

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2018

Course: Labour Law I

Course Code: LLBL 251

Semester: IX

Programme: B.TECH LL.B (CL+IPR)

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A

(Attempt all)

S. No.		Marks	CO
Q 1	_____ relates to tripartite relationship between employee, employer and union. (A) Individual labour law (B) Industrial relations (C) Collective labour law (D) None of the above	2	CO1
Q 2	The earliest Indian statute to regulate the relationship between employer and his workmen was (A) Trade Disputes Act (B) Factories Act (C) Industrial Relations Act (D) Employee Act	2	CO1
Q 3	Under the Industrial Disputes Act, which of the following cannot be considered as an industrial dispute? (A) When employer fails to keep his verbal promises (B) When closure is a pretence (C) When demand made for alteration of conditions of service of employees in a cooperative society (D) When the lock-out is in disguise of closure	2	CO2
Q 4	Match the following schedules under the I. D. Act, 1947 (a) I schedule (i) conditions of service for change of which notice is to be given (b) II and III schedules (ii) Labour courts and Industrial Tribunals (c) IV schedule (iii) Industries which may be declared as public utility services (d) V schedule (iv) Unfair labour practices	2	CO2

	(a) (b) (c) (d) (A) (iv) (iii) (ii) (i) (B) (ii) (iii) (i) (iv) (C) (iii) (ii) (i) (iv) (D) (iv) (ii) (iii) (i)		
Q 5	How many days of service will be termed as continuous service when working in a mine industry? (A) 190 days (B) 240 days (C) 365 days (D) 180 days	2	CO2
SECTION B (20 marks) (Attempt all)			
Q 6	Define 'lay-off' and distinguish it from 'retrenchment'. Under what situations is a laid off workman not entitled for compensation?	10	CO2
Q 7	What is the distinction between registration and recognition of unions? What are the rights and obligations of recognized trade unions?	10	CO2
SECTION-C (Attempt any two)			
Q 8	An employer is running an industry where readymade garments are manufactured and 200 workmen are employed. He desires to retrench 30 of its workmen. What steps should be taken by the employer to lawfully retrench them?	10	CO3
Q 9	What are the different adjudicatory authorities under the Industrial Disputes Act for settlement of industrial disputes? Critically examine them	10	CO3
Q 10	Explain in details the role of "Collective Bargaining" for resolving Industrial disputes.	10	CO3
SECTION-D			
Q 11	"In ' <i>Bangalore Water Supply & Sewerage Board v. A. Rajappa</i> ' the Supreme Court has reviewed the earlier dicta of court on the definition of 'industry' in the spirit of crusades. It went haywire and far beyond the confines of the case in the name of judicial activism to bring every conceivable activity in the sweep of industry". Critically examine the above statement. Or Are the following cases to be treated as <i>industry</i> for the purposes of the Industrial Disputes Act, 1947:- a) A charitable hospital run by a private trust, offering free treatment and medicines for patients, employing a large permanent staff of doctors, nurses and Karamcharis/ employing doctors, two nurses, a compounder and a peon.	20	CO4 CO4

	<ul style="list-style-type: none"> b) A legal consultant firm employing two law graduates, a stenographer and a peon. c) A architects firm. d) A retail cloth shop run by two partners with assistant of one salesman. 		
Q 12	<p>Whether the following are ‘workmen’ under the ID Act, 1947:</p> <ul style="list-style-type: none"> a) A medical representative in a pharmaceutical company getting a salary of Rs, 10,000 per month. b) A salesman for canvassing sale and distributing free samples c) An agent of Insurance Company who is canvassing people to insure on a commission basis. 	15	CO4
Q 13	<p>A doctor was employed by a private hospital as medical superintendent on the monthly salary of Rs.10,000 p.m. He always maintained very cordial relations with the workers. His services were terminated without assigning any reason. This led the agitated workers to raise a dispute. Discuss whether it is an industrial dispute or not?</p> <p style="text-align: center;">Or</p> <p>Critically examine the law relating to ‘Strikes’ in India. Discuss whether an ‘illegal strike’ can be justified and the workmen would be entitled to wages during the period of ‘illegal strike’?</p>	15	CO2 CO2

