



தமிழ்நாடு டாக்டர் அம்பேத்கர் சட்டப் பல்கலைக்கழகம்
The Tamil Nadu Dr. Ambedkar Law University



SCHOOL OF EXCELLENCE IN LAW

LL.M CBCS PATTERN

CURRICULUM

FROM ACADEMIC YEAR 2025 – 2026

BRANCH – VIII

**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 and further revised during the 2024-25 and 2025-26 academic years 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 by lanes 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 TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY

BRANCH – VIII

DEPARTMENT OF LABOUR LAW AND ADMINISTRATIVE LAW

LL.M. (CBCS) SYLLABUS

HARD CORE COURSES – 06

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

DISCIPLINE ELECTIVE COURSES – 03

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

ELECTIVE COURSES – 02

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

DEPARTMENT OF LABOUR LAW AND ADMINISTRATIVE LAW

SUBJECTS IN SEMESTERS

First Semester	1. Legal Education and Research Methodology (Common Paper-I) 2. Judicial Process (Common Paper-II) 3. Law of Industrial Relations and Governance (Core Course-I) 4. ILO and Industrial Jurisprudence (Core Course-II) 5. Law of Local Governance and Regulatory Mechanism (Elective Course-I) 6. Value Added Course – 1 : Communication Skills
Second Semester	1. Constitutional Law: The New Challenges (Common Paper-III) 2. Law and Social Transformation in India (Common Paper-IV) 3. Law and Policy on Social Security (Core Course-III) 4. Law and Service Jurisprudence (Discipline Elective Course-I) 5. Ability Enhancement Paper-I 6. Value Added Course – 2 : Personality Development & Soft Skills
Third Semester	1. Administrative Process and Liabilities (Core Course-IV) 2. Law and Policy on Wages (Core Course-V) 3. Law Relating to Occupational Safety, Health and working Conditions (Discipline Elective Course-II) 4. Labour Law and Human Rights (Elective Course-II) 5. Ability Enhancement Paper-II
Fourth Semester	1. Judicial Review of Administrative Action (Core Course-VI) 2. Law and Governance of Industrial Discipline (Discipline Elective Course-III) 3. Dissertation

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 labour 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 emphasises the power of appropriate government and trade union and workers' rights and liabilities aspect focused more.

This course has been designed to

□ Enable the students understand 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 practical 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) Impact of Globalization, Liberalization and Privatization on Trade Unionism - Human Rights perspective on Labour Rights.
- c) Tripartite Mechanism and Workers' Participation - Industrial Relation - Perspectives and Foundations.

MODULE II – Industrial Relations Code, 2020

- a) Definitions - Bi-partite Forums – Works Committee – Grievance Redressal Committee.
- b) Worker Re-skilling Fund – Unfair Labour Practices – Offences and Penalties – Miscellaneous.
- c) Notice of Change in the Conditions of Service.

MODULE III - Law relating to Trade Unionism

- a) Historical Background of Trade Unionism and Trade Union Movement.
- b) Industrial Relations Code, 2020 - Trade Unions – Registrar – Registration of Trade Unions – Appeals – Funds – Civil and Criminal Immunities – Recognition of Negotiating Union or Negotiating Council – Membership – Disqualifications – Adjudication of Disputes – Change of name – Amalgamation – Dissolution – Annual Returns.
- c) Recognition of Trade Union - Judicial Approach on Trade Unionism.

MODULE IV – Provisions relating to Standing Orders

- a) Application – Model Standing Orders – Draft Standing Orders – Procedure for Certification - Date of Operation – Register of Standing Orders - Duration – Modification.
- b) Certifying Officer – Appellate Authority – Appeals – Interpretation – Time limit for completion of Disciplinary Proceedings – Subsistence Allowance - Exemptions.

MODULE V – Mechanism for Resolution of Industrial Disputes

- a) Mechanism for Resolution of Industrial Disputes – Conciliation Officers – Industrial Tribunal – National Industrial Tribunal.
- b) Decisions – Disqualifications – Procedure and Powers – Transfer of Cases – Conciliation and Adjudication of Dispute – Powers of Tribunal to give appropriate relief in case of discharge or dismissal of worker.
- c) Award – Settlement – Binding - Reference – Period of operation – Recovery of money due from the employer - Commencement and Conclusion of Proceedings – Confidential Matters.

MODULE VI – Provisions relating to Industrial Disputes

- a) Strikes and Lock-outs – Prohibition - Illegality – Prohibition of financial aid.
- b) Continuous Service – Right to Lay-off Compensation – Duties of employer - Retrenchment – Conditions Precedent – Procedure – Re-employment - Transfer of establishment - Notice to close down undertaking – Compensation to workers - Conditions Precedent to Retrenchment.
- c) Lay-off – Prohibition – Procedure for closing down establishment – Duty of an employer to maintain muster roll of workers.

MODULE VII - Industrial Relations Law and its Governance: Alternative Dispute Mechanism

- a) Voluntary Dispute Settlement Mechanism – Voluntary Reference of Disputes - 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 of 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.

RECOMMENDED READINGS:

BOOKS

- 1. S. C Srivastava, Industrial Relations and Labour Laws, Vikas Publications, 6th ed., 2012
- 2. Arun Monappa, Industrial Relations Law and Labour Laws, Tata McGraw Hill Education, 2012
- 3. P.K. Padhi, Labour and Industrial Relations Laws, PHI Learning publication pvt. Ltd., 4th ed. 2019
- 4. S.N. Misra, Labour and Industrial Law (Central Law Publications, 29th ed., 2019).
- 5. Dr. Avtar Singh, Introduction to Labour and Industrial Law (LexisNexis Butterworths Wadhwa, Nagpur, 2 nd ed., 2008).

JOURNALS / ARTICLES

- 1. Dr. Gosavi Y.M., “A study of Industrial Relations in India”, International Journal of Development Research, 2017, ISSN No.2230 9926
- 2. Michael D. Kirby, “Human Rights and Industrial Relations”, SAGE Journal, 2002
- 3. The Hon.Geoffery Giudice AO, “Industrial Relations Law Reform – What value should be given to stability”, SAGE Journals, 2014, pp 433-441
- 4. P. Edwards, “the changing but promising future of Industrial Relations developing theory and method in context”, Industrial relations – wiley Online Liabrary.
- 5. K.G. Seth, “A Review of Research in Industrial Relations in India”, Indian journal of Industrial Relations, vol.3, 1966 pp.270-288.

FURTHER READINGS:

BOOKS

1. V.V. Giri, Labour Problems in Indian industry (Asia Publishing House)
2. V.B. Kher - Indian Trade Union Law, J.N. Mallik-Trade Law, (S.C. Sarker & Sons),
3. Ganga Sahai Sharma - Trade Union Freedom in India. (Deep and Deep Publication),
4. S.N. Dhayani - Trade Union and the Right to strike. (S. Chand & Co.)
5. Roger Benedictus, "Labour Law: Cases and Materials" (1987)
6. I.P. Massey, "A legal Conundrum in Labour Law", 14 JILI 386 (1972).
7. S.C. Srivastava, "Voluntary Labour Arbitration: Law and Policy", 23, JILI 349, (1981).
8. Arjun P. Aggarwal "Conciliation and Arbitration of Labour disputes in Australia" J.I.L.I 30 (1966).
9. D.C. Jain, "Meaning of Industry: Wilderness of Conjectural Justice" (1986) 3. S.C.C. Journal, 1.
10. T.N. Singh, "Futuristic Industrial Jurisprudence a Poser", (1986) 3 S.C.C. Journal 15.

