

GUJARAT TECHNOLOGICAL UNIVERSITY

M.B.A. Sem. – III - Examination –June- 2011

Subject code: 830303

Subject Name: Management of Industrial Relations & Labour Legislation

Date:14/06/2011

Time: 02.30 pm – 05.30 pm

Total Marks: 70

Instructions:

1. Attempt all questions.
2. Figures to the right indicate full marks.

- Q.1** (a) 1. Moral Turpitude 07
 2. Certiorari
 3. Voluntary arbitration
 4. Habeas Corpus
 5. Lay-off
 6. Quo warranto
 7. Mandamus

- (b) What is Industrial Relation? Explain the Dunlop's system approach to industrial relations. 07

- Q.2** (a) What is industrial dispute? Explain various methods of settling industrial dispute. 07

- (b) What is strike? Explain the various types of strike form? 07

OR

- (b) What are the various benefits objectives and scope of Bombay industrial relations act? 07

- Q.3** (a) What are the various provisions of "payment of subsistence allowance" under the industrial employment (standing order) act, 1948? 07

- (b) Collective Bargaining is the principal raison d'être of the trade union" explain the statement in relation with trade union and collective bargaining. 07

OR

- Q.3** (a) What are the procedures for registration and cancellation of trade union under the "trade union act, 1926"? 07

- (b) What is the procedure for certification of standing orders framed by an industrial establishment under the Industrial Employment (Standing Orders) Act, 1946? 07

- Q.4** (a) What are the various provisions of hazardous processes under the Factories act, 1948? 07

- (b) Explain the provisions related to "leave with wages" under the Mines Act, 1952. 07

OR

- Q.4** (a) What is contract labor? What are the various consequences ensue from abolition after the employment of contract labor? 07

- (b) Briefly explain various provisions for 'offences and penalties' under The Factories Act, 1948? 07

- Q.5** (a) Discuss the notable hurdles inhibiting the growth of collective bargaining in India 07

- (b) Equality in employment can be seriously impaired when women are 07

subjected to gender-specific violence, such as sexual harassment in the workplace.” Explain this statement with the landmark judgments of the Supreme Court on Vishakha vs. State of Rajasthan.

OR

- Q.5** (a) 1. Board level participation **07**
2. Code of discipline in India.
- (b) Please read the case given below and answer the questions given at the end. **07**

A clause of the Standing Orders of the Burn & Co, provide that "go slow" lactic on the part of part of workmen will be treated as a serious misconduct for which management Union which is a registered trade union under the Trade Unions Act, 1926, but is not recognized by the management, raises an industrial dispute demanding recognition of the trade union and deletion of the clause treating go-slow as a serious misconduct from the Standing Orders. The management rejects the demand stating that only 30 per cent of its workmen are members of the union and go-slow is an anti-national activity. Thereafter the workmen (unionist) adopt go-slow tactics under a common understanding. The management gives notice to the workmen that if they do not resort to normal working at full speed within 24 hours they would be dismissed and actually dismisses 25 of its workmen (who are members of the union) on the next day, who according to the management, do not resort, even after notice, to the normal working at full speed. The remaining workmen go "on strike demanding reinstatement of the 25 dismissed workmen. The appropriate Government refers all the disputes between Burn & Co. and Burn & Co. Employees' Union to an industrial tribunal for adjudication and prohibits the continuance of the strike. Despite government's prohibitory order these fifty workmen continue to be on strike. Not only this but one day some of these striking workmen become violent, assault the manager and damage the Company's building and other property. The management as a security measure declares temporary closure of the company for an indefinite period.

On the basis of above facts-situation answer the following questions in the light of relevant statutory provisions and judicial decisions.

Questions:

- a) Can Burn & Co, raise an industrial dispute regarding the dismissal of 25 workmen who are members of the union?
- b) Does the dismissal of 25 workmen amount to an unfair labor practice?
- c) Can Burn & Co. applies for modification of Standing Orders? Describe other methods, if any, by which the union can get the Standing Orders modified.
- d) Can go-slow tactics of workmen be regarded as a strike? Do industrial workmen have a right to go-slow? If so. Can it be legally taken away by the Standing Orders?
- e) Is strike after the issuance of prohibitory order issued by the Government legal?
