

**B.A.LL.B. Five Years Course Semester—VIII (C.B.S.) Examination****LABOUR LAWS—II****Compulsory Paper—4**

Time : Three Hours]

[Maximum Marks : 80

**N.B. :**— (1) Attempt all Sections.Section A consists of **10** marks.Section B consists of **30** marks.Section C consists of **40** marks.

- (2) Follow the instructions given in each Section.
- (3) Marks are indicated against each question.

**SECTION—A**1. Choose the correct alternative (any **ten**) :—

1×10=10

- (i) Under Factories Act 1948, an adolescent means a person who has completed his "fifteenth year of age but has not completed his eighteenth year."
  - (a) Correct Statement
  - (b) Incorrect statement
  - (c) Partly incorrect statement because an adolescent must have completed his "tenth" year of age but not eighteenth year.
  - (d) None of the above.
- (ii) Minimum rates of wages may be fixed by :
  - (a) The hour
  - (b) The day
  - (c) The month
  - (d) Any of the above wage periods.
- (iii) In the Child Labour (Prohibition and Regulation) Act, 1986, in relation to an establishment, an occupier is a person who \_\_\_\_\_.
  - (a) Is in occupation of the establishment
  - (b) Has the ultimate control over the affairs of the establishment
  - (c) Has allowed any other person to occupy the establishment
  - (d) Is a tenant in the establishment.

(iv) An employee is entitled to Gratuity :

- (a) On his retirement
- (b) On his superannuation
- (c) On his death, disablement due to accident or disease
- (d) Any of the above.

(v) Ardeshir H. Bhiwandiwalla.

v/s

State of Bombay AIR 1962 SC 29 is a case with regard to :

- (a) Factory
- (b) Establishment
- (c) Manufacturing process
- (d) All of the above.

(vi) The object of the E.S.I Act, 1948 is :

- (a) To provide for certain benefits to employees in case of sickness, maternity and employment injury
- (b) To consolidate and amend the law regulating labour in factories
- (c) To provide for fixing minimum rates of wages in certain employment
- (d) To provide for bonus on the basis of profits or on the basis of production or productivity

(vii) The following is not an ingredient for constituting "permanent partial disablement" :

- (a) A disablement
- (b) Temporary nature of disablement
- (c) Must reduce the earning capacity of an employee
- (d) Permanent nature of the disablement.

(viii) An employee who is dismissed from service for \_\_\_\_\_ shall be disqualified for bonus :

- (a) Fraud
- (b) Riotous or violent behaviour while on the premises of the establishment
- (c) Theft, misappropriation or sabotage
- (d) Any one of the above.

- (ix) A workshop in which articles are produced or manufactured with a view to their use, transport or sale is an industrial establishment \_\_\_\_\_ (Payment of Wages Act 1936).
- (a) True
  - (b) False
  - (c) Partly true
  - (d) Partly false.
- (x) Under the E.C. Act, 1923 a \_\_\_\_\_ of a deceased workman falls within the scope of the term "dependent."
- (a) Son or daughter who has attained the age of 18 years and who is infirm
  - (b) Minor brother or unmarried or widowed sister
  - (c) Widow
  - (d) All of the above.
- (xi) There shall be no liability of the employer to pay compensation, if the accident causing injury to workman has taken place \_\_\_\_\_.
- (a) Due to the fact that the 'injured workman was under the influence of drink or drugs
  - (b) Due to the wilful disobedience of the injured workman to an express order for the purpose of securing the safety of workmen
  - (c) Due to wilful disregard by the workman of any safety guard or device
  - (d) Any one of the above.
- (xii) Shri Mahila Griha Udyog Lijjat Pappad  
v/s  
Union of India.  
1999 SCC (L & S) 1046 is a landmark case under which of the following act \_\_\_\_\_.
- (a) Employee's Compensation Act, 1923
  - (b) Employees Provident Fund and Misc. Provisions Act, 1952
  - (c) Payment of Bonus Act, 1965
  - (d) Payment of Minimum Wages Act, 1948.

- (xiii) Section \_\_\_\_\_ of the Maternity Benefit Act, 1961 prohibits during absence or pregnancy.
- Section 12
  - Section 13
  - Section 5
  - Section 14.
- (xiv) 8.33 % is the \_\_\_\_\_ bonus under the Payment of Bonus Act, 1965.
- Maximum Bonus
  - Minimum Bonus
  - Both (a) and (b)
  - Neither (a) nor (b).
- (xv) For the purpose of Child Labour (Prohibition and Regulation) Act, 1986, the term "day" means \_\_\_\_\_.
- A period of 12 hours beginning at 6 am and closing at 6 pm
  - A period of 24 hours beginning at mid-night
  - A period of 8 hours beginning at 10 am and closing at 6 pm
  - A period of 6 hours beginning at 10 am and closing at 4 pm.

### SECTION—B

#### (Short Answer Questions)

2. Answer the following (any **three**) : 5×3=15
- The constitutional provisions regarding child labour
  - Explain : Partial Disablement
  - The Constitutional Goal is to achieve the Living Wage as enshrined under Article 43. – Explain.
  - Salient features of Maternity Benefit Act, 1961.
3. Answer the following (any **three**) : 5×3=15
- Define the term Employee under Employee Compensation Act, 1923.
  - Manufacturing process under Factories Act, 1948.
  - What are the powers of the Commissioner under the Employees Compensation Act, 1923 ?
  - Set on and set off of allocable surplus under the Payment of Bonus Act, 1965.

**SECTION—C**

Answer the following (any **five**) :—

8×5=40

4. Explain the provisions relating to Health, safety and welfare measures under the Factories Act, 1948.
5. Explain the Doctrine of Notional Extension and Doctrine of Added Peril in relation to Employer's liability under Employees Compensation Act, 1923.
6. Explain :
  - (a) Social Insurance
  - (b) Social Assistance.
7. Explain the benefits which can be availed by the workman under Employees State Insurance Act, 1948.
8. Explain the terms Minimum Wage and Fair Wage. Explain how the Minimum Wage is fixed or revised under the Act ?
9. What is the concept of Gratuity ? What are its salient features ?
10. What is the object of the Payment of Wages Act, 1936 ? What are the permissible deductions under the Act ? Explain.
11. Explain the aim and object of the Employees Provident Fund and Miscellaneous Provisions Act, 1952.