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FIVE YEAR B.A./B.Com./B.B.A., LL.B. (HONOURS) DEGREE EXAMINATION, APRIL 2024

Sixth Semester

FL 18—LABOUR LAW AND INDUSTRIAL LAW—Paper I

(2020 Admissions—Regular/2018 and 2019 Admissions—Supplementary)

Time : Three Hours Maximum : 75 Marks

Part A

Write short notes on any **five** *of the following.*
Each question carries 3 *marks.*

1. ILO and its influence on Indian labour legislations.
2. Collective bargaining.
3. 'Workman' under the Industrial Disputes Act, 1947.
4. Tripartism in Indian industrial relations.
5. Board of Conciliation.
6. 'Retrenchment' distinguished from 'lay-off'.

(5 × 3 = 15 marks)

Part B

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

7. The bylaws of a Trade Union was amended to the effect that the President of the Union shall be the election authority, and he was empowered to nominate all office bearers. The amended rules also denied authority to the general body to remove the President before the expiry of his term. Discuss whether the amendment of the rules is in tune with the letter aand spirit ,of the Trade Unions Act, 1926.
8. Some of the civil servants working in various government departments of a State formed an association with the prime goal of collective bargainig and organising strikes. They applied to the Registrar for registratoin of their association as a Trade Union. The Registrar outrightly rejected the application. Is the order of the Registrar valid ? Explain.
9. The reference application by the workmen of the National Highway Division of Public Works Department was denied by the appropriate government. The reason for the denial was that the highway construction being a sovereign function, would not come under the purview of the Industrial Disputes Act, 1947. Decide.

Turn over

10. The employer offered alternative employment to his laid off employee in another establishment of the same enterprise which is situated five kilometers away from the original establishment. The employee refused to accept the employment and claimed lay off compensation instead. Whether the employee is entitled to layoff compensation ? Give your reasons citing relevant legal provisions and judicial decisions.

(3 × 10 = 30 marks)

Part C

Answer any **two** *of the following questions.*
Each question carries 15 *marks.*

11. What is a 'Trade Union' and what are its essentials ? Is registration of a Trade Union compulsory ? Is a registered Trade Union a legal person ? What are the duties, liabilities, immunities and privileges of a regsitered Trade Union ? For what purposes the general funds of the Trade Union may be spent ?

12. "The definition of 'industry' under the Industrial Disputes Act, 1947 has undergone substantial transformaton following the promulgation of 'triple test' by the Supreme Court in *Bangalore Water Supply and Sewerage Board v. R. Rajappa*, AIR 1978 SC 548". Discuss.

13. "Considering the dismal conditons of industries, employer domination, minimum wage issues and social aspects of the strike, it casts a legal and constitutional obligation on the State to accord the right to strike a fundamental right status." How far do you agree to this argument ? Examine the judicial stand on this matter. What is the procedure to regulate strike ?

(2 × 15 = 30 marks)