

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**  
Course: Labour Law  
Semester-III (Batch: 2018-20)

MBA End Semester Examination: November-2019

Date: 08<sup>th</sup> November, 2019

Duration: 3 hours

Max. Marks: 60

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write anything on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- Use of scientific calculator is permitted.

**Answer any six of the following questions**

**Marks**

- Q.1 (a) The Delhi establishment of a publication company publishes, Indian Express, Jansatta and Financial Express dailies from its premises situated at Bahadurshah Zafar Marg, New Delhi, where the printing units as well as the editorial and administrative offices are situated. It was noticed that small number of employees of Mazdoor Union, which was a registered union working at the establishment led by an outsider Mr.T.M Nagarajan had declared a strike at the establishment and had on daily basis physically prevented an overwhelming majority of employees from entering the premises and attending to their duties. The methods adopted to prevent the entry of employees included making it physically impossible for the employees to get into the building by forming human walls, by abuses, by physical assaults, by stone-throwing etc. The management of the establishment dismissed the employees who were participating in the strike. The dismissed employees claimed the protection under the section 17 and 18 of the Trade Unions Act, 1926. Whether the immunity can be granted to the employees? Decide. (5+5 =10)
- (b) Discuss the changing dimensions of industrial relations in India? What are the internal and external factors affecting industrial relations in India?
- Q.2 Do you think that collective bargaining can be one of the effective mode of settlement of disputes? Discuss the success and failure of collective bargaining in India. (10)
- Q.3 (a) X is a firm which carries on business of perfumes and tobacco in Chandni Chowk, Delhi. On 28<sup>th</sup> July, 2018, X passed an order dismissing the services of it's 18 employees. During the said period, X had in it's employment 45 employees. The dismissed 18 employees joined the Mercantile Employees' Association which was a registered Trade Union in Delhi. On 29<sup>th</sup> October, 2018, the said Association took up the cause of the dismissed employees and carried the dispute before the Conciliation Officer, Delhi. The conciliation proceedings however, failed, and at the instance of the Association the dispute was referred to the Tribunal for its adjudication. The question to be determined before the tribunal was whether it is an industrial dispute within the (5+5 =10)

meaning of s. 2(k) of the Industrial Disputes Act, 1947 or not? Secondly, whether the reference made is correct? Decide the issues with the help of the provisions of the Industrial Disputes Act, 1947.

- (b) What are the obligations for the occupiers under the Factories Act, 1948 for the health, safety and welfare of the workers?

- Q.4 What are the major labour law reforms that have taken place in India? As a management student, express your views on impact of these reforms on existing labour market. (10)
- Q.5 (a) Mr. A joined an establishment in February 1995 with the monthly salary of Rs. 25,000. His wages were increased to Rs. 35,000/ per month from the month January, 2015. He retired on 31st January 2018. Calculate the amount of gratuity payable to him. (2+4+4=10)
- (b) When do the employers need to compensate an injured employee? Discuss with the help of the provisions under the Employees' Compensation Act, 1923.
- (c) What are the benefits available under the Employees' State Insurance Act, 1948? Discuss the eligibility for claiming the sickness benefit.
- Q.6 (a) What is the significance of registration and license under the Contract Labour (Regulation and Abolition) Act, 1970? (5+5=10)
- (b) As a manager, what are your obligations under the Industrial Employment (Standing Orders) Act, 1946?
- Q.7 (a) Discuss the applicability of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. What are the duties of the employer under the Act? (5+5=10)
- (b) Discuss the nature, scope and applicability of the Shops and Establishments Act 1947 along with the latest Model Shops and Establishment Act, 1947.

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