

No. of Printed Pages : 5

MS-28

MANAGEMENT PROGRAMME

Term-End Examination

01741

December, 2011

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**.
All questions carry 20 marks each.

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

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.



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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.**
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No. of Printed Pages : 6

MS-28

MANAGEMENT PROGRAMME

Term-End Examination 03693

June, 2012

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.
(iii) Section-B is compulsory for all and carries 40 marks.
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SECTION-A

1. Discuss the concept of social justice in relation to industrial jurisprudence. 20
2. (a) What are the safety measures under the Factories Act, 1948 ? 10
(b) How are Inspectors appointed under the Minus Act, 1952 ? What are their powers ? 10
3. What is a "trade union" under the Trade Unions Act, 1926 ? What is the procedure for registration of a trade union under the Act ? 20

4. Discuss the various provisions laid down under the Industrial Disputes Act, 1947 for settlement of industrial disputes. 20
5. Write short notes on *any three* of the following : 20
- (a) Principles of natural justice
 - (b) Rights of apprentice.
 - (c) Salient features of the Maternity Benefit Act, 1961.
 - (d) Scope and coverage of the Equal Remuneration Act 1976
 - (e) Prohibition and regulations of child labour



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SECTION-B

6. Please read the case given below and answer the questions given at the end :

Mr. Nandkishore is a workman employed in the despatch department of a cement factory. The factory is located in one of the towns of a politically sensitive state. It employs about 1,500 employees besides the managerial staff. The annual turnover of the company is around Rs. 150 crores and its capacity utilization is 75 per cent.

The factory has three unions besides a Security Staff Association and a Management Association. For eight years, only one union has been recognized, on the basis of its 'claim' that it has the largest following of workmen. Continued recognition of a single union led to strained relations between the two unrecognized unions and the Management, and also among the unions themselves.

Mr. Nandkishore is an office bearer of one of the unrecognized unions. The industrial relations situation in the factory has been fluctuating from periods of harmony to periods of disturbances.

On December 10, 1988, Mr. Nandkishore fell down from the ladder, while working during the second shift. This accident resulted in serious injury to his right arm. He was admitted in a Government hospital for treatment. An accident report was sent to the Commissioner under Workmen's Compensation Act, to determine the amount of compensation, if any, to be paid to Mr. Nandkishore for the loss of any earning capacity. Meanwhile, the union in which he is an office bearer requested the Management to pay a sum of Rs. 5,000 as advance to the injured workman for covering medical expenses. It also stated that the above amount may be deducted from the compensation which Mr. Nandkishore may get, according to the Commissioner's decision. The Management paid Rs. 3,000 as advance, after obtaining a written undertaking from the union that this amount will be deducted from the compensation payable. The union also agreed to this condition. It also arranged for the release of Rs. 2,000 from the Labour Welfare Fund.

The Medical Officer treating the workman submitted a report in February, 1989. The Medical Report did not mention any kind of disablement (Full/Partial. Temporary/Permanent) to the workman. The Commissioner, after processing the case and studying the report, ruled that the

workman, Mr. Nandkishore shall be paid only half - monthly wages for these two months against his request for compensation as there was no permanent or partial disablement.

On receipt of this report from the Commissioner, the Management asked the workman to repay Rs. 3,000 given as an advance and requested the union to do the needful in this regard. The union, however, contended that since the accident occurred during and in the course of employment, the Management must treat it as ex-gratia payment and that it should not demand its repayment as the money was used for treatment. The Management, however, pointed out that at the time of taking advance, both the union and workman had agreed that this amount will be recovered from the compensation payable and since no compensation is payable, the workman should pay back the advance. The Management, further pointed out that it cannot waive the recovery of the above advance as it is bound by the rules.

The union however insisted that Management should not proceed on the recovery of advance from the workman. The Management also heard rumours that the said union may stage a "show down" over this issue.

Questions :

- (a) What is the problem in the case ?
 - (b) Analyze the causes which led to the problem.
 - (c) How should one deal with such a situation ?
 - (d) Discuss the Act under which this case can be dealt.
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No. of Printed Pages : 5

MS-28

MANAGEMENT PROGRAMME

Term-End Examination

December, 2012

03140

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



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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 ?
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No. of Printed Pages : 6

MS-28

MANAGEMENT PROGRAMME

Term-End Examination

June, 2013

02881

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. Discuss the sources of Industrial jurisprudence in India. Briefly describe the genesis, objectives and classification of the labour legislation in India.
2. Describe the historical development of the Factories Act, 1948. Explain the provisions relating to hazardous process under the Act.
3. Define and discuss the objectives of the Industrial Disputes Act, 1947. Explain the provisions regarding Lay-off, Retrenchment and closure under the Act.

4. Describe the scope and coverage of the Minimum Wages Act, 1948. Explain the powers which the government can exercise under the Act.
5. Write short notes on *any three* of the following :
 - (a) Act of misconduct
 - (b) Natural justice
 - (c) Res judicata
 - (d) The Employee's Provident Fund Scheme, 1952.
 - (e) Domestic enquiry.



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SECTION - B

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

Lakshmi Manufacturing Company is a registered factory employing 600 people. It produces spare parts for cars and scooters. Its security staff at the gate are very rigid in checking people/ vehicles going out of the works to prevent any theft of the company's material.

On June 20, 1995, Ramesh, material chaser, services department, went to the stores department to draw 10 new GEC electric switches (15 amps each) for some urgent breakdown job. Ramesh drew the material at about 11 A.M. and kept the same in his hand bag and put it on the cycle handle. Thereafter, he came to the Cooperative Credit Society office to enquire about his loan application. He suddenly remembered at 11.30 A.M. his urgent work at the post office (which is situated just outside the works gate), so that he could write and post an urgent letter and thereafter go to his department which is situated at a distance of about one km from the stores department. The distance between the stores department and the works gate is about 50 metres. Ramesh works in general shift, i.e. from 7 A.M.

to 11.30 A.M. and 12.30 P.M. to 4 P.M. The lunch-break is from 11.30 A.M. to 12.30 P.M. and during this period, workers are allowed to go out of the works. Ramesh, like many others, arranged with a person to get his tiffin-carrier from home to his department every day at 11-45 A.M. on payment of a nominal amount every month. On June 20 also, his tiffin-carrier had come with his lunch as usual.

