

Roll No.

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 4

NOTE : Answer **ALL** Questions.

1. University XYZ is a newly form State University in Jaipur, Rajasthan in 2007. University is providing variety of professional courses like MBA, MBBS, LLB, B.Tech., MCA, B.Ed. etc. The university is situated at the outskirts of city Jaipur, around 20 km from main bus-stand north-east direction. University provides residential facilities to students as well as academic and non-academic staff. For day scholar, it provides the community transport facility from University to Central Park, Jaipur.

The University has been ranked as the 7th upcoming University in higher education. Government of Rajasthan has invested around ₹ 500 crore for its development.

University has around 200 teaching staff in various departments and 250 non-teaching staff including bus driver, library staff, administrative staff. Teachers have formed association named 'XUTA' (XYZ University Teachers Association) and non-academic staff has formed 'XUTU' (XYZ University Trade Union).

Apart from specific complain, both groups have some general grounds of complain of the following nature :

- University has not implemented 7th pay commission salary structure.
- Working conditions are harsh and not as per UGC guidelines.
- University not providing pension scheme of any nature.
- Infrastructure conditions of building and buses are pathetic.

As per the guidelines of XYZ University, seats in the University for Rajasthan domicile is 85% reserved and 15% of seat are reserved for students from outside state. Around 300 students stay in the hostel of University and 450 students are day scholars. Students have their Union named as 'SXUA' (Student of XYZ University Association).

Students have certain regular complains to the University about poor infrastructure, poor conditions of buses/transport facility, lack of basic amenities, lock of good canteen and playing grounds. University has not responded to any complain of teaching staff, non-teaching staff and student's union positively. It has not deliberated on the issue at any forum showing their non-sensitiveness to the complaints.

On 15 January 2015, while commuting from Jaipur to University in early hours, the University bus met with an accident. Driver of the bus along with 2 students suffered injury. Ramlal, the driver due to accident lost his left eye and broken left hand. Students with minor injuries are safe.

Instead of making proper inquiry to the issue, the university administration issued a show cause notice of termination to Ramlal, saying that he was driving bus in inebirated conditions and therefore, he alone is responsible for the accident.

Ramlal is not the member of the "XYZ University Staff Union" on the day of accident and notice. His reply to the notice of termination was not taken into consideration on this ground. Realizing the injustice to Ramlal, the XUSU, XUTA and SXUA joined together and gheraoed the administrative head of University for 2 hours on 30 January, 2015. After the intervention of enforcement agency the matter was sorted out on that day. However, these three groups continued with strike in the University.

: 3 :

On the basis of above facts, please advise on the following issues :

- (a) Whether the above mentioned dispute is an 'industrial dispute' ?
(8 marks)
- (b) Whether the University is an 'industry' ?
(8 marks)
- (c) Whether the faculties of University are workman ?
(8 marks)
- (d) Whether an individual dispute can be named as industrial dispute ?
(8 marks)
- (e) Whether students' union can raise an industrial dispute ?
(8 marks)
2. (a) Differentiate the role of work committee and conciliation officer in resolving industrial dispute.
(b) In what cases wages for the Strike period are paid ?
(6 marks each)
3. (a) In deciding the liability of employer in case of accident of employee, discuss the concept of national extension of employment.
(b) Discuss in what cases the employer is not liable to pay compensation to employee.
(6 marks each)

4. (a) Discuss the right of a woman with regards to payment of maternity benefits.
(b) What is the ambit of workplace as defined under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ?
(6 marks each)
5. (a) Elaborate in what circumstances during the pendency of proceedings, change in condition of services are permissible ?
(b) In deciding the concept of 'worker' in Factories Act, 1948, whether relationship of master and servant is necessary ?
(6 marks each)
6. Critically analyse, is there any right to strike ?
(12 marks)

————— o —————