

CITY ACADEMY LAW COLLEGE

LL.B (HONS) Vth SEMESTER

SUBJECT : LABOUR LAW

Unit – I Industrial relation & Trade Union

Syllabus : Industrial relation , labor Problem and policy in India, India Union Act, 1926 (labour management Relation), History and development of Trade Union Movement, Registration of trade union, Right and liabilities of registered Trade Union, penalties and procedure , collective Bargaining process, merit and Demerits

UNIT : 1

LECTURE : 1

TOPIC : INDUSTRIAL RELATIONS

PREVIOUS YEAR QUESTIONS:

1. The growth of industrial jurisprudence in india is a call of hour not only for the expansion of industrialization on but also strengthening the national economy. 2018
2. Industrial relation in India ? 2018

NOTE:

1. The term industrial relations comprises two words, i.e. ‘**industry**’ and ‘**relations**’.
2. The term ‘industry’ refers to any productive activity in the organisation in which the employees are engaged.
3. The term ‘relations’ refers to the relationship, which exists within the industry between the management and the employees.
4. The relationship between management and employees within the organisation within the organisational settings is defined by industrial relations.
5. This idea developed in the **late nineteenth century** due to the Industrial Revolution.
6. The industry can be seen as economic activity i.e manufacturing, creating or processing of goods or service or administrations which is performed by a group of people.
7. Two goals of Industrial relations are to safeguard industrial peace and harmony between the management and the workforce and to secure the cooperation of all departments in industry.

Objectives of Industrial Relation :

Following are the different objectives of industrial relation.”

1. To establish industrial peace.
2. To safeguard the interests of both workers and management.
3. To avoid industrial disputes.
4. To raise the production capacity.
5. To establish industrial democracy.
6. To safeguard the workers economic and social interests.
7. To contribute to the economic development of the country through productivity.

8. To establish a full employment situation.
9. To minimize strikes, lockout, Heroes, etc., by providing good working conditions and fair wages to the workers.

Scope of Industrial Relations.

1. Employer-Employee Relations
2. Group Relations
3. Labor Relations
4. Public Relations

ASSIGNMENT:

- 1) What is Industrial relations?
- 2) When was the idea of industrial relation was developed?
- 3) Write the four Scope in Industrial Relations?
- 4) Write five objectives of industrial relation?
- 5) The term industrial relations comprises two words _____ ?

LL.B (HONS) Vth SEMESTER

SUBJECT : LABOUR LAW

UNIT : 1

LECTURE: 2

TOPIC: LABOUR PROBLEM & LABOUR POLICY IN INDIA

PREVIOUS YEAR QUESTIONS:

1. Labor problems in India. 2014, 2017.
2. Labor policy in India. 2019
3. Comment on labor policy in India. 2021

NOTE: LABOUR PROBLEM

- Labour rights or workers' rights are a group of legal rights and claimed human rights having to do with labour relations between workers and their employers, usually obtained under labour and employment law.
- After independence, the cost of living has increased considerably. The increase in the cost of living and countrywide political upsurge found its way in economic discontent among the masses, particularly in the industries.
- The industrial unrest and economic discontent led to a number of strikes and labor trouble. Workers were generally illiterate and poor and unaware about their rights. Workers are weak in negotiating with the employer for employment and wages.
- The employer dictated their own terms and conditions regarding wages and employment. The workers being in weaker position have no choice but to accept such terms for employment because employment was the only means to earn their livelihood and feed their family.

LABOUR POLICY :

- The Indian parliament passed four labour codes in 2019 and 2020 sessions. These four codes will consolidate 44 existing labour laws. They are: The Industrial Relations Code 2020, The Code on Social Security 2020, The Occupational Safety, Health and Working Conditions Code, 2020 and The Code on Wages 2019.

Why there is a need for labor legislation :

- The relationship between the workers and employers, is one of partnerships in the maintenance of the production and building up of the national economy, and therefore of utmost importance.
- The individual workers are economically weak. They cannot bargain with the employers for the protection of their rights and even for subsistence wages.
- Such legislation for the protection of labour against long hours of work, unhygienic working conditions, low wages and exploitation is required.

ASSIGNMENT:

1. What is labour problem ?
2. Write the four labour codes under labour policy ?
3. How labour legislations will help labor issues?
4. The relationship between the _____ and _____, is one of partnerships in the maintenance of the production.
5. The individual workers are _____ ?

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SUBJECT : LABOUR LAW

UNIT : 1

LECTURE : 3

TOPIC: TRADE UNION

(HISTORY AND DEVELOPMENT)

PREVIOUS YEAR QUESTIONS:

1. Trade union. 2014
2. Describe the history and development of trade union movement in India?2019

NOTE: History of Trade Union in India.

