

INDUSTRIAL, LABOUR AND GENERAL LAWS

Lesson 1 Factories Act, 1948

- The law relating to factories is governed under the Factories Act, 1948.
- The Act has been enacted primarily with the object of protecting workers employed in factories against industrial and occupational hazards. For that purpose, it seeks to impose upon the owner or the occupier certain obligations to protect the workers and to secure for them employment in conditions conducive to their health and safety.
- It applies to factories covered under the Factories Act, 1948. The industries in which ten (10) or more than ten workers are employed on any day of the preceding twelve months and are engaged in manufacturing process being carried out with the aid of power or twenty or more than twenty workers are employed in manufacturing process being carried out without the aid of power, are covered under the provisions of this Act.
- The State Governments assume the main responsibility for administration of the Act and its various provisions by utilizing the powers vested in them.
- The State Governments carry out the administration of the Act through Inspecting Staff; Certifying Surgeons; welfare Officers; Safety Officers
- The Act stipulates measures to be taken by factories for health, safety and welfare of the workers, that apart it also lays down the provisions relating to working hours of adult workers, both male and female. However, certain additional restrictions have been imposed on the working hours of female workers.
- If there is any contravention of any of the provisions of this Act or any rules or order made thereunder, the occupier and manager shall each be guilty of an offence and punishable with imprisonment for a term which may extend to two years or with fine which may extend to Rs. One lakh or with both and if the contravention is continued after conviction, with a further fine of Rs. One thousand for each, day till contravention continues

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State whether the following statement is “True” or “False”

As per the Factories Act, 1948, “Adolescent” means a person who has completed his 15th year of age but has not completed his 21st year.

- True
- False

Correct answer: False

Which of the following are essential elements of a factory?

- (a) There must be premises
- (b) There must be a manufacturing process being carried on at the premises
- (c) There must be ten or more workers where the manufacturing process is being carried on with the aid of power
- (d) There electronic data processing units are installed

Correct answer: (a), (b) and (c)

Piece-rate workers are considered workers as per the definition of ‘Worker’ in the Factories Act, 1948.

- True
- False

Correct answer: True

Which authorities carry out the administration of the Factories Act, 1948, under the supervision of the State Government?

- (a) Inspecting Staff
- (b) Certifying Surgeons
- (c) Labour Officers
- (d) Safety Officers

Correct answer: (a), (b) and (d)

What is the minimum number of workers required in a factory for the mandatory appointment of a Safety Officer?

- (a) More than 100
- (b) More than 500
- (c) Less than 750
- (d) More than 1,000

Correct answer: (d)

To which authority can appeals be made if the Chief Inspector does not grant a license to a factory?

- (a) State Government
- (b) Central Government
- (c) State Licensing Appellate
- (d) Factories Commissioner

Correct answer: (a)

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What is the minimum space to be allocated to each worker as per the Factories Act, 1948?

- (a) 12.2 cubic metres
- (b) 13.2 cubic metres
- (c) 14.2 cubic meters
- (d) 15.2 cubic metres

Correct answer: (c)

Fencing of machinery in use or in motion is not obligatory under Section 21 of the Factories Act, 1948.

- True
- False

Correct answer: False

Which of the following provisions do not come under the 'Welfare Chapter' in the Factories Act, 1948?

- (a) Washing facilities
- (b) Drinking water
- (c) Facilities for sitting
- (d) First-aid appliances

Correct answer: (a)

Who is the Chairman of the Site Appraisal Committee?

- (a) Chief Factory Officer of the State
- (b) Chief Inspector of the State
- (c) Chief Labour Officer of the State
- (d) Chief Welfare Officer of the State

Correct answer: (b)

What is the maximum number of hours in a week that an adult worker is allowed to work for?

- (a) 35 hours
- (b) 40 hours
- (c) 45 hours
- (d) 48 hours

Correct answer: (d)

Who is liable to pay the fee for a Certificate of Fitness?

- (a) The occupier of the factory
- (b) The person himself
- (c) The person's guardian
- (d) Trade Union

Correct answer: (a)

What is the maximum number of hours that a child can be employed for as per the Factories Act, 1948?

- (a) 3½ hours in any day
- (b) 4½ hours in any day
- (c) 5½ hours in any day
- (d) 6½ hours in any day

Correct answer: (b)

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The annual leave with wages cannot be availed for more than 3 times during any year.

Correct answer: True

What is the penalty payable by parents/ guardian for permitting double employment of a child?

- (a) Rs. 500
- (b) Rs. 1,000
- (c) Rs. 2,000
- (d) Rs. 3,000

Correct answer: (b)

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Lesson 2 Minimum Wages Act, 1948

-The Minimum Wages Act empowers the Government to fix minimum wages for employees working in specified employments. It provides for review and revision of minimum wages already fixed after suitable intervals not exceeding five years.

– It extends to the whole of India and applies to scheduled employments in respect of which minimum rates of wages have been fixed under this Act.

– The appropriate government shall fix the minimum rates of wages payable to employees employed in a scheduled employment.

– It may review at such intervals not exceeding five years the minimum rates of wages so fixed, and revise the minimum rates if necessary.

– The employer shall pay to every employee in a scheduled employment under him wages at the rate not less than the minimum rates of wages fixed under the Act.

– The Act also provides for regulation of working hours, overtime, weekly holidays and overtime wages. Period and payment of wages, and deductions from wages are also regulated.

– The Act provides for appointment of the authorities to hear and decide all claims arising out of payment less than the minimum rates of wages or any other monetary payments due under the Act. The presiding officers of the Labour court and Deputy Labour Commissioners are the authorities appointed.

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Lesson 2 Minimum Wages Act, 1948

Choose the correct answer

What does 'Appropriate Government' mean in relation to any scheduled employment?

- (a) The Central Government
- (b) The railway administration
- (c) The municipal administration
- (d) The State Government

Correct answer: (a), (b) and (d)

According to Section 3(2), what does the 'Appropriate Government' fix minimum rate of wages for?

- (a) Time work
- (b) Piece work
- (c) Manual work
- (d) Guaranteed Time Rate

Correct answer: (a), (b) and (d)

State whether the following statement is 'True' or 'False'

The first method used by the 'Appropriate Government' to fix minimum wages in respect of scheduled employment is called the 'Committee Method'.

Correct Answer : True

Under this Act, payment of less than the minimum rates of wages notified by the 'Appropriate Government' is an offence.

- True
- False

Correct answer: True

Choose the correct answer

Under Section 20(1) of the Act, which of the following, may the 'Appropriate Government' appoint as an authority to hear and decide cases related to payment of wages?

- (a) Any Commissioner for Workmen's Compensation
- (b) Any officer of the Central Government exercising functions as Labour Commissioner for any region
- (c) Any officer of the State Government
- (d) All the above

Correct answer: (d)

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Lesson 3 Payment of Wages Act, 1936

- The Payment of Wages Act, 1936 is a central legislation which has been enacted to regulate the payment of wages to workers employed in certain specified industries and to ensure a speedy and effective remedy to them against illegal deductions and/or unjustified delay caused in paying wages to them. It applies to the persons employed in a factory, industrial or other establishment or in a railway, whether directly or indirectly, through a sub-contractor.
- Every employer shall be responsible for the payment to persons employed by him of all wages required to be paid under the Act and every person responsible for the payment of wages shall fix wage-periods in respect of which such wages shall be payable. No wage-period shall exceed one month.
- The wages of every person employed upon or in any railway factory or industrial or other establishment upon or in which less than one thousand persons are employed, shall be paid before the expiry of the seventh day.
- All wages shall be paid in current coin or currency notes or in both. However, the employer may, after obtaining the written authorisation of the employed person, pay him the wages either by cheque or by crediting the wages in his bank account.

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Lesson 4 Equal Remuneration Act, 1976

-Equal Remuneration Act, 1976 provides for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.

– Same work or Work of a similar nature means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment.

– The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act, or in any instrument having effect under any law for the time being in force.

– The Act provides that no employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature and employer shall not reduce the rate of remuneration of any worker.

– Employer while making recruitment for the same work or work of a similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer, shall not make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force.

– It is the duty of every employer required to maintain registers and other documents in relation to the workers employed by him in the prescribed manner.

– If any employer:- (i) makes any recruitment in contravention of the provisions of this Act; or (ii) makes any payment of remuneration at unequal rates to men and women workers for the same work or work of a similar nature; or (iii) makes any discrimination between men and women workers in contravention of the provisions of this Act; or (iv) omits or fails to carry out any direction made by the appropriate Government, then he/ she shall be punishable with fine or with imprisonment or with both.

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Lesson 5 Employees' State Insurance Act, 1948

- The law relating to employees' State Insurance is governed by the Employees' State Insurance Act, 1948.
- The objective of the act is to provide for certain benefits to employees in case of sickness, maternity and employment injury and to provide for certain other matters in relation there to.
- The Act is applicable to all factories including factories belonging to the Government other than seasonal factories. The appropriate Government may after giving a notice of not less than one month and by notification in the official Gazette, extend the application of the Act or any of them, to any other establishment or class of establishments, industrial, commercial, agricultural or otherwise. Once the Act becomes applicable, the Act shall continue to apply irrespective of the reduction in number of employees or cessation of manufacturing process with the aid of power.
- Every factory or establishment to which this Act applies has to be registered within the specified time and the regulations made in this behalf.
- All the employees in factories or establishments to which this Act applies shall be insured in prescribed manner. Such insured persons shall pay contributions towards Insurance Fund through their employers who will also pay their own contribution.
- The ESI Act authorises Central Government to establish Employees State Insurance Corporation for administration of the Employees State Insurance Scheme. Such Corporation shall be body corporate having perpetual succession and a common seal and shall sue and be sued by the said name.
- All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a Fund called the Employees State Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.
- The insured persons, their dependants are entitled to various benefits on prescribed scale. Right to receive benefits is not transferable or assignable. When a person receives benefits under this Act, he is not entitled to receive benefits under any other enactment.
- The Act empowers State Government to constitute an Employees Insurance Court. The Employees Insurance Court has jurisdiction to adjudicate disputes, namely, whether any person is an employee under the Act, rate of wages/contribution, as to who is or was the principal employer, right of a person to any benefit under the Act.
- The EI Court also has jurisdiction to decide claims for recovery of contribution from principal employer or immediate employer, action for failure or negligence to pay contribution, claim for recovery of any benefit admissible under the Act.

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Which of the following establishments come under the Central Government, with the Central Government acting as the “Appropriate Government”?

- (a) Establishments under railway administration
- (b) Establishments under a major port
- (c) Establishments under an oil-field or mine
- (d) Establishments under the state ministry

Correct answer: (a), (b) and (c)

Multiple choice question

Which of the following executives are ex-officio members of the Employees' State Insurance Corporation?

- (a) Three members of Parliament
- (b) Director General of the Corporation
- (c) Chairman of the Board of the Corporation
- (d) Vice-president of the Corporation

Correct answer: (a) and (b)

What is the minimum qualification required for a person to qualify as a judge of the E.I. Court?

