

**SEVENTH SEMESTER**

**Labour Law II**

**1. *Minimum Wages Act 1948***

UNITS: 15

- a. Historical basis of Minimum wages Act
- b. Definition of employer and employee
- c. Definition of wages ,distinguish it with Industrial Disputes Act, Workmen’s Compensation Act ,Payment of Wages Act.
- d. Various concepts of Wages
- e. Procedure for fixing and revising of minimum wages
- f. The authorities appointed under the Act
- g. The mode of payment of minimum rates of wages
- h. Calims and procedures for presenting calims

**2. *Payment of Wages Act 1936***

UNITS:15

- a. Definition of wages
- b. Responsibility for payment of wages , fixation, time and manner of payment
- c. Deductions allowed under the Act , the idea and the conditions
- d. Specific deductions and the manner and extent
- e. Power of the inspector and facilities to be afforded to the inspector.
- f. Authorities under the Act

**3. *Employees’ Compensation Act 1923***

UNITS: 25

- a. Scope, object of the Act
- b. Liability of the employer to pay compensation , right of workmen to receive compensation conditions

Personal injury – accident- occupational disease – arising out of and in the course of employment –notional extension – doctrine of added peril--meaning and kinds of disablement- dependent – meaning of workmen and wages -- Defenses for employer

- c. Scheme and rate of compensation-
- d. Scheme of distribution of compensation
- e. Appointment and qualifications of commissioner under WC Act , powers and functions of commissioner.

**4. Employees State Insurance Act 1948**

UNITS: 20

- a. Object , application, seasonal factory
- b. Definitions—dependent, employment injury, employee, manufacturing process, employer
- c. ESI Corporation- constitution, powers, standing committee, medical benefit council, officers ,powers , duties
- d. ESI funds , payment of contribution
- e. Benefits under the Act—Sickness ,meternity, medical , disablement , dependents, funeral benefits
- f. Adjudication of disputes

**Note: The units mentioned above include internal assessment hours.**

**Recommended Books**

Srivastava S.C. --- Social Security

Mallik –Industrial Law

Mishra S.N. ----- Labour Law

N.D.Kapoor --- Industrial Law

S.K.Puri—Labour and Industrial Law

K.M .Pillai--- Labour and Industrial Law

## **LAW OF EVIDENCE**

1. Introduction: UNITS: 05

Definition, kinds of evidence, Fact, Facts in issue, proved, not proved, disproved, relevant.

2. Presumptions: kinds of Presumptions UNITS: 15

3. Relevancy of Facts: UNITS: 30

Section 5 to 16, Admissions and Confessions, Statements by persons who cannot be called as witnesses Statements made under Special circumstances, Facts of public nature, Relevancy of judgements, Opinion of third persons when relevant, Character when relevant.

4. Proof: UNITS: 03

Facts which need not be proved.

5. Modes of proof UNITS: 03

Reasons for the Growth, Structure and Procedure of Adjudicatory Bodies, Kinds of Tribunals

6. Documentary Evidence: UNITS: 05

presumption of documents

7. Exclusion of oral by documentary evidence UNITS: 04

8. Ambiguous documents UNITS: 01

9. Burden of Proof UNITS: 02

10. Estoppel UNITS: 02

11. Witness UNITS: 01

12. Privileged Communications UNITS: 02

13. Examination of witness UNITS: 01

14. Improper admission or rejection of evidence UNITS: 01

**Note: The units mentioned above include internal assessment hours.**

## **BOOKS RECOMMENDED**

- |                            |                                 |
|----------------------------|---------------------------------|
| 1. Ratan Lal & Dheeraj Lal | : Law of Evidence               |
| 2. Avtar Singh             | : Principles of Law of Evidence |
| 3. Krishnamachari          | : Law of Evidence               |
| 4. Sarcar                  | : Law of Evidence               |