JOURNALS / ARTICLES

1. Santanu Sarkar, "BSWU: A Case of Independent Trade Union in India", Indian Journal of Industrial Relations, Vol.44, Issue No.2, 2008, pp 303-316
2. Cappelli, P, "Plant-level concession bargaining", Industrial and Labor Relations Review 39(1): (1985) pp 90-104.
3. Arjun P. Aggarwal "Conciliation and Arbitration of Labour disputes in Australia" J.I.L.I 30 (1966).
4. D.C. Jain, "Meaning of Industry: Wilderness of Conjectural Justice" (1986) 3. S.C.C. Journal, 1.
5. T.N. Singh, "Futuristic Industrial Jurisprudence a Poser", (1986) 3 S.C.C. Journal 15.

6. Chaturvedi.R.G., Law and Procedure of Departmental Enquiries and Disciplinary Actions (1997)
7. S.C. Srivastava, "Voluntary Labour Arbitration: Law and Policy", 23, JILI 349, (1981).
8. Bernard GERNIGON, Alberto ODERO and Horacio GUIDO, "ILO principles concerning collective bargaining", International Labour Organization 2000 International Labour Review, Vol. 139 (2000), No. 1
9. Deepti Chandra, "Social Outcomes of Closure and Retrenchment of Workers", www.publishingindia.com accessed on 05.12.2020
10. Suresh C. Srivastava, "Constitutional validity of the Procedure for closing down an undertaking: a Critique of case "M/s Orissa Textile and Steel Co. Ltd.", Journal of the Indian Law Institute, Vol. 44, No. 3 (July-September 2002), pp. 393-405.

CASES FOR GUIDANCE

1. Steel Authority of India Ltd., v. National Union Water Front Workers, AIR 2001 SC 3527
2. Hindustan Aeronautics Ltd., v. Workmen, AIR 1975 SC 1737
3. Bangalore Water Supply and Sewerage Board v. A. Rajappa and another, AIR 1978 SC 548
4. Central Provinces Transport Services Ltd., Nagpur v. Raghunatha Gopal, Patwardhan, AIR 1957 SC 104
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
9. Workmen of Dimakuchi Tea Estate v, the Management of Dimakuchi Tea Estate, 1958 SCR 1156

10. Workmen of Sudder Workshop of Jorehaut Tea Company Ltd., v. The Management of Sudder Workshop of Jorehaut Tea Company Ltd, (1980) 3 SCC 406.
11. TataNagar Foundry Company Ltd., v. Their Workmen AIR 1962 SC 1533
12. J.K. Iron and Steel Company Ltd., Kanpur v. Iron and Steel Mazdoor Union, Kanpur, 1955 (2) SCR 1315
13. M/s. Orissa Textile and Steel Company Ltd., v. State of Orissa and Others, 2002 LLR 225
14. Laxmi Strach v. Kundru Factory Workers Union, (1992) Lab IC 1337 (Ker)
15. Barsi Light Railway Company Vs Joglekar K.N. (1957 I LLJ, 243 SC)
16. Excel Wear and others v. Union Of India & Others, 1979 AIR 25, 1979 SCR (1)1009
17. John D'Souza v. Karnataka State Road Transport Corporation, Supreme court of India judgement dated 16.10.2019
18. Management of Dandakaranya Project, Koreput Vs. Workman & ANR [1997] INSC 10 (7 January 1997)
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 Law.*
- Comprehend the Industrial relation with reference to workers participation in management.*

PAPER - II
LAW AND POLICY ON 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 ideals 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 Code on Social Security 2020 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 law which provides for 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 the Code on Social Security 2020 passed with the sole aim of ameliorating the lives of workers (such as maternity benefit, gratuity etc.)*
- *Analyse the concept and provisions relating to 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.*
- *Examine the provisions relating to Social Security for Building and Other Construction Workers, Unorganised Workers, Gig and Platform Workers,*

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
- d) Constitutional Perspectives of Social Security - Social Security and Fundamental Rights - Social Security and Directive Principles of State Policy - Judiciary on Social Security.

MODULE II – Code on Social Security 2020

- a) Scope, Objects, Coverage and Definitions- Registration and Cancellation of an establishment – Offences and Penalties – Misuse of Benefits - Social Security Fund and Miscellaneous Provisions.
- b) Social Security Organisations – Board of Trustees of EPF, Appointment of Officers – ESI Corporation, Principal Officers and other staff – Executive Heads of Central Board and Corporation – State and Regional Boards, local committees - National Social Security Board – State Unorganised Workers’ Board – State Building Workers’ Welfare Board – Dismissal and Removal – Procedure for transaction of business – Disqualification and Removal – Supersession – Additional Functions.

MODULE III – Law on Employee’s Compensation

- a) Employee’s Compensation – Reports of Accident and Injuries - Employer’s Liability for Compensation - Arising Out of and in the Course of Employment - Doctrine of Notional Extension - Occupational Diseases.
- b) Calculation and Distribution of Compensation – Notice and Claim – Special provisions relating to accidents occurring outside Indian territory – Medical Examination - Contracting.
- c) Competent Authority - Appointment, Powers, Functions and Procedures to be followed – Appeals.

MODULE IV – Law on Social Insurance and Maternity Benefits

1) ESI

- a) ESI Corporation - Wings of E.S.I. Corporation –Standing Committee and Medical Benefit Council.
- b) E.S.I. Fund – Purposes – Contributions – Power to defer or reduce.
- c) Benefits – Sickness benefit, Maternity benefit, Disablement benefit, Dependant benefit, Medical benefit, Funeral expenses – Occupational Diseases - References to Medical Board.
- d) E.I. Court - Powers – Proceedings – Appeal.

2) Maternity Benefits

- a) Maternity Benefit – Eligibility – Prohibitions – Right to Maternity Benefit and Other Benefits - Notice of Claim – Forfeiture - Prohibition Against Dismissal – Duties of employer – Inspector-cum-Facilitator.

MODULE V – Law on Retiral Benefits

1) Employees’ Provident Fund

- a) Employees’ Provident Fund – Schemes – Employees’ Provident Fund Scheme – Employees’ Pension Scheme – Employees’ Deposit Linked Insurance Scheme - Funds – Contributions – PF Accounts – Transfer of Accounts - Power to defer or reduce - Recovery of Amount due - Tribunal - Offences and Penalties.

2) Gratuity

- b) Gratuity – Payment – Eligibility - Continuous Service - Rate of Gratuity – Forfeiture - Nomination - Determination of Amount of Gratuity -- Compulsory Insurance - Recovery of Gratuity - Competent Authority - Offences and Penalties.

MODULE VI – Social Security for Unorganised Workers

- a) Building and Other Construction Workers – Levy and Collection of Cess - Self Assessment – Non-payment – Appeals – Cessation – Welfare Fund.
- b) Unorganised Workers, Gig and Platform Workers – Schemes – Registration - National and State Unorganised Workers’ Board.

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 U.K.
- b) Social Security in U.S.A.

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.Misra, Labour and Industrial Law (Central Law Publications, 29th ed., 2019).
4. Gupta N.H., Social Security for Labour in India (Deep and Deep Publications, New Delhi, 1986).
5. Dr. Avtar Singh, Introduction to Labour and Industrial Law (LexisNexis Butterworths Wadhwa, Nagpur, 2nd ed., 2008).

