

Register Number :

Name of the Candidate :

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M.L. / LL.M. DEGREE EXAMINATION, 2012

**(BRANCH : II - LABOUR AND INDUSTRIAL RELATIONS
AND ADMINISTRATIVE LAW)**

(SECOND YEAR)

(PAPER - IV)

211. INDUSTRIAL RELATIONS LAW - II

December]

[Time : 3 Hours

Maximum : 100 Marks

*Answer question No.1
and any other FIVE questions.*

Question No. 1 carries 25 marks.

ALL other questions carry FIFTEEN marks each.

1. (a) Give an account of constitutional frame work in India regarding industrial relations and show how far the Industrial Disputes Act, provides for a workable scheme for co-ordinating the endeavors of Central and State Governments for resolving the complex and complicated problems in the field of industrial disputes.

(OR)

Turn Over

- (b) “The order of reference passed by the Government under Section 10(1) of the Industrial Disputes Act is an administrative order.” Discuss the implications of this statement. Can the government refuse to refer a case of dismissal of a workman to a Labour Tribunal on the ground that the dismissal was preceded by a valid domestic enquiry.
2. Discuss the procedure for settling a dispute through arbitration. Can an arbitral award bind persons not parties to the arbitration agreement? Is the arbitrator amenable to the writ jurisdiction?
 3. “All retrenchment or termination of service but all termination of service is not retrenchment.” Discuss drawing particular attention to the development of case law.
 4. Analyse the ingredients of ‘strike’ according to the provisions of the Industrial Disputes Act, 1947. Explain the difference between an illegal strike and an unjustified strike. What are the consequences of wages in the case of an illegal strike?

5. Appreciate the efforts of ILO to provide safeguards to workmen discharged or dismissed from employment. To what extent have these efforts influenced legislation in India?
6. Discuss the role of Industrial Employment (Standing Orders) Act, 1946 in protecting the service conditions of workmen.
7. Critically evaluate the provisions of Industrial Disputes Act relating to reference of industrial disputes for compulsory adjudication.
8. Define ‘appropriate Government’. Discuss its powers of reference of industrial disputes.
9. *Write short notes on any TWO of the following:*
 - (a) Work to rule.
 - (b) Collective bargaining.
 - (c) Grievance Settlement Authority.
 - (d) Unfair labour practice.