1. In India trade unions have developed into an important platform for putting up the demands of the workers.
2. They have also turned into one of the most influential pressure groups, which is an aggregate seeking to influence the government in framing legislation in favour of workers without aspiring to become part of the government.
3. The need for an organized trade union was first realized in 1875 by various philanthropists and social workers like Shri Sorabji Shapaji Bengali and Shri
4. N.M. Lokhandey whose constant efforts resulted in the formation of trade unions like The Printers Union of Calcutta (1905), the Bombay Postal Union (1907).

Development of Trade Union Law in India :

1. Labour legislation in India has a key impact on the development of industrial relations.
2. The establishment of social justice has been the principle of all the labour legislation in India.
3. The establishment of the International Labour Organization to uplift the condition of labour all over the world gave further impetus to the need for well-framed labour legislation in the country.
4. Under the constitution, labour is the subject of the concurrent list and both centre and state can make laws related to the subject.

ASSIGNMENT:

1. The need for an organized trade union was first realized in the year _____ ?

2. Whose constant efforts resulted in the formation of trade unions?

3. Labor legislation in India has a key impact on the development of?

4. What is the principle of all the labour legislation in India.

5. Labour law, is the subject of the concurrent list and both _____ & _____ can make laws related to the subject.

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SUBJECT : LABOUR LAW

UNIT : 1

LECTURE : 4

TOPIC : REGISTRATION OF TRADE UNION.

PREVIOUS YEAR QUESTION :

1. Define trade union. Discuss the procedure of registration of trade union. When can registrar refuse to register trade union. 2013
2. Appointment of registrar. 2013
3. Discuss the appointment of registrar and describe the circumstances under certificate of registration of a trade union maybe withdrawn or cancelled by the registrar. Can an appeal against to order of registrar? 2014

NOTE :

The Registration of trade union has been mentioned under the following sections :

Appointment of Registrars. Section 3

The appropriate government shall appoint a person to be the registrar of the trade union for each state. The appropriate government is also authorized to appoint additional or deputy registrar.

Mode of Registration. Section 4

Any seven or more members of a trade union may apply for registration of the trade union, by subscribing their names to the rules of the trade union and by otherwise complying with the provision of this Act with respect to registration, apply for registration of the trade union under this Act.

Application for registration. Section 5

Every application for registration of a trade union shall be made to the registrar and shall be accompanied by a copy of the rules of the trade union and a statement of the following particulars, namely—

The names, occupations and addresses of the members making application.

The name of the trade union and the address of its head office.

The titles, names, age, addresses and occupations of the office bearers of the trade union.

Provisions to be contained in the rules of a Trade Union. Section 6

A trade union shall not be entitled to registration under this Act, unless the executive thereof is constituted in accordance with the provisions of this Act.

Power to call for further particulars and to require alteration of name. Section 7

The registrar may call for further information for the purpose of satisfying himself that any application complies with the provisions of Section 5, or that the trade union is entitled to registration under Section 6, and may refuse to register the trade union until such information is supplied.

Registration : Section 8

The registrar, on being satisfied that the trade union has complied with all the requirements of the Act in regard to the registration shall register the trade union by entering in a register, to be maintained in such form as may be prescribed, the particulars relating to the trade union contained in the statement accompanying the application for registration.

Certificate of registration : Section 9

The registrar, on registering a trade union under section, shall issue a certificate of registration in the prescribed form, which shall be conclusive evidence that the trade union has been duly registered under this Act.

Cancellation of registration section 10

A certificate of registration of a trade union may be withdrawn or cancelled by the registrar on the application of the trade union to be verified in such manner as may be prescribed in if the registrar is satisfied that the certificate has been obtained by fraud or mistake or that the trade union has ceased to exist.

Registered office section 12

All communications and notices to a registered trade union may be addressed to its registered office. Notice of any change in the address of the head office shall be given within fourteen days of such change to the registrar in writing, and the changed address shall be recorded in the register

Incorporation of registered trade union section 13

Every registered trade union shall be a body corporate by the name under which it is registered and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall, by the said name, sue and be sued.

ASSIGNMENT:

1. In which section appointment of registrar is mentioned?
2. What is the Section for mode of registration?
3. Certificate of registration is mentioned under which section ?
4. What is mentioned under section 10 of the act ?
5. What is mentioned under section 9 of the act ?

LL.B (HONS) Vth SEMESTER

SUBJECT : LABOUR LAW

UNIT : 1

LECTURE : 5

TOPIC : RIGHTS AND LIABILITIES OF REGISTERED TRADE UNION.

