

**MANAGEMENT PROGRAMME**

**Term-End Examination**

**June, 2015**

**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.*  
*Each question carries 20 marks.*  
(iii) *Section-B is compulsory and carries 40 marks.*
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**SECTION - A**

1. Explain the concept of social justice in relation to industrial jurisprudence. Briefly describe the genesis of labour legislation in India.
2. Describe the scope and applicability of Factories Act, 1948. Explain the provisions relating to Annual leave with Wages under the Act.
3. Explain the procedure for registration and cancellation of a Trade Union. What is the legal status and rights of a registered Trade Union ?
4. Briefly describe the objectives and scope of the Payment of Wages Act, 1936. Briefly discuss the positions responsible for payment of wages under the act.

5. Write short notes on **any three** of the following :
- (a) Leave with wages
  - (b) Contract of apprenticeship
  - (c) Strikes and Lock-outs
  - (d) The employees' pension scheme, 1995
  - (e) Salient features of the Child Labour (prohibition and regulation) Act, 1951

### SECTION - B

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

In some companies where employees' children are given preference in employment, a distinct work culture develops. Since among the employees, second or third generation people are found working, they develop a sense of commitment and loyalty to the organisation. Not that there are no grievances of workers, or differences between the management and the recognised trade union, but there are well established and mutually acceptable systems and procedures to settle such matters through negotiation. One such company is Calcutta Steels Ltd. which employs 300 persons including over 250 in the workers' category. This company traditionally gives permanent employment subject to suitability, to one relative like son, daughter, or son-in-law of an employee who retires after twenty years' service. An employee can get the name of his relation registered for employment after completing fifteen years' of service. The management, however, is very rigid about verification of relationship of the 'nominee' for employment.

Taking advantage of large-scale unemployment, some employees in the past tried

to get other persons registered for employment claiming them as their relatives, in return for some money. A few cases of such fraudulent attempts were detected, and as a consequence, those employees were debarred from this facility and warned.

On May 25, 1993 Chandu, T. No. 205, chargeman applied to the Personnel Officer to register the name of his son Bimal, aged 20 years for employment in the company. On June 1, 1993, he was called along with his son by the Personnel Officer for completion of registration formalities. During the verification of school certificate of Bimal to ascertain his date of birth, it transpired that his real name was Bimal Kumar Mishra, son of Radhakant Mishra. On checking up the personal file of Chandu, it was found that on October 14, 1972, he was registered for employment on the application of Radhika, Ex. T. No. 035 who claimed Chandu to be her son-in-law, married to her daughter Kulwati. Chandu also gave a statement to this effect.

As per the Company's Certified Standing Order No. 17 (v) "Giving of false information of any kind either at the time of employment or thereafter, for securing any privilege from the company" is a misconduct.

**Questions :**

- (a) Advise the Works Manager as to the principles of natural justice to be followed in a domestic enquiry.
- (b) Draft a charge sheet to be issued to the employee concerned for his misconduct.