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**SVKM'S NMIMS UNIVERSITY**  
**SCHOOL OF DISTANCE LEARNING**  
**Programme: PGDHR**

**Subject: Labour Laws**  
SEM IV - PGDHRM

**Date:** 8.1.2010

**Marks: 100**  
**Time : 3 hrs (3 pm to 6 pm)**

**Instructions:** Candidates should read carefully the instructions printed on the question paper and on the cover of the Answer Book, which is provided for their use.

**NB:**

1. Answer to each new question to be started on a fresh page.
2. Figure in brackets indicate full marks.
3. Answer all 4 questions

Q1. Attempt any 2 out of any 4

Marks : 10

- a. How is retrenchment compensation calculated as per the provisions of the Industrial Disputes Act, 1947?
- b. As per the Contract Labour Act, 1986 are the contractor and principle employer the same persons. How does the Act impose the obligation regarding payment of wages to the contract employees?
- c. Explain the process of registration of Trade Unions.
- d. Explain the procedure for fixing and revising the minimum rates of wages as per the Minimum Wages Act, 1948.

Q2. Write Short notes on any 3 out of 5

Marks : 15

- a. Principles of Natural Justice
- b. Misconduct
- c. Labour Courts
- d. National Tribunals
- e. Board of Conciliation

Q3. Attempt any 3 out of 5

Marks : 45

- a. What are the challenges faced by the Indian industry post 1991 relating to labour legislations? Do you feel our current labour laws are effective to face the global challenges of HRM?
- b. Explain the process of conducting a domestic enquiry.
- c. Who is an "Occupier" as per the Factories Act, 1948? What are his duties and liabilities?
- d. Explain the various machinery available for settlement of disputes under the Industrial Disputes Act, 1947.
- e. Elaborate on the various functions of Trade Unions

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#### Q4. Case Study

Case A: (15 Marks)

Generic Biocon Ltd. is a Genetic research organization. A clinical research associate Mr. Deodhar Prabhu who has been working with the organization since the past 3 years gets operated for kidney stone during the month of October 2006. The doctors operating on Mr. Prabhu find out that both his kidneys are non-functional due to some radiation effects at workplace. The doctors' reports rule out any likelihood of kidney transplantation being possible in his case. All this implies that Mr. Prabhu would not be in a position to continue his profession as a Clinical Research Associate.

Mr. Prabhu approaches the Personnel Dept with an application for a suitable compensation in his case. The Management refuses to accept his claims quoting the reason that he had refused to wear the protective apron time and again despite the fact that he was warned in writing on two occasions during the past 3 months. What is the recourse for Mr. Prabhu now?

Case B: (15 Marks)

Matador Pens Mfg. Co. has its H.O at Mumbai and one factory at Vapi in Gujarat. The factory is headed by Mr. Vipul Shah, Production In-Charge. The total employee strength of the factory is 75 personnel.

During the first week of February 2007, an incidence occurred at the Vapi factory as follows:

An unskilled workman, Mr. Rajaram Bhute entered the factory premises under the influence of alcohol and started verbally abusing the site supervisor. After some time the hot verbal exchange between the duo culminated into fist fight and the supervisor was physically wounded in the process. Some workmen caught Rajaram and brought him forth Mr. Shah.

Past Incidents:

1. On 14/12/2006 – Rajaram is found sleeping on the shopfloor under the influence of alcohol
2. On 08 /10/2006 – Rajaram has hot debate on his Job Sheet with the floor Supervisor
3. On three other occasions Mr. Rajaram was found missing from his machine during duty hours.

What course of action should Mr. Shah take? What are the legal implications for the action taken?

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