

00521

MANAGEMENT PROGRAMME

Term-End Examination

June, 2014

MS-28 : 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. Explain the constitutional directives and limitations to labour law. Describe the public interest litigation for enforcement of labour law.
2. Discuss briefly the scope and coverage of the Mines Act, 1952. Discuss briefly and describe the provisions for enforcement of the Act.
3. Explain the process of registration of unions under the Trade Unions Act, 1926. Describe the obligations of registered Trade Unions.
4. Discuss the object, scope, coverage and definitions of the payment of wages Act, 1936. Describe the responsibilities entrusted for payment of wages under the Act.

5. Write short notes on **any three** of the following :
- (a) The employees' Pension scheme, 1995.
 - (b) Origin of labour legislations.
 - (c) Fundamental rights and Labour legislation.
 - (d) Industrial discipline
 - (e) Domestic enquiry.

SECTION - B

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

Beside every big industrial complex, we can find these days a satellite industrial area with a number of medium and small-scale ancillary units manufacturing a variety of products. Mahesh Enterprises is a factory which manufactures paints for use by other industries. It has about 155 employees including 4 officers and 13 supervisory staff. The factory runs in two shifts - morning shift from 6 AM to 2 PM and afternoon shift from 2 PM to 10 PM. The company does not provide any housing accommodation to the bulk of its workers who come from the neighbouring villages.

On May 12, 1990, Ramu, mechanical fitter, was scheduled to work in the morning shift. Since his son was not well, he wanted to take him to a doctor. His house is situated at a distance of about 4 km from the factory. At about 5 AM, he came to the house of Kali Prasad, a warehouse Khalasy who lives in the same village and gave him an application addressed to his Foreman for one day's casual leave. He requested Kali Prasad to

personally meet the Foreman and explain to him the reason for the application. Kali Prasad went to the Foreman's office at 8 : 30 AM during tea-break and learnt that because of a serious breakdown in the pump-room, all the mechanical staff including Narayan, Foreman, were busy there. Kali Prasad left Ramu's application on the Foreman's table and came back to work. The breakdown was set right after 2 PM. When the Foreman came to his office at 3 PM, he found the leave application of Ramu. He regretted his request and ordered to mark him absent for the day.

Next day, that is, on May 13, 1990 during tea-break after 8 AM, the Foreman called Ramu and reprimanded him in the Foreman's cabin. There was some altercation between the two, and attracted by the loud voice, others around came inside the Foreman's cabin. Apart from the others, Asst. Foreman Prakash, Nitin (Timekeeper), Shyam (Helper), Raghu and Pati (Mazdoors) also came there. All these employees heard Ramu telling the Foreman that if his leave for May 12, 1990 was not sanctioned, the Foreman would face the consequences.

As per the Company's Standing Order no. 23(i) "Absenting without information/permission" is a misconduct. Also, as per Standing Order No. 23(iv), "Threatening or intimidating any employee within the boundaries of the works or company's premises" is a misconduct. The works manager is the competent authority to take disciplinary action.

Questions :

- (a) What are the IR issues emerging out of this case ?
 - (b) If you were in a decision making situation how would you respond to the critical incidents ?
 - (c) Critically evaluate the pros and cons of the disciplinary actions.
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