

VPM's
DR VN BRIMS, Thane
Programme: MMS (2022-24)
Third Semester Regular Examination January - February 2024

Course Name:	Labour Laws and Implications on Industrial Relations	Course Code	H-307		
Roll No.		Marks	60		
Total No. of Questions	6	Duration	3 Hours		
Total No. of printed pages	3	Date	05-02-2024		
Course Outcome Statements:					
CO1: To learn and Remember the concept of Labour Laws and Acts.					
CO2: Understand & Foresee the impact of provisions and applicability.					
CO3: Apply labour law and acts provisions, procedures and roles.					
CO4: Analyse the Labour laws act authority and statutory provisions.					
CO5: Evaluate overview of provisions and process of acts.					
Instructions: -			Marks	BL	CO
Q. No 1 (All Questions are Compulsory)					
Q. No.		Questions			
Q. 1		Case/Case-let Study			
		<p>This case of Harishankar Sharma and other v. Artificial Limbs Manufacturing Corporation and others[1] is based on an argument based on the Factories Act, 1948.</p> <p>The case first saw its light in the Allahabad High Court[2] and the decision of the Allahabad High Court has been appealed against in the Supreme Court.</p> <p>The Factories Act, 1948 is a statute that has been enacted for the purpose of consolidating and amending the law which regulates labour in factories. The Act has been enacted with the primary intention of protecting workers in factories against occupational and industrial hazards as well as promoting the health and safety of workers. The Act seeks to encompass within its purview any establishment with ten or more persons carrying on a manufacturing process with the aid of power, and if the manufacturing process is conducted without the aid of power, then the establishment needs to employ at least 20 persons, as can be understood from the definition of factory, provided in Section 2(m) of the Factories Act, 1948.</p> <p>In Section 46 of the Factories Act, 1948, the statute provides the State Government with the power of making rules for mandatorily requiring that "in any specified factory wherein more than two hundred and fifty workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers."</p>			

	<p>Now, it is imperative to observe that the Section 46 does not by itself makes it mandatory for a factory with more than 250 workers to establish a canteen, but puts the prerogative upon the State Government to require a factory to do so, if it thinks fit.</p> <p>(As per Section 46(2), the rules enacted by the State Government may also lay down:</p> <p>a. the date by which such canteen shall be provided;</p> <p>b. the standards in respect of construction, accommodation, furniture and other equipment of the canteen;</p> <p>c. the foodstuffs to be served therein and the charges which may be made therefor;</p> <p>d. the constitution of a managing committee for the canteen and representation of the workers in the management of the canteen;</p> <p>(dd) the items of expenditure in the running of the canteen which are not to be taken in account in fixing the cost of foodstuffs and which shall be borne by the employer;]</p> <p>e. the delegation to the Chief Inspector, subject to such conditions as may be prescribed, of the power to make rules under clause (c).</p> <p>Section 2(l) of Factories Act, 1948 defines "worker". According to the provision, "worker" means a person employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process but does not include any member of the armed forces of the Union.)</p>				
	a.	Examine the provisions of Section 46 of Factories Act, 1948 which makes Artificial Limbs Manufacturing Corporation statutorily bound to provide canteens.	6	Level 4	CO4
	b.	Determine whether a canteen set up in a factory to meet the statutory obligation under Section 46 of Factories Act, 1948 entail that the employees of the canteen become the employees of the establishment?	6	Level 5	CO5
Q. 2		Answer Any one from the following.			
	a.	Explain the important provisions under the Minimum Wages Act?	6	Level 5	CO5
	b.	Evaluate the general unfair labour practices on the part of employer under MRTU & PULP?	6	Level 5	CO5
Q. 3		Answer Any one from the following.			
	a.	Analyze the authorities under the Industrial Dispute Act?	6	Level 4	CO4
	b.	Inspect the role of the employer under Payment of Gratuity Act?	6	Level 4	CO4

Q. 4		Answer Any two from the following.			
	a.	Identify the importance of industrial relations in maintaining peace and harmony.	6	Level 3	CO3
	b.	Make use of the procedure to explain the way to register a trade union under the Trade Union Act, 1926?	6	Level 3	CO3
	c.	Identify the main provisions of the Industrial Standing Orders Act.?	6	Level 3	CO3
Q. 5		Answer Any two from the following.			
	a.	Explain the important provisions of payment of wages act?	6	Level 2	CO2
	b.	Explain the concept of provident fund. How are the contributions drawn from the employer and employee?	6	Level 2	CO2
	c.	Explain the concept of collective bargaining	6	Level 2	CO2
Q. 6		Answer Any two from the following.			
	a.	What are the important provisions under the Factories Act 1948?	6	Level 1	CO1
	b.	How does the Employees State Insurance Act, 1948 benefit the employees?	6	Level 1	CO1
	c.	Which are the salient features of the Maternity Benefit Act, 1961?	6	Level 1	CO1