

INSTRUCTIONS:

1. Answer any five questions. All questions carry equal marks.
2. Support your answer with relevant statutory provisions, judicial decisions, and reasons wherever necessary.
3. Due credit will be given to brevity, coherence and style of presentation.
4. No request for clarification regarding the questions will be entertained during the examination.

1. Ground staff of a Public Insurance Company formed a Trade Union for representing their interests before the Company and Government. The same was duly recognised by the employer (i.e., Insurance Company). Later on, the Trade Union raised a dispute regarding the wrongful termination of services and non-payment of statutory dues of four of its members by the Insurance Company. During the pendency of this dispute, all the concerned workmen died in a road accident. Considering this situation, the Trade Union withdrew their support from the dispute raised. Consequently, the Insurance Company argued before the adjudicating forum that the reference of this dispute by the appropriate government has become infructuous and cannot be adjudicated further because: (i) Concerned workmen have already died during pendency of this matter and (ii) Because of withdrawal of support by the Trade Union, this reference has ceased to be eligible for being considered as an 'industrial dispute'. Discuss the validity of arguments raised from Insurance Company's side in the light of relevant statutory provision/s and case law/s, if any. (Marks 20)

2. Seventy workmen were engaged since 01.08.2019 as machine operators in a manufacturing unit alongwith many other workmen. These seventy workmen were paid with varied monthly salary since joining their employment in this manufacturing unit. On 01.11.2023 they wrote a letter to the employer, demanding regular pay and essential health and safety facilities at the establishment in compliance of relevant labour laws. However, their representation did not receive any kind of hearing from the management. On 01.02.2024, after the duty hours, these workmen staged a peaceful protest outside the manufacturing unit and raised slogans in support of their demands for a period of almost 2-3 hours.

On 05.02.2024, they abruptly received a letter from the employer stating that "your services have been terminated from the date 05.02.2024". They filed an application before the competent authority for raising an industrial dispute contending that "the annoyed management threw them out when they demanded regular pay and essential facilities which ought to have been provided to them in terms of the labour laws." Decide this matter in light of relevant statutory provision/s and case law/s, if any. (Marks 20)

3. A Bidi making factory was functional in two different parts i.e., (a) raw material processing and manufacturing section and (b) Packing and Transporting section respectively, for last 8 years. A Strike was announced by the workmen of the raw material processing section in that

industry raising certain demands to be considered by the management. Due to this strike in raw material section, no work could be assigned to workmen of Packing section and therefore, employer also refused to make payment of any amount of wages to them. These workmen of Packing Section raised an industrial dispute for payment of lay-off compensation. Decide the liability of employer towards such claim in light of relevant statutory provision/s and case law/s, if any. (Marks 20)

4. Mr. X was the leader of a group of 60 workers in a cloth factory wherein total 970 workers were employed. X applied for the registration of this group as Trade Union before the Registrar of Trade Unions. After scrutinizing the application, the Registrar issued a certificate of registration dated 01.04.2024 which was also communicated to employer. Mr. X had earlier represented grievances of some workmen (who are part of his Trade Union) before the employer on 01.02.2024 proposing to settle their claims by way of a mutual agreement. The employer rejected the proposal/representation on 10.04.2024 with a remark that "Mr. X was not the true representative of interest of workmen and therefore the management shall not consider any proposal/representation made by him". Whether such rejection of proposal/legitimate representation of a registered Trade Union, is justified? Discuss in light of relevant statutory provision/s and case law/s, if any. (Marks 20)

5. Define 'Industrial Relations' with a brief discussion of its objectives and scope. Do you think that concept of 'Tripartism' plays an important role in management of Industrial Relations at policy level? Write your answer in light of factors which must be included in successful implementation of any Tripartism discourse. (Marks 20)

6. "An industry ceases to exist after closure and this decision solely belongs to an employer." Discuss the meaning of 'Closure' in the light of above statement citing relevant statutory provisions and decided cases. Also explain conditions relating to 'prior notice' and 'payment of compensation' in case of 'closure'. (Marks 20)