

**INDUSTRIAL RELATIONS AND THE LAW**

**Industrial Relations**-Genesis, Concept and Emerging patterns.

**Parties to Industrial Relations**-Trade Unions, Management and the state and their interaction.

**Trade Unions**-Concept, Growth and Structure with special reference to India, U.K., U.S.A .and U.S.S.R.

**Position of Trade unions in India**-Multiplicity of Trade Unions. Recognition of Trade union.

Trade-Union movements, Central Trade union. organisations role and functions, role of Trade union in Modern Industrial society of India, Trade union Rivalry and Unfair Labour Practices.

**Collective Bargaining in India**-Meaning, Nature and it emerging patterns in India.

-Workers Participation in Management-India and Foreign experience.

-Industrial Relation-Legislative and Judicial Perspectives.

- a. The Indian Trade Union Act.1926.
- b. Industrial Disputes Act,1926.
- c. Industrial Employment (Standing order) Act,1946.

**Leading Cases:**

1. R.S. Ruikar v. Emperor A.I.R.1953 Nag.149.
2. Jay Engineering Works Ltd. v. State of west Bengal A.I.R.1968 Cal.406.
3. Rohtas Industries v.Its Union A.I.R.1967 S.C.425.
4. L.I.C. of India v. D.J. Bahadur 1981 I.L.L.J.I (S.C.)
5. Balmer Lawrie Workers Union Bombay v. Balmer Lawrie & Co.Ltd.,1985.I.L.L.J 314 (S.C.)
6. R.A. Sharma & Others v. Union of India.1985 II L.L.J.187(S.C.)

N.B.:-The students will be imparted teaching of latest case-law of the supreme court along with the legislative changes and amendments from time to time.

**Books Recommended:**

1. Laski, H: Trade Union in the New Society.
2. Myres, C: Industrial Relations in India.
3. Apley .Whitmore: Industrial Relations, Hand Book.
4. John T. Dunlop: Industrial Relations System.
5. J. Hnery Richardson: An Introduction of the study of Industrial Relations.
6. V.V. Giri: Labour Problems in Indian Industry.
7. S. N. Dhyani: trade unions and right to strike.

8. O.P. Malhotra: Law of Industrial Disputes-
9. Report of National Commission on Labour.
10. A.V. Raman Rao. Collective Bargaining v. Govt. Regulation.
11. G.L. Srivastava: Collective Bargaining v. Labour Management Relations in India.
12. C.P. Thakur: Industrial Democracy-Some Issues and Experiences.
13. Mamoria & Mamoria: Industrial Labour, social security and industrial peace in India.
14. S.N. Mishra: An Introduction of Labour and Industrial Law.
15. The Indian Labour year Book.
16. S.N. Dhyani: Crisis in Indian Industrial Relations.
17. I.L.O: conciliation and Arbitration in Industrial Disputes.
18. I.L.O.: Freedom of Associations USA, UK, USSR.
19. The Indian Trade Union Act, 1926.
20. The Industrial Disputes Act, 1947.
21. Industrial Employment (Standing Order) Act,1946.

**LABOUR WELFARE LEGISLATION AND INDUSTRIAL SOCIOLOGY AND  
LABOUR**

**Welfare:** Concept and Philosophy of Labour welfare. Theories of labour welfare. Role of labour welfare officers. Role of trade unions, Employers and the state in labour welfare, labour welfare and environmental pollution.

**Labour welfare in India-legislative and judicial perspectives**

1. Minimum wages Act, 1948.
2. Payment of wages Act, 1936.
3. Payment of Bonus Act, 1956.
4. Equal Remuneration Act, 1976.
5. Workmen Compensation Act, 1923.
6. Employees state Insurance Act, 1948.
7. Employees provident fund Act, 1952.
8. Maternity Benefit Act, 1961.
9. Payment of Gratuity Act, 1972.

