

**Code: 17E00310**

MBA III Semester Supplementary Examinations October 2020

**LABOR LAWS & LEGISLATION**

(For students admitted in 2017 & 2018 only)

Time: 3 hours

Max. Marks: 60

All questions carry equal marks

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**SECTION – A**

(Answer the following: 05 X 10 = 50 Marks)

- 1 (a) Discuss the link between directive principles of State policy and Labour legislations.  
(b) List the unfair labour practices followed by workers and employers.  
**OR**
- 2 (a) Discuss the specific objectives of labour legislation in India.  
(b) What is job satisfaction? Describe the various factors involved in job satisfaction.
- 3 (a) Who is an occupier under Factories Act and what are his general duties and responsibilities?  
(b) Bring out the differences between promotion and transfer.  
**OR**
- 4 (a) Critically examine the impact of technological changes on the industrial society.  
(b) What are the contents of contract of employment? Discuss.
- 5 (a) Write a detailed note on Equal Remuneration Act.  
(b) Explain the provision for 'set-on' and 'set-off' in the Payment of Bonus Act, 1965. Why has such a provision been made in the Act?  
**OR**
- 6 (a) Explain the various types of dearness allowance.  
(b) Write a brief note on Minimum Wages Act.
- 7 What is the distinction between registration and recognition of unions? What are the rights and obligations of recognized trade unions?  
**OR**
- 8 (a) Explain the benefits of workers participation in management.  
(b) What protection does a workman have under the Industrial Disputes Act during the pendency of proceedings?
- 9 (a) Write a brief note on the payment of Gratuity Act.  
(b) Examine the conditions of eligibility of an insured person for obtaining various benefits under the Employees' State Insurance Act, 1948.  
**OR**
- 10 (a) Differentiate PF and PPF.  
(b) Discuss the important provisions of Maternity provisions Act.

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**SECTION – B**

(Compulsory question, 01 X 10 = 10 Marks)

11 **Case Study:**

Please read the case given below and answer the questions given at the end.

The employees of ABC Company started resorting to work to rule, go slow and other covert agitational methods because they (the employees) thought that the management had unilaterally revised the prices of canteen items without consulting the canteen committee. The management view was that since the recognizes union's registration was cancelled due to non-submission return, therefore the management was not obliged to consult the employees. Consequently, the management also felt that the canteen constituted with the nominees of the then recognized union ceased to be are preventative body. He management entered into an MOU with another registered union. The management constituted a canteen committee with the cooperation of the registered, but not recognized union. During the strike there were some disturbances and an accident in which an apprentice died. The management did not agree to pay compensation on the plea that the deceased person was not an employee of the company. This led to further unrest. The management applied to the appropriate government to allow them a lockout on the pretext of threat to company's property and personnel. In the meantime they also insisted that unless employees sign a 'good conduct' certificate the workers will not be allowed to enter the factory for work. A section of the workers were willing to sign but the other refused to do so and dubbed the management as indulging in unfair labour practices.

**Questions:**

- (a) Is this a case of strike or lock-out? Explain.
- (b) Is the management right in insisting on 'good conduct' certificate? Are the workers right in protesting against their signing a 'good conduct' certificate as a prerequisite for entering factory premises for work?

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MBA III Semester Regular & Supplementary Examinations November/December 2019

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**SECTION – A**

(Answer the following: 05 X 10 = 50 Marks)

