are India's leading laws relating to occupational health and safety. A thorough understanding of these laws will help a Master's student in labour law handle concerns relating to occupational health and safety in every domain.*

*This course is designed to help students understand and deep-dive into the measures taken to improve just and humane conditions of work by improving occupational safety and health.*

*This course has been designed to:*

- Trace the historical development on the concept of occupational safety and health, including the role played by the twin stalwarts of the International Labour Organisation and the World Health Organisation;*
- Understand the various national and state level organisations that are dedicated to achieving and maintaining occupational safety and health of workers; and Analyse, through a comparative lens, the measures to ensure occupational health and safety adopted by other countries, especially, USA and UK;*
- Explore the key legislations in India dealing with occupational safety and health (specifically, the national, sector-agnostic legislation of Factories Act, 1948; as well as*

*sector-specific laws such as The Mines Act, 1952, The Building & Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996, The Beedi And Cigar Workers (Conditions of Employment) Act, 1966, The Building and Other Construction Workers (Regulation of Employment And Conditions of Service) Act, 1996;*

- *Elucidate the various mechanisms to ensure compliance with occupational safety and health requirements and to improve awareness and provide training.*

### **COURSE OUTLINE**

#### **MODULE I - Introduction to Occupational Safety, Health and Working Conditions**

- a) Industrial Revolution and its Impact on Occupational Safety and Health - Occupational Hazard and Risks – Consequences of Work-related Accidents, Injuries and Diseases – Socio-economic aspects of Occupational Safety and Health - Sector Specific Occupational Health and Safety Issues.
- b) International Labour Standards on Occupational Safety, Health and Working Conditions.
- c) Constitutional Framework of Occupational Safety, Health and Working Conditions – Workers Participation in the Prevention of Accidents and Diseases at Workplace - Code on Occupational Safety, Health and Working Conditions- State policies on Occupational Safety, Health and Working Conditions.

#### **MODULE II - Occupational Safety, Health and Working Conditions for Workers in**

##### **Factories**

- a) Factories Act, 1948 – Scope and Objects – Definitions - Preliminary Requirements to Start a Factory - Registration of Factory - Inspecting Staff and Certifying Surgeons.
- b) Provisions Relating to Health, Safety and Welfare.
- c) Working Hours of Adults - Regulation of Employment of Women and Children - Special Provisions Relating to Hazardous Processes - Annual Leave with Wages - Penalties and Procedure.

#### **MODULE III - Occupational Safety, Health and Working Conditions for Workers in**

##### **Mines**

- a) Mines Act, 1952 – Scope and Objects – Definitions - Inspectors – Certifying Surgeons – Special Officers - Committees – Functions and Power - Mining Operations and Management of Mines
- b) Obligations of Employers - Provisions as to Health and Safety - Hours and Limitation of Employment - Leave with Wages.
- c) Restrictions on Employment of Women - Special Provisions for Contravention of Law and Dangerous Results - Penalties and Procedure.

#### **MODULE IV - Beedi Sector Workers and Specific Legislative Measures**

- a) The Beedi And Cigar Workers (Conditions of Employment) Act, 1966 – Scope and Object – definitions – Licenses – Appeals - Health and Welfare Measures - Working Hours – Inspectors - Offences and Penalty.
- b) Beedi Workers Welfare Fund Act, 1976 – Scope and Object – Definitions - Welfare Fund - Advisory Committees - Welfare Commissioner.
- c) Beedi Workers Welfare Cess Act, 1976 – Scope and Object - Fund – Levy and Collection of Cess on Manufactured Beedis - Consolidated Fund of India.

