

## **DIPLOMA IN LABOUR LAWS & LABOUR WELFARE**

- 1. Duration** : The duration of the course will be one academic year.  
(As per University rules four attempts are allowed for Diploma examination)
- 2. Pattern** : Yearly
- 3. No. of Papers** : 4
- 4. Medium of course** : The medium of the course shall be only in English.
- 5. Eligibility** : Any Graduate who has passed Graduation from any recognized University in India is eligible to seek admission in Diploma Course.
- 6. Pattern of Examination:**
  - a) The diploma examination shall comprise of four papers of 100 marks each.  
But only Diploma in intellectual property law paper shall be of 100 marks out of which 80 marks for Theory Examination and 20 Marks of Internal Assessment.
  - b) In order to pass the examination the candidate has to secure 40% of marks in each paper and 50% of marks in aggregate.
  - c) Award of Division
    - Second Class: 50% and above less than 60%
    - First Class: 60% and above less than 75%
    - First Class with Distinction: 75% and above

# **DIPLOMA IN LABOUR LAWS AND LABOUR WELFARE**

## **Aim and Objective:**

The important objective of Labour Law is to protecting workers and ensuring fair, safe and healthy workplace leading to increased productivity.

## **Paper I - Law Relating to Industrial Relations and Adjudication**

**100 Marks**

### **1. Industrial Disputes Act, 1947:**

- i. Definition, Authorities for the settlement of disputes, methods of settlement, collective bargaining, conciliation, arbitration and adjudication.
- ii. Scope of Industry, Workmen, Employers, Industrial Disputes, Authorities under the Industrial Dispute Act, 1947; Procedure, Power and Duties of Authorities, Reference of Disputes to Boards, Courts or Tribunals.
- iii. Strike, Lock Out, Lay Off, Retrenchment and Closure Unfair Labour Practices, Penalties, Offences by Companies etc.

### **2. The Trade Union Act. 1926:**

- i. Collective Bargaining- Concept and Process, Legal control, Factor affecting collective bargaining, Merit and Demerit of collective bargaining
- ii. History and Development of Trade Union Movement with reference to India, Registration of Trade Union, Rights and Liabilities of Registered Trade Union, Penalties and procedure

### **3. Bombay Industrial Relations Act, 1946:**

- i. Authorities under
- ii. Registration of unions, procedure for registration, cancellation of registration
- iii. Powers and duties of Labour officers
- iv. Penalties and procedure

### **4. Industrial Employment (Standing Order) Act, 1946:**

- i. Definition, Historical Background, application of the Act
- ii. Submission of drafts standing orders, conditions for standing orders, certification of standing order, Posting, Duration and modification of standing orders
- iii. Payment of subsistence allowance
- iv. Powers of Certifying officers and appellate authority
- v. Penalties and procedure

### **5. Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practice Act, 1971:**

- i. Authorities under Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practice Act, powers and duties
- ii. Unfair Labour Practices
- iii Penalties and Procedure

## **Paper II - Social Security Legislation:**

**100 Marks**

Conceptual frame work of Social Security, Evolution and concept of Social Security system in India

### **1. Employee's Compensation Act, 2010:**

- i. Definitions, Aims & Object, Liability of Employer, Notional Extension & Defenses, Determination of Amount of Compensation, Compensation when due-Penalty for default, Contracting Out ,
- ii. Commissioner for Employees' Compensation- his duties, powers and procedure

### **2. Employee's Provident Fund Act, 1952:**

- i. Definition, Object and scope of the Act
- ii. Employee's Provident Fund Scheme
- iii. Penalties, Offences by Companies
- iv. Enhanced punishment in certain cases after previous conviction

### **3. Employee's State Insurance Act 1948:**

- i. Authorities under the Act –their powers and function.  
Employees State Insurance Fund-Contributions to the fund by the Employer and Employees, Grant by Central and State Government.
- ii. Purposes for which the fund may be expended.
- iii. Benefits available, conditions under which available, persons entitled.
- iv. Corporation's right to recover damages or other amounts from employer, or to be indemnified in certain cases.
- v. Adjudication of disputes and claims

### **4. The Maternity Benefit Act, 1961:**

- i. Applicability, Nature of benefits and privileges available under the Act
- i. Procedure for claiming payment
- ii. Inspectors – their powers and functions.
- iii. Penalties.