- 1 (a) Define 'Labour Welfare' and examine its nature in Indian context.  
(b) Critically examine the recent labour policy of the Government of India.  
**OR**
- 2 (a) Explain the scope and development of labour welfare concept in India.  
(b) Examine the importance of the study of labour problems under the present economic and social conditions of our country.
- 3 (a) Examine special provisions relating to 'women workers and children' working in the night shifts.  
(b) State and explain the provisions relating to 'Health and Welfare of the Workers' under the factories Act, 1948.  
**OR**
- 4 (a) Suggest measures to solve the problems of child and women labour in India.  
(b) Examine the provisions relating to 'Safety' under the factories Act, 1948.
- 5 (a) "Bonus is a dynamic concept". Comment.  
(b) Can an employer forfeit the whole amount of bonus payable to workers? If so, for what reasons?  
**OR**
- 6 (a) Enumerate the various types of fringe benefits and their effect on labour efficiency.  
(b) State and explain the various theories of wages.
- 7 (a) Examine the procedure laid down under the trade unions Act, 1926 for registration of unions.  
(b) Enumerate any five unfair labour practices on the part of employers.  
**OR**
- 8 (a) Define 'Retrenchment' under the Industrial Disputes Act, 1947 with the help of decided cases and examine the conditions precedent for valid retrenchment.  
(b) Explain the procedure for filing complaints against unfair labour practices.
- 9 (a) Critically examine the 'Employees Provident Scheme' under the employees' provident funds and miscellaneous provisions Act, 1952.  
(b) State the salient features of the Maternity of benefit Act, 1961.  
**OR**
- 10 (a) Discuss the important provisions of employees' State Insurance Act, 1948  
(b) Explain the eligibility for payment of gratuity under the payment of Gratuity Act, 1972.

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**SECTION – B**

(Compulsory question, 01 X 10 = 10 Marks)

11 **Case Study:**

**Read the case given below and answer the questions given at the end:**

In some companies where employees' children are given preference in employment, a distinct work culture develops. Since among the employees, second or third generation people are found working, they develop a sense of commitment and loyalty to the organization. Not that there are no grievances of workers, or differences between the management and the recognized trade union, but there are well established and mutually acceptable systems and procedures to settle such matters through negotiation. One such company is Calcutta Steels Ltd. which employs 300 persons including over 250 in the workers' category. This company traditionally gives permanent employment subject to suitability, to one relative like son, daughter, or son-in-law of an employee who retires after twenty years' service. An employee can get the name of his relation registered for employment after completing fifteen years' of service. The management, however, is very rigid about verification of relationship of the 'nominee' for employment.

Taking advantage of large-scale unemployment, some employees in the past tried to get other persons registered for employment claiming them as their relatives, in return for some money. A few cases of such fraudulent attempts were detected, and as a consequence, those employees were debarred from this facility and warned.

On May 25, 1993 Chandu, T. No. 205, charge man applied to the Personnel Officer to register the name of his son Bimal, aged 20 years for employment in the company. On June 1, 1993, he was called along with his son by the Personnel Officer for completion of registration formalities. During the verification of school certificate of Bimal to ascertain his date of birth, it transpired that his real name was Bimal Kumar Mishra, son of Radhakant Mishra. On checking up the personal file of Chandu, it was found that on October 14, 1972, he was registered for employment on the application of Radhika, Ex. T. No. 035 who claimed Chandu to be her son-in-law, married to her daughter Kulwati. Chandu also gave a statement to this effect.

As per the Company's Certified Standing Order No. 17 (v) "Giving of false information of any kind either at the time of employment or thereafter, for securing any privilege from the company" is a misconduct.

**Questions:**

- (a) Advise the Works Manager as to the principles of natural justice to be followed in a domestic enquiry.
- (b) Draft a charge sheet to be issued to the employee concerned for his misconduct.

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**SECTION – A**

(Answer the following: 05 X 10 = 50 Marks)

1 Analyze the evolution and growth of labour laws with recent reforms in Indian industry perspective.

**OR**

2 “Labour laws are the backbone and without the involvement of labour law there is no human resource management”. Discuss.

3 Examine the procedure laid down under the industrial employment (Standing orders) Act, 1946 for certification and modification of standing orders.

**OR**

4 Outline the provisions of the factories Act, 1948 regarding extra wages for overtime, weekly holidays, annual leave with wages.

5 “The Payment of Wages Act, 1936 provides that the wages are to be paid in a particular form at regular intervals and without any unauthorized deductions”. Elucidate.