JOURNALS/ARTICLES

1. Mallik Jyotsna Nath, "Workmen's compensation Act and some Problems of Procedure", 3, JILI 131 (1961).
2. Neeru Sehgal, "Employment of Women and Reproductive Hazards in Workplace", 29 JILI 201 (1987).
3. Usha Ramanathan, "Statute Law, Injury and Compensation", 47 JILI 158-198 (2005).
4. Sadanand Jha, "Maternity Benefits: At Present and their Future in India", 18 JILI 332-343 (1976).
5. C.Jayaram, "Scope of Sections 53 and 61 under the Employees' State Insurance Act, 1948", 32 JILI 259-263 (1990).

FURTHER READINGS:

BOOKS

1. Arun Monappa, Ranjeet Numbudiri, Patturaja Selvaraj, Industrial Relations & Labour Laws (Tata Mcgraw Hill, 2012).
2. R.W. Rideout, Principles of Labour Law (Sweet and Maxwell, 1988).
3. H.K. Saharay, Industrial and labour Laws of India (Eastern Law House, Calcutta, 1987).
4. Mamoria C.B. and Sathish Mamoria, Dynamics of Industrial Relations (Himalaya Publishing House, New Delhi, 2010).
5. Ratna Sen, Industrial Relations in India, Shifting Paradigms (Macmillan India Ltd., New Delhi, 2009).

6. C.S.Venkata Ratnam, Globalisation and Labour Management Relations (Response Books, 2010).
7. P. N. Singh, Neeraj Kumar. Employee Relations Management (Pearson, 2011).
8. P.R.N Sinha, Indu Bala Sinha, Seema Priyadarshini Shekhar, Industrial Relations, Trade Unions and Labour Legislation (Pearson, 4th edn., 2013).
9. R.N.Choudhry, Commentary on the Workmen's Compensation Act, 1923 (Orient, 2000).
10. R.W. Rideout, Principles of Labour Law (1988), Chs. 12,13.

JOURNALS/ARTICLES

1. Prakash Sinha, "Quality of Working Life and Quality of Life", 17 IJIR 373-394 (1982).
2. Ravi Duggal, "Need to universalise Social Security", 41 EPW 3495-3497 (2006).
3. Saloni Chopra and Jessica Pudussery, "Social Security Pensions in India: An Assessment", 49 EPW 68-74 (2014).
4. Dev Nathan, "Social Security, Compensation and Reconstruction of Livelihoods", 44 EPW 22-26 (2009).
5. Manorama G.Savur, "Social Security Legislation in India – I: The Employees' Provident Fund Scheme", 39 EPW 1769-1773 (1967).
6. Kamala Sankaran, "Fundamental Principles and Rights at Work: India and the ILO", 46 EPW 68-74 (2011).
7. O.P.Parmar, "I.L.O. and India in pursuit of Human Rights through Labour Standards", 23 JILI 555-577 (1981).
8. Suresh C. Srivastava, "Social Security for Agricultural Workers in India", 30 JILI 483-494 (1988).
9. Veer Singh, "Employment Injury and Employees' State Insurance Scheme : Functional Perspectives", 29 JILI 76-93 (1987).
10. Jerome Joseph and Srinath Jagannathan, "Employment Relations & Managerialist Undercurrents – The Case of Payment of Gratuity Act, 1972", 47 IJIR 253-263 (2011).

CASES FOR GUIDANCE

1. Sunita Devi v. Avtar Singh And Anr., 2004 (101) FLR 214.
2. Shri Sankar Kal v. Sri Sunil Kumar Saha, (2012) IV LLJ 629 Gau.
3. Mrs.Santan Fernandez v. B.P (India) Ltd., 58 Bom.LR 149.
4. India News Chronicle Ltd v. Luis Lazarus, AIR 1951 Punj. 102.
5. Divisional Personal Officer, Southern Railway v. Kartiyani, (1994) 3 LLJ Supp 65.

6. Regional Director, ESI Corporation v. Francis De Costa, (1997) 1 LLJ 34.
7. Jyothi Ademma v. Plant Engineer, Nellore, (2006) 5 SCC 513.
8. The Buckingham And Carnatic Co. Ltd. v. Venkatiah And Anr., 1964 AIR 1272.
9. Anand Kumar Bindal v. Employees' State Insurance Corporation, AIR 1957 All 136.
10. Chari & Ram v. Employees' State Insurance Corporation, (1970) II LLJ 115 Mad.
11. Ahmadabad Pvt. Primary Teachers Association v. Administrative Officer, (2004) 1 SCC 755.
12. Remington Rand Of India Ltd v. The Workmen, 1970 AIR 1421.
13. Calcutta Insurance Co. Ltd v. Their Workmen, 1967 AIR 1286.
14. Malayalam Plantations Ltd., v. Inspector of Plantations, AIR 1975 Ker 86.
15. K.N. Genda and Anr. v. State Etc., 1982 LAB IC 1777.
16. Mahaldaram Tea Estate (Pvt.) Ltd. and Ors. v. D. N. Prodhan and Ors., 1978 LAB IC 898.
17. Adoni Cotton Mills Ltd. and Ors. v. Regional Provident Fund Commissioner and Ors. 1995 Supp. (4) SCC 580.
18. Y.K. Singla v. Punjab National Bank and others (2006) 8 SCC 514.
19. Beed District Central Coop. Bank Ltd. v. State of Maharashtra and others (2006) 8 SCC 514.
20. India News Chronicle Ltd v. Luis Lazarus, AIR 1951 Punj. 102.

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.

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).

JOURNALS/ARTICLES

1. A.R.Blackshield, "Tortious Liability of Government: A Jurisprudential Case Note" 8(4) JILI 643-659 (1966).
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

1. Subash Chandra Gupta, "Ombudsman: An Indian Perspective" (Manak Publications, 1995).
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).

JOURNALS/ARTICLES

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.*

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 Recommendations*” in 3 volumes, Geneva. Available at-
https://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.

JOURNALS/ ARTICLES

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 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 ,Oxford 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, 5th Ed, 1992.
7. R.Pound ,Outline of Jurisprudence, Harvard University Press, 5th 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

CASES FOR GUIDANCE

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 SC 1461.
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.*

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 reference 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 the contribution of appropriate government is significantly emphasized in this course. This course mainly focuses on rationalization of wage differential and the need of wage increase in order to enhance the 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 career.*
- *Encompass certain research on wage laws.*
- *Understand the policies and make recommendations to State.*
- *Entrust students the knowledge and understanding of the new Code on Wages 2020.*

COURSE OUTLINE

MODULE I - Constitutional Perspectives and General Principles on Wages

- a) Concept of Wage - Real and Nominal Wages – Wage Structure - Components of Wages - Basic Wage – Dearness Allowance – Other Allowances - Kinds of Wage: Minimum Wage, Fair Wage and Living Wage.
- b) Directive Principles of State Policy and Wage policy -The constitutional ideals: protection against exploitation.
- c) Theories of wages.

MODULE II - Wage Policy in India: Nature and Scope

- a) National Wage Policy: Need, Importance, Objectives of Wage Policy.
- b) Difficulties in evolving Rational Wage Policy – Wages and Inflation.
- c) National wage policy – Wage Policy in India through Ages.
- d) Wage Fixation: Criteria and Techniques – Judiciary on Principles of Wage Fixation – Wage Fixing Machinery – Wage Boards.

