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Your Roll No. :

Sl. No. of Q. Paper : 4099 G

Unique Paper Code : MN-442

Name of the Course : **M.COM.**

Name of the Paper : Industrial Law

Semester : IV (NC)

Time : 3 Hours **Maximum Marks : 100**

Instructions for Candidates :

- (a) Write your Roll No. on the top immediately on receipt of this question paper.
- (b) **All** questions carry equal marks.
- (c) Credit will be given for answer supported by case laws, if any.

1. Answer the following queries citing case law, if any. Each carry equal mark. 1×20=20

- (a) What are the three main objectives of Factories Act 1948 ?

P.T.O.

- (b) Whether the Establishments providing Consultancy services will be covered under the ESI act 1948.
- (c) Whether Home worker is employee under EPF & MP Act 1952 ?
- (d) What is the difference between contribution period and benefit period ?
- (e) Whether Director of a company is employee under EPF & MP Act 1952 ?
- (f) Whether partners of firm are employee under EPF & MP Act. 1952 ?
- (g) What are the monthly contribution rates of employer to different schemes under EPF & MP Act, 1952 ?
- (h) Whether the publication and press department of a University is a Factory under Factory Act 1948 ?
- (i) State the Administrative agencies under the Factories Act. 1948.
- (j) What are the weekly hours of work in a factory under the factories Act. 1948 ?

- (k) Whether home workers rolling beedis at home are employees under the ESI Act 1948?
- (l) Whether Cinemas & Theatres are covered under the ESI Act. 1948 ?
- (m) Which authority enforces the Factories Act 1948 ?
- (n) Whether EPF & MP act, 1952 applies to Newspaper Establishment ?
- (o) Whether an advertising agency is a shop to attract the applicability of the ESI Act 1948 ?
- (p) Can an employee insured under ESI Act 1948 claim compensation under Workmen's Compensation Act, 1923 ?
- (q) Is the salt making in open fields a manufacturing process ?
- (r) Whether the use of LPG in the restaurants will be treated as use of power under ESI Act, 1948 ?

- (s) Whether the Conversion of high voltage electricity to low voltage is manufacturing process under Factories Act, 1948 ?
- (t) What are the wings of ESIC ?

OR

- (a) Briefly explain the salient features of Pension scheme and Deposit link Insurance scheme under EPF & MP Act, 1952. 10
 - (b) Explain the provisions of the ESI Act, 1948 relating to the Employees State Insurance Fund and the purpose for which it may be used. 10
2. (a) Define the concept of manufacturing process, worker and factory under the Factories Act, 1948. 10
- (b) Explain the provisions ESI Act, 1948 relating to the powers and duties of ESI corporation and Medical Benefit Council. 10

OR

- (a) Differentiate between - (i) Lay-off and Lock out and (ii) Closure and Lock out. 10
- (b) An electrician who had to go frequently to a heating room from cooling plant, contracted pneumonia, which resulted in his death. If the dependents of the deceased workmen were entitled compensation under the Workmen's compensation Act, 1923 ? 5
- (c) Bipul Gogoi was appointed as a driver of a vehicle bearing registration no. As-09/2289 by the third respondent. He reported to his duty at about 9.30 am on 09.10.1996. He was since then not heard by the members of his family or by his employer. The vehicle was not traced. No dead body found. Whether the said Bipul Gogoi is dead or alive is not certain. Provide the judgment under Workmen's compensation Act and decide whether compensation was entitled under the act. Cite the case. 5

3. (a) Discuss the provision relating to Payment of Gratuity. Under what situation Gratuity can be forfeited ? 10
- (b) Discuss the provisions of Factories Act, 1948 relating to Employment of Young Persons. 10

OR

- (a) The employee was assaulted at the bus stop while he was waiting for the bus to his house. Can the injury, which the employee in this case sustained due to the assault of strangers on his way to his house from the factory, be said to have its origin in the employment as per the ESI Act, 1948 ? 5
- (b) On inspection of the premises, the enforcement officer of PF Organization found the strength of employees to be 22 which included 3 directors of the company who get remuneration from the company. He recommended that the respondent that the respondent company be covered by the EPF Act. The respondent company challenged the coverage. Decide. 5
- (c) Would you treat the following as 'workmen' under the Industrial Disputes Act, 1947 ? Cite cases, if any. 5
- (i) Ex-employees

- (ii) Teachers
- (iii) Malis employed by mill for looking after garden attached with officer bungalows which are situated in mill's colony.
- (iv) Persons employed mainly in managerial and administrative capacity.
- (v) Employed in police service or as an officer or other employee of a prison.
- (d) A union of the dock workers demanded higher wages for its members from the mill-owners. But the mill owners contented that they could not pay higher wages due to cutthroat competition from crofters who wove yarn imported from nearly island. At this the union asked the members not to handle such yarn or cloth made out of it. It injured the trade of many producers of tweed who were using imported yarn. They brought action against the union officials for tort of conspiracy. If the union officials were liable ? 5
- 4. (a) Discuss the provisions relating to Registration and Cancellation of Registration of Trade Union under Trade Unions Act, 1926 10
- (b) Explain the Provisions of the Employees State Insurance Act, 1948 relating to the Employees State Insurances Court. 10

OR

(a) Differentiate between Employee's compensation Act, 1923 and ESI Act 1948.

10

(b) Discuss the provision of the EPF & MP Act, 1952 relating to constitution composition and functions of the Central Board.

10

5. Write short notes on any **four** of the following :

5×4=20

(i) The provisions relating to Illegal strikes and lock outs.

(ii) Commissioner under Workmen's Compensation Act, 1923

(iii) General Funds under Trade Union Act, 1926

(iv) Trade Union Act Vs. Industrial Disputes Act.

(v) Inspectors in the Factories Act, 1948.

(vi) Privileges of Registered Trade Union.