

HONS. 05/18/05

B.A. LL.B (Hons.) DEGREE FIFTH SEMESTER EXAMINATIONS, NOVEMBER 2018

LABOUR LAW-I

Time: 3 Hours

Maximum Marks: 50

PART-A

Answer ANY TWO of the following. Each question carries FIFTEEN marks

(2x 15 = 30)

- I. 'ABC Ltd.' is a private manufacturing factory. On September 22, 2018, the management terminated the service of an employee for mismanagement and negligence. The Trade Union (Unrecognised), in which he belongs, raised industrial dispute. Discuss the following with the support of case laws.
 - (a). The competency of an unrecognised trade union to raise industrial dispute
 - (b). Can termination of an employee be considered as an industrial dispute?
 - (c). What are the means available to the terminated employee to settle the dispute?

- II. 'S' is a 15 year old boy works in 'LAN industries' and 'DEN industries' in the morning and afternoon shifts respectively. The Chief Inspector filed a case against the parents of 'S' under the factories Act for engaging him in two industries. Discuss the following.
 - (a). Can 'S' be engaged in any factory. If yes, what are the responsibilities of the Occupier?
 - (b). Liability of the parents or guardian for engaging him in two industries.
 - (c). Critically examine the provisions relating to child labour under the Factories Act 1948 and the Child and Adolescent (Prohibition and Regulation) Act, 1986.

- III. 'HLT' is manufacturing unit, where in employees gave a notice of strike to the management on 24.11.2017. The employees and management arrived at a settlement and the management agreed to implement the conditions of employees within three months. However the management failed to implement the settlement agreement and the employees started strike after three months without giving fresh notice. The Trade Union, in which majority of employees have membership requested the Government to refer the case.
 - (a). What is the validity of the strike started for the second time?
 - (b). When the Government should refer the case as per the provisions of the Industrial Disputes Act, 1947.
 - (c). Can the decision of the Government in respect of reference be challenged? If yes, on what ground.

PART-B

Answer ANY FOUR of the following. Each question carries FIVE marks

(4x 5 = 20)

- IV. Briefly state the development of Trade Union movement in India.
- V. Explain the procedure for certifying a standing order.
- VI. Distinguish transfer of industry from closure of industry.
- VII. What are the special provisions governing hazardous processes under the Factories Act, 1948.
- VIII. What are the immunities of a registered trade union?