• **Leading Cases:**

1. Express Newspaper Ltd.& other v. Union of India & other.A.I.R.1958 S.C.578.
2. B.E.S.T. Undertaking Bombay v. Mrs. Agens.A.I.R.1964 S.C.193.
3. Royal Talkies Hydrabad v.E.S.I.Corporation.A.I.R.1978 S.C.19.
4. Air India v. Nergesh Meerza.A.I.R.1981 S.C.1830.
5. D.S. Nakara v. Union of India.A.I.R.1958 S.C.578.
6. Saya Mills Ltd. v. Regional P.F. Commissioner 1985 I.L.L.J.238(S.C)

**N.B:-** The students will be imparted teaching of latest case-Laws of the supreme court of India and the various High Court alongwith the Legislative changes and amendments from time to time.

**Books Recommended:**

1. I.L.O.: Approaches to social security.
2. G.C. Hallen: Dynamics of social security in India.
3. K.N. Subramaniam: Wages in India.
4. S.B.L. Nigam: State Regulation of Minimum Wages.
5. I.L.O.: An Introduction to social security.
6. The Workmen compensations Act, 1923.
7. The payment of wages Act, 1936.
8. The Minimum wages Act, 1948.

9. The E.S.I.Act, 1948.
10. The E.P.F.Act, 1952.
11. Maternity Benefit Act, 1961.
12. Payment of Bonus Act, 1965.
13. Payment of Gratuity Act, 1972.
14. Govt. of India: Report of National commission on Labour.
15. V.V. Giri: Labour problems in Indian industry.
16. Mamoria and Mamoria: Industrial Labour. Social security and industrial peace in India.
17. S.N. Mishra: An Introduction to Labour and industrial Laws.
18. The Indian Labour year books
19. G.L. Kothari: Wages, Dearness Allowance and Bonus.

**LABOUR JURISPRUDENCE AND THE I.L.O.**

- Concept and Growth of Labour Jurisprudence.
- Concept of social justice, Natural Justice and the Labour Constitution of India, 1950 and the Labour.
- Labour and Judicial process and Public interest Legislation.
- Tripartism; Voluntarism in Labour Relations and Code of Discipline in Industry.
- I.L.O.-Genesis, Aims and Objectives. Constitutions, I.L.O., Conventions and Recommendations and problems in their Rectification.
- I.L.O. & Regional Conferences.
- International Labour standards and Labour Legislations in India.
- I.L.O. Problems and prospects.
- I.L.O and Human Rights in India Perspectives.
- **Leading cases:**
  1. Som Prakash v. Union of India.A.I.R.1981 S.C.212.
  2. Bandhua Mukti Morcha v. Union of India.A.I.R.1984 S.C.802.
  3. People's Union for Democratic Rights & Others v. Union of India.1982 II L.L.J.454 (S.C.).
  4. National Textile Workers Union V. Ram Krishana A.I.R.1983 S.C.759.
  5. Excel Wear v. Union of India.1978 L.C.J.527.(S.C.)
  6. The Delhi Cloth & General Mills Ltd. V. Sambhunath Mukerjee 1985 I.L.L.J36(S.C.)

**N.B.:** The student will be imparted teaching of latest case-laws of the supreme court of India and various High Courts alongwith the Legislative changes and Amendment from time to time.

**Suggested Readings:**

1. I.L.O: International Labour Codes Vol. I and II
2. S.N. Dhyani: I.L.O. and India: In Pursuit of social Justice.
3. G.A. Johnston: The I.L.O.
4. Davil Miller: Social Justice.
5. Kamla Mathur N.R. Seth: Tripartitism in Labour policy.
6. Indian Labour Year Book:
7. S.K. Agrawala: K.M. Munshi Lectures on public interest Legislation in India.
8. Govt. of India: Report of National Commission on Labour.
9. C.K. Joshi: Indian Tripartite System
10. S.R. Samant: Industrial Jurisprudence.

