

Roll No



**PRESIDENCY UNIVERSITY
BENGALURU**

SET A

**SCHOOL OF MANAGEMENT
END TERM EXAMINATION - JAN 2024**

Semester : Semester III - 2022

Course Code : MBA3008

Course Name : Industrial Relations and Labor Laws

Program : MBA

Date : 10-JAN-2024

Time : 10:00AM - 1:00 PM

Max Marks : 100

Weightage : 50%

Instructions:

- (i) Read all questions carefully and answer accordingly.
- (ii) Question paper consists of 3 parts.
- (iii) Scientific and non-programmable calculator are permitted.
- (iv) Do not write any information on the question paper other than Roll Number.

PART A

ANSWER ALL THE QUESTIONS

10Q X 3M = 30M

1. Marxist Approach is also known as the 'Radical Perspective'. Describe in your words.
(CO1) [Knowledge]
2. State the popular approaches to industrial relations.
(CO1) [Knowledge]
3. Collective bargaining involves mutual negotiations. Describe the nature and requirement of collective bargaining a method used by trade unions.
(CO2) [Knowledge]
4. Describe how many workers are required to have 'Canteens' as per the Factories Act 1948.
(CO3) [Knowledge]
5. Describe how Tribunals and National Tribunals are related and different from each other as given in the Industrial Disputes Act 1947.
(CO3) [Knowledge]
6. Define "adolescent" as per section 2 (b) of Factories Act 1948.
(CO3) [Knowledge]
7. As per the Industrial Disputes Act 1947 (Sec2kkk), describe the term "Lay-Off" and identify the reasons for lay-off.
(CO3) [Knowledge]
8. Describe the 'accounting year' and "calendar year" as per Payment of Bonus Act 1965.
(CO4) [Knowledge]
9. Define wages as given in the Payment of Wages Act 1936.
(CO4) [Knowledge]
10. Describe the social security legislation provided in the Indian labor laws.
(CO4) [Knowledge]

PART B

ANSWER ALL THE QUESTION

6Q X 7Q = 42M

11. There are two important aspects of industrial relations in the modern industrial society i.e. cooperation and conflict. Express your views about these aspects.
(CO1) [Comprehension]
12. At present in India, ministry of labour has recognised twelve central trade unions e.g. All India Trade Union Congress, Bharatiya Mazdoor Sangh, Centre of Indian Trade Unions etc. Discuss the role of political parties and present state of trade unionism in India.
(CO2) [Comprehension]
13. Health risks at the workplace, such as heat, noise, dust, hazardous chemicals, unsafe machines and psychological stress, cause occupational diseases and can aggravate other health problems. Discuss few provisions for taking care of health of employees as given in the Factories Act 1948.
(CO3) [Comprehension]
14. Resolution of the industrial disputes is the prime function of three actors of Industrial relations. Discuss the authorities given in the Industrial Disputes Act 1947 for conciliation, arbitration and adjudication.
(CO3) [Comprehension]
15. Ms. Preety working as store assistant in E Vehicles Ltd. on salary of Rs. 17000.00 PM. She was on sick leave from 15th August to 15th October 2023 because of her issue of maternity. Later she got 8% increment in January 2024. Calculate bonus payable to her for the financial year 2023-24.
(CO4) [Comprehension]
16. Prem joined with ABC Fabricators Ltd. as electrician on 1st January 2019 and his salary was Rs. 22000.00 p.m. On 1st July 2023 he met with on the job accident and was totally disable to do his duties. After three months sickness ABC Fabricators reemployed him on non-technical job with salary Rs. 15000.00 pm. Calculate his gratuity as per section 4(4) Payment of gratuity Act 1972, when resigned on 31st January 2024.
(CO4) [Comprehension]

PART C

ANSWER ALL THE QUESTIONS

2Q X 14M = 28M

17. In an iron and steel factory near Mysore, an industrial dispute arose on the issue of enhancement of wage-rates and allowances. When negotiations with the management failed, the only trade union in the factory informed the members about the failure of negotiations and asked them to adopt imitational methods. Demonstrations against the management and shouting of anti-management slogans became frequent. At the instance of the union, the workers went to their jobs, but did not handle tools or machines. When they did not get any response from the management, the union asked the workers to go on strike. The strike started and continued for 20 days, but the management was rigid on the resumption of work by the strikers as the first condition for starting talks. In the meantime, the workers of the ancillary industries of the area that supplied equipment and materials to the steel factory resorted to frequent work-stoppages for short periods in sympathy of the strikers of the steel factory, in complete defiance of the directive of the proper authority of the union to which they belonged. The trade union in the nearby colliery which supplied coal to the steel factory organized a two-day strike in support of the demands of the workers of the steel factory. A group of more militant workers of the factory occasionally confined some of the senior executives of the factory in their offices for hours together and did not allow them to leave. Ultimately, the state government declared the strike illegal and referred the dispute to an adjudication authority for disposal.
- Q1. Demonstrate with examples different types of strikes workers used to adopt and what form was used by the iron and steel factory employees. (6 Marks)
- Q2. As strike is a tool in the hands of workers, interpret how management can put pressure on workers? (4 Marks)
- Q3. As factory Manager of this iron and steel factory, interpret your course of action. (4 Marks)

(CO3) [Application]

18. An employee of the Gujarat Road Transport Corporation was allowed to retire on his attaining the age of superannuation. The amount of his gratuity was withheld by the Transport Corporation on the ground that a criminal case as well as a departmental enquiry on corruption charges against the employee was pending. The Controlling Authority under the Act directed the Corporation to make payment to him along with an interest at the rate of 10 per cent. The Appellate Authority also upheld the order of the Controlling Authority.

The Road Transport Corporation challenged the decision of the Appellate Authority before Gujarat High Court in a writ petition. The High Court held that as per provision of the Act, the employer could withhold the amount of gratuity if (i) the services of the employee have been terminated for any act, wilful omission or negligence causing any damage or loss to, or destruction of property belonging to the employer, or if (ii) his services have been terminated of his riotous or disorderly conduct or any act of violence, or for any act constituting an offence involving moral turpitude if the offence has been committed in the course of his employment. In this case, no such eventualities have taken place. Besides, the employee was allowed to retire from service on reaching the age of superannuation. Since the employee had already been retired from service, the contention of the Corporation that on conclusion of the departmental enquiry, the services of the employee could be terminated or he could be dismissed from service, is not tenable. Therefore, the Corporation does not have any power to withhold the amount of gratuity [*Gujarat State Road Transport Corporation v. Devendrabhai Mulventrai Vaidya* 2004 1 LLJ 77].

Questions

1. Illustrate how the amount of gratuity payable to an employee under the Payment of Gratuity Act, 1972.. (Marks 4)
2. Demonstrate, can the value of damage done by an employee to the property of the employer for which his services were not terminated be deducted from the amount of gratuity payable to him. (Marks 5)
3. Illustrate the responsibility of the employer if there is a dispute between him and the employee as to the amount of gratuity. (Marks 5)

(CO4) [Application]