## **ADMINISTRATIVE LAW**

- |   |           |
|---|-----------|
| 1. Introduction:  | UNITS: 08 |
| Definition, Nature and scope of administrative law, reasons for the growth of administrative law, rule of law in England America and India, separation of powers and development in the united states and India |           |
| 2. Delegated legislation:   | UNITS: 08 |
| Development, restraint on delegation, Control over delegated legislation: Judicial control, Legislative Control, Parliamentary control  |           |
| 3. Classification of Administrative Action:   | UNITS: 07 |
| Legislative, Judicial, Quasi judicial and Administrative Actions  |           |
| 4. Principles of Natural Justice:   | UNITS: 09 |
| a. Rule against Bias, Kinds of Bias   |           |
| b. Rule of Fair Hearing: Contents   |           |
| c. Effect of failure of natural justice, Exceptions to the Principles of natural Justice  |           |
| 5. Administrative Adjudication:   | UNITS: 08 |
| Reasons for the Growth, Structure and Procedure of Adjudicatory Bodies, Kinds of Tribunals  |           |
| 6. Administrative Discretion:   | UNITS: 08 |
| Failure to exercise discretion, Excess or Abuse of discretion   |           |
| 7. Judicial Control of Administrative Action:   | UNITS: 08 |
| a. Prerogative Remedies, Laches and delay, Resjudicata  |           |
| b. Articles.136 and 226.  |           |
| c. Statutory Judicial Remedies: Civil Suits and Appeals   |           |
| d. Equitable Remedies: Injunctions and Declaratory Actions  |           |
| 8. Estoppel and Waiver:   | UNITS: 05 |
| Government promise and estoppel in U.S.A. and England, Promissory estoppel in India   |           |
| 9. Government Liability:  | UNITS: 04 |
| Government Contracts, Government Tortuous Liability   |           |
| 10.Ombudsman and Central vigilance Commission   | UNITS: 03 |
| 11.Public Undertakings:   | UNITS: 02 |
| Reasons for the growth, Features, Control over Public undertakings  |           |
| 12.Government privileges in legal proceedings   | UNITS: 02 |
| 13.Official Secrets and Right to Information  | UNITS: 02 |

**Note: The units mentioned above include internal assessment hours.**

### **BOOKS RECOMMENDED**

1. Sathe : Administrative Law
2. Jani M.P. : Principles of Administrative Law
3. Massey I.P. : Administrative Law
4. Philip and Wade : Administrative Law

**Minor Paper B III: History**

**History Of India A.D. 1760-1950 And World History**

I

UNITS: 25

- 1) Expansion & Consolidation Of British Empire
  - a) Concept Of Mercantalism
  - b) Tools Of Expansion: War & Diplomacy With Bengal, Mysore, Marathas, Central India, Subsidiary Alliance & Doctrine Of Lapse
- 2) Economic Changes
  - a) Land Revenue Settlements: Permanent Settlement Ryotwari&Mahalwari , Conditions Of Peasants
  - b) Commercialization Of Agriculture & Its Effects
  - c) Decline Of Cottage Industry & De-Industrialization
- 3) Causes For The Rise Of Nationalism
  - a) Revolt Of 1857-Causes, Nature & Consequences
- 4) Socio- Religious Reform Movements
  - a) BrahmoSamaj, PrarthanaSamaj, AryaSamaj, Ramkrishna Mission, Theosophical Society
  - b) Muslim Reforms Movement
  - c) English Education: Mccauley's Minutes, Wood's Dispatch Hunter Commission, Indian University Act 1904.
  - d) Press
  - e) Status Of Women

II National Movement

UNITS: 20

- A) Early Associations, Foundation Of Indian National Congress : Moderates, Extremists & Revolutionaries
- B) From 1905-1918: Partition Of Bengal, Swadeshi&Boycott Movements, Home Rule League, Growth Of Communal Trends: Muslim League & Hindu Mahasabha.
- C) Emergence Of Gandhi: Concepts Of Satyagraha, Non –Cooperation Movement, Simon Commission, Civil Disobedience Movement, Round Table Conference.
- D) Constitutional Development Upto 1919.
- E) Government Of India Act 1935, Indian Polity From 1935-45, Quit India Movement, Wavell Plan, Ina.
- F) Transfer Of Power: Cabinet Mission Plan- Mountbatten Plan – Indian Independence Act.