- (a) Judicial officer with minimum 5 years standing
- (b) Legal practitioner with minimum 5 years standing
- (c) Chartered Accountant with minimum 5 years standing
- (d) Special Legal Officer with minimum 5 years standing

Correct answer: (a) and (b)

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Lesson 6 Employees' Provident Funds And Miscellaneous Provisions Act, 1952

- The Employee's Provident Funds and Miscellaneous Provisions Act, 1952 is a welfare legislation enacted for the purpose of instituting a Provident Fund for employees working in factories and other establishments.
- The Act aims at providing social security and timely monetary assistance to industrial employees and their families when they are in distress and/or unable to meet family and social obligations and to protect them in old age, disablement, early death of the bread winner and in some other contingencies.
- Presently, the following three Schemes are in operation under the Act : Employees' Provident Funds Scheme, 1952; Employees' Deposit Linked Insurance Scheme, 1976; Employees' Pension Scheme, 1995.
- The Act is applicable to factories and other classes of establishments engaged in specific industries, classes of establishments employing 20 or more persons.
- The Central Government is empowered to apply the provisions of this Act to any establishment employing less than 20 persons after giving not less than two months notice of its intent to do so by a notification in the official gazette.
- Once the Act has been made applicable, it does not cease to be applicable even if the number of employees falls below 20. An establishment/factory, which is not otherwise coverable under the Act, can be covered voluntarily with mutual consent of the employers and the majority of the employees under Section 1(4) of the Act.
- Thus, membership of the fund is compulsory for employees drawing a pay not exceeding Rs. 6500 per month (at the time of joining). Every employee employed in or in connection with the work of a factory or establishment shall be entitled and required to become a member of the fund from the date of joining the factory or establishment.
- The employees drawing more than Rs.6500/- per month at the time of joining may become member on a joint option of the employer and employee.
- Statutory protection is provided to the amount of contribution to Provident Fund under Section 10 from attachment to any Court decree. The Act authorises the appropriate Government to grant exemptions to certain establishments or persons from the operation of all or any of the provisions of the Scheme.

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Which of the following schemes have been framed under the Employees' Provident Funds and Miscellaneous Provisions Act?

- (a) The Employees' Provident Fund Schemes, 1952
- (b) The Employees' Pension Scheme, 1995
- (c) The Employees Gratuity Scheme 1992
- (d) The Employees' Deposit-Linked Insurance Scheme, 1976

Correct answer: (a), (b) and (d)

Choose the correct answer:

What percentage of the basic wage, dearness allowance and retaining allowance of an employee is paid as contribution by the employer?

- (a) 8%
- (b) 10%
- (c) 12%
- (d) 13%

Correct answer: (b)

Which authority has been constituted by the Central Government to preside over the cases regarding determination of monies due from employers?

- (a) Employees Provident Fund Appellate Tribunal
- (b) Employees Provident Fund Consultancy Tribunal
- (c) Employees Provident Fund Helpdesk
- (d) Employees Provident Fund Information Centre

Correct answer: (a)

State whether the following statement is "True" or "False":

Statutory protection is provided to the amount of contribution to Provident Fund under Section 12 from attachment to any court decree.

- True
- False

Correct answer: False

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Lesson 7 Payment of Bonus Act, 1965

- The Payment of Bonus Act provides for payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith.
- It extends to the whole of India and is applicable to every factory and to every other establishment where 20 or more workmen are employed on any day during an accounting year. The Act does not apply to certain classes of employees specified therein.
- The Act has laid down a detailed procedure for calculating the amount of bonus payable to employees.
- Every employee shall be entitled to be paid by his employer in an accounting year, bonus, in accordance with the provisions of this Act, provided he has worked in the establishment for not less than thirty working days in that year.
- An employee shall be disqualified from receiving bonus under this Act, if he is dismissed from service for fraud; or riotous or violent behaviour while on the premises of the establishment; or theft, misappropriation or sabotage of any property of the establishment.
- Every employer shall be bound to pay to every employee in respect of any accounting year a minimum bonus which shall be 8.33 per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees whichever is higher, whether or not the employer has any allocable surplus in the accounting year.
- In case of newly set up establishments provisions have been made under Section 16 for the payment of bonus.
- If there is a dispute regarding payment of bonus pending before any authority under Section 22, all amounts payable to an employee by way of bonus under this Act shall be paid in cash by his employer, within a month from the date from which the award becomes enforceable or the settlement comes into operation, in respect of such dispute.
- In any other case, the bonus should be paid within a period of eight months from the close of the accounting year.
- If any dispute arises between an employer and his employee with respect to the bonus payable under this Act or with respect to the application of this Act to an establishment in public sector, then, such dispute shall be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947, or any corresponding law relating to investigation and settlement of industrial disputes in force in a State and provisions of that Act, shall, save as otherwise expressly provided, apply accordingly.
- The Act enables the employees and employers to evolve and operate a scheme of bonus payment linked to production or productivity in lieu of bonus based on profits under the general formula enshrined in the Act.

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What are the different types of bonus?

- (a) Profit based bonus
- (b) Customary bonus
- (c) Attendance bonus
- (d) Voluntary bonus

Correct answer: (a), (b) and (c)

Choose the correct answer

What is the minimum amount of bonus payable to an employee?

- (a) 8.33% of the salary earned during the accounting year or Rs. 100 whichever is higher.
- (b) 8.63% of the salary earned during the accounting year or Rs. 100 whichever is higher.
- (c) 8.73% of the salary earned during the accounting year or Rs. 100 whichever is higher.
- (d) 8.83% of the salary earned during the accounting year or Rs. 100 whichever is higher.

Correct answer: (a)

The bonus should be paid within how many months from the close of the accounting year?

- (a) One Month
- (b) Two Months
- (c) Twelve Months
- (d) Eight Months

Correct Answer: (d)

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Lesson 8 Payment of Gratuity Act, 1972

- The Act is applicable to every factory, shop or an establishment, in which ten or more persons are employed, or were employed on any day of the proceeding twelve months.
- A shop or establishment to which the Act has become applicable shall continue to be governed by the Act even if the number of persons employed falls below 10 at any subsequent stage.
- An employee is eligible for receiving gratuity payment only after he has completed five years of continuous service. This condition of five years is not necessary if the termination of the employment of an employee is due to death or disablement. The maximum amount of Gratuity payable is Rs. 10 lakhs.
- Each employee is required to nominate one or more member of his family, as defined in the Act, who will receive the gratuity in the event of the death of the employee.
- Any person to whom the gratuity amount is payable shall make a written application to the employer. The employer is required to determine the amount of gratuity payable and give notice in writing to the person to whom the same is payable and to the controlling authority thereby specifying the amount of gratuity payable.
- The employer is under obligation to pay the gratuity amount within 30 days from the date it becomes payable. Simple interest at the rate of 10% p.a. is payable on the expiry of the said period.
- Gratuity can be forfeited for any employee whose services have been terminated for any act, willful omission or negligence causing damage or destruction to the property belonging to the employer. It can also be forfeited for any act which constitutes an offence involving moral turpitude.
- If any person makes a false statement for the purpose of avoiding any payment to be made by him under this Act, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both. If an employer contravenes any provision of the Act, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with a fine, which may vary from ten thousand rupees to twenty thousand rupees.

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Lesson 8 Payment of Gratuity Act, 1972

Choose the correct answer

What is the minimum number of employees required in an establishment for it to come under the purview of the Payment of Gratuity Act?

- (a) 10
- (b) 15
- (c) 20
- (d) 25

Correct answer: (a)

Which of the following are not included in 'wages'?

- (a) Dearness allowance
- (b) Bonus
- (c) House rent allowance
- (d) Basic salary

Correct answer: (b) and (c)

Which of the following authorities are the important functionaries in the operation of the Payment of Gratuity Act?

- (a) Controlling Authority
- (b) Appellate Authority
- (c) Concessional Authority
- (d) Adjunct Authority

Correct answer: (a) and (b)

State whether the following statement is "True" or "False"

Gratuity has been exempted from attachment in execution of any decree or order of any Civil, Revenue or Criminal Court.

- True
- False

Correct answer: True

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Lesson 9 Employees' Compensation Act, 1923

- The Employee's Compensation Act, 1923 is one of the important social security legislations. It imposes statutory liability upon an employer to discharge his moral obligation towards his employees when they suffer from physical disabilities and diseases during the course of employment in hazardous working conditions.
- The Act provides for cheaper and quicker mode of disposal of disputes relating to compensation through special proceedings than possible under the civil law.
- The Act provides for employers liability for compensation in case of occupational disease or personal injuries and prescribes the manner in which his liability can be ascertained.
- Amount of compensation is payable in the event of an employee meeting with an accident resulting into temporary or permanent disability or disease as stated in Schedule II and III in terms of Section 4 of the Act, read with Schedule IV. Compensation shall be paid as soon as it falls due.
- Where an employer is in default in paying compensation, he would be liable to pay interest thereon and also a further sum not exceeding fifty percent of such amount of compensation as penalty. The interest and the penalty stated above is to be paid to the employee or his dependent as the case may be.
- Under the Act, the State Governments are empowered to appoint Commissioners for Employee's Compensation for (i) settlement of disputed claims, (ii) disposal of cases of injuries involving death, and (iii) revision of periodical payments.
- The Act prescribes penalties for the contravention of the provisions of the Act which include fine up to Rs. 5,000.

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Lesson 9 Employees' Compensation Act, 1923

Which of the following terms are defined in the Workmen's Compensation Act, 1923?

- (a) Dependant
- (b) Disablement
- (c) Workman
- (d) Seaman

Correct answer: (a), (c) and (d)

State whether the following statement is "True" or "False":

In case of permanent partial disablement, the disablement does not result in reduction in his/her earning capacity.

- True
- False

Correct Answer: False

Which of the following types of injuries are listed in Part II of Schedule I?

- (a) Permanent total disablement
- (b) Temporary disablement
- (c) Permanent partial disablement
- (d) Temporary partial disablement

Correct answer: (a) and (c)

Which of the following injuries come under the definition of the term 'personal injury'?

- (a) Nervous shock
- (b) Mental strain
- (c) Loss of money
- (d) Breakdown

Correct answer: (a), (b) and (d)

Under Section 5(5) of the employee's Compensation Act, 1923, an employee is not entitled to any compensation if he/she has instituted in a Civil Court, a suit for damages against the employer or any other person.

- True
- False

Correct answer: False

Choose the correct answer:

What is the period within which an employer must make a deposit with the Commissioner if he is liable to pay compensation?

- (a) Within 10 days of being served the notice
- (b) Within 20 days of being served the notice
- (c) Within 30 days of being served the notice
- (d) Within 40 days of being served the notice

Correct answer: (c)

Which of the following matters are under the jurisdiction of the Commissioner?

- (a) Liability of any person to pay compensation
- (b) Appointment of a substitute employee
- (c) The nature and extent of disablement
- (d) The amount or duration of compensation

Correct answer: (a), (c) and (d)

INDUSTRIAL, LABOUR AND GENERAL LAWS

Lesson 9 Employees' Compensation Act, 1923

State whether the following statement is "True" or "False":

The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908.

- True
- False

Correct Answer: True

Within how many days should an appeal be filed to the High Court as per the Employee's Compensation Act, 1923?