At 11.35 A.M., there was telephone call to Mahesh Kumar, Manager Service Department from the security inspector Ramanand that Ramesh, T. No. 321 has been caught red-handed at the works gate while trying to go out of the works with 10 new GEC electric switches belonging to the company. The two security staff who detected the attempted theft were Ramadhin and Trilochan. The materials were kept in a bag hanging from the cycle handle of Ramesh.

After the incident, a preliminary enquiry was held, when Ramesh confessed in writing that by mistake he was carrying the switches as he intended to come back to his department after his urgent work at the post office. As per procedure for drawing materials in the services department, on the basis of a written instruction in the Log Book from the supervisor, material chaser is

supposed to prepare the material requisition after entering the details himself in the Materials Requisition Register. After getting the Requisition signed by the supervisor and the departmental head, he is supposed to go to the stores department to draw the material. If the materials are heavy, he has to arrange for a transport. For small items like switch, fuse, etc. Ramesh himself carried the same to the department. Thereafter, he is supposed to hand over the material to the supervisor and obtain his signature in the Materials Requisition Register.

On checking up the entries in the Log Book as well as in the Materials Requisition Register after the incident, it was found that Ramesh had correctly entered ten pieces GEC electric switches (15 amps each).

As per Standing Order No. 17 (iii) of the Company's Certified Standing Orders, "Theft, fraud or dishonesty in connection with company's business or property" is a misconduct warranting dismissal as per Standing Order No. 18. The rules also provide that the manager can issue a charge-sheet and also punish with dismissal any employee of his department who is alleged to have committed an act of misconduct.

Questions:

- (a) Advise the Manager, Services Department on the steps required to be taken in this case.
- (b) Assuming that a domestic enquiry is to be held, suggest various steps of enquiry, in detail.
- (c) Suggest what positive measures are to be taken by the company for maintaining and promoting sound industrial discipline.



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No. of Printed Pages : 5

MS-28

MANAGEMENT PROGRAMME

Term-End Examination

December, 2013

01066

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. Discuss the different ILO Conventions adopted by India. Briefly explain the writs and appeals under the Indian Constitution.
2. Explain the scope and coverage of the Mines Act, 1952. Describe the provisions for health and safety under the Act.
3. What are the objectives and functions of trade unions? Explain the procedure for the registration and cancellation of a trade union.
4. Explain the concept of Bonus. Describe the enactment of payment of Bonus Act, 1965.

5. Write short notes on any three of the following :
- (a) Certiorari
 - (b) Strikes and Lockouts
 - (c) Retrenchment
 - (d) Registration of plantation
 - (e) Constitutional prohibitions for the child labour.

SECTION - B

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

The Vilas Mills Ltd. , with a work force of about 2000 workmen, has been running smoothly for the past twenty years. There has been an increase both in the workers category (5000) and white collar strength (56) during the last five years. There were no industrial disputes during the last fifteen years and even when other mills in the locality were running into trouble with regard to industrial relations problems the Vilas Mills did not face any problem.

The mill had two registered unions, one recognized by the mills, called The Vilas Mills Union and the other unrecognised, called the Mill Workers Union.

The recognised union claimed that they have a following of 80-90 percent of the workers. The unrecognised union claimed that they have a following of 30-40 percent and almost all white collar staff are their followers.

The ' Mill Workers Union ' served a notice on the Administration with the following demands :

- (a) Foreman should be transferred to some other Unit.
- (b) Canteen facilities should be improved and the service of meals should be arranged for the night shift also.

- (c) Workload should be reduced both for blue collar and white collar staff.
- (d) Ambulance to be kept in mills for all twenty - four hours.
- (e) First - aid box should be replenished every two days.

Though the Union was an unrecognised one, it commanded about 30 per cent of the work force, and it was the Administration's policy to examine any proposal put up by the Union and agree to certain demands in the interest of the administration and workers. Based on this policy, the Administration examined the above demands and straight - away implemented in part, the demands (ii) and (iv) and did not consider the demands (i), (iii) and (v) at all.

Finding the Administration receptive to suggestions and conceding demands, as well as to show their prowess, The Vilas Mills Union too served a notice on the following points :

- (1) Service rules to be modified.
- (2) Transport should be arranged for all workers (including white collar) free of cost.
- (3) Snack rates in the canteen should be reduced.
- (4) Automatic promotion should be given on completion of six years.
- (5) Transfers from one unit to another should be readily agreed to.
- (6) Victimisation should not be resorted to.
- (7) Apprentices given training under Apprentices Act should be appointed at least as 'badli' workers and 'badli' workers regularised as regular workers.

The Administration examined these demands but found it not practicable to concede to any of them except demand (3) which was considered and the rate reduced.

The recognised union (The Vilas Mills Union) served a strike notice on the Administration giving three weeks notice and setting the date of commencement of strike under section 23 of the Industrial Disputes Act.

At this stage, the Labour Department stepped in and started conciliation proceedings under Section 4 and 5 of the Industrial Disputes Act. The strike could, therefore, not take place.

However, the conciliation proceedings fell through and the labour commissioner reported to the Government, failure of negotiations.

The Government then examined and formed its opinion under Section 10 (1) of the Industrial Disputes Act and did not consider it fit to refer the case for Arbitration or to the Labour Courts.

The Union felt that this decision was unjust and renewed their notice of strike stating that with effect from a certain date. they are going on strike. Accordingly, they went on strike from the modified date to press for their demands. The ' Mill Workers Union ' did not take part in the strike. However, it was seen that only about 800 persons were ready to come to work and they too could not attend due to fear of intimidation and non - availability of transport.