MODULE III – Code on Wages 2019

- a) Application – Scope – Definitions
- b) Prohibition of Discrimination on the ground of Gender – Disputes relating to wages - Reference of Disputes – Appeals - Advisory Board – Claims – Offences and Penalties – Miscellaneous.
- c) Inspector-cum-Facilitator – Appointment, Powers.

MODULE IV – Minimum Wages

- a) Minimum Wages – Payment - Fixation and revision – Components – Power of the Central Government to fix Floor wage.
- b) Minimum wage protection and responsibility of the Government.

MODULE V - Payment of Wages

- a) Payment of wages – Modes – Wage period – Time limit.
- b) Deductions – Exemptions.

MODULE VI - Payment of Bonus and other benefits

- a) Bonus – Concept of bonus - Kinds of Bonus - Full Bench Formula – Payment – Eligibility – Disqualification.
- b) Allocable Surplus – Computation of Gross Profit - Available Surplus - Set off and Set on – Deductions – Time limit – Exemptions.

MODULE VII - 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 VIII - International Perspective on Wage law and policy

- a) Role of ILO Conventions and Recommendations relating to Wages.
- b) Wage system in USA.
- c) Wage system in UK.

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)
7. G.L. Kothari, "Wages, Dearness Allowance and Bonus" (1968).
8. Deepak Bhatnagar, "State and Labour Welfare in India" (1985)
9. International Labour Organisation, "India Wage Report: Wage Policies for Decent work and inclusive growth", 2018
10. G.L- Kothari, Wages, Dearness Allowances and Bonus (1968).

JOURNALS/ARTICLES

1. Sarthi Aacharya, "Wages and Wage determination", Indian Journal of Labour Economics, 2017
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)
8. Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)
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).

CASES FOR GUIDANCE

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 Sahakarikhand 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 Tamil Nadu 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
14. L.I.C. of India Vs. Anwar Khan (Since Deceased) Through Lrs [2007] Insc 435 (23 April 2007) 2007 Latest Caselaw 363 SC
15. Sarva Shramik Sangh Vs. M/S. Indian Smelting & Refining Co. Ltd. & Ors [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.

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 are 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 too 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 – Concept and Evolution of Judicial Review

- a) Meaning, Scope and Significance of Concept of Judicial Review.
- b) Evolution of Concept of judicial review in Common law countries – France and in India.

- c) Theories of Judicial Review.

MODULE II – Grounds of Judicial Review

- d) Doctrine of ultra vires – Application of ultra vires in Judicial Control over Delegated legislation.
- e) Illegality - Irrationality – Procedural Impropriety - Jurisdictional Error - Mixed Consideration - Extraneous consideration - Acting under dictation.
- f) Unreasonableness - Mala fide.
- g) Doctrine of Proportionality - Doctrine of Legitimate Expectation - Doctrine of Standing and Doctrine of Ripeness.

MODULE III – Exclusion of Judicial Review and Limits on Judicial Review

- h) Modes/Formulae for Conferring Finality.
- i) Scope of Exclusionary Clause - Exclusion of Judicial Review under the Constitution – Ouster Clause in Ordinary Statutes – Express Exclusion of Judicial Review - Implied Exclusion of Judicial Review – Finality Clause and Ultra-vires Acts – Finality Clause and Void Laws.
- j) Limits on Judicial Review – Constitutionally imposed limitations - Judicially self-imposed limitations - Policy decisions.

MODULE IV - Principles of Natural Justice and Judicial review

- k) Concept of Natural Justice - Parameters of Natural Justice – Application of Principles of Natural Justice to Administrative Action.
- l) Bias – Test of Bias – Types of Bias – Pecuniary Bias, Personal Bias, Bias as to Subject Matter.
- m) Right to Fair Hearing – Components of Fair Hearing – Notice, Right to know Evidence, Right to present case and produce evidence, Right to rebut adverse evidence, No evidence should be taken at the back of other party, Right to enquiry report.
- n) Reasoned Decisions - Post-Decisional Hearing - Institutional Decision.
- o) Exceptions to Natural Justice - Consequences of Violation of Natural Justice.

MODULE V – Mechanism of Judicial review of Administrative Action

- p) Review powers of the Supreme Court - Writ Jurisdiction – Special Leave Petition.

- q) Review powers of the High Court - Writ Jurisdiction - Supervisory powers.
- r) Judicial Control of Administrative Action through Writs– Locus-Standi - Habeas Corpus, Mandamus, Certiorari, Prohibition, Quo-warranto - Principles for the exercise of Writ Jurisdiction – Alternate Remedy, Laches or Delay, Res Judicata.
- s) Public Interest Litigation – Parameters for PIL – Abuse of PIL.

MODULE VI – Judicial Review of Administrative Discretion

- t) Meaning and Nature of Administrative Discretion.
- u) Ground and Extent of Judicial Review – Abuse of Discretion – Failure to exercise discretion.
- v) Fundamental Rights and Conferment of Administrative Discretion - Administrative Discretion and Article 14.
- w) Unreviewable discretionary powers - Preventive Detention and scope of Judicial Review.

MODULE VII – Statutory Judicial Remedies

- x) General Statutory Remedies – Injunction - Declaratory Actions.
- y) Exclusion of Civil Suits.
- z) Specific Statutory Remedies – Parent Act and Enabling Act Remedies.

MODULE VIII - A COMPARATIVE STUDY ON CONCEPT OF JUDICIAL REVIEW

- aa) Judicial Review in U.K.
- bb) Judicial Review in U.S.A.
- cc) Judicial Review in India.

RECOMMENDED READINGS:

BOOKS

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

4. Sweet and Maxwell. I.P. Massey, Administrative Law (1995),
5. M.P.Jain, The Evolving Indian Administrative Law (1983),

JOURNALS / ARTICLES

1. Lord Diplock, "Administrative Law: Judicial Review reviewed", The Cambridge Law Journal, Vol.33, Issue 2, 1974, pp 233-245
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
4. Collins Parker, "Key aspects in proceedings concerning the remedy of judicial review of administrative action by administrative bodies and officials", Administrative Law: Cases and Materials, University of Nambia Press, 2019, pp 219-316, www.jstor.org
5. Rajvir Sharma, "Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India", 58(2) Indian Journal of Public Administration 264-286 (April-June 2012)

FURTHER READINGS:

BOOKS

1. Eastern, Lucknow. Bagawati Prosad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur.
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)
4. Brown and Garner - French Administrative Law - (1973) Chs. 7 & 9
5. Jaffe - Judicial Control of Administrative Action
6. A.T. Markose, Judicial Control of Administrative of India
7. Jain and Jain - Principles of Administrative Law (1993) Chapters 7, 8, 13, 14.
8. Davis - Administrative Law - Text Chapters. 4, 11, 12 & 18-20
9. Schwartz and Wade - Legal Control of Government Chapters. 9-12
10. Hentry William Rason Wade and C. F. Forsyth, Administrative Law, Oxford University Press, 11th ed., 2014

JOURNALS / ARTICLES

1. Charles H.Koch Jr., "Introduction: Globalisation of Administrative and Regulatory Practice" 54(1) ALR 409-414 (2002).
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

CASES FOR GUIDANCE

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, 26th July, 1994
6. Gullappali Nageshwara Rao and other v. Andhra Pradesh State Road Transport Corp. and another, Supreme Court of India, 5th November, 1958
7. Sub – Committee of Judicial Accountability v. Union of India and Others, Supreme Court of India, 29th 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, 7th May, 2018

11. L. Chandra Kumar v. Union of India and Others, Supreme Court of India ,18th 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.*

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

OBJECTIVES OF THE COURSE

This course on civil service law equips students with the skills to analyse and understand the constitutional mandates governing civil servants. Rooted in British and American legal systems, it covers recruitment, promotion, service conditions, and dispute resolution, with a focus on judicial officers and special service categories. Students will explore doctrines like the Doctrine of Pleasure and principles of natural justice, emphasizing transparency and public participation. The course also offers a global and comparative perspective on service laws, providing a comprehensive understanding of legal frameworks and practical approaches to resolving service-related disputes.

