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| <b>Name:</b><br><b>Enrolment No:</b>                                                               |                                                                                                                                                                            |  |     |
| <p style="text-align: center;"><b>UPES</b><br/> <b>End Semester Examination, December 2024</b></p> |                                                                                                                                                                            |                                                                                    |     |
| <b>Course: Labour Law I</b><br><b>Semester: V</b><br><b>Program: BALLB/BBALLB/BCOMLLB</b>          |                                                                                                                                                                            | <b>Time : 03 hrs.</b>                                                              |     |
| <b>Course Code: CLCC3008</b>                                                                       |                                                                                                                                                                            | <b>Max. Marks: 100</b>                                                             |     |
| <b>Instructions: All questions are mandatory.</b>                                                  |                                                                                                                                                                            |                                                                                    |     |
| <b>SECTION A</b><br><b>(5Qx2M=10Marks)</b>                                                         |                                                                                                                                                                            |                                                                                    |     |
| S. No.                                                                                             |                                                                                                                                                                            | Marks                                                                              | CO  |
|                                                                                                    | Statement of question                                                                                                                                                      | 2                                                                                  | CO1 |
| Q.1                                                                                                | Distinction between Layoff and retrenchment.                                                                                                                               | 2                                                                                  | CO1 |
| Q.2                                                                                                | <b>Write True or false:</b><br>Lawyers are covered and protected under the IR Code 2020.                                                                                   | 2                                                                                  | CO1 |
| Q.3                                                                                                | <b>Write True or false:</b><br>As per the provisions of Industrial Relations Code 2020, an Individual Dispute is considered as an industrial dispute.                      | 2                                                                                  | CO1 |
| Q.4                                                                                                | Which laws the Industrial Relations Code 2020 has repealed?                                                                                                                | 2                                                                                  | CO1 |
| Q.5                                                                                                | Decide whether domestic workers are covered under the I.R.Code, 2020.<br>Write Yes or No.                                                                                  | 2                                                                                  | CO1 |
| <b>SECTION B</b><br><b>(4Qx5M= 20 Marks)</b>                                                       |                                                                                                                                                                            |                                                                                    |     |
|                                                                                                    | Statement of question                                                                                                                                                      |                                                                                    |     |
| Q.6                                                                                                | Briefly explain the process of certification of standing orders                                                                                                            | 5                                                                                  | CO2 |
| Q.7                                                                                                | Write a short note on “Fixed term employment”.                                                                                                                             | 5                                                                                  | CO2 |
| Q.8                                                                                                | Discuss the role of Conciliation Officers under the I.R.Code, 2020.                                                                                                        | 5                                                                                  | CO2 |
| Q.9                                                                                                | Discuss the concept of collective bargaining and analyze the role of trade unions in the process, with reference to the provisions of the Industrial Relations Code, 2020. | 5                                                                                  | CO2 |

| SECTION-C<br>(2Qx10M=20 Marks) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |     |
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|                                | Statement of question                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |              |     |
| Q .10                          | <p>Discuss the features and role of the following dispute settlement mechanism:</p> <ol style="list-style-type: none"> <li>1. Industrial Tribunal</li> <li>2. Works Committee</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 10           | CO3 |
| Q .11                          | <p>A factory in Jhumritalaiya was shut down due to heavy floods suddenly (without any prior notice to the workers) by the employer for 45 days in a row. They were not given any compensation for the same by the employer.</p> <p>Discuss whether the workers are eligible to get compensated in the above scenario under the I.R.Code, 2020 or not?.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 10           | CO3 |
| SECTION-D<br>(2Qx25M=50 Marks) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |     |
|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |              |     |
| Q .12                          | <p><b>PART A</b></p> <p><i>Pookie Institute of Law and Commerce</i>, a college with approximately 245 staff members, including teachers and administrative personnel, recently terminated the employment of 20 teachers and 15 administrative staff members due to financial constraints. The termination was not disciplinary in nature. However, the terminated staffs protested, arguing that no legal procedures were followed in their termination.</p> <p>The dispute escalated and ultimately reached before the Industrial Tribunal, where the tribunal's jurisdiction to decide the matter was questioned. The college management argued that the tribunal lacked jurisdiction, asserting that they were not covered by the Industrial Relations Code, 2020.</p> <p>As the Judge of the Industrial Tribunal, you are required to determine the following issues:</p> <ol style="list-style-type: none"> <li>1. Decide Jurisdiction of the tribunal and matters on which it can decide any case as per the provisions of the IR Code 2020.</li> </ol> | 25<br>(8+17) | CO4 |

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| Q.13 | <p>2. Decide whether the termination was valid? What do you understand by retrenchment and what are the conditions for retrenchment applicable in the relevant facts of the case? Justify your answer with the help of provisions under the IR Code 2020.</p> <p><b>Part B (In continuation of Part A)</b></p> <p>Since the matter reached before the industrial tribunal another issue which was raised by the management of <i>Pookie Institute of Law and Commerce</i> that the college does not qualify as an “industry” under the Industrial Relations Code, 2020. The college claims that due to this, the teachers lack the legal standing to challenge the termination under the Industrial Relations Code 2020.</p> <p>As the Judge presiding over the Industrial Tribunal, you are required to make determinations on the following issues:</p> <p>1. Does <i>Pookie Institute of Law and Commerce</i> qualify as an “industry” under the Industrial Relations Code, 2020? Will the dispute amount to an industrial dispute? Justify your answer with the help of relevant case laws and statutory provisions.</p> <p>Does teacher fall under the definition of “worker” as provided under the IR Code 2020? Explain with the help of case law and provision.</p> | (20+5) | CO4 |
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