

UNITARY LL.B. DEGREE (THREE YEAR) EXAMINATION, MAY 2022

Fourth Semester

UL 19—LABOUR AND INDUSTRIAL LAW—Paper I

(2019 Admissions—Regular/2018 Admissions—Supplementary)

Time : Three Hours

Maximum : 75 Marks

Part A

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

1. Cancellation of Trade Union's registration.
2. Power of the Government to refer to an industrial dispute under the Industrial Dispute Act.
3. Industrial Dispute.
4. History of Trade Union Movement in India.
5. Lay off and Closure.
6. Conditions precedent to retrenchment of workmen.

(5 × 3 = 15 marks)

Part B

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

7. Mr. X is a temporary workman in an establishment. Without assigning any reasons the employer dismissed the service of Mr. X. Whether Mr. X can raise a dispute under the Industrial Disputes Act, 1947.
8. Mr. B is a workman of an establishment at Kochi. The employer laid off him and has offered alternate employment at Thrissur. However, Mr. B refused the same and claimed for law off compensation – Decide.
9. The employees of State Road Transport Corporation gave a strike notice on 01.03.2021 for demanding an increase of wages and other increments. They went on strike from 6 a.m. on 11.03.2021. Discuss the legality of this strike.
10. An industrial dispute arose between the employer and employees of Tata Motors branch in Kochi. This Tata Motors has branches all over the country and its headquarters is at New Delhi. Identify which Government is the Appropriate Government for the purposes of the Industrial Disputes Act, 1947.

(3 × 10 = 30 marks)

Turn over

Part C

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

11. Discuss the concept of strike and also explain the under what circumstance a strike can be considered as illegal.
12. Discuss the law relating to the registration of a trade union and also state the legal significance for such registration.
13. Discuss the concept and meaning of 'industry' under the Industrial Disputes Act 1947 with the help of decided cases.

(2 × 15 = 30 marks)

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(Pages : 2)

Reg. No.....

Name.....

UNITARY LL.B. (THREE YEAR) DEGREE EXAMINATION, NOVEMBER 2022

Fourth Semester

Paper 1 : UL 19—LABOUR AND INDUSTRIAL LAW

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

Time : Three Hours

Maximum Marks : 75

Part A

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

- 1 Labour Courts and its Functions.
- 2 Duties of Conciliation Officer.
- 3 Collective Bargaining.
- 4 Illegal Strikes.
- 5 Trade Disputes.
- 6 Minimum requirement about membership of a Trade Union.

(5 × 3 = 15)

Part B

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

- 7 Mr. P was appointed in an establishment in the managerial capacity. Later there arise some dispute between Mr. P and the employer. Whether Mr. P can be considered as a workman under the Industrial Disputes Act, 1947.
- 8 A Trade Union made a request to Mr. S to contribute to their political fund. However, he refused to contribute. Subsequently, Mr. S applied for membership in the said Trade Union, it was denied. Whether Mr. S can challenge such denial - Explain.
- 9 Mr. M, a workman after reporting his duties left the workplace without informing and taking permission from the employer to escort another employee to the hospital. The employer considered that Mr. M is in an illegal strike. - Decide the legality of the action of the employer.
- 10 The employees of the Aneesha Industry have declared an indefinite strike demanding a hike in salary and other increments. The employer has declared lock-out and subsequently closed down the industry - Does this closure is valid ?

(3 × 10 = 30)

Turn over

Part C

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

- 11 What are the various privileges and immunities available to a registered Trade Union in India ?
- 12 Write a short note about the various mechanisms constituted under the Industrial Disputes Act, 1947 for the settlement of Industrial Disputes.
- 13 Discuss the concept of retrenchment. Also explain the provision relating to conditions, procedures, and compensation for retrenchment and the penalty for its violations.

(2 × 15 = 30)

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Reg. No.....

Name.....

UNITARY LL.B. DEGREE (THREE YEAR) EXAMINATION, JULY 2021

Fourth Semester

UL 19—LABOUR AND INDUSTRIAL LAW—Paper I

(2018 Admission onwards)

Time : Three Hours

Maximum : 75 Marks

Part A

Answer any five questions.

Each question carries 3 marks.

