

NRT/KS/19/7521

Fourth Semester LL.B. Three Years Course (CBS) Examination

LABOUR LAW-II

Compulsory Paper—3

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 alternatives (any **ten**) :
- (i) No employer can pay less than the _____ to any employee.
 - (a) Agreed Wages
 - (b) Earnings
 - (c) Trade Union Demand
 - (d) Minimum Wages
 - (ii) As per Payment of Wages Act, 1936 payment of wages in kind is _____.
 - (a) not permitted
 - (b) permitted after obtaining written permission from authority
 - (c) always permitted
 - (d) permitted for employees earning less than 5000 per month
 - (iii) Labour Laws enacted by Central Government must be enforced by _____.
 - (a) State Government
 - (b) Central Government
 - (c) Both State and Central Government
 - (d) None of the above
 - (iv) Which of the following is not a method for fixing minimum wages under the Minimum Wages Act, 1948 ?
 - (a) Notification method
 - (b) Committee method
 - (c) Bargaining method
 - (d) None of the above
 - (v) No contribution is required for getting benefit under which of the following legislations ?
 - (a) Maternity Benefit Act, 1961
 - (b) Workmen's Compensation Act, 1923
 - (c) Both under (a) and (b)
 - (d) None of the above
 - (vi) The Bhopal Gas tragedy led to an amendment under which of the following legislations ?
 - (a) Factories Act, 1948
 - (b) Mines Act
 - (c) Plantation Labour Act
 - (d) None of the above
 - (vii) Which of the following is not included under the definition of wages given under Payment of Wages Act, 1936 ?
 - (a) Basic Wage
 - (b) Dearness allowance
 - (c) Incentives
 - (d) Gratuity
 - (viii) What is the minimum number of days that a woman should have worked in an establishment before claiming the maternity benefit ?
 - (a) 365 days
 - (b) 120 days
 - (c) 80 days
 - (d) 240 days
 - (ix) If any employee is found guilty of misconduct causing financial loss to the employer, then it is lawful for the employer to deduct the amount of loss from the amount of bonus payable by him to the employee.
 - (a) True
 - (b) False
 - (c) Neither (a) nor (b)
 - (d) Both (a) and (b)

- (x) When did Factories Act, 1948 come into force ?
(a) 23rd Sept., 1948 (b) 1st April, 1949
(c) 4th April, 1949 (d) 12th Sept., 1948
- (xi) Full bench formula was given by the Labour Appellate Tribunal in which of the following cases ?
(a) Mill Owner's Association Bombay vs. Rashtriya Mazdoor Mill Sangh
(b) Construction Employees Union vs. Indian Hume Pine Co. Ltd.
(c) Ahmedabad Project, ONGC Sabarmati vs. Sham Kumar Sahegal (died) by his legal Representatives
(d) Jalan Trading Company vs. Mill Mazdoor Sabha
- (xii) According to Section _____ of the Factories Act, 1948. 'Adult' is a person who has completed eighteenth year of age.
(a) 2(a) (b) 2(b)
(c) 2(c) (d) 2(j)
- (xiii) The concept of continuous service has been discussed under Section 2-A of which Act ?
(a) Maternity Benefit Act, 1961 (b) Payment of Gratuity Act, 1972
(c) Minimum Wages Act, 1948 (d) None of the above
- (xiv) The Hon'ble Supreme Court in which case held that the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 would be applicable even in respect of home workers engaged through contractors.
(a) Mangalore Gandhi Beedi Works vs. Union of India AIR 1974 SC 1832
(b) Rakesh Kumar vs. National Hydro Electric Power Corporation AIR 2002 H.P. 70 (DB)
(c) Both (a) and (b)
(d) None of the above
- (xv) An employee is entitled to gratuity on his :
(a) Superannuation
(b) Retirement or resignation
(c) Death or disablement due to accident or disease
(d) All of above

1×10=10

SECTION-B

(Short answer questions)

2. Answer the following questions (any **three**) :
- (a) Discuss eligibility for bonus under the Payment of Bonus Act, 1965.
(b) Explain the manner and procedure of fixing and revising minimum rates of wages.
(c) Explain the following :
(a) Authorised deduction.
(b) Penal Liability under Payment of Wages Act, 1936.
(d) Explain 'Hazardous Process' under The Factories Act, 1948. 5×3=15
3. Write short notes on the following (any **three**) :
- (a) Concept of Gratuity.
(b) Constitutional provisions with regard to child labour.
(c) Standing Committee and Medical Benefit Council.
(d) Conditions for claiming benefits under Maternity Benefit Act, 1961. 3×5=15

SECTION–C

(Long Answer Questions)

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

4. Discuss the salient features of the Minimum Wages Act, 1948. Write a note on the Constitutional Validity of the Act.
5. What is 'Bonus' ? How the bonus is calculated and paid under the Payment of Bonus Act, 1965 ?
6. Discuss the liability of employer for injury caused to the workmen during the employment under Employee's Compensation Act, 1923.
7. State the provisions of Factories Act with regard to safety and welfare of the labour.
8. Explain salient features of Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and schemes framed thereunder.
9. Explain the welfare of labour and social security.
10. What are the different benefits under the Employees State Insurance Act, 1948 ? Explain.
11. Discuss the salient features of the Child Labour (Prohibition and Regulation) Act, 1986.

8×5=40