11. Indian Constitution: Relevant Portions.
12. Govt. of India: Tripartite Consultations.
13. R.G. Chaturvedi: Natural and social Justice.
14. Mahesh Chandra: Industrial Jurisprudence.
15. Rideout: Principles of Labour Law.
16. N. Vaidyanathan: International Labour standards.

**LABOUR ECONOMICS AND LABOUR STATISTICS AND ORGANIZED  
AND UNORGANIZED LABOUR ORGANISATION.**

- Labour Force in organized and Unorganized sectors-sources, Composition. Characteristics, etc.
- Employment, Un-employment and under employment-conceptual and developmental Aspects.
- Labour Turn-over and Absenteeism.
- Unemployment Guarantee Scheme.
- Unorganized labour- magnitude. problems and public policy on unorganized labour. Integrated rural Development programmes and labour.
- Labour in five year plans-A Brief study.
- Industrial policy Resolutions and Development in private and public sector.
- Industrial Development-Heavy, Large, Small- scale, cottage Industries-Location, Finance Planning and Problems.

**Labour Statistics:**

- a. Meaning, Objects and structure.
- b. Growth of Labour statistics in India
- c. Indian Statistics Act, 1953.
- d. Labour Statistics relating to Disputes, wages, strikes, Lockouts, Man-days Lost. Safety, Health and welfare, cost of Living etc.

**Suggested Readings;**

1. A.N. Agrawala: Indian Economy-Problems of Development and Planning.
2. Rudra Dutt and K.P.S. Sundradum: Indian Economy
3. S.C. Kuchhal: The Industrial Economy of India.
4. D.P. Sharma and Desai: The Rural Economy of India.
5. A.R. Desai: The Rural sociology of India.
6. L.G. Reynolds: Labour Economics.
7. R. Mukerjee: Labour Planning.
8. B.N. Datar: Labour Economics.
9. J.N. Mongia: Readings in Indian Labour
10. Govt. of India: Report on National Commission on Labour.
11. J.L. Dholakia: Industrial labour and economic development in India.
12. Indian Labour Year Books

13. D.N. Ethance: Economic statistics of India since Independence (First Three chapters of part I and chapter 25 of part II) or Relevant portion.
14. B.N. Asthana and : Applied statistics of India(Chapter 5 and 6) S.S. Srivastava: or Relevant Portion.
15. Mamoria & Mamoria: Industrial Labour, social security and industrial peace in India,
16. I.L.O: Structure and functions of rural worker's organization.

**INTERSHIP PROJECT WITH NGO AND PROJECT REPORT**

**Tentative Topics for the Projects:**

1. International Criminal Court Visa-Vis Human Right Court : An Analytical And Critical Study
2. War Victims And Law Related To Refugees' : A Study In Hr Perspective
3. A Human Right Approach To The Prisoners
4. Realization Of Human Rights And Child Labour In Africa :An Exhaustive Study
5. International Human Right Law And The Problem Of Its Enforcement In Domestic Courts
6. An Appraisal Of Gender Equality In Light Of Human Right
7. Judicial Independence And Human Right
8. Hunger, Right To Food And Human Right Laws
9. United Nation Procedure For The Implementation Of Human Right – The Role That Lawyers Can Play
10. Enforcement Of International Human Right Laws In Ethiopia : An Analysis
11. Justification Of Death Penalty And Human Rights
12. Role Of Federal Police Vis-A-Vis UDHR
13. Sustainable Environment As A Human Right
14. Human Rights And Gender Equality
15. Health As A Human Right
16. International Humanitarian Law And Institutions For Its Implementation :Study In International Perspective

**Guidelines on how to go about writing the Projects**

**When you write your papers, you need to remember that:**

- a. You cannot exceed the page limits fixed for you by your instructor. Normally a term paper should not exceed 150 pages.
- b. You need to submit the paper one week before classes end (or at the time specified by the University).
- c. You must exert a lot of effort to achieve some degree of originality in your work.
- d. You must abide by the rules of citation.
- e. You can seek and get assistance from your instructor.
- f. Further your teacher is expected to guide you as to how collect the matter from various NGOs or from Govt. office for the purpose of your project.