III: Independence & After

UNITS: 10

- a) Partition B) Issue Of Princely States & Integration Into India C) Making Of Constitution D) Foreign Policy

IV: Western World

UNITS: 20

- a) Renaissance & Reformation
- b) Beginning Of Colonialism
- c) American Revolution (1776)
- d) French Revolution (1789)
- e) First World War, Russian Revolution (1917)
- f) Rise Of Dictatorships
- g) Second World War & Formation Of Uno

**h) Note: The units mentioned above include internal assessment hours.**

Suggested Reading

- 1) Desai, A.R: Social Background Of Indian Nationalism (Mumbai Popular Prakashan, 1986)
- 2) Bayly C.A. : Indian Society & The Making Of The British Empire, The New Cambridge History Of India, Vol Ii (Cup 2002)
- 3) Bipin Chandra Et At: India's Struggle For Independence , 1857-1947
- 4) Dharma Kumar & Tapan Raychaudhari Ed: Cambridge Economic History Of India , Vol Ii
- 5) Parigrahi D.N. Ed: Economy, Society & Politics In Modern India (Delhi , Viakas 1985)
- 6) Rao M.S.A : Social Movements In India Vol I & Vol Ii (Delhi, Manohar 1978)
- 7) Sarkar, Sumit : Modern India 1885-1947 (Delhi, Macmillan, 1985)
- 8) Tara Chand: History Of The Freedom Movement In India 4 Vols. (New Delhi, Govt. Of India 1983)
- 9) Chopra P.N Et Al: A Social, Cultural & Economic History Of India, 3 Vols, (Delhi, Macmillan, 1979)
- 10) Forest G.W : A History Of Indian Mutiny 1857-1858 3 Vols (New Delhi Asian Educational Services, 2006)
- 11) Majumdar, R.C (Ed) History & Culture Of Indian People, Vol 9-11, Bhartiya Vidya Bhavan, Bombay
- 12) Majumdar R.C. Et Al : An Advanced History Of India, 4<sup>th</sup> Ed New Delhi, Macmillan.2009
- 13) Mukherjee S.N History Of Education In India (Modern Period) Baroda, Acharya Book Depot, 1966.
- 14) Narulla S & Naik J.P History Of Education In India During The British Period (London 1943)

- 15) Sen S.N. Eighteen Fifty Seven (Delhi, Ministry Of Information & Broadcasting 1957)
- 16) Hal Fisher: A History Of Europe 2 Vols (Delhi Indian Edition Surjeet, 1981)
- 17) Chandra Biapn , History Of Modern India (New Delhi Orient Blackswan , Reprint, 2010)
- 18) Jones Kenneth W, Socio – Religious Reform Movements In British India (Cambridge, 1994)
- 19) PanikkarKn, Culture, Ideology, Hegemony: Intellectuals And Social Consciousness In Colonial India (New Delhi, Tulika, 1995)
- 20)Bandyopadhyay, Sekhar, From Plassey To Partition, A History Of Modern India (New Delhi, Orient Longman 2004)
- 21) Bipan Chandra And Others, India After Independence (New Delhi, Viking Penguin India, 1999)
- 22) SenSn, Europe And The World 1789 -1945, (S. Chand, New Delhi 1998)
- 23) Phukan, Meenaxi, Rise Of The Modern West, Social And Economic History Of Early Modern Europe (Delhi, Macmillan, 19980)
- 24) V.P. Dutt, India's Foreign Policy (New Delhi, Vani Educational Books, 1984)

## **HUMAN RIGHTS (OPTIONAL)**

The objectives of the course are to prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development; to foster respect for international obligations for peace and development; to impart education on national and international regime of Human Rights; to sensitize students to human suffering and promotion of human life with dignity; to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

