

**GUJARAT TECHNOLOGICAL UNIVERSITY****MBA SEMESTER-3- EXAMINATION – SUMMER 2020****Subject Code: 4539293****Date:05/11/2020****Subject Name: Management of Industrial Relations and Labour Laws (MIRLL)****Time: 2.30 PM to 5.30 PM****Total Marks: 70****Instructions:**

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

<b>Q. No.</b>		<b>Marks</b>
<b>Q.1</b>	Define following terms: (a) Judicial Activism (b) Extra Mural (c) Certifying Surgeon as per Factories Act,1948 (d) Hazardous Process (e) Lay-Off and Retrenchment (f) WPM (g) Grievance Handling Mechanism	<b>14</b>
<b>Q.2</b>	(a) Explain need, objectives and different principles of Labour Laws in detail.	<b>07</b>
	(b) Explain Model Standing Order as per Industrial Employment Standing Order Act, 1946	<b>07</b>
	<b>OR</b>	
	(b) Explain emerging business scenario after economic policy 1991 and also discuss changing dimensions of industrial relations in India after 1991.	<b>07</b>
<b>Q.3</b>	(a) Discuss the important objectives of Factories Act, 1948. Briefly explain provisions under the Factories Act, 1948 which ensures safety of the workers against dangerous machinery.	<b>07</b>
	(b) ABC is a private company engaged in the construction of small dams, they wanted a considerable working force ,so engaged laborers through a contractor. The project went on for 6 months. The contractor did not provide salaries to the laborers and the ABC Company provided salaries and other things. The laborers are claiming service in the company on the ground that they worked for 6 months and they were getting salaries from the company. Are they entitled to get absorption? Which acts will be applicable to this situation and as a Manager of this ABC company what decision will you take? Why?	<b>07</b>
	<b>OR</b>	
<b>Q.3</b>	(a) Explain objectives and important provisions of Child Labour (Prohibition & Regulation) Act, 1986 with suitable examples.	<b>07</b>
	(b) Explain the terms: ‘principal employer’ and ‘contractor’ as per Contract Labor (Regulation & Abolition) Act, 1970. What are the obligations of principal employer and contractor under this law? Explain the setup of	<b>07</b>

various advisory bodies for the purpose of administration of this law.

**Q.4** (a) Define ‘Disputes’ as per Industrial Disputes Act, 1947. Explain various machineries/methods for resolution of industrial disputes as per the Act in detail. **07**

(b) What do you mean by “Discipline”? In what ways the positive approach to managing discipline more effective than the legal approach. **07**

**OR**

**Q.4** (a) “The concept of workers’ participation in management leads to healthier Industrial relations.” Comment. Explain the Statutory and Non-Statutory forms of WPM. **07**

(b) “Equality in employment can be seriously impaired when women are subjected to gender specific violence, such as sexual harassment in the workplace”. Explain this statement with the landmark judgments of the Supreme Court on Vishakha vs. State of Rajasthan. **07**

**CASE STUDY:**

**Q.5**

Amber Mechanics Incorporation (AMI) started in 1999 and has since become one of the leading specialized precision engineering enterprises in Western India, supplying customized, highly specialized tools, dies and fixtures to a diversity of clients from the Auto Mobile, Aerospace, Electrical Industries and Consumer Durable Goods Market. Though the business environment has been very competitive, the enterprise has shown steady annual growth of 5% despite the economic slowdown, and balances its clientele to reduce the risks of depending too much on one specific market segment. Introduction of state of the art production facilities over the years, an ERP systems and international certification have increased the client network across the world. The company has humble beginning with 4 employees in 1999 and added 5 employees every year since it attained the full strength of 45. The company presently employs 45 staff on a regular basis, which is considered the greatest asset of the company. It has a flat structure with a small management and a group of team leaders and supervisors managing production of 20 skilled operators and 25 semi-skilled staff and rest of the trainee apprentices. AMI employees formed unit level trade union in 2005 under the Trade Union Act 1926.

Sujit, a student of ITI, Surat applied for obtaining apprenticeship in 2000 and claimed AMI is bound to give him the apprenticeship. Since then ITI Surat was sending students for apprenticeship every year but AMI denied till 2005. In 2006, AMI hired 2 students but denied to sign the contract. Since 2010, AMI hired 2-3 apprentices every year based on signed contract. The apprentice/s and AMI terminated the contract on several occasions. Some of the apprentices were offered full employment after the training was successfully over.

For the year 2018 AMI has hired 4 apprentices as trainees on payroll. The total strength of apprentice was 6. The apprentices undergo the 1-year ATS (Apprentice Training Scheme) apprenticeship in assembly, while trainees deepen their practical knowledge and workplace experience on the job. 80% of the apprenticeship is practical on separate work benches and on the job. They also attend compulsory theoretical classroom courses in their former ITI for 1 day a week. These weekly

classes provide theoretical knowledge and opportunities to share their working experiences. There is a close collaboration between the enterprise and the ITI, through which attendance, content of training and progress of the apprentices are monitored. During their training on-the-job, apprentices are usually mentored by team leaders.

With the recent efforts of communicating job security after passing the ATS exams and good career prospects, AMI has been able to retain 80% of the apprentices and trainees during the last couple of years. AMI denied employment to Sandeep, an apprentice, who claimed that it is his right to get permanent employment. Based on Sujit's and Sandeep's claim, Trade Union served notice in 2001 and 2017 respectively to AMI management.

Read the case carefully. Assume you are the industrial relations consultant for AMI. Based on relevant Act/s, advice the AMI management for following questions:

- (a) Do you believe Sujit's claim is maintainable? Is AMI under obligation to recruit apprentice in 2000? Provide the reasons of your conclusion. **07**
- (b) Do you believe Trade Union's claim for Sandeep is maintainable? **07**  
Is Sandeep enjoys rights as worker or regular employee?  
Is AMI under obligation to provide apprentice to Sandeep?

**OR**

- (a) Comment on AMI's policy on signing the contract with apprentice and payment of wages in harmony with the relevant provisions of The Apprentice Act, 1961? **07**
- (b) Write a report on number of apprentice AMI can recruit and must recruit between 2000-2018. **07**

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