

**DR. BHIMRAO AMBEDKAR LAW UNIVERSITY
JAIPUR**

LL.B. THREE YEARS COURSE
(SEMESTER SCHEME)



SYLLABUS AND COURSE COMPONENT
SECOND SEMESTER

EXAMINATION SCHEME

- Total marks=100

End Term Examination-80 marks;

Internal Assessment-20 marks

Division of 20 marks

Project-10 marks (5 marks for written submission and 5 marks for presentation)

Mid Term Examination-10 marks (on completion of 50% syllabus)

There shall be following scheme for Mid Term Examination:

- (a) Section A -students are supposed to answer two (2) Short question out of three (3). Each question carries equal marks i.e 2 (Two) marks.
- (b) Section B- students are supposed to answer One (1) Long question out of two (2). It will be of 6 (six) marks

Mid-Term examination shall be conducted by the College.

End Semester Question paper pattern for UG will be as under:

Every question paper will be divided into two sections:

(a) Section A will consist of 7 short questions out of which 5 questions are to be attempted. Each question will carry 4 marks.

Out of 7 questions, at least 3 questions must be application based.

(b) Section B will contain 6 long questions out of which 4 are to be attempted. Each question will carry 15 marks.

Section A and Section B will respectively cover whole syllabus.

LABOUR AND INDUSTRIAL LAWS – II

(PAPER NO 2.5)

INTRODUCTION:

India's labour law landscape has historically been characterised by a multiplicity of Central and State enactments, each governing a discrete aspect of the employment relationship. Recognising the need for rationalisation, the Government of India, acting upon the recommendations of the Second National Commission on Labour (2002), consolidated twenty-nine Central labour statutes into four Labour Codes. Two of these Codes form the examination syllabus of this course: the Code on Wages, 2019 and the Code on Social Security, 2020.

The Code on Wages, 2019 (No. 29 of 2019) consolidates the Payment of Wages Act, 1936; the Minimum Wages Act, 1948; the Payment of Bonus Act, 1965; and the Equal Remuneration Act, 1976. It establishes a unified regime for wage fixation, payment, deductions, and bonus, and extends equal remuneration protection across all genders and sectors.

The Code on Social Security, 2020 (No. 36 of 2020) consolidates nine statutes, including those relating to provident fund, employees' state insurance, gratuity, maternity benefit, and employment injury compensation. Significantly, it extends social security protection for the first time to unorganised workers, gig workers, and platform workers — a landmark development in the context of India's rapidly changing economy.

The Industrial Relations Code, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020 are prescribed as suggestive readings to provide a holistic understanding of the four-Code framework. They do not form part of the examination syllabus.

COURSE OBJECTIVES:

1. To recall and comprehend the legislative history, key definitions, and structural scheme of the Code on Wages, 2019 and the Code on Social Security, 2020, including the statutes consolidated by each Code and the institutional framework established thereunder.
2. To apply the statutory provisions of the Code on Wages, 2019 to practical situations involving minimum wage fixation, computation of overtime and bonus, authorised deductions, and enforcement of wage claims.
3. To analyse the social security schemes under the Code on Social Security, 2020 — including provident fund, ESI, gratuity, maternity benefit, and employment injury compensation — and examine their application to disputes, eligibility issues, and enforcement proceedings.
4. To evaluate the adequacy and effectiveness of the policy choices underlying the Labour Codes, including the extension of social security to gig workers and platform workers, the Inspector-cum-Facilitator enforcement model, and the impact of codification on workers' rights, with reference to constitutional provisions and judicial decisions.