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 of Service Law

- a) Origin and Concept Governance in Ancient India
- b) Centralised Administration of Mughals
- c) Evolution of Modern Service Law - British Civil Service - Modernisation of Civil Services in Independent India –Civil Servants in Independent India – Civil Service Reforms in India

MODULE II – Government Servants and the Constitution of India

- d) Constitutional Dimension of Government Servants – Status of Government Servants.
- e) Government Servants and Fundamental Rights - Right to Equality – Equal Opportunity in matters of public employment – Equal Pay for Equal Work.
- f) Tenure of Office and Constitutional Safeguards - Doctrine of Pleasure – Safeguards under Art. 311 of the Constitution of India.

MODULE III – Recruitment and Conditions of Service

- g) Scope of Article 309 – Rules made given Retrospective operation – Restraints on power conferred – Power to dispense - Central and State Agencies for Recruitment – Methods –
- h) Jurisdiction – Qualification – Functions - Public Service Commissions – Constitution – Qualifications – Appointment – Removal – Suspension – Functions – Reports – Exclusions – Reference to the Supreme Court – Role of Public Service Commission.
- i) Ad-hoc employees and their /regularization – Deputation - Annual confidential reports - Kinds of Leave and Conditions of Eligibility - Pay, Dearness Allowances and Bonus - Machinery for fixation and Revision of Pay Commission.
- j) Social Security - Provident Fund – Pension – Gratuity - Compassionate Appointment (Die- in- Harness Scheme) - Compulsory Insurance.

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

- d) Constitutional Remedies – Directions or orders – PIL – Locus standi of PIL – Res

Judicata – Laches or Delay – Alternative remedy – Writs – Habeas Corpus, Mandamus, Quo Warranto, Prohibition, Certiorari.

- e) Departmental Remedies – Disciplinary Proceedings – Lodging of Complaint – Preliminary Enquiry – Charge sheet – Holding of Enquiry - Conduct of proceedings – Findings of Disciplinary Authority – Major and Minor Penalties – Appeal – Revision – Judicial Review – Re-inquiry.
- f) Remedy Before the Administrative Tribunal -Jurisdiction - Scope and Procedure - Merits and Demerits - Exclusion of Jurisdiction of Courts.

MODULE VI – Globalisation, Good Governance and Indian Administrative Machinery

- g) Administration in a Globalised World – Challenges and Impact.
- h) Good Governance in Administration and Civil Services – Comparative Position in U.S.A., U.K. and France.
- i) RTI 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; 3rd edn., 2011).
3. H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing - An imprint of Lexis Nexis; 4th edn., 2015).
4. K.N. Goyal, *Administrative Tribunals Act, 1985* (Eastern Book Company, Lucknow, 2nd edn., 1990).
5. J. K. Soonavala, and Mohan Lal Singha, *Soonavala's Supreme Court on Service Laws (1950-2017)*(Lexis Nexis, 2017).

JOURNALS/ARTICLES

1. Arjun P. Aggarwal, “Freedom of Association in Public Employment”, 14 JILI (1972).
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, 19th 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, 6th 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, 3rd edn., 2015).
7. K.M. Mandal, *Laws on Public Service* (Eastern Law House, 1st 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, 1st 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).

CASES FOR GUIDANCE

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.*

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 had 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. Now, all of these legislations have been consolidated together, namely, Occupational Safety, Health and Working Conditions Code 2020. A thorough understanding of these laws will help a Masters 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 legislation in India dealing with occupational safety and health – Occupational Safety, Health and Working Conditions Code 2020.

· 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

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.

MODULE II - Occupational Safety, Health and Working Conditions Code 2020

a) Occupational Safety, Health and Working Conditions Code 2020 – Scope and Objects – Definitions - Registration of certain establishments – Notice for Commencement and Cessation of Operation – Duties of employer and employees – Maintenance of Registers, Records and Returns.

b) Social Security Fund – Offences and Penalties – Miscellaneous.

c) Authorities – Inspector-cum-Facilitator – District Magistrate – Powers and Duties – Special Officer - Medical Officer.

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

a) Occupational Safety and Health – National and State OSH Boards – Safety Committee and Safety Officers.

b) Health, Safety and Working Conditions – Responsibility of employer - Welfare – Welfare facilities in the establishment - Employment of women –Safety of women workers in dangerous operations.

c) Working Hours of Adults – Weekly and Compensatory Holidays – Extra wages for Overtime – Night shifts – Overlapping shifts - Double Employment - Annual Leave with Wages.

MODULE IV – Provisions Relating to Factories, Mines and Plantation

- a) Licensing of Factories – Liability of owner of premises – Application of Code to certain premises - Dangerous Operations - Site Appraisal Committee – Constitution – Disclosure of Information – National Board – Emergency Standards – Rights of Workers – Appeals.
- b) Mines – Managers – Exemptions – Rescue Services and Vocational Training – Decision on Applicability.
- c) Plantation Workers – Facilities for workers – Safety.

MODULE V - MODULE VI – Occupational Safety, Health and Working Conditions of Sector-Specific Workers

- a) Contract Labour - Applicability – Designated Authority - Licensing of Contractors – Issue, Renewal, Revocation, Suspension and Amendment – Appeal – Liability of Principal Employer for welfare facilities – Effect of employing contract labour from a non-licensed contractor - Payment of Wages – Experience Certificate – Prohibitions and Exemptions.
- b) Inter-State Migrant Workers – Applicability – Facilities – Journey Allowance – Public Distribution System – Helpline – Study of Inter-State Migrant Workers – Past Liabilities.
- c) Audio-Visual Workers – Prohibition of Employment.
- d) Beedi and Cigar Workers – License – Appeals – Permission to work outside premises – Exemptions.
- e) Building and Other Construction Workers – Prohibition of employment.

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. Misra, Labour and Industrial Law (Central Law Publications, 29th 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).

JOURNALS/ARTICLES

1. Gurumurthy Ramachandran & Panneer Sigamani, "Occupational Health and Safety in India", 49 EPW 26-28 (2014).
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:

BOOKS

1. Ganguly & Changeriya, Health Safety and Environment (Safety Management) (Chetan Publication; 2016).
2. Harbans Lal Sarin, Encyclopedia of Petroleum Laws (Universal Law Publishing Co. Ltd, 12th ed., 2016)
3. P.K.Goswami, Handbook of Occupational Safety and Industrial Psychology (S.Chand & Co. Ltd, 2017).
4. Singh D.P, Women Workers in Unorganised Sector (Deep & Deep Publications, New Delhi, 2008).
5. Sharma A.M., Personnel and Human Resource Management, (Himalaya Publishing House, New Delhi, 1985).
6. Shashi K. Gupta and Rusy Joshi, Human Resources Development (Kalayani Publishers, New Delhi, 2003).
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., 1st ed., 2016).
9. Panneer Sigamani & Ors, Health, Safety and Well-Being of Workers in the Informal Sector in India: Lessons for Emerging Economies (Springer; 1st ed., 2019).
10. Park K, Occupational Health, Park's Textbook of Preventive and Social Medicine (19th edn., 2007).

