

[Time: 2½ Hours]

[Marks:75]

Please check whether you have got the right question paper.

- N.B: 1. All Question are is compulsory.
2. Cite the relevant case laws where required.

Q.1 Answer the following in two sentence each. (10)

- a. Bonded Debt
- b. Remuneration
- c. Contracting Out.
- d. Cost of living Index
- e. Total disablement.

Q.2 Write **short notes** on **ANY THREE** of the Following (15)

- a. Elucidate the various aims and objectives with which the Equal Remuneration Act, 1976 was formulated.
- b. Deductions under the Payment of wages Act, 1936.
- c. Define Family under the ESI Act
- d. Employer under the minimum Wages Act, 1948.
- e. Partial Disablement along with relevant case laws

Q.3 Answer **ANY TWO** of the followings based on the given Facts/situation: (20)

- a. Shush Namak Ltd. was a salt manufacturing company which was situated near a creek opposite the city of Porbander. The salt-works could be reached by two ways from the town: one the land route and other via creek. One fine day while coming to the work, the few of employees drowned as the boat capsized due to bad weather.
 - (i) Weather coming via creek, can be termed as in the course of employment or not?
 - (ii) Explain the concept of Notional Extension with the help of relevant case law.
- b. KSCMF is a co-operative society in which the state government was a major shareholder. It was engaged in the marketing of fertilizers and pesticides to the farmers in the state of Karnataka. For this purpose, they had established 31 branches all over the state. The administrative and authoritative control over these branches was exercised by Head Office of the society with the help of 450 employees. ESSIC called upon KSCMF to pay the contribution in respect of ESI Act.
 - (i) Determine whether KSCMF is a shop or not? Would they be liable to Contribute towards ESI for their Employees?
 - (ii) Define the term 'Other Establishment' under the ESI Act, 1948
- c. Ram sewak Gau Sanstha was engaged in the activity of taking care for sick and lame cattle and to maintain them. The Sanstha had other objectives such as raising of cattle, improving their breed, caring for the cattle, to run dairy farm in order to supply good milk and ghee in the interest of the public and to grow the grass and cut it, it earns rental and other incomes and also other agricultural income earned by sale of wood, wool, manure etc. it had another branch in which cattle were put for treatment.
 - (i) Whether ram sewak Gau sanstha can be termed as Commercial establishment or not?
 - (ii) Define the term 'Scheduled Employment' under the Minimum Wages Act, 1948

Q.4 LONG ANSWER :Answer on ANY THREE of the Following

(30)

- a. Equal Pay for Equal Work has no longer remained a Directive Principle of state Policy only, but a complete legislation by virtue of the Equal Remuneration Act, 1976. Comment
- b. Define the term wages under the Payment of Wages? How is the person responsible for the payment wages? how is the wage period and time period for the payment of wages fixed? Elucidate the change to be bought in the mode of the payment of wages by the Payment of Wages (Amendment) Bill, 2017.
- c. Discuss the various Constitutional & Legal Provisions prevalent in India for the prohibition of Bonded Labour System.
- d. Elaborate the provisions of Employee’s Liability to pay Compensation. Discuss the various steps involved in the computation of the compensation. How the Compensation can be reviewed.
- e. Discuss the various Contributions, to be made under the Employee State Insurance Act, 1948