**OR**

6 “Bonus is a dynamic concept”. Critically evaluate the eligibility and disqualification for bonus.

7 Discuss the role of Indian trade unions in job security and determination of wages.

**OR**

8 “Workers participation in management is essential to industrial democracy and socialistic pattern of society”. Comment.

9 Compare and contrast the Workmen’s Compensation Act, 1923 and the employees, State Insurance Act, 1948.

**OR**

10 Explain right to payment of maternity benefit under the Maternity Benefit Act, 1961.

**SECTION – B**

(Compulsory question, 01 X 10 = 10 Marks)

11 **Case Study:**

Star readymade garment company has 2500 women employees. Women workers are not provided with minimum amenities like toilet, and canteen facilities. Some pregnant women have applied leave for 3 months. The company refuses to provide maternity benefits to the women workers in the factory. The company does not pay adequate wages to the employees. There is neither social security nor provident fund and employee insurance. Equal pay for equal work is not there is the organization and the equality of justice is totally ignored. Lot of exploitation of women is prevailed in the organization in several angles. Working lunch is to be purchased exorbitant prices. The women are demoralized and frustrated with the attitude of management of the company. Quality and production in the company suffered a setback. Women are planning to quit the company.

**Questions:**

- (a) What are the welfare measures to be provided by the company?
- (b) Discuss the labour legislation, which are not followed in the company.
- (c) What quality retention methods should be initiated by the company to retain the quitting employees?

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**SECTION – A**

(Answer the following: (05 X 10 = 50 Marks)

1 “Industrial relations in India are not conducive to rapid industrial growth” - Do you agree? Substantiate your answer.

**OR**

2 Enumerate the significance of industrial relations and examine the issues in the Indian public sector.

3 Elaborate the various statutory and non-statutory welfare amenities that are provided in organizations and evaluate their effect on the morale of the employees.

**OR**

4 Explain the provisions relating to registration of establishments and licensing of contractors under the Contract Labour (Regulation and Abolition) Act, 1970.

5 Describe the procedure for fixing and revising the minimum rates of wages under the Minimum Wages Act, 1948.

**OR**

6 Explain the objectives of payment of minimum and maximum bonus under the Payment of Bonus Act, 1965.

7 Describe the duties of labour courts and conciliation officers as laid in the Industrial Disputes Act, 1947.

**OR**

8 Elucidate the privileges of a registered trade union under the Trade Unions Act 1926.

9 Describe the applicability and non-applicability of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 to establishments.

**OR**

10 Summarize the obligations on the part of the employer and the rules relating to nomination by an employee under the payment of gratuity act 1972.

**PART – B**

(Compulsory question, 01 X 10 = 10 Marks)

11 **Case study:**

Jeeva Industries limited is private company making tyres with their Head Quarters at Chennai. Labor management relations were cordial. They have three years wage agreement renewed periodically without any strike or lockout for the last ten years. There were three main Unions ENTUC, AITUC and CITU owing allegiance to respective political parties.

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Current wages agreement is likely to expire shortly. Mr. Vijay, Director, HR was holding negotiations with union leaders for the last three months. During this period, he sorted out differences on all seven out of 8 points. The 8<sup>th</sup> point was in regard to the wages increase. Union originally demanded a wage raise of 30% whereas the management was prepared to go only for 15%. After a series of discussion, union leaders agreed to come down to 25% and the management has agreed to increase to 17%. The stalemate continued for the next 20 days. Finally the management has accepted 18% increase. Union leaders did not agree and called for a strike. Even after one week strike, the management did nothing. The Union gave a public advertisement stating its side and the management has also given an advertisement that the strike is unwarranted and they have no other alternative except to go for a lockout. It also stated that their offer of present agreement will remain valid only for the next three days.

**Questions:**

- (a) Explain the union's rationale of the latest demand.
- (b) Explain the reasons for management action.
- (c) Predict the outcome, of this dispute.
- (d) Suggest additional gestures from management or union to break the statement.

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