JOURNALS/ARTICLES

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).
8. Saiyed, Habibullah N. and Rajnarayan R. Tiwari, “Occupational Health Research in India,” 42 IH 141–148 (2004).
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).

CASES FOR GUIDANCE

1. Bayer (India) Limited & Ors v. State of Maharashtra, AIR 1996 Bom. 20.
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.*

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 Behaviour -Discipline

a) Industrial behaviour 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) Application – Model Standing Orders – Draft Standing Orders – Date of Operation – Duration – Modification.

(b) Certifying Officer – Appellate Authority – Appeals – Interpretation – Disciplinary Proceedings – Subsistence Allowance – Exemptions.

MODULE III - Misconduct and Industrial Discipline

a) Industrial Discipline: Concept and need for maintaining industrial discipline

b) Industrial Relations Code 2020 - 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 Relations Code 2020- 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) Industrial Relations Code - Section 50 - appropriate relief in case of discharge or dismissal of worker - Section 2(q) - individual dispute deemed to be an industrial dispute.

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.

RECOMMENDED READINGS

BOOKS

1. H.L Kumar, Law relating to disciplinary Proceedings in Industry, Universal Law Publishing - An Imprint of Lexis Nexis (2017).
2. 2. The Law of Industrial disputes Vol I & Vol II – O.P. Malhotra , Universal Law Publishing Co., Delhi (1999)
3. 3. Constitutional Law of India – H.M. Seervai, Universal Law Publishing - An imprint of LexisNexis (2015)
4. 4. S.S. Udadhyay & Sachin Upadhyay, Law Of Disciplinary Proceedings in India, Thomson Reuters (2018)
5. 5. G.P.Das Gupta, Maintaining Industrial Discipline, SAGE Publications Pvt. Ltd (2016).

JOURNALS/ ARTICLES

1. Glennie, Paul, and Nigel Thrift. "Reworking EP Thompson'sTime, work-discipline and industrial capitalism'." Time & Society 5.3 (1996): 275-299.
2. Edwards, Paul K., and Colin Whitston. "Industrial discipline, the control of attendance, and the subordination of labour: Towards an integrated analysis." Work, Employment and Society 3.1 (1989): 1-28.
3. Singh, Yogendra. "NATURE OF STANDING ORDERS UNDER INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946." Journal of the Indian Law Institute 9.3 (1967): 443-452.
4. Krishnan, P. G. "LAW RELATING TO DISCIPLINARY MATTERS AND STANDING ORDERS." (1978): 633-637.
5. Row, Chitta Mallikarjuna, and R. B. Sethi. Law of industrial disputes: containing exhaustive commentaries on Industrial disputes act and Industrial employment (standing orders) act with useful appendices. Law Book Co., 1958.

FURTHER READINGS:

BOOKS

1. The Industrial Employment (Standing Orders) Act, 1946, with Central Rules... University Book agency, 1966.
2. L. C. Malhotra. The Industrial Disputes Act, 1947: Labor Law Trial Employment (standing Orders) Act, 1946, and Rules, with Model Standing Orders in English and Hindi. The Trade Unions Act, 1926. The Central Trade Unions Regulations, 1938, with State Amendments, Central Rules and Case-law. University Book agency, 1970.
3. Haas, Ron, et al. "Texas State Undergraduate Research Journal, Volume 5, Issue 1, Spring 2017." (2017)
4. Gorton, Michael, and Russell Kennedy Partner. "Disciplinary action by committees—the need for ‘natural justice’." (2006).
5. Stevens, Mark. "Disciplinary action: how to get it right." Nursing And Residential Care 22.2 (2020): 98-100
6. Noremen. R.F. Moor, Industrial Psychology, SAGE Publications London (2001)
7. P.K. Ghosh : Industrial Psychology, Himalaya Publishing House, (1980)
8. R.D. Agarwal : Dynamics of Personnel Management in India, Tata McGraw-Hill, (1973)
9. Edwin, B. Phlipppo : principles of Personnel Management, McGraw-Hill, (1976)
10. D. Yoder : Personnel Management and Industrial Relations, New York: Prentice-Hall, Inc., (1942).

JOURNALS/ARTICLES

1. Smit, Paul Andries. Disciplinary enquiries in terms of schedule 8 of the Labour Relations Act 66 of 1995. Diss. University of Pretoria, 2010.
2. Banderet, M. E. "Discipline at the Workplace: A Comparative Study of Law and Practice-
1. The Sources and Substance of Disciplinary Law." Int'l Lab. Rev. 125 (1986): 261.
3. Goodman, John, et al. "Unfair dismissal cases, disciplinary procedures, recruitment methods and management style." Employee Relations (1998)
4. Dickens, Linda, and Mark Hall. "Labour law and industrial relations: a new settlement?." Industrial relations: Theory and practice (2003): 24-56.
5. Coetzee, Faan. "Challenging employers over unfair dismissals: labour law." Without Prejudice 7.10 (2007): 47-48.
6. Rendel, Margherita. "Natural justice and disciplinary cases in Britain and France." Public Administration 58.1 (1980): 67-86.

7. Schuler, R.S. and S.E. Jackson. 'A Quarter-Century Review of Human Resource Management in the US: The Growth in Importance of the International Perspective'. *Management Revue*, 16(1) (2005), 11–35
8. Boxall, P. "Mutuality in the management of human resources: Assessing the quality of alignment in employment relationships". *Human Resource Management Journal*, (2013)23: 3-17.
9. Schuler, R.S. and S.E. Jackson. "Strategic Human Resource Management: A Reader", 2e (London, Blackwell, 2006).
10. Gupta, A.K. and V. Govindarajan. "Converting Global Presence into Global Competitive Advantage". *Acad. Mgt. Ex.*, 15(2) (2001), 45–56.

CASES FOR GUIDANCE

1. C.M.D.U.C.O. v. P.C. Kakkar, AIR 2003 SC 1571.
2. Board of Trustees of Port of Bombay v. Dilip Kumar Raghavendranath Nadkarni, [1978] 3 SCC 544
3. U.P.S.S. Corp.Ltd. v. K.S.Tandon, AIR 2008 SC 1235
4. State of U .P. v. C.S. Sharma, AIR 1968 SC 158
5. Capt. I.S.Bawa v. State of Punjab, 1996(5) SLR (P&H) 387)
6. State of U.P. v. Shatrughan Lal, AIR 1998, SC 3038
7. V.K. Nigam v. State of M.P., AIR 1997 SC 1358
8. S.Parthasarathy v. State of A.P; AIR 1973 SC 2701.
9. F.C.I. v. Bant Singh, AIR 1997 SC 2982
10. K.B.Rai v. State of Punjab, 1996(1) SLR(P&H) 353
11. State of Haryana v. Roshan Lal, AIR 1970 (P&H) 739
12. Bhagwan Singh v. Deputy Commissioner Sitapur, AIR 1962 All 232: 1962 (1) CrLJ 554]
13. Mehra Singh v. Supdt of Post offices, Jabalpur, AIR 1962 MP 72
14. A.K. Kraipak v. Union of India, AIR 1970 SC 150
15. Nathaniel Ghosh v. Union Territory of Arunachal Pradesh, (1980) 2 SLR 733]
16. Union of India and another v. Thusiram Patel, 1985(2) SLR SC 576]
17. Delhi Development Authority v. H.C. Khurana, 1993(2) SLR SC 509
18. High Court of Judicature at Bombay v. Shashikanth S. Patil 2000(1) SLJ SC 98
19. Union of India v. Harjeet Singh Sandhu, 2002(1) SLJ SC 1
20. Union of India v. B.V. Gopinath JT 2013 (12) SC 392.

