

BA..BBA..B.Com..LL.B. (Sem.-V) Examination

IL BBA 302

Labour and Industrial Law-I

Time : 3 Hours]

April-2017

[Max. Marks : 70]

**Instructions:**

- Do not write anything on this paper except for your Roll Number.
  - Figures to the right indicate marks.
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**Questions:**

1. Explain the dispute resolution machinery under Industrial Disputes Act, 1947. Explain the difference between Strikes and Lockouts. Explain the provision of Strikes and Lockouts in Industrial Disputes Act, 1947.

OR

What are "Unfair Labour Practices"? Enumerate the Unfair Labour Practices under the Industrial Dispute Act.

2. What are the Rights and Liabilities of a Registered Trade Union? Discuss.

OR

What are the various types of Trade Unions? What immunities are available to a Trade Union?

3. What do you understand by Standing Orders? Discuss the procedure of modification of standing order under the Industrial Employment (standing orders) Act, 1946.

OR

Explain the process of certification and cancellation of Standing Orders under the Industrial Employment (standing orders) Act, 1946.

4. Define 'wage' as defined under the Gujarat Industrial Relations Act. Discuss various types of trade union under the GIR Act.

OR

Comment on the following:

- a) Collective Bargaining

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- b) Workman
5. Multiple choice questions:
1. Under which Schedule of the Industrial Disputes Act, 1947 Public Utility Services have been listed out?
    - a) 1st Schedule
    - b) 2nd Schedule
    - c) 3rd Schedule
    - d) 4th Schedule
  2. 'First come last go and last come first go' is the principle of:
    - (a) Lay-off
    - (b) Closure
    - (c) Retrenchment
    - (d) Dismissal
  3. Draft standing orders are to be submitted within:
    - (a) Two years from the date on which the Act is applicable in five copies.
    - (b) One year from the date on which the Act is applicable in five copies
    - (c) Six months from the date on which the Act is applicable in five copies
    - (d) Six months from the date on which the act is applicable in ten copies
  4. Grievance Handling Machinery is given in:
    - (a) Industrial Disputes Act
    - (b) Factories Act
    - (c) Both (A) and (B)
    - (d) None of the above
  5. Under which of the following legislations there is a provision called 'protected workmen'?
    - (a) Trade Unions Act, 1926
    - (b) Industrial Employment (Standing Orders) Act, 1946
    - (c) Factories Act, 1948
    - (d) Industrial Disputes Act, 1947
  6. Which of the following is an illegal industrial action as per law?
    - (a) Mutual Insurance
    - (b) Collective Bargaining
    - (c) Lock out
    - (d) Gherao

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7. The copies of the certified standing orders authenticated in the prescribed manner may be send to ----- by the Certifying officer within 7 days.
- (a) the employer
  - (b) the trade union
  - (c) other prescribed representatives of the workmen
  - (d) All the above
8. A copy of all standing orders as finally certified under this Act shall be filed by the Certifying Officer in a register in the prescribed form maintained for the purpose, and the Certifying Officer shall furnish a copy thereof to any person applying:
- (a) through employer
  - (b) through court
  - (c) on free of cost
  - (d) on payment of the prescribed fee.
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**Questions:**

1. Distinguish between the following as appeared in the Industrial Disputes Act, 1947 :

- (i). 'Award' and 'Settlement'
- (ii). 'Lay-off' and 'Retrenchment'

OR

1. Write short notes on any seven of the following as defined under the Industrial Disputes Act, 1947:

- (i) Industry, (ii) Employer, (iii) Industrial dispute, (iv) Wages, (v) Strike, (vi) award, (vii) Average pay, (viii) Industrial establishment or undertaking, (ix) Settlement.

2. Define the term "Standing orders" and explain the procedure for certification of standing orders under the Industrial Employment (standing orders) Act, 1946.

OR

2. Briefly explain the object, scope and matters to be provided standing orders under the Industrial Employment (standing orders) Act, 1946.

3. Define Trade Union. Is the registration of a Trade Union necessary? Write down the procedure of registration, amalgamation, and cancellation of a trade union.

OR

3. State the appellate provisions against the decisions of the Registrar cancelling the Trade Union. What are the rights, privileges, immunities, and liabilities of a registered trade union? What are the various functions performed by a trade union and how do they promote the welfare of the workers?

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4. What are the provisions relating to the following under the Gujarat Industrial Relations Act (former BIR Act):

- i. Workman
- ii. Classification of Union

OR

4. What is collective bargaining? Discuss the concept and importance of principle of collective bargaining.

5. Attempt any seven of the following:

- i. Which one of the following is not machinery for settlement of Industrial Disputes under the Industrial Disputes Act, 1947?
  - (a) Conciliation Officer
  - (b) Board of Conciliation
  - (c) Collective Bargaining
  - (d) Labour Court
- ii. Draft standing orders are to be submitted within:
  - (a) Two years from the date on which the Act is applicable in five copies.
  - (b) One year from the date on which the Act is applicable in five copies
  - (c) Six months from the date on which the Act is applicable in five copies
  - (d) Six months from the date on which the act is applicable in ten copies
- iii. The Industrial Employment (standing orders) Act, 1946 applies to every establishment employing:
  - (a) 100 workmen
  - (b) 150 workmen
  - (c) 150 workmen on any day preceding 12 months
  - (d) 100 workmen on any day preceding 12 months and the government can order by application to establishments employing less than 100.
- iv. Identify the correct definition of industrial relations
  - (A) Relations between or among human beings
  - (B) Relations between employer and employees as individuals
  - (C) Relations between parties in an employment context
  - (D) Collective relationship between management and trade unions

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- v. What will be the minimum number of workers required for organizing a trade union for registration according to the latest amendment under the Trade Unions' Act, 1926?
- (a) 7 workers
  - (b) 10 %
  - (c) 100
  - (d) 10% or 100 or 7
- vi. Trade union means any combination formed primarily for the purpose of regulating the relations between:
- (a) Workmen and employers permanently
  - (b) Workmen and workmen permanently
  - (c) Workmen and employers, workmen and workmen, employers and employers temporary or permanent
  - (d) Workmen and employers, workmen and workmen, employers and employers permanently
- vii. 'First come last go and last come first go' is the principle of
- (a) Lay-off
  - (b) Closure
  - (c) Retrenchment
  - (d) Dismissal
- viii. Which of the following is machinery for settlement of industrial disputes?
- (a) Indian Labour Conference
  - (b) Joint Management Council
  - (c) Industrial Tribunal
  - (d) Standing Labour Committees
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