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**School of Business**  
**Bachelor of Business Administration**  
**Semester End Examination - May 2024**

**Duration : 180 Minutes**  
**Max Marks : 100**

**Sem VI - D1UA610T - Industrial Relations and Labour Laws**

General Instructions

*Answer to the specific question asked*

*Draw neat, labelled diagrams wherever necessary*

*Approved data hand books are allowed subject to verification by the Invigilator*

- 1) Identify the potential benefits and drawbacks of adopting a pluralism approach in a workplace. K3 (6)
- 2) Imagine you are tasked with reviewing the labor laws governing leave entitlements for workers in a manufacturing facility. During your assessment, you come across a query about the specific provisions related to annual leave with wages outlined in the Factories Act of 1948. How you would solve this inquiry while ensuring clarity and compliance with the relevant legal requirements? K3 (9)
- 3) Analyze the impact of Industrial Relations in the United Kingdom, considering historical contexts, legislative frameworks, and socio-economic influences. K4 (4)
- 4) Analyze the procedure of certification of standing orders with special reference to the powers of certifying officer laid down in the Industrial Employment Act, 1946. K4 (8)
- 5) Examine the regulations concerning the employment of children and adolescents as stipulated in the Factories Act of 1948, and assess their implications on the protection of minors' rights and their overall well-being in industrial settings. K4 (8)
- 6) Evaluate the significance of Collective Bargaining in shaping organizational dynamics. K5 (10)
- 7) Evaluate the structured disciplinary procedure generally followed in Indian industries, particularly dismissals or discharge and assess the significance of the principles of natural justice in such a procedure. K5 (10)

8) The management of Maharashtra State Electricity Board withheld two increments of a workman on the charges of using abusive language against his superiors, threatening them and consistently refusing to perform his assigned duties. These charges were proved in the domestic enquiry. The workman challenged the order of the management by raising an industrial dispute alleging that the enquiry was not fair. He pleaded that the principles of natural justice were not followed and his action was not a case of unfair labour practice. The management contended that prior to inflicting punishment, all the required procedures were followed; the charges against the workman were established in the enquiry; and placed relevant documents before the Industrial Tribunal dealing with the case. It also contended that as a result of the non-performance of his normal duties and frequent refusal to do his lawful duties, the management had to face the wrath of the nearby villagers. The Industrial Tribunal accepted the submission of the management and refused to grant any relief to the workman. Aggrieved by the decision of the Industrial Tribunal, the workman challenged the award by filing a writ petition before the Bombay High Court. The High Court refused to intervene holding that the workman did not level specific allegation of the violation of the principles of natural justice. The workman had also participated in the enquiry proceedings and that there was no flaw in the proceedings. The High Court accordingly dismissed the writ petition filed by the workman.

Questions:

a- What were the specific charges against the workman, and how were they established in the domestic enquiry conducted by the management? Explain (5 marks).

b- Explain the Industrial Tribunal properly considered the workman's allegations regarding the fairness of the enquiry and the violation of principles of natural justice. (5 marks)

c- What were the grounds for the Bombay High Court's refusal to intervene in the decision of the Industrial Tribunal, and how did it evaluate the workman's participation in the enquiry proceedings? Explain. (5 marks)

- 9) In a large-scale industrial establishment in Nasik, the only recognized union in the establishment placed a charter of demands before the management which included (i) enhancement of minimum wages and dearness allowance by 25 per cent, (ii) reduction of maximum daily hours of work from nine to eight, (iii) a minimum of 15 per cent bonus, (iv) improvement in the quality of food in the canteen and (v) provision of adequate safety equipments. The issue of enhancement of minimum wage and dearness allowance was decided by mutual discussions between the parties. The question of reduction in daily hours of work was jointly referred to a local dignitary for disposal. The parties availed of the services of an official of the labor department of the state during negotiations on the questions of quality of food in the canteen and provision of safety equipments. On the request of the parties the question of minimum bonus was referred to a state tribunal for decision.

Ques-1. Choose the method was used to resolve the issue of enhancement of minimum wage and dearness allowance. (3)

Ques-2. What method of settlement was adopted in resolving the question of reduction in daily hours of work? (3)

Ques-3. Choose term you will use for the method adopted in the resolution of the questions of quality of food in the canteen and provision of safety equipment. (3)

Ques-4. What name will you give for the method in which the issue of bonus was referred to a state tribunal for decision? (3)

10) On September 9, 2023, a worker named Raj employed in the factory, Vegoils Ltd., met with an accident resulting in a serious injury, leading to an instant amputation of his right hand up to his wrist. Raj was on duty during the second shift, supervising workers engaged in fixing a jammed elevator. While inspecting the elevator on the first and second floors, he removed a guardrail and got entangled with a piece of rope, causing him to fall and sustain the injury. The Inspector of Factories received a report about the accident on September 10, 2023, and visited the factory on September 19. Following this, a prosecution case was initiated against the manager of the factory for violating the provisions of the Factories Act, 1948, pertaining to fencing of machinery and hoists and lifts (Sections 21 and 28). The Metropolitan Magistrate imposed a fine of `250 on the manager, with the alternative of simple imprisonment for two weeks, upon conviction. Upon appeal, the court overturned the Magistrate's decision and acquitted the manager of the charges. The court reasoned that the Inspector of Factories should have conducted timely enquiries and visited the factory promptly after the accident. Additionally, the court found insufficient evidence to prove that the manager had violated the mandatory provisions of the Act regarding fencing of machinery.

Questions:

a- Discuss whether Raj was performing his normal duties in an orderly manner, considering his actions in removing the guardrail while inspecting the elevator. ( 6 marks)

b- Discuss whether the manager of the factory was at fault for failing to comply with the provisions of the Factories Act, 1948, regarding the fencing of machinery, considering the circumstances leading to Raj's injury? (6 marks)

c- In what aspects did the Inspector of Factories fail to fulfill his duties effectively, leading to procedural lapses in the legal proceedings? (6 marks)