### **5. Bombay Labour Welfare Fund Act, 1953:**

- i. Salient features of Bombay Labour Welfare Fund Act, 1953.
- ii. Payment of contribution to the fund
- iii. Unpaid accumulation
- iv. Powers of State Government under the Act

### **6. The Payment of Gratuity Act 1972:**

- i. Definition, Scope and application of the Act
- ii. Controlling authority
- iii. Inspector, powers of Inspector
- iv. Penalties, Exemption of employer from liability in certain cases

**1. The Minimum Wages Act, 1948:**

- i. Theories and Concept of Wages , Aims & Objects of Act, Definition, Fixation & Revision of rates of Wages, Working Hours and Determination of Wages and Claim etc.
- ii. Authority appointment & Powers of the Authority.
- iii. Offences and penalties and Exemptions
- iv. Concepts of Dearness Allowance and Principles for determination of Dearness allowances

**2. The Payment of Wages Act, 1936:**

- i. Responsibility for payment of wages.
- ii. Authorised deductions of wages and delay in payment.
- iii. Obligations of employer and employee
- iv. Offences, their trial procedure and penalties.
- v. Enforcement machinery under the Act- their powers and functions.

**3. The Payment of Bonus Act, 1965:**

- i. Concept of Profit Sharing- Desirability.
- ii. Difficulties in Implementation.
- iii. Concept of Bonus.
- iv. Interpretation by Indian Courts and Tribunals.
- v. Basis for the calculation of Bonus under the Payment of Bonus Act,1965.
- vi. Eligibility for Bonus, minimum and maximum bonus.
- vii. Set on and Set off of allocable.

**4. The Equal Remuneration Act, 1976:**

- i. Payment of Remuneration at equal rates to Men and Women workers and other matters.
- ii. Duties of the employer
- iii. Penalties

**1. The Factories Act, 1948:**

- i. Definition of factory, Manufacturing process, Worker, Occupies,
- ii. Health, welfare and safety provisions under the Act
- iii. Employer's liability- liability for hazardous and inherently dangerous industries,

**2. The Plantation Labour Act, 1951:**

- i. Registration of Plantation
- ii. Inspecting staff- Powers and liability
- iii. Hours and Limitation of employment, leave with wages, accidents
- iv. Penalties and Procedure

**3. The Dock Workers (Regulation of Employment) Act, 1948:**

- i. Establishment and constitution of first advisory committee and Dock labour Board- their function
- ii. Dock Worker Scheme
- iii. Powers of Inspector under the Act

**4. The Mines Act, 1952:**

- i. Inspector and Certifying Surgeons, Committee - Powers and Function
- ii. Mining operations and Management of Mines
- iii. Hours and limitation of employment, leave with wages
- iv. Penalties and procedure

**5. Mines and Minerals (Regulations and Development) Act, 1957:**

- i. Procedure for obtaining prospective licenses and mining leases in respect of land
- ii. Restriction on the grant of prospective licenses

**6. The Bombay Shop and Establishment Act, 1948:**

- i. Definition of commercial establishment shop
- ii. Registration of establishment, working hours of shops. Restaurant, theatres
- iii. Employment of women and children, health and safety, obligation of employer's

**7. Contract Labour (Regulation and abolition) Act, 1970:**

- i. Central and state advisory board, power to constitute committee
- ii. Registration of establishments employing contract Labour, Licensing of contractors
- iii. Welfare and health of contract Labour

iv Penalties and procedure

**8. Child Labour (Prohibition and Regulation) Act, 1986:**

- i. Object and scope of the Act, Prohibition of employment of children in certain occupation and processes
- ii Regulation of condition of work of children
- iii Penalties

**9. The Motor Transport Worker's Act, 1988:**

**Books**

- 1. Dr. V. G. Goswami, Labour & Industrial Laws
- 2. S. N. Misra, Labour and Industrial Laws
- 3. S. P. Jain, Industrial and Labour Laws
- 4. Avtar Singh & Harpreet Kaur, Introduction to Labour and Industrial Laws
- 5. P. L. Malik, Handbook of Industrial and Labour Law
- 6. S. R. Myneni, Labour Laws
- 7. S. R. Samant, Employer's guide to Labour Laws
- 8. Taxman's Labour Laws
- 9. Adv. S. R. Bhosale, Law of Industrial Disputes
- 10. R. C. Saxena, Labour Problems and social Welfare(1974)
- 11. S. C. Srivastava, Social Security and Labour Laws (1985)
- 12. K. M. Pillai, Labour and Industrial Laws