**Your paper must have:**

1. Introduction
2. Discussion

3. Conclusion and Recommendation
4. Endnotes
5. Bibliography or references
6. Appendices (if and necessary)

The **Introduction** must:

- a. Introduce the **topic**. Give some background information as well.
- b. State the **objective** (s) of the study.
- c. State the **scope** of the study. What the paper covers and what it does not cover.
- d. Specify the **problems addressed** (or the questions raised) in the paper.
- e. State the **method(s)** used.

Example:-

- Survey of literature
- Case analysis
- Analysis of law
- Observation
- Interview
- Questionnaire

Etc.

- f. Show the **manner of organization of the paper** (the sequence of the chapters or sections and what each chapter or section does); this is also called the **plan** of the paper.

Moreover, the introduction must appeal to the readers' interest so that they can continue to read the paper. The reader must be convinced that it is worthwhile to read your paper through and through.

The introduction should not be too long. **The maximum should be 10% of the total length of your paper.** Thus, if you are writing a paper of 110 pages, your introduction may not exceed ten page.

**The Discussion** (which is the body of the paper) must:

- a. Discuss the issues raised in the introduction.
- b. Show that the objective of the researcher is achieved.
- c. Develop the thesis of the paper step-by-step, section-by-section following an outline prepared at the beginning.
- d. Show the writer's method.
- e. Be coherent (not fragmented).

The discussion is better written after the required information is gathered (be it from books or cases or from observation or from interview). **The discussion constitutes about 80% of your paper.** That is to say, if the number of pages of your paper is 100, then about 80 of it goes to the body.

### ***The Conclusion and Recommendation***

#### **Conclusion**

- Usually starts with a recapitulation /or a summary/ of the major ideas in the paper.
- Must **state the finding of your study** (i.e., the thesis that your paper proved or disproved).
- Should **answer at least some of the questions raised in the paper.**

#### **Recommendations(s)**

- Suggest solutions to some problems you might have stated in your finding.
- Must be **realistic.**

#### **Conclusion and recommendation must be:**

- a. Brief
- b. Neatly written.
- c. Written clearly and forcefully.

**The length should be limited to a maximum of 10% of the entire paper.** Thus, like introductions, the conclusion and recommendation of a 100 page paper may not exceed ten page.

**NB:** Introductions and conclusions are better written at the end of writing the entire paper.

\*The paper is expected to be objectively written. (Do not use it to express what you like and what you don't like, i.e., your personal biases and prejudices or your *apriori* assumptions and preconceptions).

\*Make the best of efforts to find practical problems and commensurate solutions.

#### **When you prepare your outline:**

1. Try first to raise the important questions your paper seeks to address.
2. Then collect the questions into categories based on the degree of similarity and interrelationship that exists between them.
3. Identify the chapters or sections that help you answer the questions you formulated.

#### **When you write the body:**

1. **Keep remembering the ABC of legal writing, i.e.,**
  - A. Accuracy
  - B. Brevity
  - C. Clarity

Be accurate in your use of words. Keep your sentences brief, i.e. short. Be clear in your expression. Avoid indirection and imprecision. Avoid big words. Use words for their effect or meaning rather than for their sound. Use simple words, words with which you are sufficiently familiar. Do not try to be pompous. Long sentences attract errors and damage clarity of expressions. So avoid them. Use active verbs; avoid passive ones. Avoid negatives (especially double negatives).

To attain clarity, avoid equivocation. Be straight forward. Make your point directly, strongly and forcefully. Use appropriate words (e.g. "almost", "generally", "roughly", "about", etc.) where caution is needed. Avoid inconsistency. Any self-contradiction is simply suicidal to a lawyer.