1. Define Trade Union and state the minimum requirements for forming a Trade Union.
2. Explain registration of trade union and the rights and privileges of registered trade union.
3. Write a note on the objectives of trade union and the trade union movement in India.
4. Explain the concept of industry and discuss what constitutes industrial disputes.
5. Distinguish between strikes and lockouts.
6. Who is a Conciliation officer ? What are his powers and duties ?

(5 × 3 = 15)

Part B

Answer any three questions.

Each question carries 10 marks.

7. The workman was not a member of the trade union at the time of his dismissal but subsequently he became a member after his dismissal. The union expounded the case of the dismissed workman after his dismissal. The question is whether the union can expound the cause of such a workman and convert the individual dispute into an industrial dispute. Decide.
8. The Court had to decide whether tailors working on a piece rate basis in a big tailoring establishment are workmen. It was urged before the court that piece rate payment implies payment co-related to production, employer's right to reject the finished product if it does not conform to his instruction, the right of removal of the workman his right not to give work to the workman etc. speak for the element of control and supervision and master and servant relationship. Examine and Decide.

Turn over





G 5935

9. The appellant was engaged in seasonal work in the chemistry section of a sugar factory. Since the work was over the service of the appellant was terminated. He raised an industrial dispute and claimed a reference contending that the termination was in the nature of retrenchment in violation of the Industrial Dispute Act. Examine whether the termination amounted to retrenchment.
10. The service of a probationer in the L.I.C. was terminated. The probationer's contention was that the termination amounted to retrenchment and such termination was without complying the provisions of the Act relating to retrenchment. The L.I.C. on the other hand argued that the confirmation was dependent on satisfactory fulfilment of the minimum business guaranty and the employee had failed to do so. Decide.

(3 × 10 = 30)

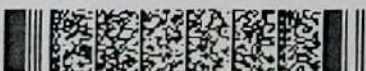
Part C

Answer any two questions.

Each question carries 15 marks.

11. Explain the concept of labour welfare, social security and social duty of the employers and the benefits thereof. Examine the freedom of trade union under the Indian Constitution, the ILO and its influence on the Labour Laws in India. Trace the history of Trade Union Movement in India discussing the objectives of trade unionism.
12. "Collective bargaining is a method by which problems of wages and conditions of employment are resolved amicably, peacefully and voluntarily between labour and management". Comment.
13. What is dispute resolution? Discuss the methods and agencies and explain the powers and functions of such agencies and the methods of governmental control.

(2 × 15 = 30)



F 4647

(Pages : 2)

Reg. No.....

Name.....

**EIGHTH SEMESTER LL.B. (FIVE YEAR) AND FOURTH SEMESTER LL.B.
(THREE YEAR) DEGREE EXAMINATION, DECEMBER 2016**

LABOUR LAW—I

(Three Year LL.B.—Regular/Supplementary)

(Five Year LL.B.—Supplementary)

Time : Three Hours

Maximum : 80 Marks

Part A

Answer any five questions.

Each question carries 4 marks.

- I. (a) What is industrial jurisprudence ? Examine the special features of industrial jurisprudence.
- (b) Examine the origin and growth of labour laws in India and discuss the nature and scope state interference in regulating the laws relating to industry.
- (c) Define and explain industry examining case law and the statutory position.
- (d) What is industrial dispute ? Distinguish between industrial dispute and individual dispute and examine the circumstances in which individual disputes tend to become industrial disputes.
- (e) Explain how adjudication of industrial dispute differs from arbitration.
- (f) Distinguish between strike and lock out and explain how each is a coercive measure used by the labour and management.

(5 × 4 = 20 marks)

Part B

Attempt any three questions.

Each question carries 10 marks.

- II. (a) When the workmen refused to do additional work, which the employer had no right to ask them to do legally, the refusal being a concerted action or under a common understanding, the question arose whether it amounted to strike. examine and discuss and then decide.
- (b) The lock-out declared by the company was illegal, being declared without giving the statutory notice. The question arose whether the company was liable to pay wages during the lock-out period. Decide.

Turn over

- (c) A question arose whether the employees who continued to be in the muster roll when a lay off is declared and entitled to be re-instated after the normal work is resumed can claim full wages after re instatement. Examine and discuss.
- (d) An employee was engaged in seasonal work in a sugar factory. When the seasonal work was over the service of the employee was terminated. In an industrial dispute, the employee claimed that the termination amounted to retrenchment and therefore he was entitled to retrenchment compensation. Decide.