- (a) Within 15 days of order being passed
- (b) Within 20 days of order being passed
- (c) Within 45 days of order being passed
- (d) Within 60 days of order being passed

Correct answer: (d)

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Lesson 10 Contract Labour (Regulation and Abolition) Act, 1970

- The objective of the Contract Labour (Regulation and Abolition) Act, 1970 is to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.
- The Act empowers the Central or State Governments to prohibit the employment of contract labour in any process or operation.
- It applies to every establishment or contractor wherein 20 or more workmen are or were employed on any day of the preceding 12 months as contract labour.
- The appropriate government is empowered to extend the application of the Act to any establishment or contractor employing even less than 20 workers as contract labour.
- The Act is not applicable to an establishment in which work is only of an intermittent or casual nature. Work performed in an establishment for more than 120 days in the preceding 12 months or work of a seasonal nature and performed for more than 60 days in a year, shall not be deemed to be work of an intermittent nature.
- The Act provides for constitution of Contract Labour Advisory Board to advise the Government on such matters arising out of the administration of this Act as may be referred to it, and to carry out other functions assigned under the Act.
- The Act provides for grant of licence to the contractors and registration to the Principal Employers.
- The penalty provided for violation of the provisions of the Act and Rules made thereunder, is the fine, which may extend to Rs. 1000/- or imprisonment for a term which may extend to three months or with both.

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Lesson 10 Contract Labour (Regulation and Abolition) Act, 1970

State whether the following statement is “True” or “False”

The Act applies to every establishment in which 10 or more workmen are employed as contract labour or were so employed on any day of the preceding 12 months.

- True
- False

Correct answer: False

Which establishments are exempt from the purview of the Contract Labour (Regulation and Abolition) Act, 1970?

- (a) Establishments where work of an intermittent nature is performed
- (b) Establishments where embroidery work is performed
- (c) Establishments where metal work is performed
- (d) Establishments where manufacturing work is performed

Correct answer: (a)

State whether the following statement is “True” or “False”

A workman shall be deemed to be employed as contract labour in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer.

- True
- False

Correct answer: True

Choose the correct answer

Whose approval does the Registering Officer require in a case of revocation of a particular establishment's registration?

- (a) Commissioner of Labour
- (b) Central Government
- (c) State Government
- (d) Appropriate Government

Correct answer: (d)

Which of the following measures are to be undertaken for the welfare and health of contract labour?

- (a) Canteens
- (b) Rest Rooms
- (c) Creche
- (d) Drinking Water

Correct answer: (a), (b) and (d)

Which Section of the Contract Labour (Regulation and Abolition) Act, 1970, deals with cognizance of offence?

- (a) Section 26
- (b) Section 27
- (c) Section 28
- (d) Section 29

Correct answer: (a)

INDUSTRIAL, LABOUR AND GENERAL LAWS

Lesson 11 Maternity Benefit Act, 1961

- The Maternity Benefit Act, 1961 regulates employment of women in certain establishments for a certain period before and after childbirth and provides for maternity and other benefits. Such benefits are aimed to protect the dignity of motherhood by providing for the full and healthy maintenance of women and her child when she is not working.
- Maternity benefit means the payment referred to in sub-section (1) of section 5 .
- Employer shall not knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery, miscarriage or medical termination of pregnancy.
- Every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, the actual day of her delivery and any period immediately following that day.
- The maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery.
- Any woman employed in an establishment and entitled to maternity benefit under the provisions of the Act may give notice in writing in prescribed form, to her employer, stating that her maternity benefit and any other amount to which she may be entitled under the Act may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.
- Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work two breaks of the prescribed duration for nursing the child until the child attains the age of fifteen months.
- Every employer shall prepare and maintain such registers, records and muster-rolls and in prescribed manner under the Act.

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Lesson 12 The Child Labour (Prohibition and Regulation) Act, 1986

– As per Article 24 of the Constitution of India , no child below the age of 14 years is to be employed in any factory, mine or any hazardous employment. Further, Article 39 requires the States to direct its policy towards ensuring that the tender age of children is not abused and that they are not forced by economic necessity to enter avocations unsuited to their age or strength.

– No child shall be employed or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule is carried on . However, prohibition of employment of children is not applicable to any workshop wherein any process is carried on by the occupier with the aid of his family, or to any school established by, or receiving assistance or recognition from Government.

– A child shall not permit to work in any establishment in excess of such number of hours, as may be prescribed for such establishment or class of establishments.

– Every child employed in an establishment is entitled in each week, a holiday of one whole day, which day shall be specified by the occupier in a notice permanently exhibited in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

– Every occupier in relation to an establishment who employs, or permits to work, any child shall, within a period of thirty days from the date of such employment, send to the Inspector within whose local limits the establishment is situated, a written notice .

– Every occupier in respect of children employed or permitted to work in any establishment, maintained a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment.

– Contravention of the provisions of Section 3 of the Act shall be punishable with imprisonment for a term which shall not be less than, three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.

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Lesson 13 The Industrial Employment (Standing Orders) Act, 1946

-The Act requires the employers in industrial establishment to define with sufficient precision the conditions of employment under them and make the said conditions known to workmen employed by them.

– It applies to every industrial establishment wherein 100 or more workmen are employed or were employed on any day during the preceding twelve months.

– The appropriate Government may, after giving not less than 2 months notice of its intention to do so, by notification in the Official Gazette, extend the provisions of this Act to any industrial establishment employing such number of persons less than 100 as may be specified in the notification.

– Within six months from the date on which this Act becomes applicable to an industrial establishment, the employer of that establishment shall submit to the Certifying Officer five copies of the draft Standing Orders proposed by him for adoption in that establishment.

– Such draft Standing Orders shall be in conformity with the Model Standing Orders if any, and, shall contain every matter set out in the Schedule which may be applicable to the industrial establishment.

– On receipt of the draft Standing Order from the employer, the Certifying Officer shall forward a copy thereof to the trade union of the workmen or where there is no trade union, then to the workmen in the prescribed manner together with a notice requiring objections, if any, which the workmen may desire to make in the draft Standing Orders.

– These objections are required to be submitted to him within 15 days from the receipt of the notice.

– On receipt of such objections, he shall provide an opportunity of being heard to the workmen or the employer and will make amendments, if any, required to be made therein and this will render the draft Standing Orders certifiable under the Act and he will certify the same.

– A copy of the certified Standing Orders will be sent by him to both the employer and the employees association within seven days of the certification.

– The Certifying Officer has been empowered to file a copy of all the Standing Orders as certified by him in a register maintained for the purpose in the prescribed form. He shall furnish a copy of the same to any person applying therefor on payment of the prescribed fee.

– Standing Orders shall come into operation on the expiry of 30 days from the date on which the authenticated copies are sent to employer and workers representatives or where an appeal has been preferred, they will become effective on the expiry of 7 days from the date on which copies of the order of the appellate authority are sent to employer and workers representatives.

Choose the correct answer

What is the minimum number of employees required in an establishment which comes under the purview of the Industrial Employment (Standing Orders) Act, 1946?

- (a) 50
- (b) 100
- (c) 150
- (d) 200

Correct answer: (b)

Which of the following documents must a Standing Order be in conformity with?

- (a) Standard Standing Orders
- (b) Model Standing Orders
- (c) Uniform Standing Orders

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(d) Form Standing Orders

Correct answer: (b)

State whether the following statement is “True” or “False”

Workmen are not entitled to apply for modification of the Standing Orders.

- True
- False

Correct answer: False

Choose the correct answer

What is the period within which any employer or workman can challenge an order given by the Certifying Officer and thus file an appeal before the Appellate Authority?

- (a) Within 10 days from the date on which copies are sent to the employer and workers representatives
- (b) Within 15 days from the date on which copies are sent to the employer and workers' representatives
- (c) Within 20 days from the date on which copies are sent to the employer and workers' representatives
- (d) Within 30 days from the date on which copies are sent to the employer and workers representatives

Correct answer: (d)

What is the subsistence allowance payable to a workman for the first 90 days when he has been suspended pending an inquiry against him?

- (a) 25% of the wages
- (b) 50% of the wages
- (c) 75% of the wages
- (d) No wages

Correct answer: (b)

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Lesson 14 Industrial Disputes Act, 1947

- The Industrial Disputes Act, 1947 is an Act to make provision for the investigation and settlement of industrial disputes and for certain other purposes.
- The Industrial Disputes Act applies to all industries. “Industry” for the purpose of Industrial Disputes Act is defined under the Act.
- The industrial dispute connotes a real and substantial difference between employers and employees or between employers and workmen or between workmen and workmen, having some elements of persistency and continuity till resolved and likely to endanger industrial peace of the undertaking or the community.
- An individual dispute espoused by the union becomes an industrial dispute. The disputes regarding modification of standing orders, contract labour, lock out in disguise of closure have been held to be industrial disputes.
- The Act provides for a special machinery of Conciliation Officers, Work Committees, Courts of Inquiry, Labour Courts, Industrial Tribunals and National Tribunals, defining their powers, functions and duties and also the procedure to be followed by them.
- It also enumerates the contingencies when a strike or lock-out can be lawfully resorted to, when they can be declared illegal or unlawful, conditions for laying off, retrenching, discharging or dismissing a workman, circumstances under which an industrial establishment can be closed down and several other matters related to industrial employees and employers.

Which was the first enactment that dealt with the settlement of industrial disputes?

- (a) Employers' and Workmen's Disputes Act, 1850
- (b) Employers' and Workmen's Disputes Act, 1860
- (c) Trade Disputes Act, 1860
- (d) Trade Disputes Act, 1929

Correct answer: (b)

Which of the following institutions are not considered “Industry”?

- (a) Posts and Telegraphs Department
- (b) Central Institute of Fisheries
- (c) Construction and maintenance of National and State Highways
- (d) Dock Labour Board

Correct answer: (a), (b) and (c)

Payment of pension cannot be a matter of an industrial dispute.

- True
- False

Correct answer: False

Which of the following types of strikes are called ‘primary strikes’?

- (a) Stay-in
- (b) Tool-down
- (c) Pen-down
- (d) Go-slow

Correct answer: (a), (b) and (c)

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Which of the following are valid reasons for an employer declaring 'Lay-off'?

- (a) Shortage of coal, power or raw materials
- (b) Accumulation of stocks
- (c) Break-down of machinery
- (d) Financial stringency

Correct answer: (a), (b) and (c)

Which of the following is not a designated authority for investigation and settlement of industrial disputes?

- (a) Works Committee
- (b) Conciliation Officers
- (c) Labour Courts
- (d) Dispute Tribunal

Correct answer: (d)

No person employed in a public utility service shall go on strike without giving to the employer a notice of strike, within five weeks before striking.

- True
- False

Correct Answer: False

A lock-out declared in consequence of an illegal strike or strike declared in consequence of an illegal lock-out shall not be deemed to be illegal.

- True
- False

Correct answer: True

State whether the following statement is "True" or "False"

The payment of wages for the strike period will not depend upon whether the strike is justified or unjustified

- True
- False

Correct answer: False

What is the penalty on any employer who continues a lock-out even if it is illegal?

- (a) Imprisonment for a term which may extend to one month, or
- (b) A fine of Rs. 1,000, or
- (c) Both (a & b)
- (d) No penalty

Correct answer: (a), (b) and (c)

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Lesson 15 Trade Union Act, 1926

-Trade union means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more trade unions.

– Any seven or more members of a Trade Union may by subscribing their names to the rules of the Trade Union and by otherwise complying with the provisions of the Act with respect to registration, apply for registration of the Trade Union .

– Every application for registration of a Trade Union shall be made to the Registrar and shall be accompanied by a copy of the rules of the Trade Union and a statement of the specified particulars.

– The Registrar, on being satisfied that the Trade Union has complied with all the requirements of the Act in regard to registration, shall register the Trade Union and issue a certificate of registration .