#### **MODULE V - Construction Workers and Regulation of Conditions of Employment**

- a) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 – Scope and Object – Definitions - Advisory Committees and Expert Committees - Registration of Building Workers as Beneficiaries - Welfare Board.
- b) Hours of Work - Welfare Measures - Safety and Health Measures - Responsibility of Employers -Inspecting Staff - Offences and Penalties.
- c) Building and Other Construction Workers Welfare Cess Act, 1996 – Scope and Object - Definitions - Levy and Collection of Cess - Furnishing of Returns - Assessment of Cess - Recovery of Amount Due – Appeals - Penalty – Offences by Companies.

#### **MODULE VI - Occupational Health & Safety in UK & USA – Comparative Aspects**

- a) Occupational Safety and Health Standards in UK
- b) Occupational Safety and Health Standards in USA

#### **RECOMMENDED READINGS:**

##### **BOOKS**

1. Dr. V.G. Goswami, *Labour & Industrial Laws* (Central Law Agency, 2019).
2. Suresh C Srivastava, *Labour Law in Factories, Mines, Plantation, Transportation, Shops and other Establishments* (Prentice Hall of India, 1992).
3. S.N.Mishra, *Labour and Industrial Law* (Central Law Publications, 29<sup>th</sup> ed., 2019).
4. Gupta N.H., *Social Security for Labour in India* (Deep and Deep Publications, New Delhi, 1986).
5. R. K. Jain and Sunil S. Rao, *Industrial Safety, Health and Environment Management Systems* (Khanna publishers, New Delhi, 2006).

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2. J.V. Vilanilam, "A Historical and Socio Economic Analysis of Occupational Health and Safety in India", 10 IJHS 233-249 (1980).
3. Usha Ramanathan, "Statute Law, Injury and Compensation", 47 JILI 158-198 (2005).
4. V.Umakanth, "Regulation of Hazardous Substances: Law and Policy", 37 JILI 508 -518 (1995).
5. C.M.Jariwala, "Hazardous Substance and Waste Law: Lessons for India", 52 JILI 412-434 (2010).

#### **FURTHER READINGS:**

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7. T.C.Thakur & Ors., *Occupational Safety and Health of Construction Workers* (Concept Publishing Co. Pvt. Ltd., 2013).
8. Dr.Solomon Raj, *Occupational Health Hazards of Beedi Rolling Women and Children* (Creative Crows Publishers Pvt. Ltd., 1<sup>st</sup> ed., 2016).
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10. Park K, *Occupational Health, Park's Textbook of Preventive and Social Medicine* (19<sup>th</sup> edn., 2007).

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1. Herbert K.Abrams, "A Short History of Occupational Health", 22 JPHP 34-80 (2001).
2. Jaya Prasad Tripathy, "Occupational Health Hazard in India: Need for Surveillance and Research", 106 CS 668-669 (2014).
3. Saiyed, Habibullah N. and Rajnarayan R. Tiwari , "Occupational Health Research in

India,” 42 IH 2004.

4. Harry Heiman, “An Industrial Hygiene Project in India”, 69 PHR 595-598 (1954).
5. Rusi Engineer, “Punishing Corporate Negligence: Industrial Disasters and Criminal Law”, 24 EPW 711-713 (1989).
6. Jagdish Patel, “Health and Safety at Workplace: Loopholes in Law”, 34 EPW 86-89 (1999).
7. K.V. Subhramanyam, “Workers’ Safety of no Account”, 15 EPW 2008-2010 (1980).
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9. Henshaw, John & Gaffney, Shannon & Madl, Amy & Paustenbach, Dennis, "The Employer’s Responsibility to Maintain a Safe and Healthful Work Environment: An Historical Review of Societal Expectations and Industrial Practices”, 19 ERRJ 173-192 (2007).
10. Zodpey, S.P., Himanshu Negandhi and R.R. Tiwari, “Mapping ‘Occupational Health’ courses in India: A systematic review,” 13(3) IJOEM (2009).

