

**K. J. SOMAIYA INSTITUTE OF MANAGEMENT STUDIES AND RESEARCH**

**Program: PG/ MMS (HRD) (Batch 2017-2019)**

**IV - TRIM**

**Subject: Labour Legislations**  
**(End Semester examination)**

**Maximum Marks: 50**

**Duration: 3 hours**

**26/09/2018**

**Date:**

Please answer either of Questions 1 is compulsory. It carries 20 marks.

Q1. (a)

In 1977 some demands for wage revision made by the employees of all Banks were pending and in support of their demands, a call for a country wide strike was given. The Bank issued a Circular on September 23, 1977, to its managers and agents directing them to deduct wages of the employees for the days they go on strike. The Unions gave a call for a four hour strike on December 29, 1977. Two days before the strike, the Bank issued a Circular warning the employees that if they participate in the strike, they would be committing a breach of their contract of service and they would not be entitled to salary for the full day and they need not report for work for the rest of the working hours on that day. However, the employees went on strike, as scheduled, for four hours which included banking hours of the public, and resumed duty afterwards. The Bank did not prevent them from doing so. The Bank by its circular directed the managers and agents to deduct the full day's salary of those employees, who participated in the strike.

The union moved court against the proposed deduction.

Questions:

- a. Did the demand of the union constitute an Industrial Dispute?
- b. Was the management justified in making deductions for the full day?

Q.1 (b)

ABC, a multinational company, set up a factory at Aligarh in the State of Uttar Pradesh in the year 1958. The company declared a lockout with effect from 12 noon on May 6, 1977. Since negotiations for settlement of pending disputes between the management and the workmen were afoot, the management planned to lift the lockout from 8.00 a.m. on May 13, 1977. On the very day during the second shift, some of the workmen again resorted to an illegal strike, gathered together near the gate of the factory and intimidated and obstructed other workmen desiring to report for duty. The management approached the Civil Court and obtained an ex-

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parte injunction restraining the workmen from indulging into unfair and illegal activities.

On May 27, 1977 around 5.35 p.m., some of the workmen who had not joined the strike boarded bus No. UPB-6209 chartered by the company exclusively for the use of the 'loyal workmen' commuting between the city and the factory. Some of the striking workmen boarded the bus and during the journey in the bus at different places manhandled the 'loyal workmen'. According to the company, this action of the striking workmen constituted misconduct specified in the Standing Order applicable to the workmen. According disciplinary proceedings were conducted and the guilty workmen were dismissed from service.

The relevant provision of the Standing order read as follows: "drunkenness, fighting, indecent or disorderly behaviour use of abusive language, wrongfully interfering with the work of other employees or conduct likely to cause a breach of the peace or conduct endangering the life or safety of any other person, assault or threat of assault, any act subversive of discipline and efficiency and any act involving moral turpitude, committed within the premises of the establishment, or in the vicinity thereof"

**Questions**

1. What would be the logic for the management action?
2. What would be your verdict and why?

**Q2. Please explain the following terms (any five) in 3-4 sentences.: 20 Marks**

- a. Settlement.
- b. Adjudication.
- c. Hazardous Process Industry.
- d. Available Surplus.
- e. Sickness Benefit.
- f. Standing Order.
- g. Conciliation Officer
- h. Protected Workmen.
- i. Lay Off.
- j. Retrenchment.
- k. Principles of Natural Justice.
- l. Principle of added peril.
- m. Temporary Disablement.

**Q3. Indicate True or False for any five statements, with one sentence explanations: 10 marks.**

- a. The Factories Act provides for provision of Annual Leave with wages @ one day for every 15 days worked for women workers.
- b. The Payment of Wages Act prohibits deductions from salary without the consent of the employee.
- c. The Payment of Bonus Act is applicable to an employee who is a Probationer.
- d. The ESI Act and Employees Compensation Acts can apply to the same establishments.
- e. Under the Payment of Gratuity Act, Gratuity is only payable on completion of 5 years of service.

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- f. A Confidential Assistant can be required to work beyond normal working hours in a Factory without being paid Overtime.
- g. In Mumbai, the Factories Act allows a women worker is allowed to work between 7 pm and 6 am in a factory.
- h. The definitions for 'workmen' are the same in ESI Act and the Payment of Bonus Act.
- i. The Principal employer has no role in payment of Gratuity to the contract labour.
- j. The employer can deduct part of the bonus when a Watchman is guilty of sleeping on duty.