(3 × 10 = 30 marks)

Part C

Answer any two questions.

Each question carries 15 marks.

- III. (a) Explain transfer and closing down of under-taking and discuss the eligibility of compensation for workmen, examining the case law.
- (b) Explain mode of registration of trade unions and discuss the rights and liabilities of registered trade unions.
- (c) "Collective bargaining is a method by which problems of wages and conditions of employment and resolved amicably, although often reluctantly, peacefully and voluntarily between labour and management". Comment, examining the possibilities and nature of collective bargaining in creating an atmosphere of Industrial peace.

(2 × 15 = 30 marks)

F 5770

(Pages : 2)

Reg. No.....

Name.....

**EIGHTH SEMESTER LL.B. (FIVE YEAR) AND FOURTH SEMESTER LL.B.
(THREE YEAR) DEGREE EXAMINATION, OCTOBER 2019**

LABOUR LAW-I

(Three Year LL.B.—Regular/Supplementary)

[Five Year LL.B.—Supplementary/Mercy Chance]

Time : Three Hours

Maximum : 80 Marks

Part A

Answer any five questions.

Each question carries 4 marks.

1. Who are 'protected workmen' under the Industrial Disputes Act, 1947 ? What are their immunities ?
2. Define 'award'. Explain the ways in which an award can be enforced.
3. Explain the concept of voluntary reference of dispute under S. 10-A of the Industrial Disputes Act, 1947.
4. What is 'strike' ? Distinguish between unjustified strike and illegal strike.
5. Distinguish between 'lay-off and 'lock-out'.
6. State the conditions and procedure for registration of Trade Unions.

(5 × 4 = 20 marks)

Part B

Answer any three questions.

Each question carries 10 marks.

7. The President and General Secretary of a registered trade union were dismissed from service for having instigated workers to go on a strike for the acceptance of their justified demands. Challenging the dismissal in the court of law, they contend that it was unjust on the part of the employer and that going on strike was their fundamental and statutory right. Will they succeed?
8. The appropriate government, by a subsequent order in writing, added two more parties in the order of reference already made to an Industrial Tribunal. Decide the legality of the subsequent order.
9. ABC Ltd. implemented a scheme of re-organisation of the business. It resulted in the surplus of 10 employees. The company dispensed with their services. The employees union challenged it that it was not a ground for the retrenchment of the employees. Will the union succeed ?

Turn over

10. 'K', an employee of Vijaya Bank was removed from service since he failed in the confirmation test conducted by the authorities. He claims compensation under the Industrial Disputes Act, 1947. Decide.

(3 × 10 = 30 marks)

Part C

Answer any two questions.

Each question carries 15 marks.

11. Define and explain 'industry' and 'industrial dispute' with the help of decided cases.
12. Explain the different methods of settlement of industrial disputes envisaged under the industrial Disputes Act, 1947.
13. What are the obligations, duties and liabilities of a registered Trade Union? For what purposes the General Funds of the Trade Union may be spent?

(2 × 15 = 30 marks)

F 7545

(Pages : 2)

Reg. No.....

Name.....

**EIGHTH SEMESTER LL.B. (FIVE YEAR) AND FOURTH SEMESTER LL.B.
(THREE YEAR) DEGREE EXAMINATION, NOVEMBER 2020**

LABOUR LAW—I

5 Year LL.B.—(2000—2010 Admissions—Supplementary/Mercy Chance)

3 Year LL.B.—(Prior to 2018 Admissions—Supplementary/Mercy Chance)

Time : Three Hours

Maximum : 80 Marks

Part A

Answer any five questions.

Each question carries 4 marks.

1. Examine the need for state interference in the regulations of labour in the interest of the employee.
2. What is Industrial Dispute ? Examine the nature and scope of conciliation, adjudication and arbitration in Industrial Disputes.
3. Explain the meaning, nature and scope of Collective bargaining in defining the relation between labour and capital.
4. Define Trade Union and explain the essentials of a Trade Union.
5. Discuss the nature, scope and application of the Industrial Employment Standing Orders Act, 1946.
6. "An Individual Dispute per se is not an Individual Dispute". Comment.

(5 × 4 = 20 marks)

Part B

Answer any three questions.

Each question carries 10 marks.