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2. Bhikusa Kshatriya v. Union of India, 1963 AIR 1591.
3. Consumer Education and Research Centre vs. Union of India, 1995 AIR 922
4. Calcutta Electricity Supply Corporation v. Subhas Chandra Bose, (1992) 1 SCC 441
5. Kalyaneshwari vs. Union of India and others, (2011) 3 SCC 287
6. Hindle v. Birtwistle, (1897)1 Q.B. 192
7. Summers (John) & Sons Ltd v Frost, (1955) 1 A11 ER 870
8. Pearson v. Belian Mills Co., (1986) 1 QB 224
9. Jayathilal Dhanji and Co. Oil Mills v. Employees State Insurance Corporation, AIR 1963 AP 210
10. State of Mysore v. Narayan Raghavendra Shirur, (1967) 2 Lab LJ 616
11. State v. Umashanker, (1962) 5 Fac LR 459.
12. Chinubhai Haridas v. State of Bombay, AIR 1960 SC 37.
13. State of Gujarat v. Dillip Kumar Dahyabhai Patel and another, 1995 (2) LLN 836 (Guj.)
14. Tata Iron and Steel Co. Ltd. v. Inspector of Factories, Jamshedpur and others, 1996 (72) FLR 391 (Pat).
15. Debash Bhattacharya v. M/s. Rishra Steel Ltd, (1995) 1 Cal LT 191.



16. J.K. Industries Limited Etc. v. The Chief Inspector of Factories, 996 (9) TMI (503) India.
17. R.S. Ruikar v. Employer, AIR 1935 NAG 149.
18. Banwarilal Agarwalla v. The State of Bihar and Others, 1961 AIR 849.
19. Chief Inspector of Mines and Another v. Lala Karam Chand Thapar and Others, 1961 AIR 838.
20. Union of India v. A.B. Shah and Others, JT 1996 (5) 128.

### **LEARNING OUTCOMES**

After completion of the course students will be able to

- *Appreciate the role played by ILO and WHO in setting standards, rulemaking and ensuring the success of these goals to achieve occupational safety and health for workers; Enjoy a deep understanding of the conceptual underpinnings of occupational safety and health;*
- *Critically analyse the key Indian laws that govern occupational safety and health and understand their strengths and shortcomings;*
- *Analyse and comprehend sector-specific laws for occupational health and safety, especially in vulnerable sectors such as mines, beedi industry etc. Develop familiarity with organisations at various levels in India that are devoted to this task;*
- *Discern practical considerations such as compliance mechanisms, training and awareness plans etc. to ensure occupational safety and health.*

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## **PAPER - IX**

### **LAW AND GOVERNANCE OF INDUSTRIAL DISCIPLINE**

**(Discipline Specific Elective Paper)**

#### **OBJECTIVES OF THE COURSE**

*Discipline at the workplace/ Industry has a fundamental role to play in any sector. Discipline at work place if used correctly and fairly, where appropriate it can ensure that employers and employees are well guided and protected from any misconduct that may occur within the workplace. The understanding and identification of situations where disciplinary procedures and rules are to be applied shall help with employer and employee relations and promote fairness with consistency in the treatment of individuals in the Industry. Clarity of guidelines can ensure better understanding and best practice to resolve issues early and effectively to minimise the impact poor discipline at the work place. This course helps the learners to learn the concept of discipline, model code of conduct, code of discipline along with relevant statutes and constitutional provisions supported by principles & procedures related to a domestic enquiry and shall make them competent to participate / conduct the domestic enquiry in an effective manner in line with code, statutory guidelines and Principles of Natural Justice.*

*After undergoing the study, the student will be able to understand the:*

- *Importance of Industrial discipline, Legal aspects of domestic enquiry and employee discipline; recognise the key principles of the Code of Practice for Discipline*
- *Skills to avoid indiscipline and to avoid employment disputes-the importance of setting and maintaining standards*
- *Basic pitfalls of domestic enquiry, in view of employer, employee, presenting officer & enquiry officer;*
- *When and why to use the informal and formal disciplinary processes- the importance of investigation, documentation and accurate recording.*

