BLOGS

# Sectional Test on Labour and Industrial Law for CLAT PG

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**1. Which *of* the following tests were applied by the Supreme Court in *Bangalore Water Supply & Sewerage Board v. A. Rajappa* (1978)?**

a. Multi-factor Test

b. Integration Test

c. Triple Test

d. Control Test

**2. According to the Industrial Disputes Act, 1947, which of the following constitutes "retrenchment"?**

a. Termination by an employer for any reason other than punishment

b. Termination due to non-renewal of the employment agreement

c. Termination due to voluntary retirement

d. Termination due to the continuous ill health of an employee

**3. Identify the correct statements with respect to *Laxmi Devi Sugar Mills Ltd. v. Ram Sagar Pandey* (1957), in which the Supreme Court laid down certain conditions that needs to be followed while retrenching the employees.**

I. It is the responsibility of the employer to prove that the retrenchment is due to financial issues.

II. While retrenchment, the employer must follow the principle of 'last come, first go'

III. Any other sufficient reason other than financial issues is valid.

a. I and II

b. II and III

c. II only

d. All of the above

**4. Which of the following statements is incorrect regarding the definition of 'workman' under the Industrial Disputes Act, 1947?**

a. A workman does not include an apprentice

b. Any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical, or supervisory work for hire or reward is a workman

c. A workman includes any person who has been dismissed, discharged or retrenched

d. The terms of employment may be express or implied

**5. In which of the following cases did the Supreme Court of India held that the employees have no fundamental or statutory right to resort to strike?**

a. *State of Bombay v. Hospital Mazdoor Sabha* (1960)

b. *Workmen of Meenakshi Mills v. Meenakshi Mills* (1994)

c. *Randhir Singh v. Union of India* (1982)

d. *T.K. Rangarajan v. Government of Tamil Nadu* (2003)

**6. The doctrine of 'equal pay for equal work' was recognised by the Supreme Court under which Articles of the Constitution?**

a. Articles 14 and 15

b. Articles 14 and 39(d)

c. Article 21

d. Articles 14 and 19

**7. Under the Industrial Disputes Act, which body has the jurisdiction to refer an industrial dispute for adjudication?**

a. Industrial tribunal

b. Appropriate Government

c. State Government

d. Central Government

**8. Which section of the Minimum Wages Act, 1948, deals with the fixing of the minimum rates of wages?**

a. Section 5

b. Section 6

c. Section 3

d. Section 8

**9. Which of the following statements are true with respect to the objective of the Industrial Disputes Act, 1948?**

I. To make provision for the investigation and settlement of industrial disputes.
II. Maintenance of a peaceful work culture in India
III. To secure industrial peace and harmony by providing mechanism and procedure for the investigation and settlement of industrial disputes by conciliation, arbitration, and adjudication.

a. I and II
b. II and III
c. II only
d. All of the above

**10. The primary aim of the standing orders under the Industrial Employment (Standing Orders) Act, 1946, is to**

a. To define with sufficient precision the conditions of employment
b. To settle industrial disputes
c. To provide for the registration of Trade Unions
d. To promote collective bargaining

**11. Which of the following bodies shall appoint the Registrar of Trade Unions for each State under the Trade Unions Act, 1926?**

a. Central Government
b. Appropriate Government
c. Supreme Court of India
d. High Court of the State

**12. Identify the correct statements with respect to the New Labour Codes:**

I. The Central Government consolidated 24 labour laws into 4 comprehensive labour codes.
II. The Code of Wages, 2019, consolidates the provisions of the two Acts: the Payment of Wages Act, 1936, and the Minimum Wages Act, 1948.
III. The Industrial Relations Code, 2020, consolidates three Acts: the Trade Union Act, 1926, the Industrial Employment (Standing Orders) Act, 1946, and the Industrial Disputes Act, 1947.

a. I and III
b. II and III

c. II only

d. All of the above

**13. Which of the following is not an “industrial dispute”?**

a. Dispute relating to the conditions of labour

b. Dispute between employers and workmen

c. Disputes connected with employment or non-employment

d. Disputes occurring in small clubs, co-operatives, etc

**14. A workman who has been laid off is not entitled to compensation if:**

a. He refuses to accept alternative employment in the same establishment

b. If such a layoff is not due to a strike

c. The lay-off is due to the breakdown of machinery

d. The lay-off is due to a shortage of raw materials

**15. A “public utility service” requires notice of strike of at least _____ days under the Industrial Disputes Act.**

a. 7 days

b. 15 days

c. 30 days

d. 14 days

## Answers And Explanations

1. (C) Bangalore Water Supply & Sewerage Board v. A. Rajappa, redefined what “industry” meant under the Industrial Disputes Act of 1947. The functional Triple Test, the fundamental legal standard for determining industrial categorisation, was established by the seven-judge court through Justice V.R. Krishna Iyer’s majority judgment. The “triple test” stipulates the following requirements: (1) A systematic activity must be established. (2) The employer and employee in the establishment should engage in systematic action. (3) The activity should provide the results of producing commodities, distributing goods, or providing services.
2. (A) As per Section 2(oo) of the Industrial Disputes Act, 1947, retrenchment means termination of the service of a workman by an employer for any reason other than a punishment inflicted by way of disciplinary action.

3. (A) In Laxmi Devi Sugar Mills Ltd. v. Ram Sagar Pandey(1957), the Supreme Court affirmed that retrenchment should only take place in case of financial issues. No other reason is valid.
4. (A) as per Section 2(s) of the Industrial Disputes Act, 1947, A “workman” means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of,…”.
5. (D) In T.K. Rangarajan v. Government of Tamil Nadu (2003), it was held that the government employees do not have the statutory or fundamental right to strike under the Industrial Dispute Act, 1947, and the Tamil Nadu Essential Services Maintenance Act.
6. (B) In Randhir Singh v. Union of India, (1982) 1 SCC 618, the Hon’ble Supreme Court elevated the principle of “equal pay for equal work” to a constitutional principle derived from Articles 14, 16, and 39(d) of the Indian Constitution.
7. (B) As per Section 10 of the Industrial Disputes Act, where the appropriate Government thinks that any industrial dispute exists or is apprehended, it may at any time, by order in writing, refer disputes to Boards, Courts, or Tribunals.
8. (C)
9. (D)
10. (A) The primary aim of the standing orders under the Industrial Employment (Standing Orders) Act, 1946, is to mandate that employers in industrial establishments specify the conditions of employment under them with adequate accuracy and inform their employees of those terms.
11. (B) As per Section 3 of the Trade Union Act, the appropriate Government shall appoint a person to be the Registrar of Trade Unions for each State.
12. (A) The Central Government consolidated 24 labour laws into 4 comprehensive labour codes, namely, Code on Wages, 2019, Industrial Relations Code, 2020, Code on Social Security, 2020, and Occupational Safety, Health & Working Conditions Code, 2020 (OSH). The Code of Wages, 2019, consolidates the provisions of the Payment of Wages Act, 1936, Minimum Wages Act, 1948, the Payment of Bonus Act, 1965, and the Equal Remuneration Act, 1976.
13. (D) According to Section 2(k) of the Industrial Disputes Act, “industrial dispute” means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-

employment or the terms of employment or with the conditions of labour, of any person.

14. (A) under Section 25E of the Industrial Disputes Act, a Workmen is not entitled to compensation (i) if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also; (ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day; (iii) if such laying-off is due to a strike or slowing-down of production on the part of workmen in another part of the establishment.
15. (D) As per Section 22 of the Act, no person employed in a public utility service shall go on strike in breach of contract without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking; or within fourteen days of giving such notice.