Course Content:

I	UNITS: 15
Jurisprudence of Human Rights.Nature, definition, origin and theories of human rights.	
II	UNITS: 15
Universal protection of human rights. -United Nations and human rights - <i>Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and CulturalRights, 1966</i>	
III	UNITS: 10
Regional Protection of Human rights - European system - Inter American System - African System	
IV	UNITS: 20
Protection of human rights at national level.Human rights and the constitution. The Protection of Human rights Act, 1993.	
V	UNITS: 15
Human Rights and Vulnerable Groups: Rights of Women, Children, Disabled, Tribals, Aged and Minorities - National and International Legal Developments.	

**Note: The units mentioned above include internal assessment hours.**

### **Suggested Readings:**

1. Meron Theodor, Ed., Human Rights and International Law: Legal and Policy Issues, 2 Vols., Oxford: Clarendon Press, 1983.
2. S.K.Kapoor, Human rights Under International Law and Indian Law.
3. Henkin Luis, Rights of Man Today, London: Stevens, 1978.
4. Singh Nagendra, Enforcement of Human Rights in Peace and War and the future of humanity, Calcutta: Eastern Law House, 1986.

5. Relevant International Instruments.

6. *United Nations Charter, 1945.*

7. *Universal Declaration of Human Rights, 1948.*

8. *International Convention on the Elimination of All Forms of Racial Discrimination, 1948.*

9. *International covenant on civil and Political Rights, 1966.*

10. *International covenant on Economic and Cultural Rights, 1966.*

11. *Convention on Elimination of All forms of Discrimination Against Women, 1979.*

12. *Convention on the Rights of the Child, 1989.*

**CHILD AND LAW (OPTIONAL)**

1. Concept of Child Rights: The underlying Jurisprudence UNITS: 10
- ‘Rights Theories’ and the ‘Child Rights’
    1. Will Theory of Rights
    2. Interest Theory of Rights
    3. Liberationist Approach to Child Rights
  - Definition of ‘Child’: Age as a determining factor
2. Child rights in the International perspective with detailed reference to UNITS: 05
- Minimum Age Convention, 1973
  - Convention on the Rights of the Child, 1989
3. Constitution of India and Child Rights UNIT: 10
- Children and Fundamental Rights (*Art. 14, Art. 15(3), Art.21, Art. 21 A, Art.23, Art. 24, etc*).
  - Directive Principles of State Policy(*Article 39, 47, 41, 45, 46, etc*)
  - Fundamental Duties and Child Rights (*Article 51 K*)
4. Position of child under Family Law UNITS: 15
- Childs Right to Maintenance, Education & Custody
  - Guardianship of a child
  - Adoption Law and the child
  - Law of Legitimacy of a child
  - Law relating to child marriage
  - Child rights under the Law of Succession
5. Position of child under Indian Contract Act 1872 UNITS: 05

6. Labour Laws and the child UNITS: 05

7. Criminal Laws and the child UNITS: 06

Relevant parts of

- Indian Penal Code 1860
- Immoral Traffic (Prevention) Act 1956
- The Young Person's (Harmful Publications) Act 1956

8. Procedural Laws and the Child UNITS: 05

- The Criminal Procedure
- Law of Evidence

9. Juvenile Justice UNITS: 05

Detailed reference to Juvenile Justice (Care and Protection of Children) Act 2000

10. Commissions for Protection of Child Rights Act 2005. UNITS: 04

11. Goa Children's Act 2003 & allied Acts and Rules. UNITS: 05

**Note: The units mentioned above include internal assessment hours.**

Recommended Books:

1. S.N. Jain ed, Child and the Law (1979) Indian Law Institute, New Delhi
5. S.C. Tripathy, Law relating to Women & Children
6. Anjani Kant, Law relating to Women & Children
7. Mamta Rao, Law relating to Women & Children
8. Agarwal & Agarwal, Law relating to Women & Children
9. AshaBajpai: Child Rights in India: Law, Policy and Practice.