

Reg. No. :

Name :

**Eighth Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B.
(Five Year Integrated) Degree Examination, September 2019**

Paper II — LABOUR AND INDUSTRIAL LAW – I

Time : 3 Hours

Max. Marks : 80

I. Explain **any five** of the following. **Each** question carries **2** marks. Answer should not exceed **50** words each.

- (a) Award
- (b) Controlled industry
- (c) Lock-out
- (d) Unfair labour practice
- (e) Retrenchment under ID Act
- (f) Labour Court
- (g) Trade Union

(5 × 2 = 10 Marks)

II. Explain **any four** of the following. **Each** question carries **4** marks. Answer should not exceed **120** words each.

- (a) Write a note on Collective Bargaining.
- (b) Discuss the various kinds of strike.

- (c) Examine whether a hospital is an industry.
- (d) Discuss the composition and duties of the works committee.
- (e) What are the principal privileges enjoyed by a Registered Trade Union?

(4 × 4 = 16 Marks)

III. Answer **any four** of the following. **Each** question carries **6** marks.

- (a) A trade union leader was imprisoned for 5 years for an offence involving moral turpitude. Five years have not yet elapsed, since his release. He wants to be chosen as an office – bearer of a registered trade union. Advise him.
- (b) Workers of a prominent factory 'X' demanded that the 1st day of a month be declared as a holiday. The management refused their demand and the workers worked there by applied mass casual leave. Decide whether the absence of the workers in the above case amounts to strike or absent.
- (c) A clerk employed by an Educational, Residential, College for a period of two years continuously was terminated from service without any wages or compensation. The clerk disputes the validity of the termination in Labour Court. The management of the educational institution contends that the Residential College is not 'industry' within the meaning of section 2(j) of the Industrial Dispute Act. Decide.
- (d) The petitioner was working in an establishment having a network of several branches throughout the country. The management decided to close down some branches in a particular state, mainly for the reason indiscipline and misconduct on the part of the employees. The employees union rained an industrial dispute alleging among other things that the closure could be

characterised as being motivated by malafides on the part of the management. The management asserted that the predominant reason for the closure was the indiscipline on the part of the employees and the closure was only real and bonofide and not motivated by any type of malafides on the part of the management and therefore the closure was amply justified. Decide.

- (e) 'X' is appointed as a driver by the University He is drawing a salary of 5000 per month. He claims to be a workman under the Industrial Disputes Act. In this claims Justified.

(4 × 6 = 24 Marks)

IV. Answer any three of the following. Each question carries 10 marks.

- (a) Define 'Strike'. Explain the provisions of the Industrial Disputes Act regulating strikes in industries.
- (b) What is a trade union? Discuss the history of trade union movement in India.
- (c) Examine the scope of legal regulation of utilization of funds of Trade Union under the Trade Union Act, 1926.
- (d) Analyse the beneficial provisions of the workman under the Industrial Employment (Standing Orders) Act, 1946.

(3 × 10 = 30 Marks)