– Every registered Trade Union shall be a body corporate by the name under which it is registered, and shall have perpetual succession and a common seal with power to acquire and hold both movable and immovable property and to contract, and shall by the said name sue and be sued.

– Trade Union Act provides that there shall be sent annually to the Registrar, on or before such date as may be prescribed, a general statement, audited in the prescribed manner, of all receipts and expenditure of every registered Trade Union during the year ending on the 31st day of December next preceding such prescribed date, and of the assets and liabilities of the Trade Union existing on such 31st day of December.

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Lesson 16 The Labour Laws (Exemption from Furnishing Returns & Maintaining Register by Certain Establishments) Act, 1988

- The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988 provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws. It extends to the whole of India.
- Small establishment means an establishment in which not less than ten and not more nineteen persons are employed or were employed on any day of the preceding twelve months.
- Very small establishment means an establishment in which not more than nine persons are employed or were employed on any day of the preceding twelve months.
- It shall not be necessary for an employer in relation to any small establishment or very small establishment to which a Scheduled Act applies to furnish the returns or to maintain the registers required to be furnished or maintained under that Scheduled Act. However, such employer required to
 - (a) furnishes a Core Return in Form A; (b) maintains registers in Form B, Form C, and Form D, in the case of small establishments; and registers in Form D and Form E, in the case of very small establishments.
- Any employer who fails to comply with the provisions of the Act, shall, on conviction, be punishable in the case of the first conviction, with fine which may extend to rupees five thousand; and in the case of any second or subsequent conviction, with imprisonment for a period which shall not be less than one month but which may extend to six months or with fine which shall not be less than rupees ten thousand but may extend to rupees twenty- five thousand, or with both.

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Lesson 17 Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959

- The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 provides for compulsory notification of vacancies and submission of employment returns by the employers to the employment exchanges.
- According to the Act, the term employment exchange means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, respecting:- (i) persons who seek to engage employees; (ii) persons who seek employment; and (iii) vacancies to which persons seeking employment may be appointed".
- The main activities of the employment exchanges are registration, placement of job seekers, career counselling, and vocational guidance and collection of employment market information.
- The Act empowers such officer of Government as may be prescribed in this behalf, or any person authorised by him in writing, shall have access to any relevant record or document in the possession of any employer required to furnish any information or returns and may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any required information.
- If any employer fails to notify to the employment exchanges prescribed for the purpose any vacancy, he shall be punishable for the first offence with fine which may extend to five hundred rupees and for every subsequent offence with fine which may extend to one thousand rupees.

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Lesson 18 Apprentices Act, 1961

-The Apprentices Act, 1961 was enacted to regulate and control the programme of training of apprentices and for matters connected therewith.

– The term apprentice means a person who is undergoing apprenticeship training in pursuance of a contract of apprenticeship.

– Apprenticeship training means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship and under prescribed terms and conditions which may be different for different categories of apprentices.

– The Act makes it obligatory on part of the employers both in public and private sector establishments having requisite training infrastructure as laid down in the Act, to engage apprenticeship training.

– No person shall be engaged as an apprentice to undergo apprenticeship training in a designated trade unless such a person or, if he/ she is a minor, his/ her guardian has entered into a contract of apprenticeship with the employer.

– Every employer shall have the obligations in relation to an apprentice to provide the apprentice with training in his/ her trade in accordance with the provisions of this Act, and the rules made there under.

– Every trade apprentice undergoing apprenticeship training shall have the obligations, to learn his/ her trade conscientiously and diligently and endeavour to qualify himself/ herself as a skilled craftsman before the expiry of the period of training.

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Lesson 19 Audit under Labour Legislations

- Labour Audit is a process of fact finding. It is a continuous process. The Labour Audit will ensure a winwinsituation for all interested persons. Initially, the Employers may frown at the idea of such Audits, but with passage of time, the compulsion of labour audit will infuse self-regulation amongst certain employers.
- Social Justice is guaranteed by the Preamble of our Constitution. The Directive Principles of State Policy also provides that it shall be endeavour of the State to promote the welfare of the people by effectively securing and protecting a social order in which social, economic and political justice shall inform all the institutions of national life.
- The audit should cover all labour legislations applicable to an Industry/factory or other commercial establishments. If a particular piece of labour legislation is not applicable to a specific employer, the same should distinctly be disclosed in the report of an Independent Professional. The mode of disclosure has to be decided in consultation with the Ministry of Labour. An illustrative list of legislations, which may be covered under Labour Audit, is given in this lesson.
- Labour Audit will boost the morale of the workers to a large extent and it will increase their Social Security.
- Labour Audit will increased productivity in view of lower absenteeism in the enterprise. Higher the productivity, higher will be the profit.
- Compulsory Labour Audit will ensure compliance of past defaults

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Lesson 20 Constitution of India

– The Constitution of India came into force on January 26, 1950. The preamble to the Constitution sets out the aims and aspirations of the people of India. Constitution of India is basically federal but with certain unitary features. The essential features of a Federal Polity or System are – dual Government, distribution of powers, supremacy of the Constitution, independence of Judiciary, written Constitution, and a rigid procedure for the amendment of the Constitution.

– The fundamental rights are envisaged in Part III of the Constitution. These are:
(i) Right to Equality; (ii) Right to Freedom; (iii) Right against Exploitation;
(iv) Right to Freedom of Religion; (v) Cultural and Educational Rights; (vi) Right to Constitutional Remedies.

– The Directive Principles as envisaged by the Constitution makers lay down the ideals to be observed by every Government to bring about an economic democracy in this country.

– Article 51A imposing the fundamental duties on every citizen of India was inserted by the Constitution (Forty-second Amendment) Act, 1976.

– The most important legislative power conferred on the President is to promulgate Ordinances. The ambit of this Ordinance-making power of the President is co-extensive with the legislative powers of the Parliament. The Governor's power to make Ordinances is similar to the Ordinance making power of the President and has the force of an Act of the State Legislature.

– The Union of India is composed of 28 States and both the Union and the States derive their authority from the Constitution which divides all powers-legislative, executive and financial, between them. Both the Union and States are equally subject to the limitations imposed by the Constitution. However, there are some parts of Indian territory which are not covered by these States and such territories are called Union Territories.

– The courts in the Indian legal system, broadly speaking, consist of (i) the Supreme Court, (ii) the High Courts, and (iii) the subordinate courts. The Supreme Court, which is the highest Court in the country is an institution created by the Constitution. The jurisdiction of the Supreme Court is vast including the writ jurisdiction for enforcing Fundamental Rights.

– The increasing complexity of modern administration and the need for flexibility capable of rapid readjustment to meet changing circumstances, have made it necessary for the legislatures to delegate its powers.

– While delegating the powers to an outside authority, the legislature must act within the ambit of the powers defined by the Constitution and subject to the limitations prescribed thereby.

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Lesson 20 Constitution of India

When did the constitution of India come into force?

- (a) January 26, 1947
- (b) January 26, 1948
- (c) January 26, 1949
- (d) January 26, 1950

Correct answer : d

As per The Declaration of American Independence 1776, which of the following rights are endowed by the creator on all men?

- (a) Life
- (b) Liberty
- (c) Virtue
- (d) Pursuit of happiness

Correct answer: a, b, and d

Which of the following articles prohibit the State from discriminating against any citizen on grounds of religion, race, caste, sex, or place of birth?

- (a) Article 15(1)
- (b) Article 15(2)
- (c) Article 15(3)
- (d) Article 15(4)

Correct answer: (a)

The right to speech and expression includes right to make a good or bad speech.

- True
- False

Correct answer: True

The fundamental duties are imposed upon the States and not upon the citizens.

- True
- False

Correct answer: False

Which of the following powers are held by the Governor?

- Executive power
- Military power
- Legislative power
- Judicial power

Correct answer: a, c, and d

Which pattern was followed by The Government of India Act, 1935?

- Australian
- Canadian
- British
- African

Correct answer: b

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With respect to the subjects enumerated in the Concurrent List, only the Parliament and not the State Legislature has powers to make laws.

- True
- False

Correct answer: False

During emergency, the Parliament shall have power to make laws for the whole or any part of the territory of India with respect to all matters in the State List.

- True
- False

Correct answer: True

Choose the correct answer

Which of the following courts can advise the President on a reference made by the President on questions of fact and law?

- (a) Supreme court
- (b) High court
- (c) Criminal court
- (d) Civil court

Correct answer: (a)

Which of the following writs enables enquiry into the legality of the claim which a person asserts, to an office or franchise and to oust him from such position if he is a usurper?

- (a) Habeas Corpus
- (b) Mandamus
- (c) Certiorari
- (d) Quo Warranto

Correct answer: d

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Lesson 21 Interpretation of Statutes

– A statute normally denotes the Act enacted by the legislature. The object of interpretation in all cases is to see what is the intention expressed by the words used. The words of the statute are to be interpreted so as to ascertain the mind of the legislature from the natural and grammatical meaning of the words which it has used.

– The General Principles of Interpretation are Primary Rules and other Rules of Interpretation.

– The primary rules are:

– *Literal Construction*: According to this rule, the words, phrases and sentences of a statute are ordinarily to be understood in their natural, ordinary or popular and grammatical meaning unless such a construction leads to an absurdity or the content or object of the statute suggests a different meaning.

– *The Mischief Rule or Heydon's Rule*: The rule directs that the Courts must adopt that construction which "shall suppress the mischief and advance the remedy".

– *Rule of Reasonable Construction i.e. Ut Res Magis Valeat Quam Pareat*: According to this rule, the words of a statute must be construed *ut res magis valeat quam pareat*, so as to give a sensible meaning to them. A provision of law cannot be so interpreted as to divorce it entirely from common sense; every word or expression used in an Act should receive a natural and fair meaning.

– *Rule of Harmonious Construction*: Where in an enactment, there are two provisions which cannot be reconciled with each other, they should be so interpreted that, if possible, effect may be given to both.

– *Rule of Ejusdem Generis*: The *ejusdem generis* rule is that, where there are general words following particular and specific words, the general words following particular and specific words must be confined to things of the same kind as those specified, unless there is a clear manifestation of a contrary purpose.

– Other Rules of Interpretation are:

– *Expressio Unis Est Exclusio Alterius*: The rule means that express mention of one thing implies the exclusion of another.

– *Contemporanea Expositio Est Optima Et Fortissima in Lege*: The maxim means that a contemporaneous exposition is the best and strongest in law.

– *The 'Noscitur a Sociis'* i.e. "It is known by its associates". In other words, meaning of a word should be known from its accompanying or associating words.

– *Strict and Liberal Construction*: What is meant by 'strict construction' is that "Acts, are not to be regarded as including anything which is not within their letter as well as their spirit, which is not clearly and intelligibly described in the very words of the statute, as well as manifestly intended", while by 'liberal construction' is meant that "everything is to be done in advancement of the remedy that can be done consistently with any construction of the statute".

– *Presumptions*: Where the meaning of the statute is clear, there is no need for presumptions. But if the intention of the legislature is not clear, there are number of presumptions.

– Internal Aids in Interpretation are:

– Title; Preamble; Heading and Title of a Chapter; Marginal Notes; Interpretation Clauses; Proviso; Illustrations or Explanations; and Schedules.

– **External Aids in Interpretation**: Apart from the intrinsic aids, such as preamble and purview of

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the Act, the Court can consider resources outside the Act, called the extrinsic aids, in interpreting and finding out the purposes of the Act. There are: Parliamentary History; Reference to Reports of Committees; Reference to other Statutes; Dictionaries and Use of Foreign Decisions.

