

Name:
Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2018

Course: Labour Laws I **Course Code: LLBL 251** **Semester: VII**
Programme: B.B.A. LL.B. (Hons.) Corporate Laws & B.Com. LL.B (Hons) (Taxation)
Time: 03 hrs. **Max. Marks: 100**
Instructions:

SECTION A

Note: Attempt all Questions. All Questions carry equal marks.

Max 10 marks

S. No.		Marks	CO
Q 1	Write short note on 'Lay-off' under the provisions of Industrial Disputes Act, 1947.	2	2
Q 2	Write short note on 'Closure' under the provisions of Industrial Disputes Act, 1947.	2	4
Q 3	Write short note on 'Retrenchment' under the provisions of Industrial Disputes Act, 1947.	2	2
Q 4	What are ILS? Give a brief description of the procedure as to how ILS are established?	2	1
Q 5	How can individual dispute become industrial dispute?	2	4

SECTION B

Note: Attempt any two Questions out of following three:

Max 20 marks

Q 6	Explain 'Public Utility Service' under the provisions of Industrial Disputes Act, 1947.	10	3
Q 7	Differentiate between 'Lock-out' and 'Lay-off' under the Industrial Disputes Act, 1947.	10	3
Q 8	The object of ILO is to reach global peace through social justice. In the light of the then situation which gave rise to ILO, enumerate as to how international peace can be achieved through the ideas of social justice.	10	3

SECTION-C

Note: Attempt any two Questions out of following three. All Questions carry Equal Marks. Max 20 marks

Q 9	Industrial jurisprudence calls for a different set of principles while interpreting the provisions. In light of precedents, write down the principles of interpretation to employ in order harmoniously interpret the provisions of third world jurisprudence.	10	5
Q 10	Discuss the principles of law applied in finding out the legality or the illegality of the strike and the justification thereof. Can there be a strike which is illegal but justified and a strike which is legal but unjustified?	10	3
Q 11	Explain the procedure of Certification & Modification of Standing Orders under The	10	3

	Industrial Employment (Standing Orders) Act, 1946.		
SECTION-D			
Note: Attempt all Questions.		Max 50 marks	
	<p><u>Case study/Situation:</u></p> <ul style="list-style-type: none"> ➤ Mr. Hemant, Employee NO: 11003 S/o of Mr. Prashant has been working as Technician in M/s. Associated Cables Ltd., Industrial Town, Faridabad. His schedule timings for “C” shift working are from 10 p.m. to 6 a.m. (next morning) ➤ On 26th October, 2018 (Friday), he came for duty at about 10:30 p.m. in a drunken state and after entering into Factory Premises from the Main Gate, punched his attendance. At the place of his work, Hemant started shouting at his highest pitch abusing his Shift Foreman, Mr. Dhiraj in front of other two Operators namely Mr. Ram Mohan and Mr. Luxman Singh. He has also torn off Log Sheets in front of Shift Foreman and these two Operators. He then caught hold the collar of Shift Foreman in front of these Operators. After this incident, he left the factory premises at about 10:45 p.m. He did not perform any duty on the said date i. e. 27th October, 2018 (Saturday). ➤ 28th October, 2018 (Sunday) was his weekly Rest Day. ➤ On 29th October, 2018 (Monday), he was to perform his duty in “A” Shift but he neither turned up for duty nor sent any intimation for his absence. ➤ It has also been reported that he is habitual absentee and this causes loss to the production also. 		
Q12	What are the principles of Natural Justice which should be followed in this inquiry?	10	6
Q 13	Draft a Charge Sheet seeking explanation of Mr. Hemant, Delinquent Employee in terms of Certified Standing Orders of the Company.	15	6
Q 14	<p>The Appellant company X took from the Government of Indiana certain salt workers. The area was divided into pattas and these were let out to the workers at 400/- per year. These workers (aghiras) were free to engage extra labor at their own cost. They were free to work when they liked and when not working they went back to their villages. The management company had control and supervision of all stages of production. The aghiras would be paid only when the salt was found to be of the right quality. The appellant company owned even the bad quality salt.</p> <p>In the light of the above facts determine whether the aghiras were workmen or not on the following points (with established precedents)</p> <ol style="list-style-type: none"> i. Contract of service and Contract for service. ii. Nature of Extent and control of the Employer and how far is such control relevant in this determination? iii. Whether the fact that they were free to employ other workers is relevant to determine whether they fell under the purview of workmen? 	10+10+ 5	6