The mill at this stage declared the strike as illegal and declared a lock - out. The Vilas Mills Union maintained that the strike was not illegal as per Section 24 of Industrial Disputes Act since the provisions Section 23 of the Act have been complied with and that the lock - out was illegal and that the mill authorities have to face the consequences. The deadlock continued.

In the above case study, it is assumed that the Government has recorded and communicated to the parties the reasons for not making a reference under Section 12(5).

Questions :

- (a) Discuss the legality of strike and lock -out.
- (b) How can such a stalemate be avoided ?
- (c) Is there a defect in the legislation ? If, so, where and how can the defect be removed.

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No. of Printed Pages : 4

MS-28

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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No. of Printed Pages : 4

MS-28

00501

MANAGEMENT PROGRAMME

Term-End Examination

December, 2014

MS-28 : LABOUR LAWS

Time : 3 hours

Maximum Marks : 100

(Weightage 70%)

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- 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 meaning of labour policy and factors responsible for emerging issues in industrial relations.
2. Explain the procedure for registration of establishments. Discuss the prohibition clauses of employment of child, young person and women in establishments.
3. Explain the concept and nature of standing orders under the Industrial Employment Act, 1946. Describe the certification process, operation and binding effect of standing orders.

4. Explain the genesis, applicability and definitions of the Employee's State Insurance Act, 1948. Describe various benefits payable under the Act.
5. Write short notes on **any three** of the following :
 - (a) Voluntary arbitration
 - (b) Retrenchment Compensation
 - (c) Strikes and Lock-outs
 - (d) Social Security Legislation
 - (e) Equal Remuneration Act, 1976

SECTION - B

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

Lakshmi Manufacturing Company is a registered factory employing 600 people. It produces spare parts for cars and scooters. Its security staff at the gate are very rigid in checking people / vehicles going out of the works to prevent any theft of the company's material.

On June 20, 1995, Ramesh, material chaser, services department, went to the stores department to draw 10 new GEC electric switches (15 amps each) for some urgent breakdown job. Ramesh drew the material at about 11 A.M. and kept the same in his hand bag and put it on the cycle handle. Thereafter, he came to the Cooperative Credit Society office to enquire about his loan application. He suddenly remembered at 11:30 A.M. his urgent work at the post office (which is situated just outside the works gate), so that he could write and post an urgent letter and thereafter go to his department which is situated at a distance of about one km from the stores department. The distance between the stores

department and the works gate is about 50 metres. Ramesh works in general shift, i.e. from 7 AM to 11:30 A.M. and 12:30 P.M. to 4 P.M. The lunch-break is from 11:30 A.M. to 12:30 P.M. and during this period, workers are allowed to go out of the works. Ramesh, like many others, arranged with a person to get his tiffin-carrier from home to his department everyday at 11:45 A.M. on payment of a nominal amount every month. On June 20 also, his tiffin-carrier had come with his lunch as usual.

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to draw the material. If the materials are heavy, he has to arrange for a transport. For small items like switch, fuse, etc. Ramesh himself carried the same to the department. Thereafter, he is supposed to hand over the material to the supervisor and obtain his signature in the Materials Requisition Register.

On checking up the entries in the Log Book as well as in the Materials Requisition Register after the incident, it was found that Ramesh had correctly entered ten pieces GEC electric switches (15 amps each).

As per Standing Order No. 17 (iii) of the Company's Certified Standing Orders, "Theft, fraud or dishonesty in connection with company's business or property" is a misconduct warranting dismissal as per Standing Order No. 18. The rules also provide that the manager can issue a charge-sheet and also punish with dismissal any employee of his department who is alleged to have committed an act of misconduct.

Questions :

- (a) What are the options available to the Manager, Services Department on the actions required to be taken in this case ?
- (b) Assuming that a domestic enquiry is to be held, suggest various steps of enquiry, in detail.
- (c) Suggest what positive measures are to be taken by the company for maintaining and promoting sound industrial discipline.

No. of Printed Pages : 3

MS-28

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.
-

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.

No. of Printed Pages : 3

MS-28

MANAGEMENT PROGRAMME

Term-End Examination

December, 2015

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

SECTION - A

1. What is domestic enquiry ? Briefly discuss the processes involved.
2. Explain the scope and coverage of the Mines Act, 1952. Describe the provisions for health and safety under the Act.
3. What are the objectives and functions of trade unions ? Explain the procedure for the registration and cancellation of a trade union.
4. How is compensation for death and disablement computed under Workmen's Compensation Act, 1923 ? What are the obligations of employers and workmen under the Act ?

5. Write short notes on **any three** of the following :
- (a) Certiorari
 - (b) Retrenchment
 - (c) Registration of plantation
 - (d) Adjudication
 - (e) Industrial discipline

SECTION - B

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

CASE

ANC is a composite textile mill employing over 8000 employees including officers. The mill has recently modernised its technology and has introduced many cost and labour saving devices. It has a very sophisticated quality control department having many costly equipments. The industrial relations in the Company has been very smooth. The management also adopted a welfare-oriented approach towards its employees. The company organised regular training and development programmes as a part of its human resource development efforts. The general morale and motivation level of employees was quite high though symptoms of tension and mistrust were hidden.

Mr. Anand is incharge of various costly equipments used in the quality control department. One day he used the services of Mr. Borade, a worker, to clean the equipments of various sizes and asked him to keep back the equipments in the cupboard after cleaning them. This had to be done as Mr. Anand had to attend the daily co-ordination meeting with the General Manager of the Company which cannot be ignored. When Mr. Anand returned, he did not check immediately the total number of

instruments as he did not have any doubt about Mr. Borade's integrity. Mr. Borade is an old-timer who served the Company honestly and sincerely.