Choose the correct answer

The purpose of the interpretation is:

- (a) To understand the statute according to one's own comprehension
- (b) To make a guess of what is written
- (c) To see what is the intention expressed by the words used
- (d) To be able to change the meaning according to the situation

Correct answer: c

State whether the following statement is "True" or "False"

According to the Rule of Literal Construction, a statute is interpreted according to the general meaning of the words even if it leads to absurdity.

Correct answer: False

State whether the following statement is "True" or "False"

The rule of *Ejusdem Generis* must be applied with great caution because it implies a departure from the natural meaning of words.

Correct answer: True

The purpose of interpretation clause is:

- (a) To give dictionary meaning of the word or expression.
- (b) To give an overview of the statute
- (c) To give complete meaning of the statute
- (d) To avoid the necessity of frequent repetitions in describing all the subjectmatter to which the word or expression so defined is intended to apply

Correct answer: d

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Lesson 22 An Overview of Law Relating to Specific Relief, Limitation and Evidence

-The expression 'specific relief' means a relief in specie. It is a remedy which aims at the exact fulfillment of an obligation.

– The specific Relief Act applies both to movable and immovable property. The Act applies in cases where court can order specific performance of a contract or act. As per the Act, specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing a civil law.

– The essential purpose of a limitation period is to place a time limit on the period within which a party can commence legal proceedings.

– Limitation periods are imposed by statute, primarily the Limitation Act 1963. The Limitation Act provides different limitation periods for different types of suits.

– If a limitation period has expired for a particular claim, the claim will be "statute-barred". This means that it will no longer be possible for the claimant to effect recovery for that claim against the alleged wrongdoer.

– The law of Evidence may be defined as a system of rules for ascertaining controverted questions of fact in judicial inquiries. This system of ascertaining the facts, which are the essential elements of a right or liability and is the primary and perhaps the most difficult function of the court, is regulated by a set of rules and principles known as law of Evidence".

– The word evidence in the Act signifies only the instruments by means of which relevant facts are brought before the court, viz., witnesses and documents, and by means of which the court is convinced of these facts.

– Evidence under the Act may be either oral or personal (i.e. all statements which the court permits or requires to be made before it by witnesses), and documentary (documents produced for the inspection of the court), which may be adduced in order to prove a certain fact (principal fact) which is in issue.

– 'Tort' means wrong. But every wrong or wrongful act is not a tort. Tort is really a kind of civil wrong as opposed to criminal wrong. Wrongs, in law, are either public or private.

– A tort consists of some act or omission done by the defendant (tortfeasor) whereby he has without just cause or excuse caused some harm to plaintiff. To constitute a tort, there must be: (i) a wrongful act or omission of the defendant; (ii) the wrongful act must result in causing legal damage to another; and (iii) the wrongful act must be of such a nature as to give rise to a legal remedy.

State whether the following statement is "True" or "False"

Generally, only a party to the contract can get its specific performance.

- True
- False

Correct answer: True

As per Section 10, which of the following cases are specifically enforceable?

- (a) Contracts for sale of patent right
- (b) Copy right
- (c) Rent laws
- (d) Future property

Correct answer: (a), (b), and (d)

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Which of the following Sections deal with the recovery of possession of movable property?

- (a) Sections 1 and 2
- (b) Sections 3 and 4
- (c) Sections 7 and 8
- (d) Sections 9 and 10

Correct answer: (c)

State whether the following statement is "true" or "false".

Under the Specific Relief Act, a Court can give either specific relief or compensatory relief and not both.

- True
- False

Correct Answer: True

Which of the following are required for rectification of instruments?

- (a) Existence of a complete agreement prior to the instrument
- (b) In writing form
- (c) A clear evidence of mutual mistake or fraud
- (d) A verbal agreement

Correct answer: (a), (b) and (c)

Which of the following are 'instances of legal character'?

- (a) Divorce on the ground of impotency
- (b) Legal character by marriage
- (c) Status of an adopted son
- (d) Status of a relative

Correct answer: (a), (b) and (c)

State whether the following statement is "True" or "False"

The act of trespassing upon another's land is not actionable if it has not caused the plaintiff the slightest harm.

- True
- False

Correct answer: False

Which of the following are different kinds of strict or absolute liability?

- (a) Liability for inevitable accident
- (b) Liability for evitable accident
- (c) Liability for inevitable mistake
- (d) Vicarious liability for wrongs committed by others.

Correct answer: (a), (c) and (d)

Which of the following are common examples of vicarious liability?

- (a) Principal and agent
- (b) Partners
- (c) Master and servant
- (d) Employer and employed contractor

Correct answer: (a), (b) and (c)

Which of the following situations are considered as assault?

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- (a) Point a loaded gun at the plaintiff
- (b) Curse him in a threatening manner
- (c) Use force
- (d) Aim a blow at him which is intercepted

Correct answer: (a), (b) and (d)

Which of the following States does not come under the purview of the Act of Limitation?

- (a) Punjab
- (b) Jammu & Kashmir
- (c) Uttar Pradesh
- (d) Bihar

Correct answer: (b)

Which of the following authorities do not have the power to extend the period as per Section 5?

- (a) Labour courts
- (b) Quasi-judicial tribunals
- (c) High Court
- (d) Executive authorities

Correct answer: a, b and d

Which of the following Sections states the time which shall be excluded in computing the time of limitation in legal proceedings?

- (a) Section 10
- (b) Section 11
- (c) Section 12
- (d) Section 13

Correct answer: (c)

Which Article of the Indian Constitution states that the State cannot place any hindrance by prescribing a period of limitation in the way of an aggrieved person seeking to approach the Supreme Court of India?

- (a) Article 30
- (b) Article 32
- (c) Article 34
- (d) Article 36

Correct answer: (b)

State whether the following statement is “True” or “False”

All facts logically relevant are not, however, legally relevant.

- True
- False

Correct answer: True

Which of the following are facts not necessary to explain or introduce relevant facts?

- (a) Facts necessary to explain or introduce a fact
- (b) Facts which do not support an inference
- (c) Facts which establishes the identity of a person or thing
- (d) Facts which show the relation of parties by whom any such fact was transacted

Correct answer: b

What are the main characteristics of an admission?

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- (a) It must be clear
- (b) It must be vague
- (c) It must be precise
- (d) It must be ambiguous

Correct answer: (a) and (c)

Which of the following are judicial confessions?

- (a) Confessions made to the police
- (b) Confessions made before a Court
- (c) Confessions made to a Judge
- (d) Confessions made to a Magistrate

Correct answer: (b), (c) and (d)

What are the matters in respect of which a witness is not bound to answer questions while giving evidence?

- (a) Evidence of an individual in regard to certain matters
- (b) Communications during marriage
- (c) Affairs of State
- (d) Source of information of a Magistrate or Police officer or Revenue officer as to commission of an offence or crime

Correct answer: (b), (c) and (d)

What are the two broad rules regarding oral evidence?

- (a) It must be direct in all cases.
- (b) All facts except the contents of documents may be proved by oral evidence.
- (c) The contents of documents must be stated orally.
- (d) It can be indirect.

Correct answer: (a) and (b)

State whether the following statement is “True” or “False”

A presumption is in itself evidence, but only makes a prima facie case for the party in whose favour it exists.

- True
- False

Correct answer: False

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Lesson 23 Code of Civil Procedure, 1908

- The Civil Procedure Code consists of two parts. 158 Sections form the first part and the rules and orders contained in Schedule I form the second part. The object of the Code generally is to create jurisdiction while the rules indicate the mode in which the jurisdiction should be exercised.
- The Code defines important terms that have been used thereunder and deals with different types of courts and their jurisdiction. Jurisdiction means the authority by which a Court has to decide matters that are brought before it for adjudication.
- Under the Code of Civil Procedure, a civil court has jurisdiction to try a suit if two conditions are fulfilled: (i) the suit must be of a civil nature; and (ii) the cognizance of such suit should not have been barred. Jurisdiction of a court may be of four kinds: jurisdiction over the subject matter; local or territorial jurisdiction; original and appellate jurisdiction; pecuniary jurisdiction depending on pecuniary value of the suit.
- Section 10 deals with stay of civil suits. The object of the rule contained in Section 10 is to prevent courts of concurrent jurisdiction from simultaneously entertaining and adjudicating upon two parallel suits in respect of same matter in issue. The section intends to protect a person from multiplicity of proceedings and to avoid a conflict of decisions.
- The Code embodies the doctrine of *res judicata* that is, bar or restraint on repetition of litigation of the same issues. It enacts that since a matter is finally decided by a competent court, no party can be permitted to reopen it in a subsequent litigation. It is pragmatic principle accepted and provided in law that there must be a limit or end to litigation on the same issues. In the absence of such a rule there would be no end to litigation and the parties would be put to constant trouble, harassment and expenses.
- In any suit for restraining the defendant from committing a breach of contract or other injury of any kind, whether compensation is claimed or not, the plaintiff may, at any time after the commencement of the suit, and either before or after judgement, apply to the court for a temporary injunction to restrain the defendant from committing the breach of contract or injury complained of, or any breach of contract or injury of a like nature arising out of the same contract or relating to the same property or right. The Court may grant an injunction on such terms including keeping of an account and furnishing security, etc. as it may think fit.
- The grant of a temporary injunction is a matter of discretion of Courts. Such injunction may be granted if the Court finds that there is a substantial question to be investigated and that matter should be preserved in status until final disposal of that question.
- The Code also provides for making certain interlocutory orders. The court has power to order sale of any moveable property which is the subject-matter of the suit or attached before judgement in such suit which is subject to speedy and natural decay or for any just and sufficient cause desirable to be sold at once.
- It can also order for detention, preservation or inspection of any property which is the subject-matter of such suit, or as to which any question may arise therein. And for that purpose it can authorise any person to enter upon or into any land or building in the possession of any other party to such suit or authorise any samples to be taken or observation to be made or experiment to be tried for the purpose of obtaining full information.
- Suit ordinarily is a civil action started by presenting a plaint in duplicate to the Court containing concise statement of the material facts, on which the party pleading relies for his claim or defence. In every plaint the facts must be proved by an affidavit.
- The main essentials of the suit are: (i) the opposing parties; (ii) the cause of action; (iii) the subject

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matter of the suit, and (iv) the relief(s) claimed.

– Every suit shall be instituted in the Court of the lowest grade to try it. The Code specifies the categories of suits that shall be instituted in the court within the local limits of whose jurisdiction the property is situated. This is subject to the pecuniary or other limitations prescribed by any law. The various stages in proceedings of a suit have been elaborately laid down under the Code.

– It also lays down provisions relating to appeals, reference, review and revision. Any person who feels aggrieved by any decree or order passed by the court may prefer an appeal in a superior court if an appeal is provided against that decree or order or may make an application for review or revision. In certain cases, a subordinate court may make a reference to a High Court.

– A procedure by way of summary suit applies to suits upon bill of exchange, hundies or promissory notes, when the plaintiff desires to proceed under the provisions of Order 37. Order 37 provides for a summary procedure in respect of certain suits. The object is to prevent unreasonable obstruction by a defendant. The summary suit must be brought within one year from the date on which the debt becomes due and payable, whereas the period of limitation for suits for ordinary cases under negotiable instrument is three years.

