

person sitting inside the vehicle to come down. Due to illness deceased driver took sometime to come down which infuriated Army personnel who fired at him resulting in his death, decide by citing the law, if the accident has a occurred arising out of and in the course of his employment and the compensation payable to dependents. (6)

(400)

[This question paper contains 6 printed pages.]

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Your Roll No. ....

M.COM. : SEMESTER - IV (NC) F-I

Paper No. - MN-442

Industrial Law

Time : 3 Hours

Maximum Marks : 100

(Write your Roll No. on the top immediately on receipt of this question paper.)

1. (a) Discuss the provisions related to employees deposit-linked insurance scheme, 1976. (6)
- (b) State giving reasons and citing relevant case laws whether the following will be considered as employees under EPF & MP act 1952
  - (i) Piece rate workers
  - (ii) Partners of a firm
  - (iii) Home workers
  - (iv) Part time workers (8)

P.T.O.

(c) State giving reasons and citing relevant case laws whether the following form a part of basic wages or not under EPF & MP Act, 1952

(i) Ex-gratia payment

(ii) Inam

(iii) Retaining Allowance (6)

OR

(d) Discuss the provisions of the EPF Act, 1952 relating to protection against attachment. (8)

(e) Discuss the provisions related to Basic Wages of EPF & MP Act, 1952. Who cannot claim compensation as per Employee's Compensation Act, 1923 ? (6)

(f) Discuss the schemes provided under the Employees Provident fund and Miscellaneous Provisions Act. (6)

2. (a) Differentiate between Retirement and Superannuation under Payment of Gratuity Act, 1972. (8)

(b) Who cannot claim compensation as per Employee's Compensation Act, 1923 ? (4)

(c) Comment on the applicability of the Payment of Gratuity act in case of the following :

(i) Educational institutions

(ii) Temple (4+4)

OR

Under what circumstances is gratuity payable ? How is the amount of gratuity payable calculated and who is eligible to receive this amount ? Discuss the provisions related to all of the above strictly in context of payment of Gratuity Act, 1972. (20)

3. With reference to the relevant legal enactments, write short notes on any **four** of the following : (5×4)

(i) Provisions relating to 'hazardous processes' under the Factories Act, 1948.

(ii) Concept of 'continuous service' under the Payment of Gratuity Act, 1972.

(iii) Employees' Insurance Court constituted under the Employees' State Insurance Act, 1948.

- (iv) Unfair labour practices on the part of workmen and trade unions of workmen under the Industrial Disputes Act, 1947.
- (v) 'Award' and 'Settlement' under the Industrial Disputes Act, 1947.
4. (a) Discuss the provisions regarding registration of Trade Union and cancellation of registration of Trade Uninviting the relevant case laws.
- (b) State briefly the provisions under the Factories Act, 1948 regarding working hours and weekly holidays.
- (c) Explain the object and scope of the Industrial Disputes Act, 1947. (7+7+6)

**OR**

- (d) Discuss the concept of manufacturing process, factory and occupier under the factories act. (10)
- (e) Discuss the provisions of the Factory act, 1948 relating to welfare and safety of workers. (10)

5. (a) No office bearers / member of a registered trade union shall be liable to punishment under section 120B (2) of Indian Penal Code, 1860 in respect of any agreement made between the members of trade unions, unless an agreement is to comment an offense. Whether the office bearers are given protection against criminal proceedings for conspiracy under Indian Penal Code for their acts.
- Discuss citing the relevant case law. (10)
- (b) State the provisions relating to distribution of compensation under Workmen Compensation Act. (10)

**OR**

- (c) Distinguish between the provisions of Employees Compensation Act, 1923 and the ESI Act, 1948. (14)
- (d) The deceased working as a driver after loading his truck fell ill on his way and asked cleaner to drive his truck. In the early morning hours some army personnel stopped vehicle and asked the