

University of Pune
Department of Management Sciences (PUMBA)
403 (C): Labour Legislation

Max. Marks: 50

Time: 2 ½ Hours

NOTES : (1)-Question No: 7 & 8 are compulsory.
(2)-Attempt any 3 Questions from the remaining.
(3)-All Questions carries 10 Marks each.

1. List the tests to determine whether an organization is a factory or not- under Factories Act 1948? List any five records to be maintained in a factory as per The Factories Act 1948? What does hazardous process mean?
2. What is the object of the Contract Labour Act? Which establishments / contractors are covered by the Act? Are there any establishments to which the Act is not applicable?
3. To whom the Payment of wages Act is applicable? Is there any wage limit prescribed for applicability of the Act? Explain the meaning of wages under the payment of wages Act?
4. What are the criteria for eligibility for bonus? Whether an apprentice is eligible for bonus? Is an employee reinstated after suspension eligible for bonus?
5. What is minimum wages? What is the objective of the Minimum wages Act? Define the competent authority for fixation of minimum wages?
6. What are the statutory compliances for employer under the Bombay shops and establishment Act? Are the employees of shops and establishments entitled to any additional holidays over and above leave with pay?
7. Write short notes on any three topics.
 - a. Rights of employees working under shops and Establishment.
 - b. Procedure for obtaining licenses under contract labour Act.
 - c. Powers of inspectors under contract labour Act and Factories Act.
 - d. Payment of bonus Act.
 - e. Hazardous process under Factories Act.

8. Attempt All Case Studies given below.

(A) One employee was terminated, Labour court passed award with direction to reinstate without back wages. Vinaykumar, the employee challenged the same before High Court questioning for back wages. It was held that the worker has no automatic entitlement to back wages since it is discretionary and to be dealt with in accordance with the facts and circumstances of each case. In the instant case there was evidence that Vinaykumar was gainfully employed during the intervening period, hence his demand was rejected.

- a) Onus is on whom to prove that workman is gainfully employed or not?
- b) Why back wages are not allowed, when gainful employment is established?

(B) Minimum Wages Act 1948. Any claim under the Act against the State Bank of India can only be filed before an authority appointed by the central Govt.
State Bank having medical dispensary for welfare measure. A medical officer was appointed on part time basis. He filed a case for minimum wages before labour court on the basis of notification for entitlement of certain higher minimum wages. Bank appeared before court and contended that Labour court has no jurisdiction to try this case.

Hon'ble high court observed that Labour court is an authority appointed by the state Govt. for hearing claims under the minimum wages Act, but he is not the authority appointed by the central Govt U/s 20(1).

- a) Why Labour court is not empowered to pass such order?
- b) What remedy was available with the employee?

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- Note : -
- (1) Question NO. 1 is compulsory and carries 20 Marks
 - (2) Attempt any 3 Questions from the remaining. Each Question carries 10 Marks
 - (3) Writing Section No. is not compulsory; but desirable
 - (4) Pl. Note, Law is NOT a descriptive subject.

Q. NO. – 1 When each of the following 'Act' become applicable to an '**Organisation**' (i.e coverage under the Act)

1. The factories Act 1948
2. The Bombay Shops & Establishment Act 1948
3. The Payment of Bonus Act 1965
4. The Contract Labour Act 1970
5. The Minimum Wages Act 1948

Q. NO. – 2 Explain the following concepts under the provisions of The Payment of Bonus Act 1965.

1. Productivity-linked Bonus
2. Minimum & Maximum Bonus
3. Set on
4. Set off

Q. NO. – 3 Explain the provisions of '**Welfare Facilities**' to be provided by the employer at the work place, under the provisions of the Factories Act 1948.

Q. NO. – 4 How the state Govt. Fixes / Revises the rates of Minimum Wages applicable to different 'Schedule' employments ?

Q. NO. – 5 What are the main provisions regarding the Payment of Wages to the employees, under the Payment of Wages Act 1936

Q. NO. – 6 What are the obligations on 'Principal Employer' towards the contractors' workers under The Contract Labour Act 1970.

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