After about two hours, Mr. Anand found a small but costly measurement equipment was missing from the cupboard. The initial search yielded no positive results. Mr. Anand accordingly informed the security about the missing of the instrument. The security staff suspected Mr. Borade as he was the one who cleaned and put back the instruments. When questioned, Mr. Borade denied the charges. After initial questioning, Mr. Anand once again separately requested Mr. Borade to say whether he saw the missing instrument. Mr. Borade spoke privately to Mr. Anand and admitted that by a sheer loss of control of mind he took away the instrument. He confessed that he never did such a thing in the past in his 15 years of service in the Company and knowing well that he couldn't use the instrument, he still took it away. He pleaded for mercy. Mr. Anand was at loss to understand what had happened. He couldn't believe that a man who served the Company faithfully could ever do such a thing like stealing. He faced the worst crisis in his life. What should he do now ?

Questions :

- (a) Advise Mr. Anand as to the nature of action to be taken against Mr. Borade.
- (b) Suggest to him various steps to be taken in a disciplinary proceeding, in case of an enquiry, and the nature of punishment to be awarded if the charges are proved.
- (c) Also advise Mr. Anand as to the principles of natural justice to be followed in a domestic enquiry.

No. of Printed Pages : 4

MS-28

MANAGEMENT PROGRAMME

Term-End Examination

June, 2016

MS-28 : LABOUR LAWS

Time : 3 hours

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(Weightage 70%)

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- Note :**
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 - (ii) Attempt any three questions from Section-A. All questions carry 20 marks each.
 - (iii) Section-B is compulsory and carries 40 marks.
-

SECTION - A

1. Outline the sources of industrial jurisprudence. Briefly explain the concept of Contract of Employment.
2. Discuss the various provisions governing working hours of adults and employment of young persons in factories envisaged in the Factories Act, 1948.
3. Explain the different steps involved in a disciplinary proceeding.
4. What are authorised deductions under the Payment of Wages Act, 1936 ? Mention the authorised deductions under this Act.

5. Write short notes on **any three** of the following :
- (a) Natural Justice
 - (b) Obligations of the contractor to provide amenities under the Contract Labour (Regulation and Abolition) Act, 1970.
 - (c) Certification of Standing Orders.
 - (d) Annual Leave with wages under the Factories Act, 1948.

SECTION - B

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

The Standard Textile Printing Works conduct business in high quality printing of superior textiles . It has a good reputation in the market. The Company employs about 500 workers and works in three shifts a day. There is no union in the plant. The chief executive of the works is the General Manager who is assisted by three Shift Managers, six Supervisors and twelve Assistant Supervisors.

For the past few months, the General Manager had been receiving frequent complaints from Shift Managers that a large number of pieces of customer 's cloth were missing from the plant and they could not account for the losses. The General Manager took a serious view of the losses because it meant not only payment of damages to the customers but also the company's reputation in the market. He therefore, ordered a close search of workers at the time of their leaving the work-place for home. As a result of these searches, a couple of workers were caught with pieces of cloth hidden inside their dresses. They were chargesheeted for theft and subsequently dismissed after the domestic enquiry.

Some day's back, during lunch interval, Vinayak, a worker in the folding department saw an Assistant Supervisor taking a piece of cloth and putting it in his brief case. Vinayak immediately reported the matter to the Shift Manager who came to the department and found the said piece of cloth in the briefcase of the Assistant Supervisor. Without any discussion, he asked the Assistant Supervisor to see him in his office. A week passed, and the concerned Assistant Supervisor continued to attend to his work.

During this period, the Assistant Supervisor threatened Vinayak that the latter's days here were numbered. This upset Vinayak. He approached the Shift Manager and enquired of him as to what action was taken against the Assistant Supervisor. The Shift Manager politely replied, "I am thankful to you for whatever you did; it is none of your business to know what action we are taking against him. Remember that, after all, he is your officer." Vinayak felt irritated, but left the Shift Manager's office without a word.

On the same day, when the watchman was about to search Vinayak while he was leaving the plant, Vinayak shouted at the watchman saying "I will not allow myself to be searched unless the officers are also searched. They are the real thieves." The watchman detained Vinayak at the gate and reported the matter to the General Manager, who called Vinayak to his office. On being questioned by the General Manager, Vinayak told him all about the piece of cloth in the Assistant Supervisor's briefcase and subsequent events and repeated what he had said to the watchman. The General Manager thereupon asked him angrily, "Do you mean to say that we are thieves?" Vinayak replied, "You can take it that way, if you like." The General

Manager recorded the incident alongwith Vinayak's reply to his question and took Vinayak's signature on it.

Next day Vinayak was served with a suspension order for his "Act of insubordination and indecent behaviour." Thereafter, the General Manager referred the case to the Personnel Manager.

Questions :

- (1) How far is the action of General Manager justified ?
- (2) As the Personnel Manager how would you deal with this case ?
- (3) Give reasons for the way you would handle this case.



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No. of Printed Pages : 4

MS-028

MANAGEMENT PROGRAMME

Term-End Examination

December, 2016

MS-028 : 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.
All questions carry 20 marks each.
 - (iii) Section-B is compulsory and carries 40 marks.
-

SECTION - A

1. What are the specific objectives of labour legislation in our country ? Briefly explain the concept of Social Justice.
2. Discuss the provisions relating to Health and Safety under the Mines Act, 1952.
3. Briefly explain the provisions relating to lay-off, retrenchment, and closure under the Industrial Disputes Act, 1947.
4. Briefly discuss the various benefits to which an employee who is insured under the ESI Act, 1948 is entitled.

5. Write short notes on **any three** of the following :
- (a) 'Set on' and 'set off' of allocable surplus under the Payment of Bonus Act.
 - (b) Statutory requirements for Notification of Vacancies under the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959.
 - (c) Benefits payable to a female employee under the Maternity Benefit Act.
 - (d) Registration and Cancellation of Registration of Trade Unions.
 - (e) Provisions relating to 'Welfare' under the Plantations Labour Act, 1951

SECTION - B

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

Rajan Road Transport Corporation introduced an incentive scheme in 1996. The bus crew will get the incentive bonus if the income of a bus during a particular day in a particular route crosses the standard amount of collections. The standard amounts for all the routes are fixed by the administration on the basis of average income in the preceding year in the respective routes. The crew get one per cent of the excess amount over and above the standard amount. The collections to the Corporation increased phenomenally after the introduction of the scheme as the crew has been taking extra care in clearing all the passengers awaiting bus for their journey. Prior to this, the bus crew did not allow the passengers over and above the seating capacity. But they have been overloading the buses since 1996 and it is allowed by the corporation.

