

**B.A.LL.B. (Hons.) 5-year Integrated Course**

**VI- Semester**

**Paper 605**

**Labour & Industrial Law-II**

**Internal Assessment:20 Marks**

**Theory: 80 Marks**

**Total:100 Marks**

**Time: 3 hours**

Note:

- (a) Nine questions shall be set in all, two questions in each unit I-IV and one compulsory question in unit-V.
- (b) The compulsory question in unit-V shall consist of four parts, one from each Unit I-IV.
- (c) The Candidate shall be required to attempt five questions in all, selecting one question from each Unit I-IV and question no. 9 in Unit- V shall be compulsory.
- (d) Each question in Unit I-IV shall carry 15 marks and question no. 9 in Unit -V shall carry 20 Marks.

**UNIT-I**

Employees' Compensation Act, 1923:

Definitions of dependent, employee, Partial disablement and Total disablement.

Employer's liability for compensation:-

Scope of arising out of and in the course of employment.

Doctrine of notional extension.

When employer is not liable.

Distribution of Compensation.

Procedure in proceedings before Commissioner.

Appeals.

**Leading Case: - M. Mackenzie v. I. M. Issak AIR 1970 SC 1006**

**UNIT-II**

The Factories Act, 1948:

Concept of Factory, Manufacturing Process, Workers and Occupier. General duties of occupier.

Measures to be taken in factories for health, safety and welfare of Workers.

Working hours of adults.

Employment of young person and children.

Annual leave with wages.

Additional provisions regulating employment of women in factory.

**Leading Case: - Steel Authority of India Ltd. v. National Union Waterfront Worker, 2001 SCC (L&S) 1121**

**UNIT-III**

Minimum Wages Act , 1948:

Concept of minimum wage, fair wage, living wage and need based minimum wage.

Theories of Wage.  
Procedure for fixation and revision of minimum wages.  
Fixation of minimum rates of wage by time rate or by piece rate.  
Procedure for hearing and deciding claims.

**Leading Case: - Hydro (Engineers) Pvt. Ltd. v. The Workmen AIR 1969 SC182**

#### UNIT-IV

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986:

Aims and Objects of Act

Definition of Child and Adolescent

Prohibition of Employment of Children in any Occupation and Process

Regulation of Conditions of Work of Adolescents

Penalties

Bonded Labour System (Abolition) Act, 1976:

Aims and Objects

Concept of Bonded Labour, Bonded Labourer, Bonded Labour System and Bonded debt

Abolition of Bonded Labour System

Extinguishments of Liability to repay bonded debt

Implementing Authorities

**Leading Case:- M.C.Mehta v. State of Tamil Nadu AIR 1991 SC 417**

#### **Statutory Material**

Employees Compensation Act, 1923:

The Factories Act, 1948

Minimum Wages Act, 1948

The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986

Bonded Labour System (Abolition) Act, 1976

#### **Suggested Readings**

Srivastava,S.C. Labour and Industrial Laws

Goswami,V.G. Labour and Industrial Laws

Mishra, S.N. Labour and Industrial Law of India

Varandani, G. Social Security for Industrial Workers in India

Paul Meenu Labour and Industrial Laws