#### **COURSE OUTLINE**

##### **MODULE I - Industrial Behavior -Discipline**

- a) Industrial behavior in formal and informal Groups; Inter personal and Intra group relationship in industrial organization and their impact
- b) Employee Discipline: Meaning, Concept, Objectives, Principles, Importance, Factors, Types Organisation and Workers Association- Collective Bargaining and Workers participation in Management
- c) Industrial Discipline and Good Governance- Comparative Study- USA, UK and China

## **MODULE II - Contract of Employment**

- a) Industrial Employment (Standing Orders) Act 1946 – Terms and conditions in Contract of employment-Standing Orders -Submission of Draft Standing Orders
- b) Conditions for certification of Standing Orders
- c) Appeals - Duration and modification of Standing Orders.

## **MODULE III - Misconduct and Industrial Discipline**

- a) Industrial Discipline: Concept and need for maintaining industrial discipline
- b) Industrial Employment (Standing orders) Act, 1946, Model Standing Orders
- c) Misconduct: Concept -Different types of misconduct- Concept of Punishment appropriate to misconduct.

## **MODULE IV - Alternative Disputes Resolution Mechanism and Good Governance**

- a) Industrial Psychology and human relations in Industry- Grievances redressal mechanisms
- b) Works Committee- Industrial Disputes Act, 1947- Industrial disputes Settlement and redressal mechanisms
- c) Unfair Labour Practice and Code of Discipline.

## **MODULE V - Enforcement Authorities- Practice and Procedure**

- a) Authorities under disciplinary proceeding: Enquiry officer, Presenting Officer, Defence counsel, Misconduct - Charge sheet - service of charge sheet - power to suspend pending enquiry
- b) Disciplinary action, Complaint, Show- Cause Notice, Notice of Enquiry, Enquiry report.
- c) Principles of natural justice, Enquiry Report -Punishment -Major and Minor punishment.

## **MODULE VI - Judiciary and Jurisdiction**

- a) Jurisdiction of adjudicatory authorities, Supervisory, original or Appellate jurisdiction
- b) Section 11 A of Industrial Disputes Act, Section 2A(2) of Industrial Disputes Act
- c) Article 323A -CAT and SAT-Administrative Tribunals and High Courts, Protection of civil servants, Doctrine of pleasure -Art. 310 of the Constitution, Protection under Art 311 of the Constitution.

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### **LEARNING OUTCOMES**

At the end of the semester, the students will be able to:

- *Learn to observe the pre-enquiry formalities like drafting the charge-sheet, serving the charge-sheet, assess the explanation given by the charge-sheeted employee, order for domestic enquiry etc.*
- *Gain practical skills in drafting charge-sheet, show cause notice, order of suspension, report of findings, order of punishment, etc.;*
- *Analyze and determine, if a case is fit for suspension or transfer pending enquiry and the service conditions of a suspended employee;*
- *Monitor the enquiry to determine if it is being held in accordance with legal requirements and principles of natural justice; Conduct the domestic enquiry independently.*

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**PAPER - X**  
**LABOUR LAW AND HUMAN RIGHTS**  
**(Generic Elective Paper)**

**OBJECTIVES OF THE COURSE**

*The development of Human Rights law and the expansion of human rights jurisprudence have been impulsive and continuous. The course provides an introduction to basic human rights philosophy, principles, instruments and institutions both at International and National arena. The people in the society should be made aware of the right-duty relationship to make the concept of human rights meaningful. The course strives to develop a deep considerate of the very nature and purpose of labour law, embedded with rights and duties.*

This course has been designed to:

- *Create a broad and basic understanding of the evolution of human rights and legal framework relating to aspects of Human Rights; Enumerate the concept of child labour, ILO Conventions on Child labour and the legal protection to children working under various establishments;*
- *Critically analyse the causes, characteristics and problems of bonded labour and legislations for abolishment of bonded labour;*
- *Elucidate the problems and challenges faced by migrant workers and International labour standards to protect migrant labour;*
- *Develop an awareness regarding the vulnerable sections of the society mainly the women, children, labourers like bonded, agricultural, migrant and manual scavengers and the legislations protecting their rights.*