State whether the following statement is 'True' or 'False'

The Civil Procedure Code consolidates and amends the law relating to the procedure of the courts of civil jurisdiction.

- True
- False

Correct answer: True

Choose the correct answer

What are the essentials of a decree?

- (a) There must be a formal expression of adjudication
- (b) There must be a conclusive determination of the rights of parties
- (c) The adjudication should have been given in the suit
- (d) All the above

Correct answer: (d)

Which Section is enacted to prevent the Courts of concurrent jurisdiction from simultaneously trying two parallel suits in respect of same matter in issue?

- (a) Section 9
- (b) Section 10
- (c) Section 11
- (d) Section 12

Correct answer: (b)

Res Judicata in Section 11 of the Civil Procedure Code deals with bar or restraint on repetition of litigation of the same issues.

- True
- False

Correct answer: True

State whether the following statement is 'True' or 'False'

Res-Judicata does not presume conclusively the truth of the former decision and ousts the jurisdiction of the Court to try the case.

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- True
- False

Correct answer: False

In order to obtain temporary injunction it is not necessary for the plaintiff to satisfy the Court that substantial and irreparable harm or injury would be suffered by him.

- True
- False

Correct answer: False

What are the main essentials for instituting the suit?

- (a) The opposing parties
- (b) The cause of action
- (c) The subject matter of the suit
- (d) All the above

Correct answer: (d)

Every copy of the summons must be signed by the Judge or an authorised officer of the Court and sealed with the seal of the Court and be accompanied by a copy of the plaint.

- True
- False

Correct answer: True

All documents relating to the matters in issue in the possession or power of any adversary can not be inspected by means of discovery by documents.

- True
- False

Correct answer: False

How many kinds of Appeals are there under the Civil Procedure Code?

- (a) Two
- (b) Three
- (c) Four
- (d) Five

Correct answer: (c)

The right of review has been conferred by Section 114 and Order 47 Rule 1 of the Code.

- True
- False

Correct answer: True

To which of the Courts are the rules for summary suit procedure applicable?

- (a) High Courts
- (b) City Civil Courts
- (c) District Courts
- (d) Small Courts

Correct answer: (a), (b) and (d)

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Lesson 24 Criminal Procedure Code

- The law of criminal procedure is meant to be complimentary to criminal law. It is intended to provide a mechanism for the enforcement of criminal law. The Code of Criminal Procedure creates the necessary machinery for apprehending the criminals, investigating the criminal cases, their trials before the criminal courts and imposition of proper punishment on the guilty person.
- For the purpose of the Code all offences have been classified into different categories. Firstly, all offences are divided into two categories – cognizable offences and non-cognizable offences; secondly, offences are classified into bailable and non-bailable offences; and thirdly, the Code classifies all criminal cases into summons cases and warrant cases.
- The Code enumerates the hierarchy of criminal courts in which different offences can be tried and then it spells out the limits of sentences which such Courts are authorized to pass.
- The Code contemplates two types of arrests – (a) arrest with a warrant; and (b) arrest without a warrant. Where a person has been concerned in a non-cognizable offence, he cannot, except in a few cases be arrested without a warrant. Powers to arrest without a warrant are mainly conferred on the police. The Code envisages the various circumstances under which a police officer may arrest a person without a warrant.
- Further, a private person may arrest or cause to be arrested any person who in his presence commits a non-bailable and cognizable offence or who is a proclaimed offender. Furthermore, the Magistrate has been given power to arrest a person who has committed an offence in his presence and also commit him to custody.
- Whether the arrest to be made is with a warrant or without a warrant, it is necessary that in making such an arrest, the police officer or other person making such an arrest actually touches or confines the body of the person to be arrested and such police officer or other person may use all necessary means to effect the arrest if there is forcible resistance.
- Persons arrested are to be taken before the Magistrate or officer-in-charge of a police station without unnecessary delay. When a person is arrested under a warrant, Section 76 becomes applicable, and when he is arrested without a warrant, he can be kept into custody for period not exceeding 24 hours, and before the expiry of that period he is to be produced before the nearest Magistrate, who can order his detention for a term not exceeding 15 days, or he can be taken to a Magistrate, under whose jurisdiction he is to be tried, and such Magistrate can remand him to custody for a term which may exceed 15 days but not more than 60 days.
- Every warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer of such Court, and shall bear the seal of the Court. Such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed. Where a warrant remains unexecuted, the Code provides for two remedies (i) issuing a proclamation; and (ii) attachment and sale of property.
- The main processes for compelling production of things and documents are (a) summons issued by a court; (b) warrant order issued by a police officer in charge of a police station; (c) search and seizure with or without a warrant. These processes may be used – (i) for the investigation, inquiry or trial in respect of an offence; or (ii) for any other proceeding generally taken as a preventive or precautionary measure.
- Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction and be read over to the informant. Every such information shall be signed by the person giving it and the substance thereof

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shall be entered in a book kept by such officer in such form as may be prescribed by the State Government in this behalf. The above information given to a police officer and reduced to writing is known as First Information Report (FIR). The investigation of the case proceeds on this information only.

– In case of a cognizable offence the police officer may conduct investigations without the order of a Magistrate. Investigation includes all proceedings under the Code for the collection of evidence by the police officer or by any person who is authorized by the Magistrate in this behalf.

– Any Magistrate of first class and of the second class specially empowered may take cognizance of an offence upon: (i) receiving a complaint of facts constituting such offence; (ii) a police report of such facts; (iii) information received from any person other than police officer; (iv) his own knowledge that such offence has been committed.

– The Court of Session does not take cognizance of any offence, as a Court of original jurisdiction unless the case has been committed to it by a competent Magistrate. No Court shall take cognizance of an offence after the expiry of the period of limitation. The object is to prevent the parties from filing the case after a long time so that the material evidence may not vanish.

– Summary trial means the “speedy disposal” of cases. By summary cases is meant a case which can be tried and disposed of at once. Generally, it will apply to such offences not punishable with imprisonment for a term exceeding two years. The kinds of offences that can be tried summarily have been stipulated under the Code. In every case tried summarily in which the accused does not plead guilty, the Magistrate shall record the substance of the evidence and a judgement containing a brief statement of the reason for the finding. The concerned Magistrate must sign such record and judgement.

Choose the correct answer

Which one of the following is the essential ingredient to try a person under criminal law?

- (a) A guilty personality
- (b) A guilty mind or intent
- (c) An intention
- (d) A motive

Correct Answer: (b)

State whether the following statement is “True” or “False”

In a non-cognizable case, a police officer can arrest a person without a warrant.

Correct Answer: False

The three different stages of a criminal case are:

- (a) Investigation
- (b) Inquiry
- (c) Arrest
- (d) Trial

Correct Answer: (a), (b), (d)

An ‘anticipatory bail’ is granted by:

- (a) The High Court
- (b) The Supreme Court
- (c) The Court of Session
- (d) Any Magistrate

Correct Answer: (a) and (c)

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Choose the correct answer

When a person is arrested without a warrant, he/she can be kept in the custody not more than:

- (a) 24 hours
- (b) 48 hours
- (c) 72 hours
- (d) 15 days

Correct Answer: (a)

A search warrant can be issued under:

- (a) Section 91
- (b) Section 92
- (c) Sub-section (2)
- (d) Section 93

Correct Answer: (d)

State whether the following statement is “True” or “False”

If a case relates to two or more offences and one of the offences is a cognizable offence, the case will be treated as a non- cognizable case.

Correct Answer: False

Summons or warrant can not be issued against the accused unless and until the list of prosecution witnesses has been filed.

Correct Answer: True

Summary trial is conducted in those offences which are not punishable with imprisonment for a term exceeding two years.

Correct Answer: True

Which of the following judicial authorities can conduct a summary trial?

- (a) Any Judge of a High Court
- (b) Any Chief Judicial Magistrate
- (c) Any Metropolitan Magistrate
- (d) Any first class Magistrate empowered by a High Court

Correct Answer: (b), (c) and (d)

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Lesson 25 Right to Information

- Right to know is a necessary ingredient of participatory democracy. The Government enacted Right to Information (RTI) Act, 2005 which came into force on October 12, 2005.
- The RTI Act provides for setting out the practical regime of right to information for citizens to secure access to information held by public authorities to promote transparency and accountability in the working of every public authority. Every public authority under the Act has been entrusted with a duty to maintain records and publish manuals, rules, regulations, instructions, etc. in its possession as prescribed under the Act. Further, it is obligatory on every public authority to publish the information about various particulars prescribed under the Act within one hundred and twenty days of the enactment of this Act.
- Every public authority has to designate in all administrative units or offices Central or State Public Information Officers to provide information to persons who have made a request for the information. The Public Information Officers/Assistant Public Information Officers will be responsible to deal with the requests for information and also to assist persons seeking information.
- The Act specifies the manner in which requests may be made by a citizen to the authority for obtaining the information. It also provides for transferring the request to the other concerned public authority who may hold the information.
- Certain categories of information have been exempted from disclosure under Section 8 and 9 of the Act.
- Intelligence and security agencies specified in Schedule II to the Act have been exempted from the ambit of the Act, subject to certain conditions.
- The Public Information Officer has been empowered to reject a request for information where an infringement of a copyright subsisting in a person would be involved.
- Only that part of the record which does not contain any information which is exempt from disclosure and which can reasonably be severed from any part that contains exempt information, may be provided.
- The Act envisages constitution of Central Information Commission and the State Information Commissions.
- The Central Information Commission is to be constituted by the Central Government through a Gazette Notification. The Central Information Commission consists of: (i) The Chief Information Commissioner; (ii) Central Information Commissioners not exceeding 10.
- The Chief Information Commissioner and Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
- CIC shall be appointed for a term of 5 years from date on which he enters upon his office or till he attains the age of 65 years, whichever is earlier. CIC is not eligible for reappointment.
- The State Information Commission will be constituted by the State Government through a Gazette notification. The State Information Commission consists of: (i) One State Chief Information Commissioner (SCIC) and (ii) Not more than 10 State Information Commissioners (SIC).
- The Central /State Commission have been authorized to receive and enquire into a complaint from any person who has been denied information by the concerned authorities due to various reasons as specified under the Act. If the Commission feels satisfied, an enquiry may be initiated and while initiating an enquiry the Commission has same powers as vested in a Civil Court.

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- Any person who does not receive a decision within the specified time or is aggrieved by a decision of the PIO may file an appeal under the Act.
- Stringent penalty may be imposed on a Public Information Officer for failing to provide information. The Information Commission (IC) at the Centre and at the State levels will have the power to impose this penalty.
- The Act also stipulates the role of the Central/State Governments

Choose the correct answer

Which of the following Articles grant us right of freedom of speech and expression:

- (a) Article 19
- (b) Article 19(1)
- (c) Article 19(1)(a)
- (d) Article 21

Correct answer: (c)

State whether the following statement is “True” or “False”

The RTI Act is applicable to the whole of India with all its provisions.

- True
- False

Correct answer: False

State whether the following statement is “True” or “False”:

Where the information requested for concerns the life or liberty of a person, the same shall be provided within 48 hours of the receipt of the request.

Correct answer: True

Which of the following acts as a chairman of the Central Information Commission:

- (a) President of India
- (b) Prime Minister of India
- (c) The Leader of Opposition in the Parliament
- (d) Any designated member of the Parliament

Correct answer: (b)

Burden of proving that ‘denial of information was justified’ lies with the PIO.

