

MHROD / II Sem.

A

Course 625 – INDUSTRIAL RELATIONS LAWS

Time : 3 hours

Maximum Marks : 70

(Write your Roll No. on the top immediately on receipt of this question paper.)

Attempt all questions. All questions carry equal marks.

1. Answer any seven of the following queries under the Factories Act, 1948 citing relevant case laws:
(2*7= 14)
- i. Process of garbling the pepper, which involves its washing, drying and winnowing with a view to cleaning it by removing all dirt and dust, whether a manufacturing process.
 - ii. Packing masala in various variety of packages, if manufacturing process.
 - iii. Slicing of breads and loafs with the help of electrically operated slicing machine, if manufacturing process.
 - iv. Milking of cattle, filling the milk in pots and taking the same to shops for distribution, if manufacturing process
 - v. Business of sale of diesel oil, motors spirit, lubricant, servicing of cars and Lorries, repairing vehicles and charging batteries with the aid of power by employing more than 20 labourers, if manufacturing process
 - vi. Employees connected with the subject of manufacturing process if workers?
 - vii. Bidi makers who are allowed to work at home if workmen?
 - viii. Ayurvedic preparations carried out in a pharmacy?
 - ix. Mere transport of raw material, if factory?

OR

State the provisions of Factories Act, 1948 regarding working hours of adults and safety of workers.
(14)

2. Discuss any seven of the following under Industrial Disputes Act, 1947, citing relevant cases:
(2*7= 14)

- i. A temple in which the activities of dharm, dhyan, bhakti and puja are carried on is an industry?
- ii. Professional firms are industry and professionals are workmen?
- iii. Departments discharging Sovereign functions, if industry?
- iv. University of Delhi, if industry and teachers are workmen?
- v. Whether Association of small scale industry comes under the purview of Industrial Disputes Act, 1947?

- vi. Go slow, if strike?
- vii. Stay in, pen down or tool down, if strike?
- viii. An industrial dispute can be fitted at any time without any limit with respect to period?
- ix. If sports clubs be treated as industry?

OR

Explain the concepts under the Industrial Disputes Act, 1948:

- (i) Closure
- (ii) Lock-out
- (iii) Lay-off
- (iv) Retrenchment

3. Discuss any Two of the following problems and comment on their validity along with the legal implications, citing relevant case laws:

- i. A company is duty bound under sec 46 of the Factories Act 1948, to maintain a canteen for the benefits of workmen working in an establishment. Accordingly, the company is maintaining a canteen, permanency and benefits, which are applicable to permanent workmen of the company, the company is illegally treating the workmen as contractual workmen. Whether the workmen claim justice and ask for welfare conditions under the Factories Act, 1948?
- ii. A bank incorporated in England with limited liability by Royal Charter, having its Indian corporate office at New Delhi. The president of the union had a dispute with the bank over his account and threatened the bank for a massive demonstration before the banks' office during the office hours. This kind of massive demonstration can hamper the image of the bank as well as its business. Does the bank have any legal stand to safeguard itself under the Industrial Disputes Act, 1947?
- iii. The union of an organization whose constitution was being challenged and conciliation proceedings were pending before the deputy commissioner of labour, assembled outside the 100 m boundary of the organization to raise slogans and obstruct the ingress, egress of vehicles, loyal workers, customers and visitors. Analyse, is there is any contravention of provisions of the Trade Unions Act, 1926.

4. Write explanatory note on the following:

(7-2)

- a) Prohibition of employment of contract labour under the Contract Labour (Regulation and Abolition) Act, 1970.
- b) Apprentice, apprentice training and the contract of apprenticeship under the Apprentices Act, 1961

OR

- a) Condition and procedure of certification of standing orders under the Industrial Employment (standing orders) Act, 1946.
 - b) Explain the provision defining Manufacturing Process and Worker, under The Factories Act, 1948.
5. Write short notes on any four of the following: (3.5 *4=14)
- (i) Trade Unions Act vs Industrial Disputes Act.
 - (ii) Purpose for which general funds may be used under Trade Unions Act
 - (iii) Powers of Inspectors under the Factories Act, 1948
 - (iv) Constitution of Works Committee under the Industrial Disputes Act, 1948
 - (v) Conditions precedent to retrenchment of workmen under the Industrial Disputes Act, 1948