

Reg. No. :

Name :

**Eighth Semester B.A.LL.B./B.Com.LL.B/B.B.A.LL.B (Five Year Integrated)
Degree Examination, November 2020**

Paper II — LABOUR AND INDUSTRIAL LAW – I

Time : 3 Hours

Max. Marks : 80

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

- (a) Public utility services
- (b) Workman
- (c) Trade dispute
- (d) Collective bargaining
- (e) National Industrial Tribunal
- (f) Appropriate Government.
- (g) Conciliation Officer.

(5 × 2 = 10 Marks)

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

- (a) State the procedure for amalgamation of trade unions.
- (b) What was the position of Educational institutions prior to the Industrial Disputes (Amendment) Act, 1982?
- (c) Discuss in short, Reference and Res judicata.
- (d) Define lockout and its ingredients.
- (e) Describe the procedure for the registration of a Trade-union as per the Trade-union Act, 1926.

(4 × 4 = 16 Marks)

3. Answer **any four** of the following. Each question carries **6** marks.
- (a) The Registrar of trade unions cancels the registration of trade union as per the directions of the Industrial court. Decide the validity of this cancellation.
 - (b) Employees of an Industrial concern engaged in an illegal strike. Due to this strike, the employer was not able to supply the goods as per the contract to the customers. One of the customers sues the employer for breach of contract and compensation due to non-delivery of goods. The employer in turn sues the employees for compensation. Decide.
 - (c) The workmen of a Tea Estate raised a dispute regarding termination of service of an Assistant Medical Officer who was not a workman. Decide.
 - (d) Raman an industrial worker was removed from employment without serving any notice. Raman wants to dispute this removal as unfair dismissal. Advise Raman.
 - (e) The appropriate Government declined to refer a dispute relating to the termination of the services of a workman to the labour court for adjudication. Then a writ petition was filed challenging the order of the Government and requesting the High court to direct the Government to refer the dispute for adjudication. The writ petition was dismissed. The Union continued to represent before the Government to refer the dispute for adjudication before the labour court. The question for consideration is whether the Government can refer a dispute for adjudication after it had once refused to do so. Decide.

(4 × 6 = 24 Marks)

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

- (a) "Labour is a partner in the common tools of development and should participate in it with enthusiasm". Explain with reference to workers participation in Management in the context of India's policy and development process.
- (b) State the provisions relating to prohibition of strikes and lock-outs in Industrial establishment under the Industrial Disputes Act.
- (c) Describe the provisions of the Trade Union Act relating
 - (i) Immunity from civil liability and
 - (ii) Immunity from criminal liability.
- (d) Explain Award. When does an Award become enforceable awards in an industrial dispute proceeding?

(3 × 10 = 30 Marks)