

13 NOV 2024

NATIONAL LAW UNIVERSITY, JODHPUR

End-Term Examination 2024

Semester – UG VII

Subject: Labour Law – I

Time: 3 Hours

Max Marks 100

Instructions:

1. Attempt any 5 questions out of the following.
2. All questions carry equal marks.
3. Each question shall be answered in not more than 500 words.

Q.No. 1. Solve the following:

- a. Ashalata & Co. is a public utility service industry where a strike commenced during the pendency of conciliation proceedings and the workmen plead that the strike was provoked by the employer. Decide.
- b. X was a member of a registered trade union. X refused to contribute towards the political fund of the trade union. He was expelled from the trade union for the same. 'X' challenges the expulsion order. Decide. (Marks 20)

Q.No. 2. Describe the evolution of labour laws in India with respect to the pre-independence and post-independence period. (Marks 20)

Q.No. 3. The respondent company manufactured tyres at its Bombay factory. Company has a distribution office at Delhi. Due to a strike in Bombay office, there was a shortage in supply of tyres due to which 17 out of 30 workmen were laid off by the management. Lay-off was recalled but no compensation wages were given for lay-off period. The question in the present case is whether the management had the right to lay-off? Whether the workmen are entitled to compensation or wages for the period of lay-off? Decide with the help of relevant case laws. (Marks 20)

Q.No. 4. Explain the health, safety and welfare measures provided in the Factories Act, 1948. (Marks 20)

Q.No. 5. Write short-notes on the following topics: -

- a) Wages of Inter-State Migrant Workmen
- b) Licensing of Contractors
- c) Bonded Labour System
- d) Factory

(Marks 20)

Q.No. 6. On 24 March 2020, a nationwide lockdown was declared by the central government to prevent the spread of COVID-19 pandemic. Due to this nationwide lock down the economic activities that were going on came to a standstill. This lock down was further



extended many times like the second time the lockdown was imposed on 14 April 2020. On 17 April 2020, there was a notification issued by the labour and employment department of the state of Gujarat under Section 5 of the Factories Act. This notification exempted all the factories registered under the act from various provisions relating to weekly hours, daily hours, intervals for rest etc., for adult workers. This notification was from 20 April 2020 till 19 July 2020. The notification that was issued on 17 April was for a period of four months, but the state government of Gujarat again issued another notification on 20 July 2020, this notification too had similar content and intended to extend the exemption granted to the factories from 20 July 2020 till 19 October 2020. Section 5 of the Factories Act, 1948 provides that during the time of public emergency, the state has the power to exempt any factory from all or any of the provisions of the Act. In this case, the appellant is a trade union which is registered under the Trade Union Act, 1926. This trade union has thousands of workers as a part of this union. The trade union here seeks to quash the notification passed by the labour and employment department of the state of Gujarat. As this notification is alleged to curtail certain rights of the labourers which are given to them in the Factories Act of 1948. The appellant here on behalf of all the workers who were suffering from that issued notification by the state, files the writ petition in the Supreme Court of India so that the notification can be quashed. Whether the notification issued by the state government under section 5 of the Factories Act, 1948 was valid or not? Decide.

(Marks 20)