BLOGS

Sectional Test on Industrial Disputes Act, 1947 for CLAT PG

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Q1. Which of the following circumstances qualifies an individual dispute under the Industrial Disputes Act as an "industrial dispute"?

a. With the backing of any trade union

b. Only when workmen raise collectively

c. When it comes to a worker's termination, retrenchment, dismissal, or discharge

d. Only upon referral from the relevant government

Q2. The Supreme Court ruled in *Management of Safdarjung Hospital v. Kuldip Singh (1970)* that:

a. Hospitals are always industries.

b. All charity organisations are industries

c. Government hospitals carrying out sovereign duties are not industries

d. Commercial hospitals are not industries

Q3. The Supreme Court ruled in *State Bank of India v. N. Sundara Money (1976)* that:

a. Retrenchment must be specifically referred to as termination of service.

b. Any termination, unless otherwise excluded, constitutes retrenchment

c. Only terminations resulting from surplus labour constitute retrenchment

d. An employer's unannounced termination is null and void

Q4. Section 11A of the Industrial Disputes Act grants Labour Courts the following authority:

a. Examining government regulations

b. Modifying employer-imposed punishments

c. Only interpreting standing orders

d. Only providing interim relief

Q5. According to Section 25F of the Industrial Disputes Act, which of the following requirements must be met for a retrenchment to be lawful?

a. Prior authorisation from the relevant government

b. Receiving compensation for retrenchment at the time of retrenchment

c. Rehiring laid-off employees

d. Giving the trade union advance notice

Q6. Which of the following statements about illegal strikes under the Industrial Disputes Act is true?

a. All strikes without prior notice are prohibited

b. Strikes in public utility services without prior notice are prohibited

c. All strikes while conciliation is pending are prohibited

d. Strikes without the support of the majority are prohibited

Q7. In accordance with Section 33 of the Industrial Disputes Act, while legal processes are pending:

a. The employer is free to alter service conditions

b. The employer needs authorisation to alter conditions prejudicially

c. The employer is required to close the establishment

d. The employer is required to suspend any disciplinary measures

Q8. Which of the following statements about layoff compensation under the Industrial Disputes Act is true?

a. Payable to all types of workers

b. Only employees with less than a year of service are eligible for payment

c. Payable to employees who have worked continuously for at least a year

d. Only payable with prior authorisation from the government

Q9. According to the Industrial Disputes Act, continuous service comprises:

a. Only days that were actually worked

b. Days of authorised leave and layoffs

c. Only paid holidays

d. Only days that the employer has certified

Q10. Which body decides cases involving unfair labour practices under the Industrial Disputes Act?

a. Civil Courts

b. Industrial Tribunals and Labour Courts

c. National Green Tribunal

d. Only High Courts

Q11. In *Bangalore Water Supply v. A. Rajappa,* which of the following establishments was not included in the definition of "industry"?

a. Academic establishments

b. Hospitals operate for profit

c. The State's sovereign functions

d. Cooperative societies

Q12. Which of the following claims about retrenched workers being rehired is true?

a. The employer has total discretion

b. Re-employment is only required by court order

c. Retrenched workers will be given preference in the event of vacancies

d. Re-employment is only applicable in public sector projects

Q13. A strike is considered unlawful under the Industrial Disputes Act if:

a. The standing orders are broken

b. It started without the consent of the majority

c. It has begun while conciliation proceedings are pending

d. It impacts the public interest

Q14. The Supreme Court ruled in *B.R. Singh v. Union of India (1990)* that:

a. The right to strike is guaranteed by statute

b. The right to strike is a fundamental right

c. The right to strike is unalienable

d. The right to strike is a legal right that is subject to restrictions

Q15. Under the Industrial Disputes Act, which body has jurisdiction over issues of national significance?

a. Industrial Tribunal

b. Labour Court

c. High Court

d. National Tribunal

Answers

1. (C) As per Section 2A, Dismissal, etc., of an individual workman is to be deemed to be an industrial dispute.
2. (C)
3. (B)
4. (B) Under Section 11A, when an industrial dispute about a worker's discharge or dismissal is referred to a Labour Court, Tribunal, or National Tribunal for adjudication and, during the adjudication proceedings, the Labour Court, Tribunal, or National Tribunal, as the case may be, is convinced that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct the worker's reinstatement on any terms and conditions, if necessary.
5. (B)
6. (B)
7. (B)
8. (C)
9. (B)
10. (B)
11. (C)
12. (C) According to Section 25H, where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall allow the retrenched workmen for reemployment, and they shall have preference over other persons.
13. (C) According to Sections 22 and 23 of the Industrial Disputes Act.
14. (D) The court decided that the right to strike permits employees to express their dissatisfaction even though it is not a fundamental right. However, the right to strike is limited and not unrestricted.
15. (D) According to Section 7B, the Central Government may establish one or more National Industrial Tribunals to decide industrial disputes that, in the Central Government's opinion, include matters of national significance.