

MANAGEMENT PROGRAMME

Term-End Examination 01741
December, 2011

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. Explain the impact of ILO's conventions and recommendations on labour legislation in India.
2. Discuss the Scope and Coverage of the Mines Act, 1952. Explain in detail the enforcement of the Act.
3. Explain the concept and nature of standing orders under the Industrial Employment (Standing orders) Act, 1946. Describe the concept of misconduct under the Act.

4. Discuss the concept of bonus under the payment of Bonus Act, 1965. Explain the concepts of sums mentioned in the third schedule to be deducted from gross profits.

5. Write short notes on **any three** of the following :
 - (a) Social justice
 - (b) Maternity Benefit Act, 1961
 - (c) **Prohibitions under the child labour (Prohibition and Regulation) Act, 1986.**
 - (d) Retrenchment
 - (e) **The Employees Provident Fund Scheme, 1952.**

SECTION - B

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

M/S. Krishna Trading, a road transport company of Calcutta has a fleet of trucks for carrying **steel** scrap-cuttings from various industrial organisations in Jamshedpur to a number of iron and steel foundries around Kolkata. Since the scrap is to be collected from various points at regular intervals, the company sends each truck with one driver and a cleaner-cum -khalasy. Its resident representative at Jamshedpur coordinates in the collection of scrap from various locations. Scrap is generally loaded into the truck with the help of an overhead crane belonging to the company selling the scrap. At the time of weighing of the empty truck, loading of the material, as well as the time when the loaded truck is weighed, a representative each of the Security Department, Accounts Department (Weigh Bridge) and of the Department to which the scrap belonged, are present and a record of weights kept in a Weighment Register. Since the contractor is interested to get the material loaded quickly on the truck, his representative has to keep good relations with the crane drivers and the security staff. Things were going on well till Kali Charan, representative of M/S. Krishna Trading

informed N. Raman, manager of the factory on February 2, 2004 in the morning hours that the crane driver Ramu has threatened to damage the truck by dropping the scrap from a height unless he is given Rs. 50 per truckload. The security havildar K.P. Singh also demanded Rs. 50 per truckload to expedite loading and weighment. Kali Charan also complained that on earlier occasions, he used to pay Rs. 20 to the crane driver and Rs. 30 to the security havildar per truck to avoid delay in loading and weighment.

Raman was concerned over the dishonest behaviour of his employees and called the Security Officer, Capt. Ranjit Singh. Raman put his initials on ten ten-rupee new currency notes and gave the same to Kali Charan for handing over to Havildar K.P. Singh and Ramu on demand for their so-called services. He also advised Capt. Ranjit Singh to lay a trap to catch these employees.

On completion of the loading at about 11.00 AM on February 2, 2004, Ramu was given five ten-rupee notes, and after the weighment Havildar K.P. Singh was given another five ten-rupee notes earlier signed by Raman.

After the loaded truck was escorted outside the works at about 11.05 AM, Capt. Singh called Havildar K.P. Singh and Ramu to the Security Office where apart from Raman and Kali Charan,

Administrative Officer Goel was also present. In their presence, Capt. Singh asked Havildar K.P. Singh and Ramu to take out whatever money they had with them. In the process, all the signed currency notes were recovered. At the instance of Raman, Goel took down the statements of the following persons :

1. Kali Charan
2. K.P. Singh
3. Ramu
4. Capt. Ranjit Singh

Both Havildar K.P. Singh and Ramu admitted their guilt and begged apology, but refused to put their signatures on the written statement. There was a prima facie case against both K.P. Singh and Ramu.

As per the Company's Standing Order No. 23 (iii) "Taking or giving bribe or illegal gratification whatsoever" is a misconduct.

Questions :

- (a) Advise Raman as to the nature of action to be taken against K.P. Singh and Ramu.
- (b) Advise Raman as to the merits and demerits of holding a domestic enquiry.
- (c) **Suggest to Raman various steps to be taken in a disciplinary proceeding.**
- (d) **Also suggest to him the types of punishments which are normally awarded in case of misconducts.**