LEARNING OUTCOMES:

1. Students will be able to identify and explain the key provisions, definitions, and institutional structures under the Code on Wages, 2019 and the Code on Social Security, 2020, and recall the statutes consolidated by each Code and the procedure for fixation and revision of minimum wages.
2. Students will apply the provisions of the Code on Wages, 2019 to determine an employer's obligations regarding wage payment, permissible deductions, overtime computation, and bonus calculation, and apply the Code on Social Security, 2020 to identify entitlements under provident fund, ESI, gratuity, and maternity benefit schemes in given fact situations.
3. Students will analyse complex scenarios involving wage discrimination, bonus disputes, social security entitlements, and employment injury claims, distinguishing between applicable statutory provisions and identifying the appropriate authority and procedure for redress under the respective Codes.
4. Students will evaluate the adequacy of the Labour Codes in protecting workers' rights, critically assessing the aggregator contribution model for gig and platform workers, the Inspector-cum-Facilitator enforcement framework, and the impact of codification on pre-existing statutory protections, with reference to constitutional provisions and judicial decisions.

UNIT – I: THE CODE ON WAGES, 2019 — DEFINITIONS, MINIMUM WAGES AND EQUAL REMUNERATION

- 1.1 Object, Scope and Application of the Code on Wages, 2019 (No. 29 of 2019); Statutes Consolidated: Payment of Wages Act, 1936; Minimum Wages Act, 1948; Payment of Bonus Act, 1965; Equal Remuneration Act, 1976; Key definitions: 'wages', 'employee', 'worker', 'employer', 'establishment', 'contractor', 'contract labour'; Exclusions from the definition of wages (bonus, HRA, conveyance allowance, gratuity, overtime allowance, etc.)
- 1.2 Minimum Wages: Fixation and Revision — Obligation of the appropriate Government under Section 6; Components of minimum wages (basic rate, cost of living allowance, all-inclusive rate) under Section 7; Procedure for fixation and revision — Committee method and notification method — under Section 8; Review of minimum wages at intervals not exceeding five years

- 1.3 Floor Wage — Power of the Central Government to fix floor wage under Section 9; Different floor wages for different geographical areas; Primacy of floor wage over State-fixed minimum wages; Hours of Work — Fixing normal working day, weekly rest and overtime under Section 13; Entitlement to wages for incomplete working day (Section 10); Payment at not less than twice the normal rate for overtime (Section 14); Wages for two or more classes of work (Section 11); Minimum time-rate wages for piece work (Section 12)
- 1.4 Prohibition of Gender Discrimination in Wages — Equal wages for same work or work of similar nature under Section 3; Definition of 'same work or work of similar nature' (Section 2(v)); Prohibition on reducing wages or discriminating in recruitment; Dispute resolution mechanism (Section 4)
- 1.5 Advisory Boards — Constitution and composition of the Central Advisory Board and State Advisory Boards under Section 42; Mandatory one-third representation of women; Advisory functions: fixation/revision of minimum wages, employment of women, and other matters; Power of the Central Government to issue directions to State Governments on the Board's advice

