

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) 'Employment injury' under the Employees' State Insurance Act, 1948.
- (b) Benefits of labour audit.
- (c) Certification of Standing Orders and their binding force under the Industrial Employment (Standing Orders) Act, 1946.
- (d) Provisions relating to prohibition of child labour under the Child Labour (Prohibition and Regulation) Act, 1986.
- (e) Contract of apprenticeship under the Apprentices Act, 1961.

(5 marks each)

*Attempt all parts of either Q.No. 2 or Q.No. 2A*

2. (a) Explain the scope and object of the Maternity Benefit Act, 1961.
- (b) Mention the procedure for the fixation and revision of minimum rate of wages under the Minimum Wages Act, 1948.
- (c) Distinguish between 'individual dispute' and 'industrial dispute' under the Industrial Disputes Act, 1947.

(5 marks each)

*OR (Alternate question to Q.No. 2)*

- 2A. (i) "Accident alone does not entitle a workman to claim compensation. It must arise out of and in the course of employment." Comment.
- (ii) Enumerate the important principles governing a domestic inquiry involving an industrial dispute.
- (iii) Distinguish between 'minimum bonus' and 'maximum bonus' under the Payment of Bonus Act, 1965.

(5 marks each)

3. (a) "The Industrial Disputes Act, 1947 is designed to provide a self-contained code to compel the parties to resort to industrial arbitration for the resolution of existing or apprehended disputes." Discuss.  
(5 marks)
- (b) Explain the jurisdiction of industrial tribunals to abolish contract labour under the Contract Labour (Regulation and Abolition) Act, 1970.  
(5 marks)
- (c) Raj was a member of the Board of directors of a company. On being made liable for an offence punishable under the Factories Act, 1948, he contended that he was not an 'occupier' of the factory of the company and hence, he was exempt from any liability. Will Raj succeed in his contention ? Give reasons referring to the case law on the point.  
(5 marks)
4. Attempt the following stating the relevant legal provisions and case law, if any :
- (a) Ramu has been employed in a factory as a part-time sweeper to clean the floors twice during the day. The Provident Fund Inspector visited the factory premises and raised objection for non-inclusion of his name in the muster roll and not paying provident fund contributions.  
Is Ramu an 'employee' under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 ? Is the objection raised by the Provident Fund Inspector valid ?
- (b) Jeetu was working in a unit of the establishment which was engaged in the procurement of *ghee* from various suppliers, sampling it chemically, analysing and packing in tins for transportation to the head office of the establishment for sale in the market. Jeetu contended that he is working in a factory and engaged in the 'manufacturing process' and hence should not be discriminated against other workers.  
Is Jeetu engaged in a 'manufacturing process' ? Is he entitled to all the protections under the Factories Act, 1948 ?
- (c) Mahesh retired on 30<sup>th</sup> September, 2013 on attaining the age of superannuation. After his retirement, it was noticed that he had misappropriated travelling allowance drawn by him. The employer was visibly offended and took a decision to deduct the misappropriated amount from the amount of gratuity which was still payable to him. What are the provisions of the Payment of Gratuity Act, 1972 relating to the forfeiture of gratuity ? Is the action of the employer tenable under the Act ?  
(5 marks each)

**PART – B**

5. Write notes on the following :

- (a) Right to education
- (b) Writ of *habeas corpus*
- (c) Remedies for the enforcement of fundamental rights
- (d) Rule of harmonious construction in the interpretation of statutes
- (e) Delegated legislation.

(3 marks each)

*Attempt all parts of either Q.No. 6 or Q.No. 6A*

6. (a) Amit and Brij are jointly tried for the murder of Nirmala. It is proved that Amit had said, "Brij and I had murdered Nirmala." Does it amount to a confessional statement ? Can the court consider the effect of this statement as against Brij ? Give reasons and refer to relevant provisions of the Indian Evidence Act, 1872.
- (b) "The right to impart and receive information is a species of the right to freedom of speech and expression." Discuss.
- (c) Write a note on *mens rea* as a fundamental principle of penal liability.

(5 marks each)

*OR (Alternate question to Q.No. 6)*

- 6A. (i) "No one shall be vexed twice for the same cause." Comment.

(5 marks)

- (ii) Write a note on the principle of *estoppel* as a rule of evidence.

(5 marks)

- (iii) Bharat Mills was engaged in a hazardous and inherently dangerous activity. The enterprise had, however, taken all the necessary steps to ensure that no dangerous fume or gas escapes and causes harm to the persons and property of the neighbouring areas. Due to a technical fault, the poisonous fumes and gas adversely affected the health of thousands of persons and damaged the property of neighbourhood. On being held liable to pay damages for non-natural use of land, the company's directors contented that they had taken all the reasonable steps to prevent any leakage and that there was no negligence whatsoever on their part.

Will the company's directors succeed in their contention and escape the natural consequences of the inherently dangerous activity ? Give reasons in support of your answer and refer to the relevant case law, if any.

*(5 marks)*