Correct answer: True

The Information Commission (IC) at the Centre and at the State levels has the power to impose penalty on Public Information Officer.

Correct answer: True

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EXECUTIVE PROGRAMME INDUSTRIAL, LABOUR & GENERAL LAWS PRACTICE TEST PAPER

(This test paper is for practice and self study only and not to be sent to the Institute)

Time allowed: 3 hours Maximum marks : 100

[Attempt all questions. Each question carries 1 mark. There is no negative mark for incorrect answers.]

PART-A

1. The factors which caused variation of minimum wages in India are –

- I. Prices of essential commodities
- II. Paying capacity
- III. Productivity
- IV. Differences in exchange rates.

Select the correct answer form the codes given bellow:

- (A) I only
- (B) IV only
- (C) I, III and IV
- (D) I, II, III and IV

2. In order to have a uniform wage structure and to reduce the disparity in minimum wages across the country, the concept of National Floor Level Minimum Wage (NFLMW) was mooted. On the basis of increase

in the Consumer Price Index (Industrial Worker), the Central Government has revised the NFLMW from time to time. The present NFLMW –

- (A) Rs.80/-
- (B) Rs.100/-
- (C) Rs.115/-
- (D) Rs 225/-.

3. Which of the following area, where central government is exclusively competent to enact legislations—

- (A) Trade unions; industrial and labour disputes.
- (B) Social security and social insurance; employment and unemployment.
- (C) Welfare of labour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits.
- (D) Regulation of labour and safety in mines and oilfields

4. A premises including precincts thereof is a 'factory' within the meaning of the Factories Act, 1948 wherein

a manufacturing process is being carried on without the aid of power and where the number of workers working is –

- (A) 10 or more workers
- (B) 20 or more workers
- (C) 15 or more workers
- (D) 50 or more workers.

5. The present wage ceiling per month for the purpose of the Employees' State Insurance Act, 1948 is –

- (A) Rs. 10, 000/-
- (B) Rs. 15, 000/-
- (C) Rs. 18, 000/-
- (D) Rs. 20,000/-

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6. Which Schedule of the Factories Act, 1948 specifies Beryllium poisoning, Anthrax and Arsenic poisoning

or its sequelae etc, as notifiable diseases?

- (A) First Schedule
- (B) Second Schedule
- (C) Third Schedule
- (D) Fifth Schedule

7. The present wage ceiling per month for the purpose of the Payment of Wages Act, 1936 is —

- (A) Rs. 10, 000/-
- (B) Rs. 15, 000/-
- (C) Rs. 18, 000/-
- (D) Rs. 20,000/-

8. As per Payment of Wages Act, 1936, in railway factory or industrial or other establishment upon or in which less than one thousand persons are employed, wages shall be paid before the expiry of the —

- (A) Seventh day of the month.
- (B) Tenth Day of the months
- (C) Third Day of the months
- (D) None of the above

9. The Employees' State Insurance Act, 1948 protects the interest of workers in contingencies such as —

- I. Sickness
- II. Maternity,
- III. Temporary or permanent physical disablement,
- IV. Death due to employment injury resulting in loss of wages or earning capacity.

Select the correct answer form the codes given bellow:

- (A) I only
- (B) II only
- (C) I, III and IV
- (D) I, II, III and IV

10. The verification of membership of unions operating in establishment in central sphere is conducted by Chief Labour Commissioner office under Code of Discipline for the purpose of granting recognition as and when directed by the —

- (A) Ministry of Labour and Employment.
- (B) ESI Corporation
- (C) Labour Tribunal
- (D) Office Bearer of Trade Union

11. As per the provisions contained in Chapter VB of the Industrial Dispute Act, 1947 establishment employing

_____ persons or more are required to seek prior permission of Appropriate Government before effecting lay-off, retrenchment and closure.

- (A) 50
- (B) 100
- (C) 250
- (D) 500

12. _____ have been set up under the provisions of Industrial Dispute Act, 1947 for adjudication of industrial disputes in an organisation.

- (A) Lok-Adalat
- (B) Industrial Tribunal

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- (C) Labour Court
- (D) All of the above

13. Payment of Bonus Act, 1965 shall apply to every factory; and every other establishment in which _____ are employed on any day during an accounting year:

- (A) 20 or more persons
- (B) 25 or more persons
- (C) 30 or more persons
- (D) 50 or more persons

14. As per Payment of Bonus Act, 1965, employees drawing salary or wages not exceeding _____ per month in any industry are eligible for bonus.

- (A) Rs. 10, 000/-
- (B) Rs. 15, 000/-
- (C) Rs. 18, 000/-
- (D) Rs. 20,000/-

15. As per the Employees Pension Scheme, 1995, members on attaining the age of fifty-eight years and having rendered minimum of _____ years of contributory service qualify for superannuation fund.

- (A) 5
- (B) 10
- (C) 15
- (D) 20

16. The term 'same work or work of a similar nature' mentioned in the?

- (A) Equal Remuneration Act, 1976
- (B) Maternity Benefit Act, 1961
- (C) Industrial Employment (Standing Orders) Act, 1946
- (D) The Child Labour (Prohibition and Regulation) Act, 1986
- (E) None of the above

17. Which of the following enactment stipulates for nursing break to a women employee?

- (A) Equal Remuneration Act, 1976
- (B) Maternity Benefit Act, 1961
- (C) Apprentices Act, 1961
- (D) The Child Labour (Prohibition and Regulation) Act, 1986

18. Award means an interim or a final determination of any industrial dispute are determined by:

- (A) Labour Court
- (B) Arbitrator
- (C) Both (A) & (b)
- (D) None of the above

19. Which of the following statement is true about the Constitutional Validity of section 10 of the Industrial Dispute Act, 1947?

- (A) It is ultra-vires the Constitution
- (B) It is intra-vires the Constitution
- (C) Both (A) & (b)
- (D) None of the above

20. The maximum amount of gratuity payable under the Payment of Gratuity Act, 1972 is –

- (A) Rs. 5,00,000
- (B) Rs. 7,50,000
- (C) Rs. 10,50,000
- (D) Rs. 10,00,000

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21. Bonus must be paid to employees within a period of months from the close of the accounting year.;

- (A) 8
- (B) 9
- (C) 12
- (D) None of the above.

22. The minimum number of members required for registration of a trade union is- .

- (A) 2
- (B) 3
- (C) 7
- (D) 10

23. The employer is required to send a report to the Commissioner for workmen's compensation within days of the death or serious injury of the workman.

- (A) 7
- (B) 8
- (C) 9
- (D) 10

24. As per Schedule to the Child Labour Prohibition and Regulation) Act, 1986, paper making is a.

- (A) Occupation
- (B) Process
- (C) Both (A) & (b)
- (D) None of the above

25. As per the Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishments) Act, 1988, an employer of any small establishment or very small establishment required to furnish a Core Return in:

- (A) Form A
- (B) Form B
- (C) Form C
- (D) Form D.

26. Contract Labour (Regulation and Abolition) Act, 1970 applies to every establishment/ contractor in which

_____ workmen are employed or were employed on any day of the preceding twelve months as contract labour.

- (A) Ten or more
- (B) Fifteen
- (C) Twenty or more
- (D) Twenty-five or more

27. The text of the Certified Standing Orders shall be prominently posted by the employer in _____

and in the language understood by the majority of his workmen.

- (A) English
- (B) Hindi
- (C) Devanagiri Script
- (D) Language specified in 8th Schedule of the Constitution

28. _____ means any trade or occupation or any subject field in engineering or technology or

any vocational course which the Central Government, after consultation with the Central Apprenticeship Council, may, by notification in the Official Gazette, specify as a designated trade for the purposes of

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Apprentices Act, 1961.

- (A) Designated trade
- (B) Apprenticeship training
- (C) Both (A) & (B)
- (D) None of the above.

29. As per Employees' Compensation Act, 1923, in case of permanent total disablement, the minimum amount

of compensation payable to an employee is _____.

- (A) Rs. 90,000/-
- (B) Rs. 1, 00,000/-
- (C) Rs. 1, 20,000/-
- (D) Rs. 1, 40,000/-

30. The Contract Labour (Regulation and Abolition) Act, 1970 shall not apply to establishments in which work

is of _____

- (A) An intermittent or casual nature
- (B) Permanent work
- (C) Both (A) & (B)
- (D) None of the above.

31. Violation of the Child Labour (Prohibition & Regulation) Act, 1986 shall be punishable with imprisonment

for a term not be less than _____.

- (A) one month
- (B) three months
- (C) six months
- (D) one year.

32. Under the Apprentices Act, 1961, Apprentice entitled for casual leave for the maximum period of _____ days in a year.

- (A) 12
- (B) 10
- (C) 15
- (D) 45

33. The appropriate government shall revise the minimum rates of wages under the Minimum Wages Act, 1948 at least once in every _____

- (A) 2 years
- (B) 3 years
- (C) 4 years
- (D) 5 years.

34. Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 does not apply in relation to

vacancies in any employment –

- (A) in domestic service;
- (B) to do unskilled office work;
- (C) connected with the staff of Parliament
- (D) All of the above.

35. The rate of employers' contributions in the ESI Scheme is _____ % .

- (A) 4.75,
- (B) 1.65
- (C) 1.75
- (D) 5.75

36. The first Factories Act was enacted in

- (A) 1881
- (B) 1895
- (C) 1897

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(D) 1885

37. Who is an adult as per Factories Act, 1948?

(A) Who has completed 18 years of age

(B) Who is less than 18 years

(C) Who is more than 14 years

(D) Who is more than 15 years

38. A person who has ultimate control over the affairs of the factory under Factories Act, 1948 is called as _____

(A) Occupier

(B) Manager

(C) Chairman

(D) Managing Director.

39. The space for every worker employed in the Factory after the commencement of Factories Act, 1948 should be _____ Cubic Meters.

(A) 9.9

(B) 10.2

(C) 14.2

(D) 13.2

40. The provision for cooling water during hot weather should be made by the organization if it employees _____ or more employees.

(A) 200

(B) 250

(C) 300

(D) 150

41. Who is an Adolescent as per Factories Act, 1948?

(A) Who has completed 17 years of age?

(B) who is less than 18 years

(C) who has completed 15 years but less than 18 years.

(D) None of these

42. Which one of the following is not Welfare provision under Factories Act, 1948

(A) Canteen

(B) Crèches

(C) Alcoholic Beverage

(D) Drinking Water.