7. For an Individual Dispute, there was the support of a substantial number of workmen employed, not in the whole industry but in a section thereof, there was the question to be decided by the court, whether such an Individual Dispute would make an Industrial Dispute under the Industrial Dispute Act. Decide.
8. When there was the mere absence of a workman from his work, the question was whether it would amount to taking part in a strike within the meaning of the Industrial Dispute Act, in the absence of evidence to show that his absence was the result of some concert between him and other workers that they would not continue to work. Examine and decide.

Turn over

9. A practising lawyer specialized in labour laws was appointed by a Tea Company as Welfare and Labour Officer and was subsequently redesignated as Personal Officer and then as Personal Manager. His main function was to give advice to the management on industrial relations and labour matters. It being so the question before the court was whether he comes within the definition of workman under Section 2 (s) of the Industrial Dispute Act. Decide.
10. Workmen were employed in Sugar Mills during crushing seasons only and consequent of closure of season, they ceased to work. The question for consideration was whether such cessation of work during off seasons of seasonal work amounted to retrenchment. Decide.

(3 × 10 = 30 marks)

Part C

Answer any two questions.

Each question carries 15 marks.

11. "The main object of enacting industrial and labour legislations is to ensure peace and harmony between the employers and the employees in the larger interest of the society. The industrial growth leading to economic prosperity largely depends on happy and healthy relationship between employers and employees." Comment, how far the Industrial Dispute Act, 1947 embodies those special features of 'Industrial Jurisprudence'.
12. Discuss the nature and scope of strikes, lockouts and lay-off as social maladies affecting the smooth functioning of the industrial machinery and economic prosperity of any country. Critically examine the social and legislative measures for solving the problems generated therefrom.
13. Write notes on :—
- (a) Law relating to Trade Unions.
 - (b) Industrial Employment Standing Orders.
 - (c) Laws relating to retrenchment of workmen and closure of Industrial Establishment.

(2 × 15 = 30 marks)

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(Pages : 2)

Reg. No.....

Name.....

**EIGHTH SEMESTER LL.B. (FIVE YEAR) AND FOURTH SEMESTER
LL.B. (THREE YEAR) DEGREE EXAMINATION, MAY 2022**

LABOUR LAW—I

5 Year LL.B.—(2000—2010 Admissions—Supplementary/Mercy Chance)

3 Year LL.B.—(Prior to 2018 Admissions—Supplementary/Mercy Chance)

Time : Three Hours

Maximum : 80 Marks

Part A

*Answer any five questions.
Each question carries 4 marks.*

1. Enumerate the provisions relating to the constitution and functions of Works Committee under the Industrial Disputes Act.
2. Briefly discuss the history and development of labour legislations in India.
3. What are the conditions - precedent to the retrenchment of workmen ?
4. Adjudication is a coercive method of settlement of industrial dispute. Explain.
5. What is the difference between individual dispute and industrial disputes ?
6. Collective bargaining is a process of accommodation between two institutions, which have both common and conflicting interests. Explain.

(5 × 4 = 20 marks)

Part B

*Answer any three questions.
Each question carries 10 marks.*

7. In an industry, there are six registered trade unions, which are having differences of opinion on a particular issue. The Register of trade unions decided to conduct an election and the six trade unions splits into two coalitions and contests the election. One coalition gets elected and claims that it is the sole representative of the interests of the workers. Trade unions in the other coalition disagree. Decide.
8. An employer takes hasty actions in terminations of services of an employee without informing specific reasons or conducting any inquiry. The trade unions took up the issue as unfair labour practice. Decide.
9. A University enhanced the Working hours of its last grade servants without any discussion with those employees or their representatives. Employees raise an industrial dispute while the University claims that the provisions of the Industrial Disputes Act shall not apply, as University is not an industry under the Act. Decide.

Turn over

10. An employer authorizes an apprentice to carry out works of technical nature in an industry. A dispute arises between the employer and the employee. The employer argues that the apprentice is not a workman under Industrial Disputes Act. Discuss.

(3 × 10 = 30 marks)

Part C

*Answer any two questions.
Each question carries 15 marks.*

11. Explain the concept of strike and right to strike in the light of decided cases.
12. Write an essay on the rights and duties of registered trade unions.
13. Explain the procedure and provisions for arbitration and conciliation relating to industrial disputes.

(2 × 15 = 30 marks)