**COURSE OUTLINE**

**MODULE I – Introduction to Human Rights**

- a) Evolution of human rights on the international plane.
- b) Human rights Concept- rights relating to life, liberty, equality and dignity of the individual – Human rights and the Indian Constitution - Human rights of disadvantaged groups of people like women, children, minorities etc.
- c) Human Rights and the judiciary.

**MODULE II - Child Labour and Human Rights**

- a) Child labour- Unorganized sector like construction, textile industry, diamond, carpet weaving, glass bangle, etc.

- b) ILO conventions on restrictions and prohibition on child labour including ILO Convention on Child Labour 1999.
- c) Legal protection to children in various occupations-Factories Act, 1948, Mines Act, Children (Pledging of Labour) Act, 1933, Child Labour (Prohibition and Regulation) Rules,1988, Employment of Children Act,1938; shops and Commercial Establishment Acts; Child Labour (Prohibition and Regulation) Act, 1986.

### **MODULE III - Bonded Labour and Human Rights**

- a) Concept- Causes- Characteristics- Bonded labour in different sectors - Problems of bonded labour – Abolition of Bonded Labour.
- b) Relevant ILO standards-Forced Labour Convention, 1930-Abolition of Forced Labour Convention, 1957.
- c) National Legislation-The Bonded Labour Abolition Act, 1976.

### **MODULE IV- Migrant Workers and Human Rights**

- a) Migrant Workers - Magnitude, Characteristics and Problems.
- b) International Labour Standards on Migrant workers.
- c) Legal Protection to Migrant Workers.

### **MODULE V- Manual Scavengers and Human Rights**

- a) Manual scavenging- Characteristics- Issues related to manual scavenging.
- b) National Legislation - The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 - The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

### **MODULE VI - Agricultural Labour and Human Rights**

- a) Agricultural Labour- Categories of Agriculture Labour – Pattern of Employment – Magnitude and Characteristics of Agriculture Labours.
- b) Problems of Agriculture Labours.
- c) Laws Governing Agriculture Labours - Schemes and Welfare Measures.

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4. Bandhua Mukti Morcha v. Union of India, (1997)10 SCC549.
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#### **LEARNING OUTCOMES**

- *A Basic understanding of the legal framework relating to aspects of human rights.*
- *The student will dive deep into the legislations tailored to protect the vulnerable sector of the society mainly the women, children, labourers like bonded, agricultural, migrant and manual scavengers.*
- *The skills required to develop one's own independent and critical evaluation of the legal system's engagement with working class.*
- *The ability to form an opinion about the important and contemporary developments in the field of labour law and human rights study.*

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## **PAPER - XI**

### **LAW OF LOCAL GOVERNANCE AND REGULATORY MECHANISM**

**(Generic Elective Paper)**

#### **OBJECTIVES OF THE COURSE**

*With the introduction of the Constitution seventy third and seventy fourth amendments, India moved towards the ideal of direct democracy endowing the local bodies with powers of administration in matters of regional and local importance. This change has added new vistas of Indian democracy and it offers an opportunity to translate the Gandhian concept of Gram Swaraj into practice. Necessarily, a person specializing in administrative law has to be equipped with the knowledge on the working of early systems, the present constitutional scheme, and the legislative powers of the State transferring responsibility to local bodies and on the increasing regulatory and financial powers of the local bodies. The nature of the democratic functioning of these elected bodies and the scope of administrative control as well of the judicial control over them are challenging areas for students of administrative law to evaluate and help formulation of new and pragmatic working methods. After undergoing the study, the student will be able to understand the:*