43. First Aid Boxes is to be provided for _____ of persons

(A) 125

(B) 135

(C) 150

(D) 160

44. Safety Officers are to be appointed if Organization is engaging _____ or more employees.

(A) 1000

(B) 2000

(C) 500

(D) 750

45. Canteen is to be provided if engaging Employees more than _____ persons.

(A) 250

(B) 230

(C) 300

(D) 275

46. Leave with wages is allowed for employees if they work for _____ days in a month.

(A) 15

(B) 25

(C) 20

(D) 28

47. Welfare Officers are to be appointed if Organization is engaging _____ or more employees.

(A) 500

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- (B) 250
- (C) 600
- (D) 750
- 48. The Ambulance Room is to be provided If engaging employees more than_____
- (A) 400
- (B) 350
- (C) 500
- (D) 450
- 49. Crèche is to be provided if _____ or More lady employees are engaged.
- (A) 25
- (B) 32
- (C) 30
- (D) 40
- 50. The term Sabbatical is connected with
- (A) Paid leave for study
- (B) Paternity leave
- (C) Maternity leave
- (D) Quarantine leave
- 51. Section 2 (K) of the Factories Act 1947 Says about
- (A) Manufacturing Process
- (B) Factory
- (C) Worker
- (D) None of these
- 52. If the factory employs more than 1000 Workers, they should appoint qualified _____ to carry out the prescribed duties
- (A) Safety Officer
- (B) Welfare officer
- (C) Security officer
- (D) None of these
- 53. For contravention of provisions of Factories Act or Rules, the occupier shall Liable for punishment up to
- (A) 2 years or fine up to Rs.1,00,000 or both
- (B) 6 months or fine upto 10, 000 or both
- (C) 3 three years or fine 10, 000 or both
- (D) None of these
- 54. If any employee found violating the section 20 of Factories Act 1947 shall be fine up to
- (A) Rs. 10
- (B) Rs. 5
- (C) Rs. 15
- (D) Rs.20
- 55. Section 41- G of the Factories Act 1948 says about
- (A) Fencing of machineries
- (B) Facing of machineries
- (C) Work on near machinery in motion
- (D) Workers participation in safety mgt.
- 56. Who is responsible for payment to a person employed by him in a Factory under the Payment of wages Act 1936
- (A) Accounts Manager
- (B) HR manager
- (C) Manager
- (D) Owner
- 57. The occupier of a Factory has to submit the document on or before_____ of every year to renewal of a

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license for a factory.

(A) 31st October of every year.

(B) 30th June of every year

(C) 31st March of every year

(D) 31st December of every year

58. The renewal application for a license submitted by a factory after December 31st of the every year shall

pay the fine amount.

(A) 10 % of the license fee

(B) 20% of the license fee

(C) 30 % of the license fee

(D) none of these.

59. Where—————or more workers are employed in a factory, then there shall be a Safety Committee in the factory.

(A) 100 or more workers

(B) 150 or more workers

(C) 200 or more workers

(D) 250 or more workers

60. A general manager of a factory can be appointed as an Inspector of factory under the Factories Act, 1948.

(A) True

(B) False

(C) Depend on the Organizational Structure of the company

(D) None of the above

61. The Factories employing more than 1000 workers are required to submit their plan for approval to

(A) Deputy Chief Inspector of Factories

(B) Joint Chief Inspector of Factories

(C) Chief Inspector of Factories

(D) Additional Chief Inspector of Factories.

62. A weekly holiday was introduced in the Factories for the first time in the year———.

(A) 1948

(B) 1931

(C) 1926

(D) 1923

63. Under the Section 41A of the Factories Act, the Site Appraisal Committee shall be constituted once in——

—— year under the chairmanship of Chief Inspector of Factories.

(A) Once in 5 Year

(B) Once in 2 Year

(C) Once in 3 Year

(D) Once in a Year.

64. To close down a factory, the occupier has to give——— days notice to the authorities.

(A) 30 Days

(B) 60 Days

(C) 90 Days

(D) 14 Days

65. The annual return under the Factories Act shall be submitted to Inspector of Factories on or before

.....

(A) 31st January

(B) 31st December

(C) 30th April

(D) 31st March

66. The number of elected workers in the canteen managing committee shall not be more than——— or less

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than————

- (A) more than 5 or less than 2
- (B) more than 20 or less than 10
- (C) more than 15 or less than 10
- (D) more than 10 or less than 5

67. Designated trade defined under

- (A) Equal Remuneration Act, 1976
- (B) Contract Labour (Regulation and Abolition) Act, 1970
- (C) Apprentices Act, 1961
- (D) Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959

68. Loss of a hand and foot of an employee due to accident Employees' Compensation Act, 1923 treated as

- (A) Permanent Total Disablement
- (B) Permanent Partial Disablement
- (C) Neither Permanent Total Disablement nor Partial Disablement
- (D) None of the above

69. The body, by whatever name called, to which the management of the affairs of a trade union is entrusted

under Trade Union Act, 1926 means:

- (A) Executive
- (B) Office Bearer
- (C) Registered Office
- (D) Trade Union

70. Every woman entitled to maternity benefit under the the Maternity Benefit Act, 1961 shall also be entitled to

receive from her employer

- (A) Medical bonus
- (B) Leave for miscarriage
- (C) Leave with wages for tubectomy operation
- (D) All of the above

PART-B

71. Which of the following language not included in the 8th Schedule of the Indian Constitution?

- (A) English
- (B) Hindi
- (C) Bengali
- (D) Punjabi

Test Papers

72. The Indian Constitution refers to minorities based on;

- (A) Religion or Language
- (B) Region or Culture
- (C) State or Region
- (D) Culture or Cast

73. Who among the following hold(s) office during pleasure of the president of India?

1. The Governor of the State
2. The Chief Election Commissioner
3. The Comptroller and Auditor General of India
4. The Attorney General of India

Select the correct answer form the codes given bellow:

- (A) 1 only
- (B) 1 and 4
- (C) 1, 3 and 4
- (D) 1, 2, 3 and 4

74. Preamble of the Constitution of Indian is ;

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- (A) Part of the Constitution
(B) Prelogue of the Constitution
(C) Not a part of the Constitution
(D) None of the above
75. Summary trials will apply to such offences not punishable with imprisonment for a term exceeding :
(i) Two years
(ii) One year
(iii) Two months
(iv) Three months
76. Indian Law of Torts is based on:
(A) USA Law of Torts
(B) Australia Law of Torts
(C) England Law of Torts
(D) Latin Law of Torts
77. Which of the following conditions are required for the principle of res judicata to suits as applied by courts
vide section 11 of the Code of Civil Procedure, 1908 —
(A) The matter directly and substantially arise in former and later suits
(B) The former suit has not been decided
(C) The said suit has not been heard and decided
(D) All the above are required for the application of res judicata.
78. Under law of torts, exception to the strict liability is —
(A) Inevitable accident
(B) Inevitable mistake
(C) Consent of the plaintiff
(D) All of the above.
79. Jus scriptum means:
(A) Written Law.
(B) Unwritten law
(C) Customary Law
(D) None of the above
80. What remedies are available to a defendant, if an ex-parte decree is passed against him?
(A) He may file an appeal against the ex-parte decree under Section 96 of the C.P.C.
(B) He may file an application for review of the judgement.
(C) He may apply for setting aside the ex-parte decree
(D) All of the above
81. Principle of Estoppel is based on:
(A) the maxim 'allegans contraria non est audiendus'
(B) Rule of evidence
(C) Both (A) & (B)
(D) None of the above
82. Under the Limitation Act, 1963, a suit for compensation for wrongful seizure of movable property under legal process required to be filed within _____ year from the date of the seizure.
(A) One year
(B) Two years
(C) Three years
(D) Four years
83. Essential characteristic of an injunction are:
1. It is a judicial process
2. It is to restrain or to prevent
3. Wrongful act
4. Final Order of the Court
Select the correct answer form the codes given bellow:
(A) 1 and 4

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- (B) 1 and 2
- (C) 1, 2 and 3
- (D) 1, 3 and 4

84. "Interpretation or construction is the process by which the Courts seek to ascertain the meaning of the legislature through the medium of the authoritative forms in which it is expressed" was said by:

- (A) Salmond
- (B) Maxwell
- (C) Crawford
- (D) Lone Fuller

85. Where life or liberty of a person is involved, the Public Information Officer (PIO) is bound to provide information

under the Right to Information Act, 2005 within _____ :

- (A) 30 days
- (B) 35 days
- (C) 24 hours
- (D) 48 hours

86. As per the Limitation Act, 1963, the period of limitation relating to suits of immovable property to redeem or recover the possession of property mortgaged is —

- (A) 3 years
- (B) 12 years
- (C) 20 years
- (D) 30 years.

87. A person against whom a decree has been passed or an order capable of execution has been made is

called

- (A) Lender
- (B) Judgement debtor
- (C) Legal representative of the debtor
- (D) Any of the above.

88. As per the Indian Evidence Act, 1872, a witness cannot be compelled to give evidence relating to —

- (A) Official communications
- (B) Affairs of the State
- (C) Communications during marriage
- (D) All the above.

89. is a written statement of the deponent on oath duly affirmed before any court or any Magistrate or any Oath Commissioner appointed by the Court or before the Notary Public.

- (A) An affidavit
- (B) Summon
- (C) Warrant
- (D) None of the above

90. Under the Specific Relief Act, 1963, recovering possession of property is a —

- (A) Specific relief
- (B) Preventive relief
- (C) Either (a) or (b)
- (D) None of the above.

91. Rule of ejusdem generis shall apply when —

- (A) The statute contains an enumeration by specific words
- (B) The members of the enumeration constitute a class
- (C) The class is not exhausted by the enumeration
- (D) All the above.

92. An arbitral award —

- (A) must be in writing
- (B) may be an oral decision

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- (C) either (A) or (B) depending upon the circumstances of the case
(D) must be in writing and made on a stamp paper of prescribed value.
93. Investigation and inquiry as per the Code of Criminal Procedure, 1973 are –
(A) The same
(B) Different
(C) Depend upon the circumstances
(D) None of the above.
94. Place of arbitration is important for the determination of the rules applicable to substance of dispute, and recourse against the
(A) Award
(B) Arbitration
(C) Conciliation
(D) Mediation
95. The term 'sufficient cause' has not been defined in the Limitation Act, 1963. It depends on the of each case.
(A) Circumstances
(B) History
(C) Time
(D) None of the above
96. In the interpretation of statutes, an important role is played as an internal aid by :
(A) Schedules
(B) Preamble
(C) Heading
(D) All the above.
97. Under the law of limitation, suits can be filed within three years in cases relating to :
(A) Seamen's wages
(B) Hire of animals
(C) Price of goods sold and delivered
(D) All the above.
98. The right of review has been conferred by the Code of Civil Procedure, 1908. It provides that any person considering himself aggrieved by a decree or order may apply for a review of judgement to the —
(A) Appellate Court
(B) High Court
(C) District Court concerned
(D) Court which passed the decree or order.
99. The term 'cognizance' means —
(A) A crime
(B) Custody without warrant
(C) Arousing judicial notice
(D) Custody with warrant.
100. Extension of time limit under the Limitation Act, 1963 on showing sufficient cause may be granted for —
(A) Filing a suit
(B) Filing an application for execution of a decree
(C) An appeal in a labour court
(D) None of the above.

PART-A

1. D
2. C
3. D
4. D
5. B
6. C

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7. C
8. A
9. D
10. A
11. B
12. C
13. A
14. A
15. B
16. A
17. B
18. C
19. B
20. D
21. A
22. C
23. A
24. B
25. A
26. C
27. A
28. A
29. A
30. A
31. B
32. A
33. D
34. D
35. A
36. A
37. A
38. A
39. C
40. B
41. C
42. C
43. C
44. A
45. A
46. C
47. A
48. C
49. C
50. A
51. A
52. A
53. A
54. B
55. D
56. C
57. A
58. B
59. D
60. B
61. C
62. D

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63. A

64. B

65. A

66. A

67. C

68. A

69. A

70. D

PART B

71. A

72. A

73. D

74. A

75. A

76. C

77. A

78. C

79. A

80. A

81. C

82. A

83. C

84. A

85. D

86. D

87. B

88. D

89. A

90. A

91. D

92. D

93. B

94. A

95. A

96. D

97. D

98. D

99. C

100. D