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**SECTION A
(Attempt All)**

S. No.		Marks	CO
Q 1	The earliest Indian statute to regulate the relationship between employer and his workmen was (A) Trade Disputes Act (B) Factories Act (C) Industrial Relations Act (D) Employee Act	2	CO1
Q 2	The arbitration award shall remain in operation for a period of _____ year as mentioned in the act. (A) 1 year (B) 6 months (C) 24 months (D) None of the above	2	CO1
Q 3	How many days of service will be termed as continuous service when working in a mine industry? (A) 190 days (B) 240 days (C) 365 days (D) 180 days	2	CO2
Q 4	Under the Industrial Disputes Act, which of the following cannot be considered as an industrial dispute? (A) When employer fails to keep his verbal promises (B) When closure is a pretence (C) When demand made for alteration of conditions of service of employees in a cooperative society (D) When the lock-out is in disguise of closure	2	CO2
Q 5	Match the following schedules under the I. D. Act, 1947	2	CO2

	<p>(a) I schedule (i) conditions of service for change of which notice is to be given</p> <p>(b) II and III schedules (ii) Labour courts and Industrial Tribunals</p> <p>(c) IV schedule (iii) Industries which may be declared as public utility services</p> <p>(d) V schedule (iv) Unfair labour practices</p> <p>(a) (b) (c) (d)</p> <p>(A) (iv) (iii) (ii) (i)</p> <p>(B) (ii) (iii) (i) (iv)</p> <p>(C) (iii) (ii) (i) (iv)</p> <p>(D) (iv) (ii) (iii) (i)</p>		
<p>SECTION B (Attempt All)</p>			
Q 6	Define 'Strikes' and 'Lockouts'. Under what circumstances the strikes and lockouts are prohibited?	10	CO2
Q 7	What is the distinction between registration and recognition of unions? What are the rights and obligations of recognized trade unions?	10	CO2
<p>SECTION-C (Attempt any two)</p>			
Q 8	What are the different authorities under the Industrial Disputes Act for settlement of industrial disputes? Critically examine them	10	CO3
Q 9	Define 'Retrenchment' under the Industrial Disputes Act, 1947 with the help of decided cases and examine the conditions precedent for valid retrenchment.	10	CO3
Q 10	Explain in details the role of "Collective Bargaining" for resolving Industrial disputes.	10	CO3
<p>SECTION-D</p>			
Q 11	It is impossible to lay down any rule of law distinguishing between <i>contract of employment</i> and <i>contract for employment</i> . It is a question of fact to be decided by all the circumstances of the case. The greater the amount of direct control exercised over the person rendering the services by the person contracting for them, the stronger the ground for holding it to be a contract of employment and similarly the greater the degree of independence of such control, the greater the probability for treating it to be a contract for employment". Comment	15	CO2
Q 12	Discuss the principles of law applied in finding out the legality of a strike and justification thereof. Can there be a strike which is legal but unjustified and a strike which is illegal but justified under ID Act, 1947?	15	CO2
	Or		CO2

	<p>A doctor was employed by a private hospital as a medical superintendent on the monthly salary of Rs.10,000 p.m. He always maintained very cordial relations with the workers. His services were terminated without assigning any reason. This led the agitated workers to raise a dispute. Discuss whether it is an industrial dispute or not?</p>		
Q 13	<p>Do you think triple test propounded by the Apex Court in Bangalore Water Supply case is still valid in determining whether any activity in an industry or not. Discuss in the light legislative & judicial development in the field.</p> <p style="text-align: center;">Or</p> <p>Are the following cases to be treated as <i>industry</i> for the purposes of the Industrial Disputes Act, 1947:-</p> <ul style="list-style-type: none">a) A charitable hospital run by a private trust, offering free treatment and medicines for patients, employing a large permanent staff of doctors, nurses and Karamcharis/ employing doctors, two nurses, a compounder and a peon.b) A legal consultant firm employing two law graduates, a stenographer and a peon.c) A architects firm.d) A retail cloth shop run by two partners with assistant of one salesman	20	<p style="text-align: center;">CO4</p> <p style="text-align: center;">CO4</p>