The Corporation has been running a bus from Rajahmundry to Vangalpudi. There was heavy traffic in this route on 13th July. The crew overloaded the bus to the tune of double the seating capacity (i.e., 54 seating capacity and another 54 standing passengers). The conductor issued tickets and requested the passengers to buy tickets several times. He felt that all the passengers had bought the tickets and his job was completed.

The ticket checking staff were camping at Sitanagaram a mid-point between Rajahmundry and Vangalpudi. They stopped the bus at Sitanagaram and started checking the tickets. They found that all the passengers except an old lady sitting on the floor of a corner of the bus did not buy the ticket. They collected penalty from her and issued a ticket. Immediately they issued the suspension order to the conductor, despite his request and the requests of the passengers. The passengers told the checking staff that he had done his job sincerely and in good faith. The old lady also informed the checking staff that it was purely her mistake and she was suffering from fever and hence she could not buy the ticket. But the checking staff did not consider these requests.

The conductor informed the Trade Union leaders at Rajahmundry about his suspension on phone. The Trade Union leaders met the Depot Manager, explained him the incident and requested him to withdraw the suspension order. The Depot Manager refused to do it and the Trade Union leaders announced a wild cat strike. The traffic was affected badly and the commuters suffered a lot. The strike continued for one week.

The loss of income was around Rupees two lakh per day. The issue started affecting the other depots. The General Manager of the Corporation instructed the Depot Manager on 21st July, to solve the issue immediately. Then the Depot Manager discussed the issue with the union leaders and withdrew the suspension order.

Questions :

- (a) How do you view the disciplinary procedure followed in this case in punishing the conductor ?
- (b) If you were the ticket checking staff, how would you tackle the issue ?
- (c) If you were the Depot Manager, what steps would you take in different stages of this case ?

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No. of Printed Pages : 4

MS-028

01741

MANAGEMENT PROGRAMME

Term-End Examination

June, 2017

MS-028 : 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. Briefly explain the structure and functions of the International Labour Organisation.
2. Describe the provisions relating to safety that have been made under the Factories Act, 1948.
3. Explain the provisions of the Industrial Disputes Act, 1947 relating to strikes and lock-outs.
4. What are the deductions from wages, which have been authorised by the payment of Wages Act, 1936 ?

5. Write short notes on **any three** of the following :
- (a) 'Set on' and 'Set-off' of allocable surplus under Payment of Bonus Act, 1965.
 - (b) Retrenchment and Lay-off.
 - (c) Benefits payable to female employees under the maternity Benefit Act.
 - (d) Social Justice and Labour Laws.
 - (e) Provisions relating to Leave with Wages under the Plantation Labour Act, 1951.

SECTION - B

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

Bread produced by Bharat Bakery Ltd. is a popular item and a favourite of hotels and homes alike. The establishment has over six hundred workers and has started manufacturing Cakes, Biscuits and Pastries also for sale. Even then it is mainly known for its quality bread.

The Plant Manager Shivilal however always complained about the theft of bread as the loaves produced were always found to be much less than what he thought should be produced out of the dough mixed on the basis of common standards. Supervisory staff was cautioned. They were asked to be more careful and report as and when they found someone eating or stealing bread. The Security Officer was also asked to be strict in searching the workers when they leave for home.

Bharat Bakery 'Standing Orders' provided for termination of services as a punishment for theft of property. The workers were repeatedly warned on the loud speaker system about the provision in the standing orders of the establishment and also about the shortage of bread produced as compared to the expected

output based on the raw material provided as per common working standard and weight.

Supervisors reported that they suspected eating of slices by groups of workers and also of taking the bread out of the factory through the drivers who transport the finished product to local hotels and retail shops. Some unclaimed packets of bread were also found.

Ram Kishan of the personnel department who was recently promoted as an Assistant Personnel Manager suggested to the General Manager a new scheme. The proposal was to permit every worker two slices of bread, free of charge, if he so desires, to be issued in the canteen by the Canteen Manager to supplement his food brought from home. Ram Kishan felt that this would bring down the loss and particularly the wastage of half-eaten bread and hidden packets often found in four to five departments where bread was actually produced, sliced, packed and stored. The proposal was laughed at and criticised at first, but Shivilal the General Manager was willing to experiment it as in any case bread was being eaten or wasted by the workmen.

The General Manager issued the following order : "Any worker can collect, free of charge, two slices of bread from the Canteen Manager during lunch hour for his consumption."

The order was received well and a substantial number of workmen started collecting two slices from the Canteen Manager. Shivilal and Ram Kishan were watching the developments carefully, while other officers looked at this step as wasteful and rather immaturish. Within fifteen days the Canteen Manager reported that number of workers collecting two slices had come down

to half. The Production Foreman Devilal reported that total output per shift has increased though not what it should be as per the expected quantity based on raw material supplied. Strict watch, better supervision, search at the gate of vehicles and workers apparently proved useful. Ram Kishan thought that his proposal of free supply of two slices was one important step that reduced the wastage and theft. Shivilal partly agreed with his Asst. Personnel Manager.

The Canteen Manager who was asked to keep the General Manager informed reported further decrease in the number of slices collected by workers during lunch hour as per General Manager's orders. He reported that some took the bread slices regularly but others as and when they wanted to supplement their lunch. Devilal, the Foreman was also happy as he could provide sufficient quantity on demand.

One day, however, the Security Officer, while searching the worker Shadi Lal found two slices of bread in his lunch box. Shadi Lal admitted that those were the slices collected by him during lunch hour as per General Manager's orders. The Security Officer detained the worker, took witnesses' signatures and reported the case to the General Manager as of theft by Shadi Lal working in the packaging section of Bharat Bakery.

