

MANAGEMENT PROGRAMME

Term-End Examination

June, 2013

02881

MS-28 : LABOUR LAWS

Time : 3 hours

Maximum Marks : 100

(Weightage 70%)

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- Note :** (i) There are two sections A and B.
(ii) Attempt **any three** questions from Section-A. All questions carry 20 marks each.
(iii) **Section-B is compulsory** and carries 40 marks.
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SECTION-A

1. Discuss the sources of Industrial jurisprudence in India. Briefly describe the genesis, objectives and classification of the labour legislation in India.
2. Describe the historical development of the Factories Act, 1948. Explain the provisions relating to hazardous process under the Act.
3. Define and discuss the objectives of the Industrial Disputes Act, 1947. Explain the provisions regarding Lay-off, Retrenchment and closure under the Act.

4. Describe the scope and coverage of the Minimum Wages Act, 1948. Explain the powers which the government can exercise under the Act.

5. Write short notes on *any three* of the following :
 - (a) Act of misconduct
 - (b) Natural justice
 - (c) Res judicata
 - (d) The Employee's Provident Fund Scheme, 1952.
 - (e) Domestic enquiry.

SECTION - B

6. Read the following case and answer the questions given at the end.

Lakshmi Manufacturing Company is a registered factory employing 600 people. It produces spare parts for cars and scooters. Its security staff at the gate are very rigid in checking people/vehicles going out of the works to prevent any theft of the company's material.

On June 20, 1995, Ramesh, material chaser, services department, went to the stores department to draw 10 new GEC electric switches (15 amps each) for some urgent breakdown job. Ramesh drew the material at about 11 A.M. and kept the same in his hand bag and put it on the cycle handle. Thereafter, he came to the Cooperative Credit Society office to enquire about his loan application. He suddenly remembered at 11.30 A.M. his urgent work at the post office (which is situated just outside the works gate), so that he could write and post an urgent letter and thereafter go to his department which is situated at a distance of about one km from the stores department. The distance between the stores department and the works gate is about 50 metres. Ramesh works in general shift, i.e. from 7 A.M.

to 11.30 A.M. and 12.30 P.M. to 4 P.M. The lunch-break is from 11.30 A.M. to 12.30 P.M. and during this period, workers are allowed to go out of the works. Ramesh, like many others, arranged with a person to get his tiffin-carrier from home to his department every day at 11-45 A.M. on payment of a nominal amount every month. On June 20 also, his tiffin-carrier had come with his lunch as usual.

At 11.35 A.M., there was telephone call to Mahesh Kumar, Manager Service Department from the security inspector Ramanand that Ramesh, T. No. 321 has been caught red-handed at the works gate while trying to go out of the works with 10 new GEC electric switches belonging to the company. The two security staff who detected the attempted theft were Ramadhin and Trilochan. The materials were kept in a bag hanging from the cycle handle of Ramesh.

After the incident, a preliminary enquiry was held, when Ramesh confessed in writing that by mistake he was carrying the switches as he intended to come back to his department after his urgent work at the post office. As per procedure for drawing materials in the services department, on the basis of a written instruction in the Log Book from the supervisor, material chaser is

supposed to prepare the material requisition after entering the details himself in the Materials Requisition Register. After getting the Requisition signed by the supervisor and the departmental head, he is supposed to go to the stores department to draw the material. If the materials are heavy, he has to arrange for a transport. For small items like switch, fuse, etc. Ramesh himself carried the same to the department. Thereafter, he is supposed to hand over the material to the supervisor and obtain his signature in the Materials Requisition Register.

On checking up the entries in the Log Book as well as in the Materials Requisition Register after the incident, it was found that Ramesh had correctly entered ten pieces GEC electric switches (15 amps each).

As per Standing Order No. 17 (iii) of the Company's Certified Standing Orders, "Theft, fraud or dishonesty in connection with company's business or property" is a misconduct warranting dismissal as per Standing Order No. 18. The rules also provide that the manager can issue a charge-sheet and also punish with dismissal any employee of his department who is alleged to have committed an act of misconduct.

Questions:

- (a) Advise the Manager, Services Department on the steps required to be taken in this case.
 - (b) Assuming that a domestic enquiry is to be held, suggest various steps of enquiry, in detail.
 - (c) Suggest what positive measures are to be taken by the company for maintaining and promoting sound industrial discipline.
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