


Name:			
Enrolment No:			
<b>UPES</b> <b>End Semester Examination, May 2023</b>			
<b>Course: Labour Law I</b> <b>Program: B.Tech Computer Science and Engineering with LL.B (Hons.) (Cyber Law / Intellectual Property Rights)</b> <b>Course Code: CLCC 3027</b>		<b>Semester: VIII</b> <b>Time: 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>Instructions: All the questions are compulsory</b>			
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.		Marks	CO
Q 1	ILO was constituted in the year_____	2	CO1
Q 2	Lockout Means_____	2	CO1
Q 3	Which laws the Industrial Relations Code 2020 has repealed?	2	CO1
Q 4	<b>Write True or false:</b> As per the provisions of Industrial Relations Code 2020, an Individual Dispute cannot be considered as an industrial dispute.	2	CO1
Q 5	<b>Write True or false:</b> As per the provisions of Industrial Relations Code 2020, If in an industry there are more than 100 workers employed, the employer cannot lay off workers without the permission of appropriate government.	2	CO1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
Q	Answer the following questions in a brief manner.		CO
Q 6	Write a note on recognition of a registered trade union under the Industrial Relations Code 2020.	5	CO3
Q 7	Briefly explain the process of certification of standing orders	5	CO3
Q 8	Differentiate between 'Lock out' and 'Closure'.	5	CO3
Q 9	Write a note on development of Industrial jurisprudence in 21 <sup>st</sup> century (after year 2000- present).	5	CO3
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			

Q	Explain the following questions in detail.		CO
Q 11	Explain retrenchment and discuss the conditions precedent to retrenchment where in an industry there are more than 300 workers?	10	CO 2
Q 12	Discuss the features and role of the following dispute settlement mechanism: 1. Arbitration 2. Works Committee	5+5	CO 2
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q	<b>Read the below mentioned facts and answer the questions:</b>		
Q 13	<p>Uttarakhand University (UU) dismissed two of its workers Sunaina and Rohan (who were working as Security guards) on the charges of negligence and unprofessional behavior. They questioned the legality of the dismissal orders and the matter was referred to the industrial tribunal. The Tribunal awarded that both be reinstated with immediate effect.</p> <p>UU challenged the award before the Hon'ble Supreme Court of India on the ground that educational institutions cannot be considered as an industry. The matter is pending before the Apex Court of India.</p> <p>a. Decide whether in the above facts of the case, UU can be considered as an industry by referring to judicial pronouncements and legal provision, highlighting the controversy regarding the definition.</p> <p>b. How is industry defined as per the Industrial Relations Code 2020 and to what extent the IR Code 2020 has followed the triple test laid down by a landmark judicial decision of Supreme Court.</p>	15+10	CO4

<p>Q 14.</p>	<p>In a factory, 1000 workers were employed. There were certain rules in the standing orders, which the workers had to follow. One of such rule was that, workers should not go get involved in illegal and unjustified strikes, which is in contravention of IR Code 2020.</p> <p>The workers wanted bonus, which resulted into disagreements between worker's Union and employers. The union decided to go on strike to fulfil their demands. Around 300 workers gave notice on 1<sup>st</sup> March 2023 in which it was stated that they would strike on 20<sup>th</sup> March 2023. The notice of strike was given to the conciliation officer, based on which conciliation proceeding was carried out. However, the workers went on the strike during the conciliation proceeding and went on a strike on 13<sup>th</sup> March 2023.</p> <p>The employer took disciplinary action against those 300 workers for the violation of standing orders.</p> <p><b>A.</b> Decide whether the employer can take any such disciplinary action. If yes, discuss the procedure to be undertaken in cases of domestic inquiry.</p> <p><b>B.</b> Decide the legality of strike in the above-mentioned situation as per the Industrial Relations Code 2020 and whether wages can be claimed for the period they were on strike. Refer to judicial pronouncements.</p>	<p><b>10+15</b></p>	<p><b>CO 4</b></p>
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