Questions :

- (a) Is it a case of theft ?
 - (b) Will it be a case of theft if four instead of two slices were found in the lunch box of Shadi Lal ?
 - (c) What action would you suggest against Shadi Lal ?
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No. of Printed Pages : 3

MS-028

MANAGEMENT PROGRAMME

Term-End Examination

December, 2017

MS-028 : LABOUR LAWS

Time : 3 hours

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(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. Briefly explain the factors influencing labour legislations.
2. Outline the provisions of the Factories Act, 1948 relating to "working hours of adult workers" and "employment of young persons".
3. Briefly describe the steps involved in the process of domestic enquiry.
4. Briefly explain the provisions of payment of remuneration at equal rates to men and women workers and the prescribe penalties under the equal remuneration act, 1976.

5. Write short notes on **any three** of the following :
- (a) Conciliation
 - (b) Provisions relating to 'restriction on employment' under the maternity Benefit Act, 1961.
 - (c) Minimum Wage, Fair Wage and Living Wage.
 - (d) Misconduct
 - (e) Effect of Socio-economic conditions of Labour Law

SECTION - B

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

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 shoulder, 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 the height of about 6.5 metres 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 the 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 an electric shocks, he said.

Questions :

- (a) What are the issues ? What are the lessons ?
 - (b) Should Mohanlal be given paid leave and compensated as per the provision in the employees compensation Act ? Should he be penalized 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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MS-028

01516

MANAGEMENT PROGRAMME

Term-End Examination

June, 2018

MS-028 : LABOUR LAWS

Time : 3 hours

Maximum Marks : 100

(Weightage 70%)

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- Note :**
- (i) There are two Sections A and B.
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-

SECTION - A

1. Discuss the specific objectives of labour legislation in our country.
2. Explain the object, scope and applicability of the Factories Act, 1948. Describe the procedure for getting a factory registered under the Act.
3. Discuss the concept and nature of standing order Act of 1946.
4. Explain the objectives of the Minimum Wages Act, 1948. Discuss the powers which the Government can exercise under the Minimum Wages Act.

5. Write short notes on **any three** of the following :
- (a) Natural justice
 - (b) Res judicata
 - (c) Vicarious liability
 - (d) Bonus Act
 - (e) Enforcement of the Mines Act, 1952

SECTION - B

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

Saraswati Manufacturing Company is a registered factory employing 600 people. It produces spare parts for cars and scooters. Its security staff at the gate are very rigid in checking people/vehicles going out of the works to prevent any theft of the company's material.

On June 20, 1995, Ramesh, material chaser, services department, went to the stores department to draw 10 new GEC electric switches (15 amps each) for some urgent breakdown job. Ramesh drew the material at about 11 A.M. and kept the same in his hand bag and put it on the cycle handle. Thereafter, he came to the Cooperative Credit Society office to enquire about his loan application. He suddenly remembered at 11.30 A.M. his urgent work at the post office (which is situated just outside the works gate), so that he could write and post an urgent letter and thereafter go to his department which is situated at a distance of about one km from the stores department. The distance between the stores department and the works gate is about 50 metres. Ramesh works in general shift, i.e. from 7 A.M. to 11.30 A.M. and 12.30 P.M. to 4 P.M. The lunch-break is from 11.30 A.M. to 12.30 P.M. and during this period, workers are allowed to go out

of the works. Ramesh, like many others, arranged with a person to get his tiffin-carrier from home to his department every day at 11.45 A.M. on payment of a nominal amount every month. On June 20 also, his tiffin-carrier had come with his lunch as usual.

At 11.35 A.M., there was telephone call to Mahesh Kumar, Manager Service Department from the security inspector Ramanand that one Ramesh, T. No. 321 has been caught red-handed at the works gate while trying to go out of the works with 10 new GEC electric switches belonging to the company. The two security staff who detected the attempted theft were Ramadhin and Trilochan. The materials were kept in a bag hanging from the cycle handle of Ramesh.

After the incident, a preliminary enquiry was held, when Ramesh confessed in writing that by mistake he was carrying the switches as he intended to come back to his department after his urgent work at the post office. As per procedure for drawing materials in the services department, on the basis of a written instruction in the Log Book from the supervisor, material chaser is supposed to prepare the material requisition after entering the details himself in the Materials Requisition Register. After getting the Requisition signed by the supervisor and the departmental head, he is supposed to go to the stores department to draw the material. If the materials are heavy, he has to arrange for a transport. For small items like switch, fuse, etc. Ramesh himself carried the same to the department. Thereafter, he is supposed to hand over the material to the supervisor and obtain his signature in the Materials Requisition Register.

On checking up the entries in the Log Book as well as in the Materials Requisition Register after the incident, it was found that Ramesh had correctly entered ten pieces GEC electric switches (15 amps each).

As per Standing Order No. 17 (iii) of the Company's Certified Standing Orders, "Theft, fraud or dishonesty in connection with company's business or property" is a misconduct warranting dismissal as per Standing Order No. 18. The rules also provide that the manager can issue a charge-sheet and also punish with dismissal any employee of his department who is alleged to have committed an act of misconduct.

Questions :

- (a) Identify issues in the case.
- (b) What are your suggestion in relation to this case ?

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MS-028

00194

MANAGEMENT PROGRAMME

Term-End Examination

December, 2018

MS-028 : 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 carrying 20 marks.
 - (iii) Section-B is *compulsory* and carries 40 marks.
-

SECTION - A

1. What are the main features of ILO conventions adopted by India ?
2. Discuss the salient features of Factories Act, 1948.
3. Explain the computation process of gross profits in Banking as per the bonus act 1965.
4. Explain the object and applicability of the Employees Provident Funds and Miscellaneous Provisions Act, 1952. Discuss the retiral benefits payable under the Act.

