

V SEMESTER B.A. LL.B (HONS.) DEGREE EXAMINATION – DECEMBER 2020

LABOUR LAW I

Answer Any One From Each Module (Each question carries 10 marks)

Module I

1. What is labour welfare and elucidate the theories of labour welfare that can be used to justify the labour welfare policies existing in India?

OR

2. How far an unregistered or unrecognised labour union can represent the rights of employees.

II Module

1. What is the *dominant nature test*? Discuss how far the dominant nature test has been used in the judicial pronouncements for interpreting the nature of educational institutions, government departments and research institutions.

OR

2. Critically examine the role of the Works Committee and Court of Inquiry under the Industrial Disputes Act and what are the changes brought by the Industrial Relations Code, 2020 for the settlement of industrial disputes.

Module III

1. 'JK industries', is a company manufacturing essential medical products'. On account of managing the spread of the COVID 19 pandemic, the Government issued an order under the Essential Service Maintenance Act banning strikes and lockout on 02.03. 2019. However, the employees' union had served a notice for a strike on 25. 02. 2019. Decide the employees' right to strike based on the provisions under the Industrial Disputes Act and ESMA.

OR

2. 'ABL Pvt. Ltd' is an industrial unit having 260 employees. Due to the financial crisis, the management retrenched 70 employees on 20.05. 2019. Discuss the validity of retrenchment under the Industrial Disputes Act and Industrial Relations Code?

Module IV

1. Discuss how far a Labour Commissioner can intervene while approving a standing order. Compare the role and responsibilities of a Labour Commissioner while approving standing orders and registering trade unions.

OR

2. Do you agree that the fixed term employees will improve the efficiency of the public sector enterprises? Critically analyse the impact of the changes brought by the Industrial Employment (Standing Orders) Central (Amendment) Rules, 2018.

## Module V

1. Illustrate the definition of 'factory' with the support of judicial pronouncements and the general responsibilities of an occupier under the Factories Act.

OR

2. Critically examine the regulations provided under the Factories Act for the health and safety of employees.

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LABOUR LAW II

Answer Any One From Each Module(Each question carries 10 marks)

Module I

1. Describe the importance of *R v. Loveless and Five other* and *Buckingham and Carnatica Mill v. B.P. Wadia* in the history of the trade union movement and explain how it paved the way for recognising and legalising the rights of labourers to unite.

OR

2. State your views on the impact of the fourth industrial revolution on the existing labour regulations in India.

Module II

1. Since 2010, Mr. Ranbir has been working in 'ARC Industries Ltd. In 2016 the management terminated him from the service on the ground of misconduct. The trade union took up the issue and raised an industrial dispute. Discuss how this issue can be settled under the Industrial Disputes Act and Industrial Relations Code.

OR

2. 'CHARU Nigam Ltd' is a public sector transportation company. On account of the changes brought in the shift work and to increase wages, the employees conducted a one day strike on 20. 10. 2018. Due to the failure of settlement measures, the employees submitted a request to the Government for referring the dispute to the appropriate authorities. However, the Government refused it. Discuss how the employees can get an order to direct the Government to refer the matter to the proper authorities and explain the procedure to resolve the issue.

Module III

1. How industries are classified under the Industrial Disputes Act and Industrial Relations Code. Discuss the layoff regulations for industries having under the Industrial Disputes Act and the Industrial Relations Code;
  - a. Less than 50 employees
  - b. 50 to 100 employees
  - c. More than 300 employees

OR

2. Whether the fundamental right to carry on any trade or business encompasses the right to closure. How far employers' right to close down industries is regulated under the Industrial Disputes Act.

#### Module IV

1. How far a standing order can regulate the code of conduct of employees and illustrate the reasons and procedure for initiating disciplinary action against an employee.

OR

2. Explain the need for having a standing order in an industry and elucidate how it protects the rights of employees.

#### Module V

1. Who is an occupier and discuss the duties and responsibilities of an occupier who is carrying own an industry engaged in the hazardous manufacturing process.

OR

2. What are the provisions under the Factories Act for regulating hours of work and wages?

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LABOUR LAW III

Answer Any One From Each Module(Each question carries 10 marks)

Module I

1. Since 2010 'JBG Employees Union' has been functioning in 'JBG Industries Ltd.' as an unregistered trade union. Discuss how 'JBG Employees Unions' can get registration under the Industrial Disputes Act and Industrial Relations Code, 2020.

OR

2. Mr. Prabhkar joined in the State Electricity Board in 2012. He was an active political leader. After two years, the Government terminated him from the service for forming a trade union. Discuss the rights available to Mr Prabhakar to challenge the termination order.

Module II

1. Discuss the reasons for including reference procedure for settlement of disputes in the Industrial Disputes Act and discuss how far the reference procedure was successful in settling industrial disputes in India.

OR

2. Discuss the concerns raised in State of U.P. vs Jai Bir Singh 2005 & 2017. How far the modified definition under the Industrial Relations Code will be beneficial in interpreting the meaning of industry.

Module III

1. How better is the 'the last come first go' rule for an industry at the time of crisis. Does this rule affect the employers' right to terminate unwanted employees? How far the retrenchment provisions are favourable to the employers under the Industrial Disputes Act and Industrial Relations Code.

OR

2. Do you agree that government control is essential for the management of industries in India and discuss the governmental power which restricts the rights of employers' while they transfer and close down industries?

Module IV

1. What are the procedural safeguards provided under the Industrial Employment (Standing Orders) Act for protecting the interest of employees and trade unions while certifying a standing order?

OR

2. Discuss the nature of a certified standing order and generally compare the provisions under the Industrial Employment (Standing Orders) Act and Industrial Relations Code.

Module V

1. Illustrate the relevant provisions under the factories Act for the welfare of employees.
- OR
2. Evaluate the provisions under the Factories Act for the safeguarding the rights of women and children.