

Roll No



**PRESIDENCY UNIVERSITY  
BENGALURU**

**SET-B**

**SCHOOL OF LAW  
END TERM EXAMINATION – MAY/JUNE 2024**

**Semester :** Semester VI - 2021

**Course Code :** LAW2028

**Course Name :** Labor Law and Industrial Law- I

**Program :** BA LLB Honors

**Date :** June 06, 2024

**Time :** 1:00 PM - 4:00PM

**Max Marks :** 100

**Weightage :** 50%

**Instructions:**

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.
- (iv) Do not write any information on the question paper other than Roll Number.

**PART A**

**ANSWER ANY FOUR QUESTIONS**

**4Q X 5M = 20 MARKS**

1. Briefly explain the powers and functions vested in the Registrar under the Trade Union Act, 1926.  
(CO1) [Knowledge]
2. Describe the effects of the registration of a trade union under the Trade Union Act, 1926.  
(CO2) [Knowledge]
3. State the salient features of the Industrial Disputes Act, 1947, and analyze how these features aim to prevent and resolve disputes between employers and workers.  
(CO3) [Knowledge]
4. Explain the process of referring disputes to a conciliation Board under the Industrial Disputes Act, 1947.  
(CO4) [Knowledge]
5. Describe how does the Industrial Disputes Act, 1947, addresses the issues of unfair labor practices, and what are the consequences for employers engaging in such practices?  
(CO3) [Knowledge]
6. Briefly discuss the provisions of the Factories Act, 1948, concerning the safety of workers.  
(CO4) [Knowledge]

**PART B**

**ANSWER ANY FOUR QUESTIONS**

**4Q X 10M = 40 MARKS**

7. Evaluate the effectiveness of the liability provisions under the Trade Union Act, 1926, in protecting both the trade unions and their members. To what extent do these provisions balance the interests of the unions with the rights of individual members and employers?  
(CO2) [Application]
8. Analyze industrial disputes and individual disputes according to the Industrial Disputes Act, 1947. How can individual disputes be classified as industrial disputes under this act?  
(CO1) [Application]

9. Explain the provisions of the Industrial Dispute Act, 1947 that regulate the exercise of managerial prerogatives during industrial disputes, and discuss the legal implications of employer actions that violate these provisions. (CO4) [Application]
10. Describe the key elements and steps involved in conducting a domestic enquiry. Also highlights its important to follow these procedures in the context of disciplinary actions? (CO5) [Application]
11. Analyze the impact of the powers vested in inspectors under the Factories Act, 1948, on workplace safety and compliance. How do these powers contribute to the effective enforcement of the Act? (CO3) [Application]
12. Critically evaluate the provisions regarding hours of work, periodic rest and overtime of a worker under the Factories Act, 1948. Further highlight the rules related to the employment of young persons under the Act. (CO3) [Application]

### PART C

ANSWER ANY TWO QUESTIONS

2Q X 20M = 40 MARKS

13. Evaluate the procedural steps involved in the conciliation process under the Industrial Dispute Act, 1947. Further, discuss the ways through which the Act ensures compliance and enforceability of settlements reached through conciliation. (CO3) [Analysis]

#### 14. Case Name: Union of Industrial Workers v. Labor Registrar

**Facts:** The Union of Industrial Workers (UIW), a newly formed trade union representing workers in the manufacturing sector, applied for registration under the Trade Union Act, 1926. The Labor Registrar, responsible for overseeing trade union registrations, rejected the UIW's application on the grounds of procedural irregularities and failure to comply with certain statutory requirements.

**Legal Analysis:** The court examined the provisions of the Trade Union Act, 1926 governing the registration of trade unions. It was observed that the Act mandates specific procedures and criteria for registration, a list of office bearers, and evidence of membership. The court also considered precedents establishing that procedural defects should not necessarily invalidate a registration application if they do not prejudice the rights of others or undermine the purpose of the legislation.

**Judgment:** The court ruled in favour of the Union of Industrial Workers, holding that the rejection of their registration application was unjustified. While acknowledging certain procedural deficiencies in the application, the court found that these did not substantially affect the legitimacy or purpose of the UIW as a trade union. Therefore, the Labor Registrar's decision was deemed arbitrary and in contravention of the principles of administrative fairness and the right to association guaranteed by the Trade Union Act, 1926. The court ordered the Labor Registrar to reconsider the UIW's application in accordance with the law and without prejudice.

Based on the above case answers the following questions

- a) Elucidate the procedural formalities and compliances for registration of trade union under the Trade Union Act, 1926.
- b) Analyse the advantages of registration of Trade Union and its impact on the industrial relations.

(CO5) [Analysis]

15. Critically review, how the implementation of the factories Act, 1948 ensures the reduction of industrial accidents, fatalities in industrial settings, further elucidate the key provisions related to safety, health and welfare of the workers under the Act. (CO4) [Analysis]