5. Write short notes on **any three** of the following :
- (a) Payment of Gratuity
 - (b) The Employees deposit-linked insurance scheme, 1976
 - (c) Fixation of minimum wages in India
 - (d) The process of domestic enquiry
 - (e) Strikes and lockouts

SECTION - B

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

CASE

ANC is a composite textile mill employing over 8000 employees including officers. The mill has recently modernised its technology and has introduced many cost and labour saving devices. It has a very sophisticated quality control department having many costly equipments. The industrial relations in the Company has been very smooth. The management also adopted a welfare-oriented approach towards its employees. The company organised regular training and development programmes as a part of its human resource development efforts. The general morale and motivation level of employees was quite high though symptoms of tension and mistrust were hidden.

Mr. Anand is incharge of various costly equipments used in the quality control department. One day he used the services of Mr. Borade, a worker, to clean the equipments of various sizes and asked him to keep back the equipments in the cupboard after cleaning them. This had to be done as Mr. Anand had to attend

the daily co-ordination meeting with the General Manager of the Company which cannot be ignored. When Mr. Anand returned, he did not check immediately the total number of instruments as he did not have any doubt about Mr. Borade's integrity. Mr Borade is an old-timer who served the Company honestly and sincerely .

After about two hours, Mr. Anand found a small but costly measurement equipment was missing from the cupboard. The initial search yielded no positive results. Mr. Anand accordingly informed the security about the missing of the instrument. The security staff suspected Mr. Borade as he was the one who cleaned and put back the instruments. When questioned, Mr. Borade denied the charges. After initial questioning, Mr. Anand once again separately requested Mr. Borade to say whether he saw the missing instrument. Mr. Borade spoke privately to Mr. Anand and admitted that by a sheer loss of control of mind he took away the instrument. He confessed that he never did such a thing in the past in his 15 years of service in the Company and knowing well that he couldn't use the instrument, he still took it away. He pleaded for mercy. Mr. Anand was at loss to understand what had happened. He couldn't believe that a man who served the Company faithfully could ever do such a thing like stealing. He faced the worst crisis in his life. What should he do now ?

Questions :

- (a) Identify the main characteristics of this case.
- (b) What are your suggestions regarding the resolutions in solving this case ?

01492

No. of Printed Pages : 4

MS-028

MANAGEMENT PROGRAMME

Term-End Examination, 2019

MS-028 : LABOUR LAWS

Time : 3 Hours]

[Maximum Marks : 100

(Weightage 70%)

Note : There are **two** Sections A and B. Attempt **any three** questions from Section-A. All questions carry **20** marks each. Section-B is **compulsory** and carries **40** marks.

SECTION-A

1. Briefly explain the services of Industrial jurisprudence in India. Discuss briefly the genesis of Labour legislation in India.
2. Explain the scope, coverage and enforcement of the Mines Act, 1952.
3. Explain the concept and nature of standing orders. Discuss the process of certification, its operation and binding effect.

4. Discuss the powers which the government can exercise under the Minimum Wages Act, 1948 for fixation and revision of minimum wages.
5. Write short notes on **any three** of the following :
 - (a) Natural justice
 - (b) Res judicata
 - (c) Registration of establishments under The Shops and Establishment law
 - (d) Contract of apprenticeship
 - (e) Rules for payment of gratuity

SECTION-B

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

On March 25, 1996 at about 6.45 PM, the Duty Officer (Security), Kumar, at the Works gate informed Rathod, Electrical Engineer on telephone that one Narayan, supervisor of his department has been caught red-handed at the Works gate while attempting to steal one small electric motor and certain other spare parts used

in the Electrical Dept. Rathod was requested to come to the Security Control Room, where a preliminary enquiry was to be held.

During the preliminary enquiry, it came to light that Narayan, Personnel No. 5824. Foreman, came to the Works gate at 6.15 PM on his Suvega autocycle bearing registration no. BRX 1421 (the number was not clearly visible). The works guard on duty, Krishna Bahadur asked Narayan to stop and open the tool-box that was hanging on the right side of the rear wheel. When it was opened, only one empty tiffin-box was found. Since the driver's seat appeared to be thicker and of unusual size, the works guard enquired about the same from Narayan, and not being satisfied with the reply, gave it a jerk. It was found that Narayan had constructed one box under the seat where a 0.50 hp motor and eight 5 amps switches belonging to the company were concealed.

On being asked, Narayan replied that he had attended a break-down after 5 PM in the Mill and replaced one 0.50 hp motor. The motor that was recovered was the defective one, but he could not return it as the store-issuer had already left for home after his duty which ended at 5 PM. He thought he would return the motor

next day, as he had done many times in the past. He, however, could not explain why he was carrying the 5 amps switches. Nor did he give any satisfactory reason for not keeping the materials in the tool-box that was visible from outside, rather than where these were kept. On checking up at the Security Control Room, it was found in the presence of Narayan, that the electric motor recovered was in working condition.

As per the Company's Certified Standing Order No. 23 (iii), 'theft, fraud or dishonesty in connection with company's business or property' is a misconduct.

Questions :

- (a) Discuss the main issues of the case.
- (b) What kind of explanations are given by Narayan and discuss their merit ?
- (c) What will be your suggestions for this case ?

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No. of Printed Pages : 4

MS-028

MANAGEMENT PROGRAMME

Term-End Examination

02421

December, 2019

MS-028 : LABOUR LAWS

Time : 3 hours

Maximum Marks : 100

(Weightage : 70%)

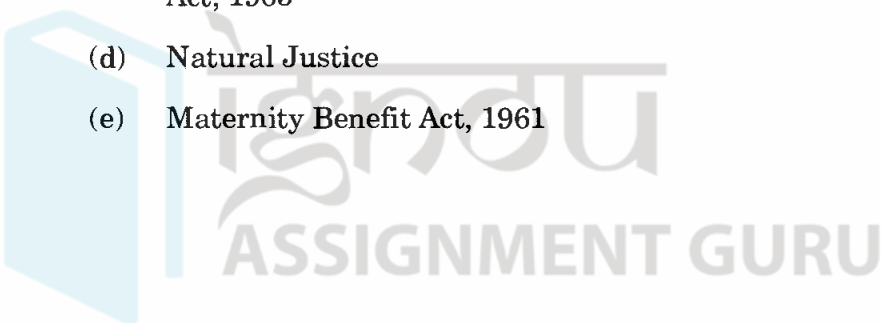
Note :

- (i) There are **two** Sections A and B.
- (ii) Attempt any **three** questions from Section A. All questions carry 20 marks each.
- (iii) Section B is **compulsory** and carries 40 marks.