## **2. Remember that the paper is yours, not of the people you read in books.**

Don't draw excessively from books. Whenever you borrow ideas or expressions, paraphrase them, or quote them and acknowledge them properly. Try to steer away and beyond the books you read. Always ask yourself, "Given that this is the literature in the field, given that this is what the authorities in the field have to say, what do I have to say? What generalizations can I make?" Also, conceptualize those ideas to relate them to the Ethiopian realities, to your area of study. Contextualize them in as much as you can.

**3. Do not forget that your paper is a law student's paper.** It always needs to include legal analysis. The relevant laws need to be identified, interpreted (where needed), and properly applied to problems (real or hypothetical cases).

### **When preparing the Bibliography**

- Read the Book of Citations of the Law Faculty so that you will understand the rules of citation in use at the Faculty.
- Draw tables of laws, cases, periodicals and books—if possible.
- Keep the alphabetical order of the authors.
- If no specific instruction is given to you by the instructor, you can use the following standard method:

[Author]. [Year]. [Title]. [City of Publication, Place: Publisher]. See the following examples:

- Patrick Hayden (2001), **The Philosophy of Human Rights**. St Paul, Minn: Paragon House.
- Helen Fenwick (1994), **Civil Liberties**. London, UK: Cavendish Publishing Limited.
- Adrian Hastings (1997), **The Construction of Nationhood: Ethnicity and Nationalism**. Cambridge/New York: Cambridge University Press.

**Note:** When you compile the Bibliography, remember that the last name of the author comes first. Also, do not forget to put the authors in alphabetical orders.

### **When Working in Groups (Practical Tips)**

1. Get together quickly.
2. Agree on what you, as a group, are expected to do.
3. Prepare the list of questions you try to answer together.

4. Prepare the draft outline together.
5. Meet the instructor together.
6. Identify the methods together.
7. Divide responsibility among yourselves very quickly. You need to share burdens fairly and equitably. Each must be responsible for his /her portion.
8. Set a deadline for each person based on group time schedule.
9. Submit individual works at least 2 weeks earlier than the final deadline for submission.
10. Sit together as you write the final draft. Or, alternatively, let one person write it and give the copies to all so that they can include what is left out, etc.

### **When presenting the paper:**

1. First introduce the topic and the objective.
2. Then tell the class about the questions you wrestled with and the methods you used to answer them.
3. Inform the class of how you are going to do the presentation (who, in the group, is going to speak about what, etc). Stick to the plan as you get along.
4. Speak clearly: have a proper pronunciation and enunciation.
5. Diversify the tone of your voice so that you can avoid monotony.
6. Try to be conversational in tone and diction. Reading from your text makes it less conversational. So, make a minimal use of reading from your text.
7. Preferably, speak from a well crafted outline.
8. Use anecdotes [or cases of note, or scenarios, etc] to engage the audience. NB: Stories have a stronger grip over the audience than other forms of narratives.
9. Repeat your major points [theses] in your summary. It sends the message home. But don't overdo the repetition. It will bore your audience.
10. Try to make sure that your final statements are answers to the questions you raised at the beginning.

### **Before [and during] the Presentation: Practical Tips:**

1. Be well prepared. "Fail to prepare, you prepare to fail." Do some rehearsal—if possible.
2. Set an outline of your speech.
3. Avoid holding papers in your hand, for it betrays your fear and anxiousness.
4. Pitch the tone of your voice at an appropriate level.
5. Avoid mannerisms. (Don't scratch your hair, etc).
6. Be conversational in style. Avoid monotony.
7. Look at your audience. Eye contact is important.
8. Be sharp in your use of time. Don't talk any longer than 20-30 minutes.
9. Leave time for questions, comments and discussions.

10. Don't get afraid of questions. You answer what you know. Admit ignorance when you don't know.

Honesty is a better virtue than stubbornness is.

**What is expected of your paper?**

The paper is expected to meet the following four requirements:

1. Objectivity;
2. Rigor;
3. Creativity; and
4. Integrity.

***Note: Your term paper is going to be marked strictly in accordance with the rules in this guideline.***