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.*

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- Human rights and the Indian Constitution - Human rights of Labour – Labour Rights Violation – Inhumane Conditions of Work – Gender based Violations.
- 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) UN Conventions - ILO conventions on restrictions and prohibition on child labour – UN Convention on Rights of the Child, 1989 – ILO Minimum Age Convention 1973 – ILO Worst Forms of Child Labour, 1999.

c) Legal protection to children in various occupations - Constitutional Provisions - OSH Code 2020 – The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 – 2016 Amendment – Rules – Rehabilitation under Juvenile Justice Act, 2015-The Right of Children to Free and Compulsory Education Act, 2009.

MODULE III - Bonded Labour and Human Rights

a) Concept- Causes- Characteristics- Bonded labour in different sectors - Problems of bonded labour – Abolition of Bonded Labour – Constitutional Protection.

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 – Social Security Code 2020 – Registration – Licensing – The OSH Code 2020 – Applicability – Benefits.

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 - Problems of Agriculture Labours.

b) ILO Conventions – ILO Equal Remuneration Convention 1951 – Rural Workers' Organisations Convention 1975.

c) Laws Governing Agricultural Labours – Constitutional Provisions – Minimum Wages - MGNREG Act 2005 – Social Security Code - Schemes and Welfare Measures.

RECOMMENDED READINGS:

BOOKS

1. Basu, Durga Das, Human Rights in Constitutional law (New Delhi: Prentice Hall 1994).
2. Kapoor, S.K., Human Rights under International Law and Indian Law (Allahabad: Central Law Agency, 1999).
3. Dr. V.G. Goswami, "Labour & Industrial Laws" CLA 11th Edn. (2019).
4. D.C. Nanjunda, Child Labour and Human Rights: A Prospective, Delhi: Kalpaz Pub., 2008.
5. Jain, Mahavir, Bonded Labour Justice through Judiciary (New Delhi: Manak Publications, 1997).

JOURNALS/ARTICLES

1. Kamala Kantha Mohabatra "Women Workers in Informal Sector in India: Understanding the Occupational Vulnerability", International Journal of Humanities and Social Science, Vol. 2, 21, 2012, p.198.
2. Devi, K., & Kiran, U. V. (2013). Status of female workers in construction industry in India: A Review. IOSR Journal of Humanities and Social Science (IOSR-JHSS), 14(4), 27-30.
3. Pattanaik BK., "Young migrant construction workers in the unorganized urban sector" South Asia Res. 2009.
4. Fernandes D, Paul B. "Social Network of migrant workers in Construction Industry: Evidence from Goa" Tata Institute of Social Sciences. 2009.
5. Vetrivel V. and Manigandan R, 'An Empirical Study of Agricultural Labour in India', 'Journal of Exclusive Management Science', Volume 2, Issue 12, (2013).

FURTHER READINGS:

BOOKS

1. Shrivastave Rekha, International Encyclopaedia of Women Rights and Children Rights, Anmol Publications, New Delhi, 2009.
2. Waldron, Jeremy. Theories of Rights, Oxford; Oxford University Press, 1984
3. Ramesh Kumar Tiwari, Human Rights and Law: Bonded Labour in India, Foundation Books, 2011, ISBN-8175967463, 9788175967465
4. Mehta, P.L., Child Labour and the Law (New Delhi: Deep and Deep, 1996).
5. Prakash, S.S., Bonded Labour and Social Justice (New Delhi: Deep and Deep, 1990).

6. Saksena, Anu, Human Rights and Child Labour in Indian Industries (New Delhi: Shipra Publications, 1999).
7. Singh, S.K., Bonded Labour and the Law (New Delhi: Deep and Deep, 1994)
8. Conor Grealy and Adam Tomkins (Eds). Understanding Human Rights, London: Manshell, 1996.
9. James Nickel, Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights, Berkeley: University of California Press, 1987.
10. Michael Freeman, Human Rights: An Interdisciplinary Approach, Oxford: Polity, 2002.

JOURNALS/ARTICLES

1. International Labour Organisation, "Employment and Social Protection in the Informal Sector", Geneva, 2000, p.16.
2. Gender and Economic Policy Discussion Forum, "Engendering Social Protection for Informal Economy Workers", Institution of Social Trust, New Delhi, November 2012, p.6.
3. Kalyani, M., Unorganised Workers: A Core Strength of Indian Labour Force: An Analysis. International Journal, 44, (2015).
4. Dr. Vandana Dave, "Women Workers in Unorganized Sector" women' s link, vol. 18, no. 3, July-september 2012.
5. Anthony P. D'souza, "Unorganized Sectors: Role of an Entrepreneur and Challenges in Self Employment", International Journal of Scientific and Research Publications, Volume 3, Issue 6, June 2013.
6. Mohapatra. Dipti Rekha, "ROLE OF JUDICIARY FOR THE SOCIAL SECURITY AND PROTECTION OF WOMEN LABOUR IN INDIA"; International Journal of Technical Research and Applications; Special Issue 17; 25 (June, 2015).
7. Paul. Thomas.; "Contract Labour: Liability of Principal Employer"; Journal of The Indian Law Institute; Vol. 39, p.445.
8. Pandey.H.S, "CONTRACT LABOUR AND SOCIAL SECURITY LEGISLATION IN INDIA"; Notes and Comments; Journal of the Labour Institute of India; vol.36(1994); p. 194-195.
9. Parmila Kumari, "JUDICIAL RESPONSE TOWARDS LABOUR WELFARE IN UNORGANIZED SECTOR" Journal on Contemporary Issues of Law, Vol. 3, issue 10.
10. Kanagarathinam M, "Problems of Unorganized (Agricultural) Workers in Coimbatore" IJHRMR, Vol.4, Issue 6, (2014) p.87.

CASES FOR GUIDANCE

1. Salal project v. State of Jammu and Kashmir, AIR 1984 SC 117.

2. Associate Banks officers Association v. State Bank of India, AIR 1998 SC 32.
3. People's Union for Civil Liberties (PUCL) v. Union of India, 1998(8) SCC 485.
4. Bandhua Mukti Morcha v. Union of India, (1997)10 SCC549.
5. BALCO Employees Union (Regd.) v. Union of India, 2002(2) SCC 333.
6. Consumer Edu. & Research Centre v. Union of India, 1995(3) SCC 42.
7. People's Union for Democratic Rights v. Union of India, 1982(3) SCC 235.
8. Bonded Labourers Working in Chauna Stone Mines, District Gwalior Madhya Pradesh, Case No: 1351/12/2001-2002(FC).
9. Rural Litigation and Entitlement Kendra, Dehradun v. State of U.P. &Ors., 1985 AIR 652.
10. Sanjit Roy v State of Rajasthan, 1983 AIR 328.
11. Deena v. UOI, WRIT PETITION (CRIMINAL) NO. 89 OF 2015
12. Neeraja Chaudhary v. State of Madhya Pradesh, (1984) 3 SCC 243
13. Daily Rated Casual Labour V. Union of India, 1988 SCR (1) 598.
14. State v. Banwari, 1957 CriLJ 539.
15. M.C. Mehta v. State of Tamil Nadu and Others, (1996) 6 SCC 756.
16. Delhi Jal Board v. National Campaign for Dignity and Rights of Sewerage and Allied Workers, 12 July, 2011.
17. KotchuVelu V. Joseph, 1987 II LLJ 174 (Kerala).
18. N Krishna Devi v. Vishnu Mitra, AIR 1982 Raj 281.
19. The Manager v. S.Jamuna, 28 February, 2017.
20. Bijay Cotton Mills v. State of Ajmer, (1955) 1 LLJ 129 (SC).

