

MANAGEMENT PROGRAMME

Term-End Examination 03140
December, 2012

MS-28 : LABOUR LAWS

Time : 3 hours

Maximum Marks : 100

(Weightage 70%)

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

SECTION-A

1. The fundamental rights and Directive Principles of State Policy are the foundations of industrial jurisprudence in India. Discuss. **20**
2. (a) Discuss the salient features of the Apprentices Act, 1961. **10**
(b) Explain the provision of 'Benefits' under the Employees' State Insurance Act, 1948. **10**
3. Describe the obligations employers and employees under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. **20**

4. Briefly discuss the objectives and scope of the Minimum Wages Act, 1948 ? Briefly discuss the authority for hearing and deciding claims with respect to the minimum wages. 20
5. Identify the need to prohibit the employment of children under the constitution of India. Evaluate the prohibitions and regulations contained in the child labour (Prohibition and Regulation) Act, 1986. 20

SECTION - B

6. Read the case given below and answer the questions given at the end of the case. 40

A clause of the Standing Orders of the 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 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 above facts situation answer the following questions in the light of relevant statutory provisions and judicial decisions.

Questions :

- (a) Can Burn and Co. raise an industrial dispute regarding the dismissal of 25 workmen who are members of the union ?
- (b) Does the dismissal of 25 workmen amount to an unfair labour practice ?
- (c) Can Burn and Co. apply for modification of Standing Orders ? Describe other methods, if any, by which the union can get the Standing Orders modified ?

- (d) Can go-slow tactics of workmen be regarded as a strike ? Do industrial workmen have a right to go-slow ? If so, can it be legally taken away by the Standing Orders ?
 - (e) Is strike after the issuance of prohibitory order issued by the Government legal ?
-