SECTION A

1. Discuss registration and licensing of contractual labour under the Contract Labour (Regulation and Abolition) Act, 1970.
2. Explain the safety provisions under the Factories Act, 1948.
3. What is a "Trade Union" under the Trade Unions Act, 1926 ? Describe the procedure for registration and cancellation of a trade union under the Act.

4. What is meant by 'wages' under the Payment of Wages Act, 1936 ? Discuss the important deductions that can be made under the Act.
5. Write short notes on any **three** of the following :
- (a) ESI Benefits
 - (b) The Employees Pension Scheme, 1995
 - (c) Applicability of The Payment of Bonus Act, 1965
 - (d) Natural Justice
 - (e) Maternity Benefit Act, 1961



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SECTION B

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

On April 28, 1998 at about 6.45 p.m., the Duty Officer (Security), M. Kumar, at the Works gate informed S. Rathod, Electrical Engineer, on telephone that one Narayan, Foreman of his department has been caught red-handed at the Works gate while attempting to steal one small electric motor and certain other spare parts used in the Electrical Department. Rathod was requested to come to the Security Control Room, where a preliminary enquiry was to be held.

During the preliminary enquiry, it came to light that Narayan, Personnel No. 5824, Foreman, came to the Works gate at 6.15 p.m. on his Suvega autocycle bearing registration no. BRX 1421 (the number was not clearly visible). The Works guard on duty, Krishna Bahadur asked Narayan to stop and open the tool-box that was hanging on the right side of the rear wheel. When it was opened, only one empty tiffin-box was found. Since the driver's seat appeared to be thicker and of unusual size, the Works guard enquired about the same from Narayan, and not being satisfied with the reply, gave it a jerk. It was found that Narayan had constructed one box under the seat where a 0.50 HP motor and eight 5 amps switches belonging to the company were concealed.

On being asked, Narayan replied that he had attended a break-down after 5 p.m. in the Works

and replaced one 0.50 HP motor. The motor that was recovered was the defective one, but he could not return it as the Store-Issuer had already left for home after his duty which ended at 5 p.m. He thought he would return the motor the next day, as he had done many times in the past. He, however, could not explain why he was carrying the 5 amps switches. Nor did he give any satisfactory reason for not keeping the materials in the tool-box that was visible from outside, rather than where these were kept. On checking up at the Security Control Room, it was found in the presence of Narayan, that the electric motor recovered was in working condition.

As per the Company's Certified Standing Order No. 23(iii), "Theft, fraud, or dishonesty in connection with company's business or property" is a misconduct.

Questions :

- (a) What is the problem in the case ? Analyse.
 - (b) Advise the Works Manager as to the legal implications of suspension.
 - (c) If you want to reform people, what actions will you advise ?
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No. of Printed Pages : 2

MS-028

MANAGEMENT PROGRAMME

Term-End Examination

MS-028 : LABOUR LAWS

Time : 3 Hours]

[Maximum Marks : 100

(Weightage : 70%)

Note: Attend any five questions. Each question carries 20 marks.

1. Explain the sources of industrial jurisprudence. Describe the specific objectives of labour legislation in our country.
2. Discuss the Principle of Ras Judicata. Describe the various liability and their application in industrial adjudication.
3. Discuss the meaning of the term "factory" and the object of the 'Factories Act' 1948. Describe the measures to be taken by a factory in respect of health safety and welfare of workers.
4. Explain the scope and coverage of The Mines act, 1952. Describe the health and safety measures under the Act.



5. Define and distinguish shop, commercial establishment and Establishment under THE DELHI SHOPS AND ESTABLISHMENT ACT 1954.
6. Discuss the objectives of the child labour (Prohibition and Regulation) Act, 1986. Describe the occupations and processes, where child labour is prohibited.
7. What is meant by "adjudication" and "voluntary arbitration" under THE INDUSTRIAL DISPUTES ACT, 1947? Discuss the power of Labour Courts and Industrial Tribunals under section 11A of the Act.
8. Discuss the objectives, scope and coverage of THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) Act 1946. Describe the acts or omissions on the part of a workman which amount to misconduct.

—X—

MANAGEMENT PROGRAMME

Term-End Examination

February, 2021

MS-028 : LABOUR LAWS

Time : 3 hours

Maximum Marks : 100

(Weightage : 70%)

Note : Attempt any **five** questions. Each question carries 20 marks.

1. Discuss the object of the Trade Unions Act, 1926. Describe the procedure for the registration and cancellation of a trade union under the Act.

2. Define the following terms under the Minimum Wages Act, 1948 :

(i) Wages,

(ii) Appropriate Government,

(iii) Schedule Employment, and

(iv) Employee.

Explain briefly the powers which the Government can exercise under the Minimum Wages Act, 1948.

3. Explain the objective, scope and coverage of the Payment of Wages Act, 1936. Describe the procedure laid down under the Act for imposing fines. Does it discourage employers from using it as a punishment for indiscipline ?

4. Describe the various benefits payable under the Workmen's Compensation Act, 1923. Discuss the circumstances under which the employer is not liable to pay compensation for injury to a workman.
 5. Discuss the object of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952. Describe the various modes in which the Central Provident Fund Commissioner can recover arrears of any amount due from any employer under Section 8 of the Act.
 6. Explain the object of the Payment of Gratuity Act, 1972. Discuss the benefits payable and the conditions under which gratuity can be forfeited.
 7. Discuss the object, scope and applicability of the Contract Labour (Regulation and Abolition) Act, 1970. Describe the various obligations of principal employer and contractor under the Act.
 8. Discuss what you understand by Plantation to which the Plantation Labour Act, 1951, would be applicable. Explain the provisions for recreational, educational and housing facilities for workers in the plantation.
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