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.*

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) 65th 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.

BIBLIOGRAPHY

RECOMMENDED READINGS:

BOOKS

1. Yash Ghai ,Sophia Woodman, Practising Self-Government: A Comparative Study of Autonomous Regions , Cambridge University Press; Reprint edition (2016)
2. Bidyut Chakraborty and Rajendra Kumar Pandey, Modern Indian Political Thought – Text and Context, Sage, New Delhi, 2009.
3. Niraja Gopal Jayal and others, Local Governance in India – Decentralisation and Beyond, Oxford University Press, 2006.
4. SL Goel, Good Governance – An Integral Approach, New Delhi: Deep and Deep Publications Pvt. Limited, 2007.
5. Sudhakar , V. New Panchayati Raj System: Local Self-Government Community Development -Jaipur: Mangal Deep Publications, 2002.

JOURNALS/ ARTICLES:

1. Pol, Tanaji. "Mahatma Gandhi and Governance in India." Studies in Indian Place Names 40.24 (2020): 9-13
2. Kumar, Puneet, Dharminder Kumar, and Narendra Kumar. "ICT in local self governance: a study of Rural India." arXiv preprint arXiv:1401.0591 (2014)
3. Nandal, Santosh. "Reflections on new partnerships between women and local self-government in India: a rural revolution?." Journal of International Women's Studies 5.1 (2003): 122-131
4. Mitra, Subrata K. "Making local government work: local elites, panchayati raj and governance in India." The success of India's democracy 6 (2001): 103-126
5. Mahajan, V. D. "WHY HAS LOCAL SELF-GOVERNMENT FAILED IN INDIA?." The Indian Journal of Political Science 7.4 (1946): 521-527.

FURTHER READINGS:

BOOKS

1. Subrata K. Mitra, Making local government work: Local elites, panchayati raj and governance in India, (2001)
2. Kohli (Ed.). The Success of India's Democracy. Cambridge: Cambridge University Press.(2001)
3. Sudhakar , V. New Panchayati Raj System: Local Self-Government Community Development -Jaipur: Mangal Deep Publications, 2002.

4. Joshi, R.P., Narwani, G.S., Panchayat Raj in India: Emerging Trends across the States (Rawat Publications), Hyderabad, 2011
5. Khanna, B.S: Panchayati Raj in India- National Perspectives and State Studies (Deep and Deep Publications), New Delhi, 1994.
6. M. Venketarangaiya& M. Pattabhiram, Local Government in India (1969) Allied Publishers, New Delhi
7. Bidyut Chakraborty and Rajendra Kumar Pandey, Modern Indian Political Thought – Text and Context, Sage, New Delhi, 2009.
8. Torfing, Jacob, et.al., Interactive Governance – Advancing the Paradigm, New York: Oxford University Press, 2012.
9. Mathew G and Jain L. C (Eds.), Decentralisation and Local Governance, Orient Blackswan, 2005.
10. Kuldeep Mathur, From Government to Governance, National Book Trust, New Delhi, 2009.

JOURNALS/ ARTICLES:

1. Watt, P.A, Principles and Theories of Local Government, Economic Affairs 26 (1) March 2006, pp. 4-10
2. Alka Dhameja (Ed.), Contemporary Debates in Public Administration, Prentice Hall of India Pvt. Limited, New Delhi, 2003.
3. Cross, Cecil Merne Putnam. The development of self-government in India, 1858-1914. University of Chicago Press, 1922.
4. Sultan, Nazmul S. "Self-Rule and the Problem of Peoplehood in Colonial India." American Political Science Review 114.1 (2020): 81-94.
5. Wasnik, Jitendra. "Local Governance Ethics in India: Issues and Challenges." Governance & Public Policy 10.1 (2020): 2-13.
6. Vishal, R., Sheetal Singh, and Kala S. Sridhar. "Municipal Finances And Decentralized Government." The Rise of India and China: Social, Economic and Environmental Impacts (2020): 59.
7. Barua, Alka, et al. "Adolescent health programming in India: a rapid review." Reproductive Health 17 (2020): 1-10.
8. Conway, Stephen. "Colonial Politics." The Oxford Handbook of American Political History. Oxford University Press, USA, 2020. 11.

9. Kundu, Debolina. "Urbanisation in India: Towards a National Urban Policy Framework and Smart Cities." *Developing National Urban Policies*. Springer, Singapore, 2020. 89-119.
10. M. Pal, Panchayati Raj and Rural Governance: Experiences of a Decade, *Economic and Political Weekly*, Vol. 39, No. 2 (2004), 137-143

CASES FOR GUIDANCE

1. Secretary, Sarvodaya Educational Society v. Ginja Panasaiah and Ors. (2002)10 SCC 691
2. Sakthi Coop. Industrial Estate v. Kursheed Begum And Ors. (1998) 8 SCC 528
3. State of Rajasthan v. Shyam Lal Joshi and Ors., (1994), IILLJ656SC
4. Ram Beti v. District Panchayat Raj Adhikari and Ors (1998). 1 SCC 680
5. Surinder Kaur v.State of Punjab & Ors (2010) 1 SLR 87
6. Boddula Krishnaiah v. State Election Commissioner, A.P.and Ors (1996) 3 SCC 416
7. M.V. Venkataramana Bhat v. Returning Officer and Tahsildar & Ors,AIR 1994 SC 1431
8. Jaenendrakumar Phoolchand Daftari v. Rajendra Ramsukh Mishra, AIR 1994 SC 586
9. State of H.P v. Surinder Singh Banolta, AIR 2007 SC 903
10. Baldev Singh v. Shinder Pal Singh, (2007)1 SCC 341
11. Rashid Ahmed v. Municipality Board, AIR 1950 SC 163.
12. Khairana and Ajit Singh v. State of Punjab, AIR 1967 SC 856
13. Holmes v. City of Fayetteville 197 N.C. 740 (N.C. 1929)
14. The Quarry Owners Association v. The State of Bihar & Ors, AIR 2000 SC 2870
15. Clinton v. Cedar Rapids and Missouri River Railroad, 24 Iowa 455; 1868
16. Merrill v. Monticello, 138 U.S. 673 (1891)
17. People v. Hurlbut, 24 Mich 44, 95(1871)
18. Hunter v. Pittsburgh, 207 U.S. 161 (1907)
19. Vinayakrao Gangaramji Deshmukh v. P.C. Agrawal & Ors, AIR 1999 Bom 142
20. Dr. K. Krishna Murthy and Ors. v. Union of India (UOI) and Anr, 2010 (II) OLR (SC) 530

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.*
