

SUBJECT : LABOUR LAW II
SUBJECT CODE : H3JH

Objectives of the Course :

The concept of social security is based on ideals of human dignity and social justice. The quest for social security and freedom from want and distress has been the consistent urge of man through the ages. The mutual conflict between the employee and employers over the adequacy of their respective shares in social produce constitutes a serious menace in the society. Work can never be important than the worker because no industry can flourish unless the wage earner who is a partner in the production should be given due status by offering him reasonable working conditions and due share in production. This means social justice and social security has to be restored to the Labour because a contented worker would produce better yields and would increase his efficiency. Therefore, social security is a necessary phenomenon of a welfare state as it is one of the most progressive and dynamic instruments for achieving socio – economic progress. This course shall examine the various dimensions of Labour security measures and explore the possibility whether or not Labour security be part of the comprehensive and integrated social security. The syllabus has been prescribed with these objectives.

Unit – I : Introduction: Social Security and Labour Welfare

Concept, Evolution and Constituents of Social Security - Object of Social Security Laws - Social Security and Constitution – ILO on social security.

Unit – II : Social Security: Industrial Injuries

The Employees' Compensation Act, 1923

Scope, objects, coverage and definitions - Liability of the employer to pay compensation - Personal injury, accident, arising out of and in the course

of employment, Doctrine of Notional extension and occupational diseases - Determination and Distribution of Compensation - Principal employer's right of indemnity - Commissioner's powers and functions.

Unit – III : Social Security: Social Insurance

The Employee's State Insurance Act, 1948

Objects, applications and 'Seasonal Factory' – Definitions - E.S.I. Corporation - E.S.I. Funds, payment of Contributions - E.S.I. Benefits - Adjudication of disputes – E.S.I. Court – Penalties.

Unit – IV : Other Social Security Legislations

1. The Maternity Benefits Act, 1961

Object and Application - Eligibility and maternity benefits - Notice of claim Prohibition against dismissal, wage deduction - Powers and duties of Inspectors.

2. The Employee's Provident Funds and Miscellaneous Provisions Act, 1952

Scope, coverage, application and Definitions - Authorities, their powers and functions

Contributions - Employees Provident Fund scheme, Employees' Pension Scheme and Deposit linked Insurance Scheme - Penalties.

3. The Payment of Bonus Act, 1965

Bonus Commission - Definitions and Coverage - Kinds of Bonus - Eligibility and extent of Bonus - Calculation of Bonus - Available surplus, allocable surplus, set on set off - Forfeiture of Bonus - prior charges - Machinery

4. Payment of Gratuity Act, 1972

Background, object and definitions - Eligibility for payment of gratuity - Forfeiture, exemption, determination - Controlling Authority - Penalties

Unit – V : Labour Welfare Legislations

1. Factories Act, 1948

Background and definitions - Formalities to start a factory - Health, Safety and Welfare measures - Working Hours - Employment of young persons - Annual leave with wages - Special provisions.

2. The Tamil Nadu Shops and Establishment Act, 1947

Applicability and Person covered by this Act, - Opening and closing hours - Employment of young persons - Working hours, public holiday, safety, cleanliness - Leave and Annual Leave with wages.

Books prescribed:

1. S.N.Mishra : Labour and Industrial Law
2. V.G.Goswami : Labour Law
3. Madhavan Pillai : Labour and Industrial Law
4. S.C.Srivastava : Social Security and Labour Laws

Reference Books:

1. K. D. Srivastava: The Employees' Compensation Act, 1923
2. K.D. Srivastava: The Employees' State Insurance Act, 1948
3. K. D. Srivastava: The Employees' Provident Funds and Miscellaneous Provisions Act, 1961.
4. K. D. Srivastava: The Payment of Bonus Act, 1965
5. K. D. Srivastava: Payment of Gratuity, 1972
6. K. D. Srivastava: Factories Act, 1948