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Programme: B.B.A. LL.B. (Hons.) Corporate Laws & B.Com. LL.B (Hons.) Taxation Laws

Time: 03 hrs.

Max. Marks: 100

Instructions:

SECTION A

Note: Attempt all Questions. All Questions carry equal marks.

Max 10 marks

S. No.	Question	Marks	CO
Q 1	Write short note on 'Strike' under the provisions of Industrial Disputes Act, 1947	2	1
Q 2	Write short note on 'Protected Workman' under the provisions of Industrial Disputes Act, 1947	2	4
Q 3	Write short note on 'Retrenchment' under the provisions of Industrial Disputes Act, 1947	2	2
Q 4	Define an Industrial Dispute. Can a dispute with regard to employment of a junior Mahant in a temple amount to an industrial dispute?	2	4
Q 5	Whether the following are industrial dispute or not? i. Dispute raised by workers of an industrial establishment demanding the removal of the manager? ii. To protest against the unfair removal of AB Bank, the workers of BC Bank demand reinstatement.	2	6

SECTION B

Note: Attempt any two Questions out of following three:

Max 20 marks

Q 6	Explain provisions relating to 'Notice of Change' under the provisions of Industrial Disputes Act, 1947.	10	3
Q 7	What is an 'Industrial Dispute' and matters covered under Industrial Disputes under the provisions of Industrial Disputes Act, 1947	10	3
Q 8	Explain the paradox of Charity and industry.	10	5

SECTION-C

Note: Attempt any two Questions out of following three. All Questions carry Equal Marks.

Max 20 marks

Q 9	Explain the procedure of Certification & Modification of Standing Orders under The Industrial Employment (Standing Orders) Act, 1946.	10	3
Q 10	It is impossible to lay down any rule of law distinguishing between the contract of service and contract for service. The greater amount of control and supervision exercised greater the probability for treating it as a contract for employment. Comment.	10	3
Q 11	Explain the powers and the functions of the Industrial Tribunal under the provisions of Industrial Disputes Act, 1947.	10	3

SECTION-D

Note: Attempt all Questions.

Max 50 marks

<p>Q 12</p>	<p><u>Case study/Situation:</u> .</p> <p>There is a hospital X. The hospital is run by a department of the government. This hospital is not an independent institution. The major part of the hospital was to research and train. The institution running the hospital was entirely charitable. The institution running the hospital is entirely charitable. The three areas of their functioning was:</p> <ul style="list-style-type: none"> i. Research. ii. Training. iii. Treatment. <ul style="list-style-type: none"> a. Apply the substantial and incidental test to understand the nature of the hospital as an industry. b. Whether the work of the doctor is a profession or occupation? c. Apply the definition of industry to the hospital and analyze whether providing medical services shall fall under the definition? <p>Give your answer with relevant case references.</p>	<p align="center">10+10+ 10</p>	<p align="center">6</p>
<p>Q.13</p>	<p>The respondent, a permanent employee, of Company X was on maternity leave and she allegedly overstayed her leave. The standing orders if if any employee overstayed for more than 7 days without any notice, he or she stands to be terminated.</p> <ul style="list-style-type: none"> i. Whether striking off name of the workman contrary to the provision of the standing orders amounts to retrenchment? ii. What is the aim and the object of the The Industrial Employment (Standing Orders) Act 1946? Whether termination without giving any due notice of hearing amounts to violation of natural justice? <p>Give relevant cases for your answer.</p>	<p align="center">10+10</p>	<p align="center">6</p>

