

Roll No.....

Time allowed : 3 hours

Maximum marks : 100

Total number of questions : 6

Total number of printed pages : 4

NOTE : Answer **ALL** Questions.

PART – A

1. Write notes on the following :

- (a) 'Manufacturing process' under the Factories Act, 1948.
- (b) 'Industrial dispute' under the Industrial Disputes Act, 1947.
- (c) 'Same work or work of a similar nature' under the Equal Remuneration Act, 1976.
- (d) Time limit for the payment of bonus under the Payment of Bonus Act, 1965.
- (e) 'Employer' under the Industrial Employment (Standing Orders) Act, 1946.

(5 marks each)

Attempt all parts of either Q.No. 2 OR Q.No. 2A

2. (a) Enumerate the circumstances under which an employer is not liable to pay compensation to an employee under the Employees' Compensation Act, 1923.
- (b) Distinguish between 'premises' and 'precincts' under the Factories Act, 1948.
- (c) "Maternity benefits are aimed to protect the dignity of motherhood by providing for full and healthy maintenance of woman and her child when she is not working." Comment and refer to the relevant provisions of the Maternity Benefit Act, 1961 in support of your answer.

(5 marks each)

OR (Alternate question to Q.No. 2)

- 2A. (i) What is meant by 'standing orders' ? What is the binding force of certified standing orders under the Industrial Employment (Standing Orders) Act, 1946 ?
- (ii) Distinguish between 'partial disablement' and 'total disablement'.

(5 marks)

(5 marks)

- (iii) Enumerate salient features of the landmark decision of the Supreme Court in Bangalore Water Supply and Sewerage Board Vs. A. Rajiappa, which laid down the criteria to determine whether an activity is covered by the definition of 'industry' under the Industrial Disputes Act, 1947.

(5 marks)

3. (a) What are the obligations of employers and apprentices under the Apprentices Act, 1961 ?
- (b) Mention special provisions of the Factories Act, 1948 relating to hazardous processes.
- (c) Some workers were employed in an establishment as 'contract labour'. Meanwhile, the appropriate government issued a notification in the official gazette abolishing contract labour system in certain establishments and these workers were covered in the said notification. The said workers demanded that the principal employer was under an obligation to absorb them.

Is it mandatory for the principal employer to absorb the said contract labour working in the establishment concerned as a necessary implication of the government notification ? Give reasons and refer to case law, if any, in support of your answer.

(5 marks each)

4. Attempt the following stating the relevant legal provisions and case law, if any :
- (a) Rohit was dismissed from service for indulging in violent behaviour while on the premises of the establishment and disqualified from receiving bonus under the Payment of Bonus Act, 1965. He claimed that he cannot be denied bonus for the period prior to the accounting year in which the dismissal has taken place. Will Rohit succeed ?
- (5 marks)*
- (b) Birju was employed in a scheduled employment and was offered wages at a rate lower than the minimum wages. The employer did not respond positively to his plea of being given the minimum wages. The employer pleaded that the employee had agreed to the conditions of service and moreover, the establishment was running at a loss.

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Birju intends to challenge the contention of his employer. Will he succeed ? Refer to relevant provisions of the Minimum Wages Act, 1948 and case law, in support of your answer.

(5 marks)

- (c) Workers in an industry went on strike in support of their demands. Irritated by their decision, the employer declared a lock-out. Are the workmen entitled to wages for the strike period ? Give reasons and refer to case law, if any, in support of your answer.

(5 marks)

PART – B

5. Write notes on the following :

- Fundamental right against exploitation
- Fundamental duties
- The 'mischief rule' in the interpretation of statutes
- 'Pith and substance rule' in the interpretation of legislative lists
- Preventive detention.

(3 marks each)

Attempt all parts of either Q.No. 6 OR Q.No. 6A

6. (a) Ashok, in a suit to which Beena, his alleged wife is the defendant, seeks a declaration that his marriage was duly solemnised and prays for an order of restitution of conjugal rights. The court makes the declaration and order of restitution of conjugal rights. Chandan, a third party, claiming that Beena is his wife, sues Ashok for the recovery of Beena. Is the declaration made in the former suit binding upon Chandan ?
Give reasons and refer to relevant provisions of the Specific Relief Act, 1963.
- (b) Ramu, a proclaimed offender, was arrested by Suresh, a private person and handed over to the police. Is the action of Suresh legally valid ? Give reasons in support of your answer and refer to relevant provisions of the Code of Criminal Procedure, 1973.
- (c) What are the categories of information which have been exempted from disclosure under the Right to Information Act, 2005 ?

(5 marks each)

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OR (Alternate question to Q.No. 6)

- 6A.** (i) "All confessions are admissions, but not *vice versa*." Discuss.
- (ii) "Where once time has begun to run, no subsequent disability or inability to institute a suit or make an application can stop it." Discuss.
- (iii) Mention the duties of Public Information Officer (PIO) designated under the Right to Information Act, 2005.

(5 marks each)

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