

GUJARAT TECHNOLOGICAL UNIVERSITY
MBA (PART TIME) – SEMESTER 4 – EXAMINATION – SUMMER 2019

Subject Code: 3549932
Date: 06/05/2019
Subject Name: Management of Industrial Relations and Labour Laws (MIRLL)
Time: 10:30 AM To 01:30 PM
Total Marks: 70
Instructions:

1. Attempt all questions.
2. Make suitable assumptions wherever necessary.
3. Figures to the right indicate full marks.

	Explanation of Terms/Concepts with Examples (2 Marks Each):	Marks
	a) Workers Participation in Management	
	b) Contract Labour	
	c) Lock out	
Q. 1.	d) Collective Bargaining	14
	e) Types of Discipline	
	f) Trade Union	
	g) Grievance Handling	
Q.2 (a)	Define Industrial Relations and explain the different factors affecting industrial relations?	07
(b)	Explain the factors influencing the collective bargaining process?	07
	OR	
(b)	Explain Works Committee, the composition and functions of works committees and the causes of their limited success?	07
Q.3 (a)	Discuss the salient features of Sexual Harassment of Women at Workplace?	07
(b)	Explain the importance of standing orders in Indian industry and the need for giving them a statutory force?	07
	OR	
Q.3 (a)	Discuss the provisions of Welfare under the Factories Act 1948?	07
(b)	What do you understand by labour welfare and explain the various types of labour welfare provisions?	07

Restrictions on strikes during emergencies

During the Second World War period, there was an unprecedented increase in the demand for coal. At that time, the coal mines were privately owned and their owners earned enormous profits as a result of a substantial increase in the demand for coal. On the other hand, the coalminers were facing unbearable hardships due to a sharp increase in the prices of essential commodities. The Colliery Mazdoor Sangh, the only trade union representing workers of the coal mines in Bihar, demanded 100 per cent increase in wages, and 10 per cent bonus. The colliery owners blatantly turned down the demands on the plea of extraordinary situation prevailing in the country due to war. The union then organized a strike which brought the production of coal in the state to a complete halt.

Q. 4

The association of colliery owners offered some concessions, but the union was adamant on the fulfillment of the demand in doing the same.

As the directive of the government failed to end the strike, it wasted no time in adding Rule 81A in the Defense of India Rules 1942 arming itself with the power to refer any industrial dispute to an adjudication authority whose award would be binding and prohibited strikes and lock-outs during the pendency of the dispute before the adjudication authority and during the period of operation of the award, the violation of which was to be a penal offence. Soon thereafter, the strike was called off and production of coal restored.

Why was there an unprecedented increase in the demand of coal during

- (a) the wartime? 07
- (b) Was it illegal for the Colliery Mazdoor Sangh to give a call of strike during the war period? 07

OR

- Q. 4 (a)** Why did the government intervene in the dispute in the coal mines? 07
- (b)** What were the implications of Rule 81A added to the Defence of India Rules, 1942? 07

Is an employee entitled to remain a member of a trade union even after cessation of his employment?

A single Judge High Court ruled that an employee, who ceased to be an employee of the Bokajan Cement Corporation Employees' Union, was entitled to remain a member of the union. The Division Bench of the High Court reversed the decision of the single Judge observing that the right to continue as a member of trade union continues so long as he is actually employed. The Court held that membership of a trade union is not a benefit that accrues to the employee so as to claim its continuance even after he ceases to be in employment. His right continues so long as he remains employed, and on cessation of employment, membership of the trade union ceases.

Q. 5.

On appeal, the Supreme Court held that there is no specific provision in the Trade Union Act, 1926 which provides for automatic cessation of membership of the trade union on the cessation of employment of an employee. There was also no specific clause in the constitution of the union which provided for such an automatic cessation. The constitution of the union has *inter alia* to comply with Sec. 6(e) of the Act which is concerned mainly with the admission of new members. Section 6(e) of the Act requires that the rules of the trade union should contain provisions relating to 'the admission of ordinary members who shall be persons actually engaged or employed in an industry with which the Trade Union is connected, and also the admission of the number of honorary or temporary members as office-bearers to form the executive of the Trade Union'.

The Supreme Court held that in absence of any provision in the constitution of the trade union for automatic cessation of membership as a result of cessation of employment, it cannot be held that an employee would cease to be a member of the trade union in such an eventuality.

The Supreme Court thus reversed the judgement of the division bench of the High Court and restored the judgement of the single Judge Court (*Bokajan Cement Corporation Employees' Union V. Cement Corporation of India Limited*, 2003 Indian SC 1422 (Supreme Court)).

- (a) Is an ex-employee of an industrial establishment eligible for being elected as the president of the union of which he was a member earlier? **07**
- (b) Is an ex-employee to be treated as an outsider for the purpose of holding an office in a trade union? **07**

OR

- (a) Can the rules of a registered trade union provide for admission of outsiders as members of the executive? **07**
- (b) Is the Registrar of Trade Unions empowered to terminate an employee's membership of a registered trade union for his aggressive activities? **07**

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