

HONS./09/15/005

**B.A., LL.B. (Hons.) DEGREE NINTH SEMESTER (SUPPLEMENTARY) EXAMINATION,
NOVEMBER 2015**

LABOUR LAWS

Time: 3 Hours

Maximum Marks: 50

PART-A

(Answer **ANY FOUR** questions. Each question carries **TEN** marks)

(4 x 10 = 40)

1. Critically examine how collective bargaining is a method by which problem of wages and conditions of employment are resolved amicably. What are the advantages and disadvantages of collective bargaining?
2. Discuss the provisions of the Payment of Wages Act and Minimum Wages Act and explain how far they are social security legislation securing the social justice.
3. Discuss the legality and efficacy of strikes and lock-outs as coercive weapons either in the hands of the employees or employers to compel the unwilling party to resume negotiations to settle the dispute.
4. Discuss the provisions regarding protection and welfare of child, women and mother available in Factories Act.
5. Critically examine the salient features of Employees' State Insurance Act, 1948
6. Write notes on **any two** of the following
 - a. Bonded labour
 - b. Unorganised labour
 - c. Child labour

PART-B

(Answer **ANY TWO** questions. Each question carries **FIVE** marks)

(2 x 5 = 10)

7. A committee formed by the Government of India was of the opinion that the Industrial Dispute Act, 1947 has undergone some changes in tune with new economic policies considering in the age of liberalisation and globalisation. What changes would you suggest to the committee?
8. The petitioners Mr. X and Y were employed in the D.A. Group of Hospitals as Ward-servants and their services were terminated. The petitioners argued that their services were wrongly terminated. They were on hunger strike for more than fifteen days at the gate of the hospital. As the hospital authorities did not reconsider the decision, more employees of the hospital joined the strike. During the strike period appropriate government referred the dispute to the Labour court. After hearing both the parties the court ordered that both the petitioners would be reinstated and benefits should be given during the period of termination of employment. The hospital authorities questioned the decision on the ground that D.A. Group of Hospitals is not an industry so the government didn't have an authority to refer the matter before the court. Discuss the matter with settled law.

(Turn Over)

9. Mr. A was appointed in a Co-operative Urban Bank as Clerk from April 1, 1995 on a salary of Rs. 6000/- per month. He continued as such till May 31, 2000 when his services were terminated on finding that he was not qualified as required by the bye-laws of the Bank. He did not take any action with regard to his termination of services. However, he was re-employed on daily wages basis at the rate of Rs. 250/- per day with effect from August 1, 2005. He continued in that position till April 27, 2007 on which date, he was removed from the services by the office communication dated April 27, 2007. The dispute was referred to the Labour Court where the contentions of Mr. A was rejected and held that Mr. A was not entitled to any relief. Aggrieved by the aforesaid award, Mr. A challenged the award before High Court and sought for a direction to reinstate him as clerk with continuity of service, back-wages and all other attendant benefits with costs. Learned Single Judge allowed the writ petition as prayed for on the ground that Section 25F of the Industrial Disputes Act, 1947 was attracted to the case and as the condition precedent to retrenchment of a workman was not complied with, the removal of the petitioner from the services was bad in law. Discuss the following issues

- a. Whether the provisions of Section 25F of the I.D. Act are attracted to the case having regard to the contention that the termination was due to the fact that the Registrar of Cooperative Societies had not approved the appointment as the Petitioner was not qualified.
- b. The question of termination of services of the petitioner did not arise at all as the services of the petitioner was not capable of continuation having regard to the fact that the petitioner did not possess the requisite qualification for appointment as clerk.