(Pages : 3) **L – 4462**

Reg. No. : .....

Name : .....

Eighth Semester B.A. LL.B./B.Com. LL.B./B.B.A. LL.B. (FIVE YEAR INTEGRATED) Degree Examination, September 2021

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) Badli Workman

(b) Go-Slow strike

(c) Penalty for closure

(d) Tribunals

(e) All-India Bank Employees Association v-National Industrial Tribunal

(f) Laissez faire theory

(g) How far the Directive Principles of State Policy protect the Trade Union legislations in India?

(5 × 2 = 10 Marks)

P.T.O.

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

(a) Courts of Inquiry

(b) Procedure for retrenchment

(c) Illegal strikes

(d) Role of International Labour Organisation (ILO) in the development of Trade Unions

(e) Examine the law relating to Cancellation and Withdrawal of a Trade Union

(4 × 4 = 16 Marks)

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

(a) Mr. X is the owner of the factory engaged in the manufacturing of ropes. He had hired some contractors for the purpose of engaging workmen in his factory. Some of the workers were denied employment stating that they were not factory's workers but hired by the contractors. Dismissed employees challenged the decision of Mr. X and claimed benefits as a workman of the industry. Decide.

(b) Mr. Thomas, an NRI business man, started a garments factory at Ernakulam. 400 employees were employed in two shifts. After few years, the relationship between the employer and employee deteriorated as the workers became very militant and aggressive. Mr. Thomas applied for closure of the industry, but the government denied his request. He filed a case before the appropriate forum. Decide

(c) The employer company sent the show-cause notice to the employee with regard to some misconduct. An inquiry was conducted and found guilty and thus unfit for the employment. So, the company terminated the employee from the service. The employee challenged the order of termination as violated the provisions of retrenchment under I.D Act. Decide.

(d) Dr. Govindan was appointed as the medical officer of a company. He received all benefits from the company as permanent staff of the company. He was dismissed unheard with a month's salary in lieu of notice. He accepted the payment and left from the employment Workers of the company took it as an industrial dispute and challenged the dismissal order. Decide.

(e) Indoxco Labour Union, Trivandrum, made an application to the Government referring certain disputes to the Industrial Tribunal. The Government referred the disputes to the Industrial Tribunal. The union, suo moto, at a general meeting, held prior to the reference, had passed a resolution changing the name of the union to Indian Oxygen Workers Union and making the workmen of all the establishments of the company in the state of Kerala eligible for its membership. The tribunal passed an award in favour of the petitioner trade union. The Union claimed benefits of award to all workers in state of Kerala. Decide.

(4 × 6 = 24 Marks)

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

(a) What are the powers and functions of registrar under Trade Unions Act?

(b) Collective bargaining became the object of Trade Unionism. Explain the different constituents of Collective bargaining?

(c) Explain the term 'Reference' under I.D Act in the light of decided cases?

(d) Examine the immunities available to a Registered Trade Union with supporting judicial decisions.

(3 × 10 = 30 Marks)