UNIT – II: THE CODE ON WAGES, 2019 — PAYMENT OF WAGES, DEDUCTIONS, BONUS AND ENFORCEMENT

- 2.1 Mode, Period and Time of Payment of Wages — Mode of payment by currency, cheque, bank credit or electronic mode (Section 15); Fixation of wage periods — daily, weekly, fortnightly, monthly (Section 16); Time limits for payment of wages (Section 17); Payment of wages on removal, dismissal, retrenchment or resignation within two working days; Responsibility of employer for payment of dues (Section 43)
- 2.2 Deductions from Wages — Exhaustive list of permissible deductions under Section 18(2): absence, fines, house accommodation, advances, income tax, provident fund contributions, trade union fees; Ceiling of fifty per cent of wages on total deductions (Section 18(3)); Restrictions on imposition of fines (Section 19); Deductions for absence from duty (Section 20); Deductions for damage or loss (Section 21)
- 2.3 Payment of Bonus — Eligibility: minimum thirty days of work in accounting year (Section 26); Minimum bonus of 8.33% and maximum of 20% of wages; Allocable surplus (Section 31); Available surplus (Section 33); Computation of gross profits (Section 32); Deductions from gross profits as prior charges (Section 34); Set on and set off of allocable surplus (Section 36); Disqualification: fraud, violence, theft, misappropriation, or conviction for sexual harassment (Section 29); Time limit for payment of bonus — eight months from close of accounting year (Section 39)
- 2.4 Claims and Dispute Resolution — Authority for claims under Section 45; Compensation up to ten times the claim amount; Limitation period of three years; Single application on behalf of multiple employees; Reference of bonus disputes as industrial disputes (Section 46); Appellate authority and procedure (Section 49); Burden of proof on employer (Section 59); Bar of suits (Section 57); Contracting out rendered void (Section 60)
- 2.5 Enforcement — Inspector-cum-Facilitator: appointment, jurisdiction, advisory role, and powers of inspection, examination and seizure (Section 51); Maintenance of registers, notice boards and wage slips (Section 50); Offences and Penalties: underpayment (fine up to Rs. 50,000), contraventions, repeat offences carrying imprisonment (Section 54); Offences by companies and vicarious liability of directors and officers (Section 55); Composition of offences (Section 56); Cognizance of offences — complaint before Metropolitan Magistrate or Judicial Magistrate, First Class (Section 52)

UNIT – III: THE CODE ON SOCIAL SECURITY, 2020 — EPF, ESI, GRATUITY AND MATERNITY BENEFIT

- 3.1 Object, Scope and Application of the Code on Social Security, 2020 (No. 36 of 2020); Statutes Consolidated — including the Employees' Provident Funds and Miscellaneous Provisions Act, 1952; Employees' State Insurance Act, 1948; Maternity Benefit Act, 1961; Payment of Gratuity Act, 1972; Employees' Compensation Act, 1923; Key definitions: 'employee', 'wages', 'employer', 'establishment', 'gig worker', 'platform worker', 'aggregator', 'unorganised worker', 'social security'; Threshold applicability of different schemes
- 3.2 Employees' Provident Fund, Pension and Insurance — Provident Fund Scheme (Chapter III): employer and employee contribution rates; Employees' Pension Scheme; Employees' Deposit Linked Insurance Scheme; Central Board of Trustees — constitution, powers and functions; Recovery of dues; Exempted establishments and conditions of exemption; Investment of Provident Fund; International workers and portability of benefits
- 3.3 Employees' State Insurance — ESI Scheme (Chapter IV); Employees' State Insurance Corporation — constitution, management and powers; Employer and employee contribution obligations; ESI Fund — administration and investment; Benefits: medical, sickness, maternity, disablement, dependants', unemployment, and rehabilitation benefits; ESI hospitals and medical facilities; Adjudication of disputes and claims before ESI Courts; Penalties for non-payment of contributions
- 3.4 Gratuity — Chapter V; Eligibility: five years of continuous service; Formula for computation: fifteen days' wages for every completed year of service; Enhanced gratuity for employees engaged in hazardous or arduous occupations; Payment on death or disablement without the five-year condition; Forfeiture of gratuity for misconduct; Nomination; Controlling authority and appellate authority; Ceiling on gratuity amount
- 3.5 Maternity Benefit — Chapter VI; Eligibility: eighty days of work in twelve months preceding expected delivery; Period of maternity leave: twenty-six weeks for first two children, twelve weeks for third child and beyond; Extended leave for illness arising from delivery; Leave for commissioning mothers and adopting mothers; Prohibition of dismissal during absence on maternity benefit; Medical bonus; Crèche facilities for establishments employing fifty or more women employees; Nursing breaks; Powers and duties of Inspectors

