

Sub Code: LAW-502

Roll No.....

SEMESTER EXAMINATION 2022-2023

(3rd yr Vth Semester B.A.LL.B/BBA.LLB)

LABOUR LAW- I

Duration: 3:00 hrs.

Max Marks: 70

Note: Attempt all questions. All questions carry equal marks. In case of any ambiguity or missing data, the same may be assumed and state the assumption made in the answer.

Q 1.	Answer any four parts of the following within 100 to 125 words. a) How you can justify the Collective Bargaining for the current industrial dispute scenario. How are the settlements done? b) Write the difference between Individual disputes Vs. Industrial disputes. c) What is the Unfair labour practice? Suggest removing the Evil of Unfair labour Practices. d) What Powers have been given to the Authorities under the Employees Provident Fund and Miscellaneous Provisions Act, 1952 e) Powers and functions of the conciliation board under the Industrial Dispute Act, 1947. f) Examine the definition of “Trade Union” under the Trade Unions Act, 1926 with the help of relevant case law in India	4x3.5=14
Q 2.	Answer any four parts of the following within 100 to 125 words. a) Pre-requisites of lay-off under the Industrial Disputes Act, 1947. b) Growth of Trade Unionism in India c) Examine the position of Hospitals and Educational Institutions as 'industry' in the light of the decision of the Supreme Court in Bangalore Water Supply and Sewerage Board v. Rajappa, AIR 1978 SC. d) Powers of the Registrar under section 8 of the Trade Unions Act, 1926. e) Distinction between Lock-out and ‘Closure’. f) What is the qualification required for a presiding officer in a Labour Court and Industrial Tribunal?	4x3.5=14
Q 3.	Answer any two parts of the following within 200 to 250 words. a) A Trade Union decided to change its name and wants to Amalgamate with another Trade Union. Is it possible? Advice. b) In an industry there was continuous unrest to work leading to strikes and lockouts. The employer closed down the industry. Does this amount to closure, Decide with reasons. c) Sohan and Co. Ltd. directed its workmen not to report for work for 15 days due to water scarcity in the industry. The workmen claimed to lay off compensation. Sohan and Co. Ltd. refused to pay. Decide.	2x7=14

<p>Q 4.</p>	<p>Answer any two parts of the following within 200 to 250 words</p> <p>a) What is an 'Industrial Dispute' under the Industrial Disputes Act, 1947?</p> <p>'X' an employee of a Casting Factory took Extra Ordinary Leave for three years and joined a Cement Factory, which was in the neighbourhood of the Casting Factory. However, X retained his membership with the Casting Factory Workers Union, a Registered Trade Union. It was agreed by the Cement Factory Management that after a year of service with the Cement Factory, X' would be given an increment of Rs. 2000 per month and a family quarters. After a year's service X submitted an application to the appropriate authority of the Cement Factory. For the increment and allotment of the quarters. The Cement Factory management refused to grant the request. Aggrieved by this, X started a 'hunger strike in front of the Cement Factory. As there was no change in the attitude of the Cement Factory management even after three days, the Casting Factory Workers' Union started a strike in support of X and demanded that the dispute may be referred for industrial adjudication. Examine the validity of this dispute in the light of the theory of 'espousal' of a dispute and the expression 'any person' found in the definition of industrial dispute. Substantiate your answer with decided cases.</p> <p>b) Critically analyze the definition of 'workman' under Section 2(s) of the Industrial Disputes Act, 1947 and decide whether the following are workmen' or not.</p> <p>(i) Sales Representatives (ii) An Engineer employed as a Clerk in an industry</p> <p>c) Examine the different kinds of benefits available under the Employees State Insurance Act, 1948.</p>	<p>2x7=14</p>
<p>Q 5.</p>	<p>Answer any two parts of the following within 200 to 250 words.</p> <p>a) A.B.C. co. workmen after reporting to duties without the permission of the employer leave the place of work to attend the funeral ceremony Ex-employee. The employer treats this act of workmen as an illegal strike. Decide.</p> <p>b)retrenchment connotes in its ordinary acceptation that the business itself is being continued but that a portion of the staff of the labour force is discharged as surplusage." Critically examine this statement in the light of the definition of 'retrenchment' in the Industrial Disputes Act, 1947 and judicial decisions in this regard.</p> <p>c) Discuss the composition, powers and duties of the ESI Corporation under the Employees State Insurance Corporation Act, 1948.</p>	<p>2x7=14</p>
