

MANAGEMENT PROGRAMME

02333

Term-End Examination

June, 2010

MS-28 : LABOUR LAWS

Time : 3 hours

Maximum Marks : 100

(Weightage 70%)

Note : (i) *There are two sections A&B.*

(ii) *Attempt any three questions from Section-A. Each question carries 20 marks.*

(iii) *Section-B is compulsory for all, and carries 40 marks.*

SECTION - A

1. Briefly explain the terms :
 - (a) Natural Justice
 - (b) Equity
 - (c) Res Judicata

2. State the provisions relating to health and welfare under the plantations Labour Act, 1951,

3. Briefly state the main provisions of the Industrial Employment (Standing Orders) Act, 1946.

4. What are the various benefits payable under the workmen's compensation Act, 1923 ? Explain the provisions relating to distribution of compensation under this Act.

5. Write short notes on *any three* of the following :
 - (a) Benefits payable to a female employee under the Maternity Benefit Act, 1961.
 - (b) Payment of Gratuity under payment of Gratuity Act 1961
 - (c) Obligations of employers and rights of employees under the payment of Bonus Act, 1965.
 - (d) Mandamus.
 - (e) Domestic Enquiry

SECTION - B

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

Mohanlal, the lineman (electrical), was working in the power supply group of the electrical maintenance section of the mines Department. He had 15 years of experience of repair and maintenance of high - tension (6.6 KV) and low - tension (440 V) overhead electric lines. From the beginning of the mines operation, he was engaged for the erection of electrical lines in the quarry area of the mines. During his service, he acted as leader of the crew whenever the charge man was absent. One day at 1 p.m. a message was received in the mine control centre that Mohanlal had fallen from a low - tension pole. He was shifted to the mines hospital where he was declared unfit for six weeks due to injuries on his shoulders, legs, and hands. On preliminary inquiries from his co-workers, it was gathered that Mohanlal was sent to attend the fuse complaint from the union office in the camp area. He was assisted by two persons. The helpers, who were at the site, said that Mohanlal checked the electrical circuit of the premises and upon finding everything in order, concluded that the supply was disconnected from the service lines on the pole near the office. He climbed the pole, but

before he could attend to the fault he fell down from a height of about 6.5 meters and sustained physical injuries. Mohanlal stated in the hospital that as he climbed the pole, his elbow made contact with something metallic and that he felt some sensation in the nerves due to which he could not hold the pole firmly. In addition, the grip of one of his legs was lost. Consequently, he lost balance and fell down. On interrogation as to why he did not use a ladder and safety belt, he replied that he had not assessed this to be a job of line repair work. Further, he had been doing such repairs many times earlier without the ladder and safety belt. He also pointed out the non-availability of transport and manpower for carrying the tools and tackles to the accident site. Further, he said that safety belts caused more inconvenience while working on the lines. He also confirmed that he had switched off the main supply lines feeding that area. He did not know what sensation he got in his body, but it was not electric shock, he said.

Questions :

- (a) What are the issues ?
- (b) Should Mohanlal be given paid leave and compensated as per the provisions in the Workmen's Compensation Act ? Should he be penalised for his negligence or violation of safety regulations, if any ?

- (c) Would it make a difference if Mohanlal was a contract worker, not a regular employee ?
 - (d) What was the role of management, particularly the person who supervises the work of Mohanlal ?
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