UNIT – IV: THE CODE ON SOCIAL SECURITY, 2020 — UNORGANISED WORKERS, GIG & PLATFORM WORKERS, COMPENSATION AND ENFORCEMENT

- 4.1 Social Security for Unorganised Workers (Chapter IX) — National Social Security Board: constitution and functions; Formulation of schemes covering life and disability, health, maternity, old age, education, and housing; Building and other construction workers: Welfare Boards, registration of workers and levy on construction cost; Registration of unorganised workers on the national portal; Pradhan Mantri Shram Yogi Maan-Dhan (PM-SYM) and other welfare schemes.
- 4.2 Social Security for Gig Workers and Platform Workers (Chapter X) — Definitions of 'gig worker', 'platform worker' and 'aggregator'; Formulation of schemes: life and disability coverage, accident insurance, health and maternity benefits, old age protection; Contribution by aggregators: one to two per cent of annual turnover subject to a ceiling of five per cent of the amount payable to gig and platform workers; National Social Security Board for gig and platform workers; Registration of gig and platform workers.
- 4.3 Employment Injury Compensation (Chapter VII) — Employer's liability for compensation in case of accident arising out of and in the course of employment; Scheduled occupational diseases; Computation of compensation for death, permanent total disablement, permanent partial disablement, and temporary disablement; Commutation of compensation; Medical examination;

Compensation Commissioner — appointment, powers and procedure; Distribution of compensation; Priority of compensation dues; Special provisions for seamen and master craftsmen.

- 4.4 EPFO and ESIC: Governance and Financial Management — Accounts and audit of Provident Fund and ESI Fund; Annual reports to Parliament; Power to recover arrears; Attachment and auction of property; Priority of provident fund dues in insolvency or winding up; Provident Fund Appellate Tribunal: jurisdiction and procedure; Coordination between EPFO and ESIC in administration of schemes.
- 4.5 Enforcement and Penalties — Social Security Organisations: inspection scheme (web-based), appointment and powers of Inspector-cum-Facilitators; Search, seizure and examination; Penalties for non-payment of contributions, false statements and obstruction; Offences by companies and directing-mind liability of directors and officers; Compounding of offences; Adjudicating authority and appeals; Claims procedure and limitation.

SUGGESTIVE READINGS:

A. Primary Legislation (Bare Acts):

- I. The Code on Wages, 2019 (No. 29 of 2019), published in the Gazette of India Extraordinary, 8th August, 2019.
- II. The Code on Social Security, 2020 (No. 36 of 2020), published in the Gazette of India Extraordinary, 28th September, 2020.
- III. The Industrial Relations Code, 2020 (No. 35 of 2020) — suggestive reading only.
- IV. The Occupational Safety, Health and Working Conditions Code, 2020 (No. 37 of 2020)— suggestive reading only.
- V. Code on Wages Central Rules, 2020 and Code on Social Security Central Rules, 2021.

B. PRESCRIBED AND REFERENCE BOOKS:

- I. S.N. Mishra, An Introduction to Labour and Industrial Law, 29th Edition, Central Law Publication (Latest Edition).
- II. Ganga Sahay Sharma, Labour Laws (Hindi), 7th Ed., Central Law Agency, 2019.
- III. Meenu Paul, Labour and Industrial Law, Allahabad Law Agency, New Delhi, 9th Ed., 2014.
- IV. O.P. Malhotra, Law of Industrial Disputes, LexisNexis, 7th Ed., 2015.
- V. S.C. Srivastava, Social Security and Labour Laws, 1985.
- VI. P.L. Malik, Handbook of Labour and Industrial Laws, Eastern Book Company (Latest Edition).
- VII. K.D. Srivastava, Commentaries on Payment of Wages Act and Minimum Wages Act, Eastern Book Company.
- VIII. V.G. Goswami, Labour and Industrial Laws, Central Law Agency (Latest Edition).
- IX. J.K. Soonavala, Supreme Court on Industrial Law, LexisNexis, 4th Ed., 2017.
- X. Government of India, Report of the Second National Commission on Labour, 2002.
- XI. Indrajeet Singh, Shramik Vidhiyan (Hindi), 23rd Ed., Central Law Publication, 2019.