


Name:	 UPES UNIVERSITY WITH A PURPOSE
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
Online End Semester Examination, May 2021

Course: Labour Law-I Program: B.Tech LL.B Course Code: CLCC3008	Semester: VIII Time 03 hrs. Max. Marks: 100
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SECTION A

1. Each Question carries 5 Marks
2. Instruction: Complete the statement / Write answer in 50-100 words.

S. No.	Question	CO
Q 1	Write true/false: a. Every association is a Trade Union, but every Trade Union is not an association. b. Labour Law is a subject of Central List under the 7 th Schedule of the Constitution of India.	CO1
Q2	Write down the legal status of a Registered Trade Union as per IR Code, 2020?	CO2
Q3	What are the cases in which a laid off workers are not entitled for compensation as per IR Code, 2020?	CO1
Q4	Write true/false: a. If workers are resorting to illegal strikes, that period shall be included in Continuous service. b. Authorized leaves taken by a worker will be taken into account to count the one year of continuous service.	CO1
Q5	Differentiate between Lay-off & Closure as per IR Code, 2020.	CO2
Q6	What are the two principles of Natural Justice which should be followed in the Domestic Inquiry in cases of misconduct?	CO3

SECTION B

1. Each question carries 10 marks
2. Instruction: Write short / brief notes

Q 7	Explain the role of Collective Bargaining methods for resolving the Industrial disputes as per IR Code, 2020?	CO2
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Q 8	<p>“Book my Show”, an industry employed 350 workers. Due to Covid-19 pandemic, the industry suffered huge financial loss. Around 20 workers took voluntarily retirement. Later on, the employer of the industry decided to retrench 30 employees.</p> <p>Can the 20 workers claim retrenchment compensation? Give reasons.</p> <p>Also, discuss the conditions of retrenchment provisions applicable in the above given case as per the IR, Code, 2020.</p>	CO2
Q 9	<p>Whether the following are ‘workmen’ under the IR Code, 2020? Explain with reason:</p> <p>a) A medical representative in a pharmaceutical company getting a salary of Rs.10,000 per month.</p> <p>b) A teacher of an educational university.</p>	CO3
Q 10	<p>Discuss the procedure of domestic enquiry in cases of punishment for misconduct.</p>	CO4
Q 11	<p>Explain Role of the Certifying Officer and the procedure for certification of Standing Orders under the provisions of the IR Code, 2020?</p>	CO3
<p>Section C</p> <p>1. Each Question carries 20 Marks.</p> <p>2. Instruction: Write long answer.</p>		
Q12	<p>Employees of PNB, went on two-day strike against the government’s policy of privatization on 15th March, 2021. While the matter was pending before conciliation officer, the employees resorted to strike hastily, which affected the business activities.</p> <ol style="list-style-type: none"> 1. Discuss the principles of law applied in finding out the legality of a strike and justification thereof as per IR Code, 2020? 2. Can an employer dismiss worker and deduct wages if the worker resort to an illegal strike? Refer the relevant case laws. <p style="text-align: center;">OR</p> <p>The employees of Tata Birla Co. started resorting to work to rule, strike and other covert agitational methods because they (the employees) thought that the management had unilaterally revised the prices of canteen items without consulting the canteen committee. The management view was that since the recognized union’s registration was cancelled due to non-submission return, therefore the management was not obliged to consult the employees. The management entered into an MOU with another registered union. During the strike there were some violence and an accident took place, in which an apprentice died. The management did not agree to pay compensation on the plea that the deceased person was not an employee of the company. This led to further unrest. The management applied to the appropriate government to allow them a lockout on the pretext of threat to company’s property and personnel. In the meantime they also insisted that unless employees sign a ‘good conduct’ certificate the workers will not be</p>	<p style="text-align: center;">CO4</p> <p style="text-align: center;">CO4</p>

allowed to enter the factory for work. A section of the workers were willing to sign but the other refused to do so and alleged that the management was indulged in unfair labour practices.

1. Did the management resort to Unfair Labour Practices, Explain?
2. Is this a case of strike or lock-out? Explain.
3. Is the management right in insisting on 'good conduct' certificate? Or are the workers right in protesting against their signing a 'good conduct' certificate as a prerequisite for entering factory premises for work?