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## UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2017

Program/course: B. Tech. LL.B. (Hons.) Cyber Laws & IPR 2013

Semester – IX

Subject: LABOUR LAW 1

Max. Marks : 100

Code : LLBL 251

Duration : 3 Hrs

No. of page/s: 02

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### ALL QUESTIONS ARE MANDATORY

#### Section A

05×02= 10 marks

1. Define 'registrar' in accordance to the Trade Unions Act, 1926.
2. Who is a 'certifying officer' under the Industrial Employment (Standing Orders) Act, 1946.
3. Define 'trade dispute' in accordance to the Trade Unions Act, 1926.
4. Define 'trade union' in accordance to the Trade Unions Act, 1926.
5. Define 'standing orders' in accordance to the Industrial Employment (Standing Orders) Act, 1946.

#### Section B

04×05= 20 marks

Write short notes on the following.

6. Recognition of trade union
7. Boards of conciliation under the Industrial Disputes Act, 1947
8. Grievance redressal machinery under the Industrial Disputes Act, 1947
9. Cancellation of registration of trade union

#### Section C

02×10=20 marks

10. "Trade unions today face simultaneously a wide range of often contradictory tasks. They need to change, and are changing, in order to meet both new and persistent challenges to their advancement of social justice, income security and industrial democracy."  
On the basis of above proposition, analyze the *history, role, legal status, rights and liabilities of registered Trade Union* in the context of labour reforms in India placing emphasis on important provisions as contained in the Trade Unions Act, 1926.
11. Examine the procedure laid down under the Industrial Employment (Standing Orders) Act, 1946 for *conditions for certification, certification and modification of standing*

orders. Briefly discuss the *concept & scope* of standing orders as per the Industrial Employment (Standing Order) Act, 1946.

**Section D**

**Total Marks= 50**

12. Silky Mittal is working in a multinational company *Trishul Ltd.* employing 1400 workmen. The wages in the company is paid on 10th of every month. The unpaid wages are paid on 13th of every month. In the month of January 2016, Silky Mittal was on leave from 8th to 12th of the month. She resumed duties on 13th of the month and went to the cash counter to collect her unpaid wage. The cashier asked for her token number and started searching for her unpaid wage pay packet. When he was unable to find her wage packet he asked for her identity card. Silky Mittal told him that her identity card had been lost about which she had already intimated to the Personnel Manager. The cashier told Silky Mittal that her wages had already been collected by someone else. He showed her the counterfoil containing the signature of the person who had collected wages on behalf of Silky Mittal. Silky Mittal told the cashier that she had not given authority to anyone to collect her wages. On seeing the counterfoil, Silky Mittal told the cashier that it did not contain her signature and that her signature was forged. She demanded her wages. The cashier expressed his inability to pay her the wages. Therefore, Silky Mittal met her Trade Union leader and explained him her case and both of them went to the Personnel Manager with the grievance of Silky Mittal.

You are the Personnel Manager of this company.

- Explain how will you handle the grievance of Silky Mittal?
- What short term and long term measures will you adopt in this case to solve Silky Mittal's grievance and ensure that such incidents do not occur in future?

**(20 marks)**

13. Chandu Kumar has been working in a foundry for the last 20 years. Recently, it was found that he was suffering from heart ailment. Based on that, the management terminated his services. Does the action of the management tantamount to retrenchment? Whether Mohan is eligible for the payment of retrenchment compensation under the Act, refer to the legal provision in support of your answer. **(15 marks)**

14. Kirorimal Union has its own registered constitution and election rules. The executive committee decided to elect new office bearers and other members. The executive committee is of the opinion that election should be held under the supervision of the Registrar of Trade Unions. Analyze the situation on the basis of legal provisions and decided cases. **(15 marks)**

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### ALL QUESTIONS ARE MANDATORY

#### Section A

05×02= 10 marks

1. Distinguish between ‘strike’ and ‘lockout’ in accordance to the Industrial Disputes Act, 1947.
2. Define ‘industrial establishment’ in accordance to the Industrial Employment (Standing Orders) Act, 1946.
3. Define ‘trade dispute’ in accordance to the Trade Unions Act, 1926.
4. Define ‘workman’ in accordance to the Trade Unions Act, 1926.
5. Define ‘industry’ in accordance to the Industrial Disputes Act, 1947.

#### Section B

04×05= 20 marks

Write short notes on the following.

6. Works Committee under the Industrial Disputes Act, 1947
7. Provisions to be contained in the rules of trade union
8. Retrenchment under the Industrial Disputes Act, 1947
9. Municipal Corporation as an industry under the Industrial Disputes Act, 1947

#### Section C

02×10=20 marks

10. “Industrial relations are composite result of the attitudes and approaches of employer and employee towards each other with regard to planning, supervision, direction and co-ordination of activities of organization with minimum of human effort and frictions”. On the basis of above proposition, critically analyze the *legal framework of industrial relations* in India placing emphasis on the *current state/ condition of labour force* and their rights in our country.

11. Examine the procedure laid down under the Industrial Employment (Standing Orders) Act, 1946 pertaining to *submission of draft standing orders, payment of subsistence allowance, interpretation of standing orders and delegation of powers.*

**Section D**

**04×12.5= 50 marks**

12. Service of Sumit, a daily wage worker was terminated by his employer. Sumit worked in the industry for a period of 224 days during the preceding 12 months on daily wages. The employer claimed that he was not in continuous service and is not entitled to any compensation under the Industrial Disputes Act, 1947. Analyze the situation with the help of provision under the Act and the decided case laws.

13. Shyamlal Union has its own registered constitution and election rules. The executive committee decided to elect new office bearers and other members. The executive committee is of the opinion that election should be held under the supervision of the Registrar of Trade Unions. Analyze the situation on the basis of legal provisions and decided case laws.

14. The CEO of Anamika Ltd. is threatening their workers, that their service would be terminated if they join any trade union. The workers have some genuine grievances against the management, but they are under constant fear of losing the job. Analyze the situation with the help of decided cases and legal provisions.

15. The workers of Suvichar Ltd., a leading cloth manufacturing unit in Delhi went on a sit-down strike for a period starting from 20<sup>th</sup> October, 2016 to 31<sup>st</sup> December, 2016 which subsequently affected the production of the unit. The workers were demanding 4 working days in a week, instead of the existing norm of 5 working days in a week. Management of Suvichar Ltd. was not ready to give 3 non-working days/ holiday in a week to the workers, as it would have affected the production. The workers are now claiming wages during the period of strike, when they subsequently resumed their work from January, 2017. Analyze the situation on the basis of legality of strike under the Industrial Disputes Act, 1947.