PREVIOUS YEAR QUESTIONS :

1. Discuss the objects on which general funds of a trade union maybe spent. Whether a separate fund for political purposes maybe constituted? If yes, then what are the objects for which it may be spent? 2013
2. General funds under the trade union act, 1926. 2016
3. Amalgamation of trade unions. 2016
4. Define trade union and explain the rights and liabilities of registered trade union under the trade union act, 1926. 2019

NOTE:

Rights and liabilities of Registered Trade Union:

The trade union are granted rights so that they may be able to take appropriate actions for the attainment of objectives for which they have been formed. Under section 15-28 rights, liabilities and immunities which granted to registered trade union is given.

1. Objects on which general funds may be spent. (section 15)

The general funds of a registered trade union shall not be spent on any other objects than the payment of salaries, allowances and expenses to the office bearers of the trade unions; expenses for the administration of the trade union; the presentation or defiance of any legal proceeding to which the trade union of any member thereof .

2. Constitution of a separate fund for political purposes. (section 16)

A registered trade union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made for the promotion of the civic and political interests of its members.

3. Criminal conspiracy in trade disputes. (section 17)

No office bearer or member of a registered trade union shall be liable to punishment under sub-section (2) of Section 120 B of the Indian Penal Code, 1860 in respect of any agreement made between the members for the purpose of furthering any such object of the trade union as is specified in its section, unless the agreement is an agreement to commit an offence.

4. Disqualification of office bearers of trade union. (section 21 A)

A person shall be qualified for being chosen as office bearer of a registered trade union, if :

- He has not attained age of 18 years,
- He has been convicted by by a court in india.

5. Change of name. (section 23)

No trade union shall be registered under the name identical with the name of any other existing.

6. Dissolution (section 27)

When a registered trade union is dissolved notice of dissolution signed by 7 members, within 14 days of the dissolution be sent to the registrar.

ASSIGNMENT:

1. Under which section general funds is mentioned?
2. What is mentioned under section 27 of the act ?
3. Write the grounds of disqualification of office bearer in trade union?
4. What is mentioned under section 16 of the act ?

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UNIT : 1

LECTURE : 6

TOPIC : PENALTIES AND PROCEDURE.

NOTE:

Penalties and Procedure of Trade Union:

Section 31 to Section 33 of the Trade Union Act lays down the penalties and the procedure of its application upon a trade union which is subject to such penalty.

Section 31: Failure to submit returns

Section 31 provides that: when a trade union has been required to give any note, announcement or paper to the Registrar under the Act and where the law does not compel a single individual in the trade union.

Section 32: Supplying false information regarding Trade Unions

Anybody who, in try to deceive a member of a trade union or some other one who purports to be a member of a trade union, submits a copy of the contract under the presumption that it includes the rules of the trade union. Who knows or has cause to suspect that it is not a correct copy of those rules and changes, and any person with the same intent shall, with a fine which may extend to two hundred rupees, include a copy of any document purporting to be a copy of the rules of a registered trade union which in fact is a non-registered trade union.

Section 33: Cognizance of offences

Section 33 includes rules related to the prosecution of a crime. It states that no court which is inferior to a presiding magistrate or a first-class magistrate shall try an offence .

ASSIGNMENT :

1. In which section, Failure to submit returns is mentioned?
2. What is supplying false information regarding Trade Unions?
3. Who can try the offence under section 33 of the act?
4. From which section _____ to which section _____ penalties and procedure has been mentioned ?

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SUBJECT : LABOUR LAW

UNIT : 1

LECTURE : 7

TOPIC : COLLECTIVE BARGAINING (MERITS & DE MERITS)

Previous year question :

1. Collective bargaining. 2013
2. Merits of collective bargaining. 2014
3. Demerits of collective bargaining. 2016
4. What is collective bargaining ? Discuss the merits and demerits. 2018

NOTE:

When an organized body negotiates with the employer and fixes the terms of employment by means of bargaining is known as Collective Bargaining. The essential element of Collective Bargaining is that it is between interested parties and not from outside parties.

Collective bargaining is a procedure by which employment related disputes are resolved cordially, peacefully and voluntarily by settlement between labour unions and managements.

The 5 Stages of Collective Bargaining

- Preparing for bargaining. ...
- Conducting negotiations. ...
- Ratifying the contract. ...
- Resolving a contract dispute. ...
- Changing or clarifying the contract.

MERITS OF COLLECTIVE BARGAINING :

1. Helps the workers to demand their needs
2. Helps to improve the quality of life of workers:
3. Helps to increase the mutual cooperation
4. Collective Bargaining represents every member of the organization
5. Creates a firm bond between workers in the union.

