



## BRAINWARE UNIVERSITY

**Term End Examination 2023**

**Programme – LLM-2021**

**Course Name – Labour and Industrial Law**

**Course Code - LLM401A**

**( Semester IV )**

**Full Marks : 60**

**Time : 2:30 Hours**

[The figure in the margin indicates full marks. Candidates are required to give their answers in their own words as far as practicable.]

### **Group-A**

(Multiple Choice Type Question)

1 x 15=15

1. *Choose the correct alternative from the following :*

- (i) Select the subject matter of *P.Trivikrama Prasad v. The State of AP* by its Assistant Inspector of Factories (2016)
  - a) violation of Section 32(a) and Section 41 of the Factories Act, 1948
  - b) Violation of section 4 of Industrial Disputes Act, 1947
  - c) violation of section 4 of Trade Unions Act, 1926
  - d) violation of section 4 of Factories Act, 1948
- (ii) Identify the total no of members whose consent is required for the registration of trade union.
  - a) 1/4th of the total members
  - b) 3/4th of the total members
  - c) Half of the total members
  - d) 2/3rd of the total member
- (iii) Select the issue involved in the case of *Virudhachalam vs Management of Lotus Hills* (1997)
  - a) The SC\'s underlying assumption was that a recognised union represents all workers in a particular industrial project or industry. In the MRF United Workers case, this matter was also mentioned.
  - b) An unregistered trade union has no right
  - c) The case laid down the rights of members of trade unions that are covered under the fundamental right to freedom of expression and speech under Article 19(1) (c).
  - d) The SC\'s underlying assumption was that a recognised union represents all workers in a particular industrial project or industry. In the MRF United Workers case, this matter was also mentioned.
- (iv) Identify the correct objective of the Industrial Disputes Act.
  - a) To prevent illegal strikes
  - b) To promote measures for securing and preserving good relations between the employers and the employees

- c) To provide relief to workmen in matters of lay - offs, retrenchment, wrongful dismissals
- d) All of these
- (v) The term “employer” has been defined in
- a) Section 2(c) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- b) Section 2(d) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- c) Section 2(e) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- d) Section 2(f) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- (vi) The term “employee” has been defined in
- a) Section 2(e) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- b) Section 2(f) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- c) Section 2(g) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- d) Section 2(h) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- (vii) “manufacturing process” has been defined in
- a) Section 2(ic) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- b) Section 2(id) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- c) Section 2(ie) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- d) Section 2(if) of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- (viii) ‘Determination of escaped amount’ has been illustrated in
- a) Section 7C of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- b) Section 7D of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- c) Section 7E of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- d) Section 7F of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- (ix) Identify the parties to industrial relations
- a) ILO, Government, Association of employers
- b) ILO, Government, IMF
- c) ILO, Board of Directors, Association of employers
- d) Government, Board of Directors, Association of employees
- (x) Appeals to Tribunal has been illustrated in
- a) Section 7G of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- b) Section 7H of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- c) Section 7I of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- d) Section 7J of the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952.
- (xi) Identify the number of months given by the employer to retrench a person under Industrial Disputes Act, 1947
- a) One
- b) Two
- c) Three
- d) Four
- (xii) The Payment of Gratuity Act, 1972 has been illustrated as the
- a) ACT NO. 37 OF 1972.
- b) ACT NO. 38 OF 1972.
- c) ACT NO. 39 OF 1972.
- d) ACT NO. 40 OF 1972.
- (xiii) Select the subject matter of the case: Excel Wear v. Union of India, AIR 1979 SC
- a) Lay off
- b) Retrenchment
- c) Strikes and lockout
- d) Triple Test
- (xiv) Select the case related with Strikes and lockout

- a) Syndicate Bank and Ors v. K. Umesh Nayak, 1995 AIR 319
- b) Hussainbhai Calicut v. Alath Factory Thozhilali union, AIR 1978
- c) Central Provinces Transport Limited Nagpur, v. Raghunath Gopal Patwardhan 1957 AIR 104
- d) Arkal Govind Rajrao v. Ciba Geigy of India Ltd, 1985 AIR 985

(xv) Select the case in which the method of calculating wages has been described

- a) Management of Kairbetta Estate, Kotagiri Po v. Rajamanickam, 1960 AIR 893
- b) Municipal Corporation of Greater Bombay v. Labour Appellate Tribunal of India, AIR 1957
- c) Central Provinces Transport Limited Nagpur, v. Raghunath Gopal Patwardhan 1957 AIR 104
- d) Hussainbhai Calicut v. Alath Factory Thozhilali union, AIR 1978

### Group-B

(Short Answer Type Questions)

3 x 5=15

- 2. Assess the case of Bata Shoe Co. Ltd. v. D.N Ganguly, 1961 AIR 1158, 1961 SCR (3) 308 (3)
- 3. Discuss and explain the term “employer” as provided in in the Employees’ Provident Funds and Miscellaneous Provisions Act, 1952. (3)
- 4. Explain utility of voluntary reference of disputes to arbitration under the Industrial Disputes Act, 1947 (3)
- 5. Explain Mode of registration of a trade union under the Trade Unions Act, 1926 (3)
- 6. Analyse Board of Conciliation (3)

OR

Analyse Labour Courts (3)

### Group-C

(Long Answer Type Questions)

5 x 6=30

- 7. Discuss Compensation to be paid when due and penalty for default under the The Employee’s Compensation Act, 1923 (5)
- 8. Discuss the procedure for retrenchment under the Industrial Disputes Act, 1947 (5)
- 9. Assess Hussainbhai Calicut v. Alath Factory Thozhilali union, AIR 1978 (5)
- 10. Assess Syndicate Bank and Ors v. K. Umesh Nayak, 1995 AIR 319 (5)
- 11. Assess Excel Wear v. Union of India, 1979 AIR explains the term (5)
- 12. Analyze the Administrative expenses under the EMPLOYEES’ STATE INSURANCE Corporation Act,1948 (5)

OR

Analyze Corporation’s power to promote measures for health, etc., of insured persons under the EMPLOYEES’ STATE INSURANCE Corporation Act,1948 (5)

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