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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW  
END TERM EXAMINATION - JUN 2023**

**Semester :** Semester VI - 2021

**Course Code :** LAW123

**Course Name :** Sem VI - LAW123 - Labour Law I

**Program :** BAL,BBL&BCL

**Date :** 14-JUN-2023

**Time :** 1.00PM - 4.00PM

**Max Marks :** 100

**Weightage :** 50%

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**Instructions:**

- (i) Read all questions carefully and answer accordingly.
  - (ii) Scientific and non-programmable calculator are permitted.
  - (iii) Do not write any information on the question paper other than Roll Number.
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**ANSWER ALL THE QUESTIONS**

**(10 X 10 = 100M)**

1. Is there a link between the Trade Unions and Political Parties? Discuss the key provisions in trade union legislation relating to threshold limit for registration of trade union, role of outsiders, political funding and immunity from civil liability and evaluate their relevance in today's context.  
(CO2) [Comprehension]
2. The petitioner's factory was engaged in the production of rope. The workers engaged in the production of rope were all hired labourers of independent contractors. The work done by those workers was integral part of the rope industry concerned. The raw materials for the production of rope were supplied by the management. The premises wherein the workers were engaged in manufacturing rope also belonged to the management. The machinery for production belonged to the management and the finished products were taken by the management for its own trade. Consequent on the denial of work for some of the workers an industrial dispute had arisen. The question which had come for determination was whether the contractor's employees were the workers of the principal management or the workers of the independent contractors for the purpose of the industrial dispute. Decide.  
(CO5) [Application]
3. The Respondents were appointed as *Badli* conductors in substitute vacancy arising out of suspension pending inquiry by the appellant corporation. Their services having been found to be not satisfactory were terminated on November 11, 1983. The Industrial Dispute, having been raised regarding their termination, was referred for adjudication by Labour Court, Bangalore. The termination orders were held to be bad in law for non-compliance of natural justice and the workmen were directed to be reinstated with full back-wages. The appellant corporation filed writ before High Court which was dismissed, hence the present appeal before the Supreme Court.  
Who is a *Badli* Workman? Decide the abovementioned problem with the relevant provisions and leading case-laws. Discuss the Rights of workmen laid-off for compensation. (CO5) [Application]

4. Elaborate on the obligations and responsibilities of factory owners and occupiers as outlined in the Factories Act? What measures do they need to undertake to ensure compliance with health, safety, and welfare provisions for workers?  
(CO4) [Comprehension]
5. 'The power of appropriate government to refer the industrial disputes or declining to refer the dispute is an administrative power'. Examine this sentence with the support of relevant provisions and leading case-laws. Discuss also the effect of reference to the National Tribunal.  
(CO3) [Comprehension]
6. Elaborate the Adjudication Machinery of industrial disputes under the Industrial Disputes Act, 1948. Whether an advocate with 7 years of experience can be appointed as the presiding officer of an industrial tribunal?  
(CO4) [Comprehension]
7. There was a concerted action of stoppage of work and refusal to do work by the workers only for a few hours. It was contended that the stoppage and refusal to do work for so short a period did not amount to strike. Decide.  
(CO5) [Application]
8. Discuss the following:  
A. Notice of Change  
B. Strike in the 'Public Utility Service'.  
(CO4) [Comprehension]
9. Who is an adult? Elaborate the working hours for adults as per the factories Act, 1948.  
(CO3) [Comprehension]
10. "Whether or not an employee is a workman under Section 2(s) of the Industrial Disputes Act, 1947 is required to be determined with reference to his principal nature of duties and functions". *S.K. Maini v. M/S Carona Sahu Company Ltd, AIR 1994SC1824*.  
Critically examine the abovementioned observation made by the Supreme Court of India. Substantiate your answer with the support of various test/theories.  
(CO2) [Comprehension]