

**Fourth Semester LL.B. Three Years Course (C.B.S.) Examination****LABOUR LAW-II****Compulsory Paper—3**

Time : Three Hours]

[Maximum Marks : 80

**Note :—** (1) Attempt **ALL** Sections. Section-A consists of **10** marks. Section-B consists of **30** marks and 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) As per the Factories Act, 1948, “child” means a person who has not completed his \_\_\_\_\_ year of age.

(a) Fourteenth

(b) Fifteenth

(c) Sixteenth

(d) Eighteenth

(ii) Where permanent total disablement results from the injury an amount equal to \_\_\_\_\_ percent of the monthly wages of the injured employee multiplied by the relevant factor, or an amount of \_\_\_\_\_ thousand rupees, whichever is more is payable under the Employees Compensation Act, 1923.

(a) 60%, Rs. 1,40,000

(b) 50%, Rs. 50,000

(c) 50%, Rs. 60,000

(d) 60%, 1,20,000

(iii) Which year the latest amendment in the Payment of Bonus Act was carried ?

(a) 2014

(b) 2015

(c) 2016

(d) 2013

(iv) No contribution by the employee for getting benefits under which of the following legislations ?

(a) Maternity Benefit Act, 1961

(b) Employees Compensation Act, 1923

(c) Both (a) and (b)

(d) None of the above

(v) Which of the legislations in India is governed by a tripartite organization consisting of representatives of labour, management and Government ?

(a) Industrial Disputes Act, 1947

(b) Employees State Insurance Act, 1948

(c) Maternity Benefit Act, 1961

(d) Payment of Bonus Act, 1965

- (vi) A day under the Child and Adolescent Labour Act (Prohibition and Regulation) 1986 is considered as :
- (a) Twelve noon (b) Midnight
- (c) 6.00 AM in the morning (d) 6.00 PM in the evening
- (vii) Which of the following do not come under the definition of Basic Wages under the Employees Provident Fund and Misc. Provisions Act, 1952 ?
- (i) All emoluments which are earned by an employee while on duty in accordance with the terms of contract of employment and which are paid or payable in cash.
- (ii) The cash value of any food concession.
- (iii) Any DA, HRA, Overtime allowance, bonus, commission or other similar allowance payable to the employee in respect of his employment or of work done in such employment.
- (iv) Any presents made by the employer.
- (a) (i) and (ii) (b) (ii) and (iv)
- (c) (i), (ii) and (iii) (d) (ii), (iii) and (iv)
- (viii) As per Factories Act, 1948 a factory does not include which among the following ?
- (i) a mine subject to the operation of the Mines Act, 1952.
- (ii) a mobile unit belonging to the Armed Forces of the Union.
- (iii) a railway running shed.
- (iv) a hotel, restaurant or eating place.
- (a) (i) and (ii) only (b) (i), (ii) and (iii) only
- (c) (i), (ii), (iii) and (iv) (d) (i), (ii) and (iv)
- (ix) The scheme defined under 2(-i-b) of the Employees Provident Fund and Misc. Provisions Act, 1952 is :
- (a) Pension Scheme (b) Provident Fund Scheme
- (c) Family Pension Scheme (d) None of the above
- (x) The Payment of Wages Act, 1936 is applicable to \_\_\_\_\_.
- (a) Whole of India
- (b) Whole of India excluding Jammu and Kashmir
- (c) Only J & K
- (d) None of the above
- (xi) What is the qualifying service to claim gratuity ?
- (a) 15 years (b) 3 years
- (c) 2 years (d) None of the above

- (xii) Which of the authorities have power to hear and decide the claims u/s 20 of the Minimum Wages Act, 1948 ?
- Commissioner, Employees Compensation Act.
  - Any officer of the Central Government exercising functions as a labour commissioner.
  - Judge of a High Court
  - Only (a) and (b)
- (xiii) Under the Employees Compensation Act, 1923, the employer shall not be liable to pay compensation in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding \_\_\_\_\_ days.
- Seven
  - Three
  - Five
  - Two
- (xiv) Factory means any premises including the precincts where on \_\_\_\_\_ or more workers are working or were working on any day of preceding twelve months and in any part of which manufacturing process is being carried on with the aid of power.
- 10
  - 20
  - 15
  - 25
- (xv) Which of the methods are mentioned in Section 5 of the Minimum Wages Act, 1948 for fixation/revision of minimum wage ?
- Committee method
  - Notification method
  - Voting method
  - Both (a) and (b)

### SECTION—B

**Note :—** Both the questions in this section are compulsory.

2. Answer the following (any **THREE**) :— 5×3=15
- Write a note on the Whitley Commission.
  - What is the role of Commissioner under the Employees Compensation Act, 1923 ?
  - What are the benefits given to a woman under the Maternity Benefit Act, 1961 ?
  - What are the constitutional rights of a child ?
3. Write short notes on (any **THREE**) :— 5×3=15
- Concept of social security.
  - Manufacturing process under the Factories Act, 1948
  - Minimum Wage, Fair Wage, Living Wage.
  - Set on and set off of allocable surplus.

**SECTION—C**

**Note :—** Answer any **FIVE** questions of the following.

8×5=40

4. State and illustrate the principle of notional extension of time in the light of Saurashtra Salt Manufacturing Company *v/s* Bai Valu Raja.

AIR 1958 SC 881.

5. What is the object of the Employees State Insurance Act ? How is the adjudication of disputes and claims done under the Act ?
6. State the object of the Minimum Wages Act. How are claims settled under the Act ?
7. Write an explanatory note on the salient features of the Maternity Benefit Act, 1961.
8. What does the term Gratuity mean ? Explain the salient features of the Act.
9. Define the expression Wages under the Payment of Wages Act, 1936. What are the various legitimate deductions under the Act ? In case of absence from duty, can wage be deducted as a deduction ?
10. State the object and scope of the Employees Provident Fund and Misc. Provisions Act, 1952. Explain briefly the salient features of the Act.
11. Write short notes on :—
- (a) Doctrine of Added Peril
  - (b) Employee under the Minimum Wages Act, 1948.