- *Genesis and Constitutionality of the scheme for the Local Self-Government (LSG)*
- *Structure, powers and functions of the Rural and Urban LSG.*
- *Issues in decentralization and grass root planning of the LSG*
- *Comparative Study and modern dimensions to it.*

#### **COURSE OUTLINE**

##### **MODULE I - Democratic Decentralization**

- a) Genesis of democratic decentralisation: Rural, Urban, Tribal and Scheduled Areas
- b) Gram Swaraj: Gandhian concept, Democracy and Grass root planning
- c) Dynamics of Local Governments: A Comparative Study of U.K ,France and the U.S.A

##### **MODULE II - Urban LSG - Pre-Independence**

- a) Evolution of Urban Government in India - Corporation of Madras (1687)
- b) Charter Acts of 1793-The Act of 1842 and 1850 -Royal Army Sanitation Committee Report (1863)
- c) Lord Mayo's Decentralization Policy (1870) -Lord Ripon's Resolution (1882)

##### **MODULE III - Rural LSG -Pre-Independence**

- a) Rural LSG Pre-Independence: Royal Commission upon Decentralization (1909)- Montagu-Chelmsford Report on Local Self Government (1918)
- b) Government of India Resolution (1918) Government of India Act (1919)

- c) Indian Statutory Commission on Local Self Government (1928) Diarchy and its Consequences- Government of India Act (1935).

#### **MODULE IV - Rural LSG- Post-Independence India**

- a) Community Development Programme, Administrative framework, Nature and Importance of Local Government – Constituent Assembly Debate, Community Development Programme (1952)
- b) Major Committee Reports: Balwant Rai Mehta (1957), RR Diwakar (1964), Asoka Mehta (1978), PK Thungon (1984) – CH Hanumantha Rao (1984), GVK Rao Committee (1985), LM Singhvi (1986) - 64th Constitutional Amendment Bill (1989) – ML Dantwala Committee Report (1998)
- c) 73rd Constitutional Amendment (1992) -Rural Local Government, Gram Sabha-meetings, Social Audit, Nyaya Panchayat, Gram Panchayat- Sarpanch, Taluk/Block Panchayat- Chairman- Powers and functions, Zilla Panchayat- Financial administration- devolution of financial powers, composition of State Finance Commission, State Control over PRIs

#### **MODULE V - Urban LSG- Post-Independence India**

- a) Municipal Corporation-Council, Mayor, Committee-wards committees, district planning committee, Metropolitan planning Committee; Municipal Commissioner, Cantonment Boards, Urban development agencies.
- b) Major Committee Reports: Local Finance Enquiry Committee (1950) - Committee on the Training of Municipal Employees (1963) - Report on the Augmentation of Financial Resources of Urban Local Bodies (1963), Rural-Urban Relationship Committee (1966) - Committee on the Service Conditions of the Municipal Employees (1968) - National Commission on Urbanization (1988)- Administrative Reforms Commission, Sarkaria Commission, Punchi Commission
- c) 65<sup>th</sup> Constitutional Amendment Bill (1989)- 74th Constitutional Amendment (1992) - Schedules XI and XII of the Constitution, Directive Principles of State Policy - Art. 40

#### **MODULE VI - Quasi-Legislative, Financial and Judicial Powers- LSG**

- a) Quasi-legislative Powers, Rulemaking power of the State Government, Regulations and Bye-laws;
- b) Financial - Financial Powers, Levying taxes, Licensing power, Financial resources and powers.
- c) Judicial and Quasi-judicial powers of the Local Bodies, Institutional Control, Social Audit, Citizen Charter, Citizen Report Card.

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### **LEARNING OUTCOMES**

At the end of the semester, the students will be able to comprehend:

- *Grass Root democracy and significance of LSG.*
- *Critically analyze the issues under- Working -structure and functioning- duties and powers- LSG*



- *Realise the significance of Good Governance -democratic decentralisation and the initiatives LSG.*
- *Reforms and prospects of different models of Local Self Government.*

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