

**PARUL UNIVERSITY**  
**FACULTY OF MANAGEMENT**  
**BBA Summer 2021- 22 Examination**

**Semester:6**  
**Subject Code: 06101353**  
**Subject Name: Industrial Law**

**Date: 26/03/2022**  
**Time: 10:30am to 1:00pm**  
**Total Marks: 60**

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**Instructions**

1. All questions are compulsory.
2. Figures to the right indicate full marks.
3. Make suitable assumptions wherever necessary.
4. Start new question on new page.

**Q.1 Do as Directed.****A).Multiple choice type questions/Fill in the blanks. (Each of 1 mark) (05)**

1. To which settlement machinery can the central government refers the disputes under rule 81-A
  - a)Conciliation
  - b)Arbitration
  - c)Adjudicator
  - d)Supreme Court
2. The Employees Provident Fund and Miscellaneous Provision Act , 1952 is applicable in case of any factory / establishment employing
  - a)20employees
  - b)20 or more employees
  - c)more than 20 employees
  - d)None of the above
3. What is the wage limit for employees to be covered under the employee State Insurance Act as per the latest amendment?
  - a)25000 per month
  - b)18000 per month
  - c)15000 per month
  - d)20000 per month
4. What is the maximum wage period for the payment of wages?
  - a)1month
  - b)40 days
  - c)45 days
  - d)60 days
5. As per section 2 in factory act , who will be called as an adult?
  - a) A person who has completed21 years of age
  - b) A person who is less than 19 years of age
  - c)A person who has completed 24 years of age
  - d) A person who has completed18 years of age

**B).Define the following. (Each of 1 mark) (05)**

1. Define Arbitrator
2. What do you mean by Retrenchment
3. Define Employer Section 2(e)
4. Define Wages Section 2(6)
5. What do you mean by Adolescent

**C).Direct questions. (Each of 1 mark) (05)**

1. State any two Social Security benefits of EPFO
2. For the purpose of employee provident fund and miscellaneous provident act, 1952 “employee” does not include casual employee. (True or false justify with comment)
3. What is the break- up contribution of ESIC scheme?
4. What are general duties of Occupier?
5. What do you mean by partial disablement?

**Q.2 Answer the following questions.**

- A)State and explain in the various authorities appointed under the industry disputes act to solve industrial disputes. (07)
- B)What are the rules regarding Distribution of Compensation (08)

**Q.3 Answer the following questions.**

- A)What are the object of the payment of wages act implies and explain the responsibility for payment of wages ? (07)

B) What are the provisions relating to health for employees working in factories and the manufacturing process addressed by factory act 1948? (08)

**Q.4 Attempt any two questions. (Each of 7.5 mark) (15)**

1. Define and explain the term 'lay-off' and distinguish it from 'retrenchment'. An employer is running an industry where readymade garments are manufactured and 200 workmen are employed. He desires to retrench 30 of its workmen. What steps should be taken by the employer to lawfully retrench them, who had put in more than one year of continuous service in the industry?
2. Write a Short note on Employees' Provident fund Scheme, 1952.
3. Explain the provision relating to Hazardous processes.

4. Indian General Navigation and Railway Co. Ltd. carries on a business of inland water transport and maintain a huge number of wharves, jetties, godowns, etc., at different river stations in India. One such set is at Dhubri in Assam, where many workmen are employed. These men load and unload the Company's vessels and help to transship goods from railway wagons to vessels and vice versa. The company was a public utility concern and the persons employed therein were "workmen" under the Industrial Disputes Act, 1947. There were two unions of workmen in the establishment.

On 31.10.1986 both the unions gave a notice demanding 20 percent bonus and two months average total wages as ex gratia for the accounting year 1984-85. The Company rejected the demand. Thereupon workmen resorted to various acts of indiscipline, go-slow and persistent refusal to work overtime. As a result of which the Company dismissed eight employees, after framing charges against them and after giving each an opportunity to be heard.

On 15.11.1986 both unions served strike notices on the company. The Conciliation Officer interfered but no settlement was arrived at between the company and the Unions. He accordingly sent a failure report to the appropriate government. In the meantime during the tendency of conciliation before the Conciliation Officer a large number of workmen went on strike on 26.11.1986. They forcibly entered the Company's jetties and other working places, and obstructed the work of loyal workmen. On 27.11.1986, the District Magistrate issued an order under the Code of Criminal Procedure to maintain law and order. The Company declared a lockout in the same day. On 10.12.1986 the Unions called off the strike. The Company lifted the lockout on 15.12.1986. The Company dismissed those workmen whom it claimed to have obstructed the loyal workmen during the strike. On 21.12.1986, 37 workmen were convicted for violation of the order of the District Magistrate. On 22.12.1986 the Company dismissed them.

#### Questions

Can the company legally dismiss workmen for adopting go-slow tactics? If so, briefly state the procedure.

Is the strike declared by the workmen on 26.11.1986 legal?

Are the workmen entitled to wages for the period of strike and lock-out.

Is the order of dismissal made by the Company on 22.12.1986, a day after the conviction by the District Magistrate, legal.

What is the remedy open to workmen aggrieved by the order of dismissal by the Company under the Industrial Disputes Act, 1947?