**Rajasthan Institute of Engineering & Technology, Jaipur**

**University Roll No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_**

2nd Year MBA. IVth Semester 1st Mid Term Examination, March – 2018

Subject: - Employment Laws **SET-A**

Time: -2 Hrs. [Maximum Marks: -20]

 [Min. Passing Marks: 08]

Instructions to the Candidates:

Attempt any 4 questions from Section A and Section B is Compulsory

**Section A**

1. Discuss constitutional provisions of employment law. (3)

**Ans.** The legislations can be categorized as follows:

1) Labour laws enacted by the Central Government, where the Central Government has the sole responsibility for enforcement.

2) Labour laws enacted by Central Government and enforced both by Central and State Governments.

3) Labour laws enacted by Central Government and enforced by the State Governments.

4) Labour laws enacted and enforced by the various State Governments which apply to respective States.

The Constitution of India provides detailed provisions for the rights of the citizens and also lays down the Directive Principles of State Policy which set an aim to which the activities of the state are to be guided. These Directive Principles provide:

a. for securing the health and strength of employees, men and women;

b. that the tender age of children are not abused;

c. that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

d. just and humane conditions of work and maternity relief are provided; and

e. that the Government shall take steps, by suitable legislation or in any other way, to secure the participation of employee in the management of undertakings, establishments or other organisations engaged in any industry.

1. What do you understand by Labour legislation? (3)

**Ans**. The term "labour legislation" or "labour laws" is used to denote that body of laws which deal with employment and non-employment wages, working conditions, industrial relations, social security and labour welfare of industrially employed persons.

1. Discuss the history of labour movement in India. (3)

**Ans. The growth of the labour movement in India started and ended with the textile mills.** The origin of the movement is traced back to 1877 when the workers at the Empress mills at Nagpur struck following a wage cut. In 1884, 5000 Bombay Textile Workers submitted a petition demanding regular payment of wages, a weekly holiday, and a mid-day recess of thirty minutes. Therefore with the textile mills Bombay/Mumbai became the epicentre of the labour movement. And this is why it was called the city that never sleeps, because the textile mills would run 24×7 and so did the people

These strikes were poorly organised and short lived and inevitably ended in failure. The oppression by employers was so severe that workers preferred to quit their jobs rather than go on strike.

An interesting fact, it was to promote the interests of British industry that the conditions of workers were improved. Concerned about low labour costs, which gave an unfair advantage to Indian factory made goods, the Lancashire and Manchester Chambers of Commerce agitated for an inquiry into the conditions of Indian Workers.

That’s how we got the labour laws in India

The first workers’ association was named ‘Bombay Mill hands Association, formed by a man called Narayan Lokhande who is also know as the father of the Indian modern trade union movement. Essentially a welfare organisation to advance workers’ interests, the Association had no members, rules and regulations or funds. Soon a number of other organisations of a similar nature came up.

The first systematic attempt to form a trade union on permanent basis was done in 1906 in the Postal Offices at Bombay and Calcutta. By the early years of the 20th century, strikes had become quite common in all major industries.

4. Discuss the concept of ILO. (3)

**Ans**. International Labour organization was established in 1919. It is a tripartite body which consists of representatives of government, employees and employer.

**5.** What are the duties of inspector? (3)

**Ans**. Inspector can enter any premises at any time.

Inspector can examine or inspect any record or accounts of books.

Inspector can inspect any person and ask anything which is related to the provisions of the act.

Inspector can seize or take along him any record which he thinks fit enough.

 6. What do you understand by wages? (3)

**Ans**. “wages” means all remuneration (whether by way of salary, allowances, or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes—

(a) any remuneration payable under any award or settlement between the parties or order of a Court;

(b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;

(c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);

(d) any sum which by reason of the termination of employment of the person employed is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions, but does not provide for the time within which the payment is to be made;

(e) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force, but does not include—

(1) any bonus (whether under a scheme of profit sharing or otherwise) which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or order of a Court;

**Section B**

1. Discuss the important provisions of Contract Labour(Regulation & Abolition) Act, 1970. (4)

**Ans**. Registration (Sec 7) & Licensing (Sec 12)

(Sec. 10) Prohibition of employment of contract labour.

(Sec. 9) Effect of non-registration.

(Sec. 14) Revocation, suspension and amendment of licences.

(Sec. 16) Canteens.

(Sec. 17) Rest-rooms.

(Sec. 30) Effect of laws and agreements inconsistent with this Act. Sec 20

(Sec. 21) Responsibility for payment of wages.

(Sec. 22) Obstructions.

(Sec. 23) Contravention of provisions regarding employment of contract labour.

2. Discuss the special provisions under Payment of Wages Act, 1936. (4)

**Ans**.

* Responsibility for payment of wages
* Fixation of wage-periods
* Time of payment of wages
* Wages to be paid in current coin or currency notes
* Deductions which may be made from wages
* Fines
* Deductions for absence from duty
* Deductions for damage or loss
* Deductions for services rendered
* Deductions for recovery of advances
* 12A. Deductions for recovery of loans
* Deductions for payments to co-operative societies and insurance schemes
* 13A. Maintenance of registers and records
* Inspectors
* 14A. Facilities to be afforded to Inspectors
* Claims arising out of deductions from wages or delay in payment of wages and penalty for malicious or vexatious claims
* Single application in respect of claims from unpaid group.
* Appeal
* 17A. Conditional attachment of property of employer or other person responsible for payment of wages
* Powers of authorities appointed under section 15
* [Repealed]
* Penalty for offences under the Act

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**Section A**

1. What do you understand by contract labour? Discuss the extent and application of Contract labour Act, 1970. (3)

**Ans**.It extends to whole of India. It applies to the firm where 20 or more workmen employed on any day in the preceding 12 months.

1. Explain Indian constitution. (3)

**Ans.**

CONSTITUTION

GOVERNMENT THE PEOPLE

LEGISLATIVE makes

JUDICIARY

EXECUTIVE

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**Section B**

1. What are the provisions under Standing Orders Act, 1946? (4)

Ans.

3. Submission of draft standing orders

4. Conditions for certification of standing orders

5. Certification of standing orders

6. Appeals

7. Date of operation of standing orders

8. Register of standing orders

9. Posting of standing orders

10. Duration and modification of standing orders

10-A. Payment of subsistence allowance

11. Certifying Officers and appellate authorities to have power of Civil Court

12. Oral evidence in contradiction of standing orders not admissible

12-A. Temporary application of model standing orders

13. Penalties and procedure

13-A. Interpretation, etc., of standing orders

13-B. Act not to apply to certain industrial establishments

14. Power to exempt

14-A. Delegation of powers

15. Power to make rules

2. Discuss the special provisions under Payment of Wages Act, 1936. (4)

**Ans.**

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