

MANAGEMENT PROGRAMME

Term-End Examination

December, 2021

MS-028 : LABOUR LAWS

Time : 3 hours

Maximum Marks : 100

(Weightage : 70%)

Note : (i) Attempt any **three** questions from Section A.
Each question carries 20 marks.

(ii) Section B is **compulsory** and carries 40 marks.

SECTION A

1. Discuss the sources of industrial jurisprudence in India. Briefly describe the role of adjudicatory bodies.
2. Describe the historical development of the Factories Act, 1948. Explain the process for approval, licensing and registration of factories.
3. Discuss the objects and functions of Trade Unions. Describe the procedures for the registration and cancellation of a trade union.

4. Define Minimum, Fair and Living Wages. Explain the enforcement of the Minimum Wages Act.
5. Write short notes on any *three* of the following :
- (a) Principles of Natural Justice
 - (b) Certiorari
 - (c) Retrenchment
 - (d) Res Judicata
 - (e) Strikes and Lockouts

SECTION B

6. Read the case given below and answer the questions given at the end of the case :

A clause of the Standing Orders of Burn and Co. provides that “Go-slow” tactics on the part of workmen will be treated as a serious misconduct for which management can dismiss the workmen. Burn and Co. Employees’ Union, which is a registered trade union under the Trade Unions Act, 1926, but is not recognised by the management, raises an industrial dispute demanding recognition of the trade union and deletion of the clause treating go-slow as a serious misconduct from the Standing Orders. The management rejects the demand stating that only 30 percent of its workmen are members of the union and go-slow is an anti-national activity. Thereafter the workmen (unionist) adopt go-slow tactics under a common understanding. The management gives notice to the workmen that if they do not resort to normal working at full speed within 24 hours they would be dismissed and actually dismisses 25 of its workmen (who are members of the union) on the next day, who, according to the management, do not resort, even after notice, to the normal

working at full speed. The remaining workmen go on strike demanding reinstatement of the 25 dismissed workmen. The appropriate Government refers all the disputes between Burn and Co. and Burn and Co. Employees Union to an industrial tribunal for adjudication and prohibits the continuance of the strike. Despite the government's prohibitory order, these fifty workmen continue to be on strike. Not only this, but one day some of these striking workmen become violent, assault the manager and damage the Company's building and other property. The management, as a security measure, declares temporary closure of the company for an indefinite period.

On the basis of the above facts and situation, answer the following questions in the light of relevant statutory provisions and judicial decisions.

Questions :

- (a) Identify the issues in the case.
- (b) Discuss the dismissal of 25 workmen. Does it amount to an unfair labour practice ?
- (c) Describe the methods by which the union can get the Standing Orders modified.