

Reg. No. :

Name :

Eighth Semester B.A.LL.B./B.B.A. LL.B./B.Com. LL.B. (Five Year Integrated)**Degree Examination, November 2018****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**.
- Lay-off
 - Settlement
 - Trade -unionism
 - Registered office
 - Victimization
 - Penalty for illegal strike
 - Industry. **(5×2=10 Marks)**
- II. Answer **any four** of the following. **Each** question carries **4** marks. Answer should **not** exceed **120** words **each**.
- Distinguish between 'Industrial Dispute' and 'Individual Dispute'.
 - Write a note on objects of Trade Union.
 - State the procedure for the modification of standing orders.
 - Explain the role of arbitration in resolving Industrial Dispute.
 - Examine the provisions of the Trade Union Act relating to Immunity from criminal liability. **(4×4=16 Marks)**
- III. Answer **any four** of the following. **Each** question carries **6** marks.
- A union in an industrial establishment in Bombay has 60% of total workman as its members since last 10 months. It plans to apply for recognition under M.R.T.U and P.U.L.P. Act. Decide whether that union will succeed ? If so, what is the procedure for setting recognition ?



- b) The workmen of 'X' company went on a spontaneous strike as protest against dismissal of their union leader. The management stopped payment of wages for the strike period i.e. two days on the principle of 'No work No pay'. Decide.
- c) The Taj Hotel workers who were on strike restricted the free movement of executives, customers and other public vehicles. Management sought permanent injunction restraining the workers from resorting to strike within 100 yards from the hotel. Can the workers claim immunity under Section 18 of the Trade Union Act ? Decide.
- d) The service of 'X' who is not a workmen is terminated by the management of an industrial establishment. The workers of the establishment demand his re-instatement . Can it become an Industrial dispute ? Decide.
- e) A company having its registered office in Bombay had its administrative office in Delhi and sale offices in various parts of India. An employee was employed at its Delhi office and a contract of service was entered thereto. Later he was transferred to Ernakulam. While at Ernakulam he was charge sheeted for over staying leave and after a departmental enquiry, he was dismissed worker's case was taken up the union at Delhi and the dispute was referred for adjudication by the Delhi administration. Decide whether the Delhi Administration is competent to make a reference.

(4×6=24 Marks)

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

- a) "The right of workers to strike is an essential element in the principle of collective bargaining". "Equally important is the power of management to shut down the plant." In the light of the above two statements examine the role of law in protecting the interests of the consumer.
- b) Define lock out ? Explain when and under what circumstances a lock-out shall be illegal ? Distinguish it from lay-off.
- c) Define and explain the terms 'Industry' as defined under Section 2(f) of the Industrial Disputes (Amendment) Act, 1982.
Discuss case law on the subject.
- d) Discuss the general procedure and powers of conciliation officers, conciliation board, court of enquiry, labour court and tribunal under the Industrial Disputes Act, 1947.

(3×10=30 Marks)