

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2023

Course: INDUSTRIAL RELATIONS

Programme: MBA (HRM)

Time: 03 hrs.

Instructions:

1. All sections are compulsory.
2. This question paper contains 4 printed pages

Semester: II
Course Code: HRES7020

Max. Marks: 100

SECTION A
(2 x 10 = 20 Marks)
Answer in True/ False Only

S. No.		Marks	CO
Q-1	Dispute between two unions is not an IR issue.	2	CO1
Q-2	Every disagreement between management and workers is an industrial dispute	2	CO1
Q-3	Only a recognized trade union can raise workers concerns, if a company has multiple unions	2	CO1
Q-4	Certificate of Registration given to a Trade Union is valid for a period of 5 years	2	CO1
Q-5	In every establishment unless the workers give six week notice in advance, they can not go on strike	2	CO1
Q-6	Sit down/ Tools down strike is legal	2	CO1
Q-7	In case where an establishment has no senior woman employee, the Presiding Officer of the ICC appointed as per The Sexual Harassment of Woman at Workplace (Prevention and Redressal) Act, 2013 can be a male employee	2	CO1
Q-8	In case where an establishment is closing down due to unavoidable circumstances (like natural disaster), workers are not entitled for compensation.	2	CO1
Q-9	Workers Participation in Management is a tool to foster labor welfare	2	CO1
Q-10	Lockout called in response to an illegal strike is also illegal.	2	CO1

SECTION B (4 x 5 = 20 Marks)

Q-11	Differentiate between layoff and retrenchment. What remedy is available to the workers in case of layoff and retrenchment?	5	CO2
Q-12	What are the objectives of workers participation in management? Explain why this experiment has not been very successful in India?	5	CO2
Q-13	What is the process of calling out a strike in Public Service Undertaking as per Section 22 of The Industrial Dispute Act, 1948? Explain the entire process indicating the strike and no strike period	5	CO2

Q-14	What is a Registered and a Recognized Union? What is the process of Registration and Recognition of a Union	5	CO2
SECTION-C (3 x 10=30)			
Q-15	An employee was caught at the main gate by the security officer, confiscating equipment from the factory and trying to smuggle it out of the gate. What would be the correct legal process to initiate and administer disciplinary action against the employee? Explain the entire process from the first step, to the last step (termination)	10	CO3
Q-16	Discuss in detail the various challenges in India when it comes to establishing harmonious climate of IR? Why despite several mechanisms the levels of industrial peace and democracy in India are not upto the mark, specially when compared to similar democracies in the world? How can IR policies be made more versatile and successful?	10	CO3
Q-17	The Tata Nano Singur controversy was a controversy generated by land acquisition of a proposed Tata Motors automobile factory at Singur in Hooghly district, West Bengal, India. The factory would have been used to build the compact car Tata Nano. Tata Motors started constructing a factory to manufacture a car, Tata Nano which was estimated to cost \$2,500. The small cars were scheduled to roll out of the factory by 2008. The state government of West Bengal created the controversy by citing the 1894 land acquisition act rule to conduct an eminent domain takeover of 997 acres (4.03 km ²) of farmland on which Tata Motors was supposed to build its factory. The rule is meant for public improvement projects, and the West Bengal government wanted Tata to build in its state. The project was opposed by activists and opposition parties in Bengal. Ultimately the whole plant was transferred from Bengal to Gujarat. Tata committed to transfer and reinstate all workers who were working at the plant in West Bengal to Gujarat, on same terms and conditions at which they were hired. Still many workers were reluctant to leave West Bengal, and relocate to a very new and far diverse culture that was Gujrat. Would Tata compensate workers who refused to transfer to Gujarat despite their terms and conditions remaining same as offered? What are the legal provisions to pay compensation in case of physical or legal transfer of undertaking?	10	CO3
SECTION-D Case Study <i>As reported in The Economic Times dated Sep 09, 2015.</i>			
	NEW DELHI: A woman employee of TERI, who has accused its chief RK Pachauri of sexually harassing her, today moved an industrial tribunal saying its order staying the report of TERI's internal complaints committee (ICC) in connection with her complaint, should be set aside on grounds of lack of jurisdiction.		

	<p>The woman in her application submitted that the industrial tribunal does not have jurisdiction to hear Pachauri's appeal under the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act.</p> <p>"Preliminary objection with regard to want of jurisdiction of this court be treated as the preliminary objection and the ad-interim ex-parte orders passed on May 29, 2015 be set aside on the basis of the said preliminary objection and the appeal be returned to the appellant to be filed before the court of competent jurisdiction," the woman's plea, filed through advocate Prashant Mendiratta, said.</p> <p>Raising the issue of jurisdiction of the tribunal, the counsel sought to set aside its May 29 order that the operation of ICC's report shall remain stayed.</p> <p>"... the respondent no. 3 (woman) states that this court does not have the jurisdiction to hear the appeal filed by the appellant (Pachauri) under the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act," the plea said.</p> <p>The application was filed in the matter in which Pachauri has sought setting aside of findings of TERI's ICC report on the woman's complaint.</p> <p>Another plea filed by the woman seeking to vacate stay granted by the tribunal on the ICC's findings is also pending before it. The Tribunal's Presiding Officer fixed October 17 for arguments on the pleas.</p> <p>Pachauri had filed an appeal before the tribunal against the ICC's report contending that he was not given opportunity to defend himself or present his case, which was a violation of the procedures for conducting enquiries as laid down in the Sexual Harassment of Women Act.</p> <p>As pleaded by the respondent above in your view the plea that</p>		
Q-18	<p>"... the respondent no. 3 (woman) states that this court does not have the jurisdiction to hear the appeal filed by the appellant (Pachauri) under the Sexual Harassment of Women At Workplace (Prevention, Prohibition and Redressal) Act,"</p>	CO4	15
Q-19	<p>Holds ground? Give Justifications.</p> <p>After the ICC has given it's report, and if the ICC held the complainant guilty, and further if the complainant wants the case to be heard by a more competent judicial body? What is the way going forward?</p>	CO4	15
	<p>*****End of the paper*****</p>		