

Question Booklet

JLC/2015

Booklet Series

A

Time : 45 minutes.

Booklet No.

Date:

Total Questions: 50

Total Marks : 100

INSTRUCTIONS

1. The booklet contains 50 questions. All questions carry equal marks.
2. Immediately after the commencement of the examination, you should check that this booklet does not have any unprinted or torn or missing pages or items, etc. If so please get it replaced by a complete Booklet. Question booklet will not be replaced after marking answers in answer-sheet.
3. Encode clearly the booklet series A,B,C or D, as the case may be, and indicate the series of question booklet, by completely shadowing the appropriate circle, by **black ink ball pen**, in the appropriate place in the answer-sheet. Any failure to shadow the appropriate circle will result in non evaluation of the answer-sheet.
4. If the candidate shadows the circle in the answer sheet which does not match the series of his/her question booklet, no marks will be allotted to such answer-sheet.
5. You shall enter your Roll number on the Booklet in the box provided alongside.
6. You have to mark your choices **Only** on the separate answer-sheet provided for the same. Please see instructions on last page of the answer-sheet.
7. **Penalty for wrong answer:**
There will be penalty for wrong answers marked by candidate.
 - (i) There are four alternatives for the answer to every question. For each question for which a wrong answer has been given by the candidate, **one fourth** of the marks assigned to that question (0.50) will be deducted as penalty.
 - (ii) If a candidate gives more than one answer, it will treated as a wrong answer, even if one of the given answers happens to be correct and there will be same penalty as above to that question.
 - (iii) If a question is left blank, i.e., no answer is given by the candidate, there will be no penalty for that question.

1. Under Section 2(b) of the Factories Act, 1948 an adolescent means ____.
 - a. a person who has completed his 18th year of age.
 - b. a person who has completed his 14th year of age but has not completed his 15th year.
 - c. **a person who has completed his 15th year of age but has not completed his 18th year.**
 - d. a person who has completed his 12th year of age but has not completed his 14th year.
2. If any question or any dispute arises as to the rate of wages or average daily wages of an employee for the purposes of Employees' State Insurance Act, 1948, such question or dispute shall be decided by ____.
 - a. Labour Court.
 - b. **Employees' State Insurance Court. (Sec.75)**
 - c. Civil Court.
 - d. Corporation.
3. An appeal u/s. 42(2) of the MRTU and PULP Act, 1971, shall be made within 30 days from the date of ____.
 - a. conviction.
 - b. **acquittal.**
 - c. sentence.
 - d. **all the above.**
4. In which of the following cases, has the Supreme Court set aside the Delhi High Court judgment which decriminalised section 377 IPC?
 - a. **Naz Foundation v Union of India.**
 - b. **Suresh Kumar Kaushal v Naz foundation.**
 - c. **Sakshi v Union of India.**
 - d. **None of the above.**
5. Where the evidence in a case is evenly balanced on both sides ____.
 - a. **Benefit of doubt can be given to the accused.**
 - b. Benefit of doubt cannot be given to the accused.

c. Court should order further investigation.

d. none of the above.

6. "Res ipsa loquitur" is the maxim used when _____.

- The circumstantial evidence is sufficient.
- There is no evidence available to prove a fact.
- The things (circumstances) would speak for itself.**
- The witness is called from lock-up (detention).

7. Under the MRTU and PULP Act, 1971, the officer appointed to look into matter of unfair labour practice is _____.

- Law Officer.
- Inspecting Officer.
- Investigating Officer. (S.9)**
- Industrial Officer.

8. In view of Section 11(d)(ia) of the Factories Act 1948 all inside walls and partitions, all ceilings or tops of rooms and all walls, sides and tops of passages and stair cases of a factory shall _____.

- where they are painted otherwise than with washable water paint, be repainted with atleast one coat of such paint atleast once in every period of two years and washed atleast once in every period of five months.
- where they are painted with washable water paint, be repainted with atleast two coats of such paint atleast once in every period of four years and washed atleast once in every period of nine months.
- where they are painted with washable water paint, be repainted with atleast one coat of such paint atleast once in every period of three years and washed atleast once in every period of six months.**
- where they are painted with washable water paint, be repainted with atleast one coat of such paint atleast twice in every period of four years and washed atleast once in every period of one year.

9. In case where death results from the injury, the amount of compensation shall be _____.

- an amount equal to fifty per cent of the monthly wages of the deceased employee multiplied by the relevant factor, or an**

amount of one lakh and twenty thousand rupees, whichever is more. (Sec. 4(1)(a) of the Employees' Compensation Act)

- b. an amount equal to fifty per cent of the monthly wages of the deceased employee multiplied by the relevant factor, or an amount of one lakh and twenty thousand rupees, whichever is less.
- c. an amount equal to sixty per cent of the monthly wages of the deceased employee multiplied by the relevant factor, or an amount of one lakh and forty thousand rupees, whichever is more.
- d. an amount equal to sixty per cent of the monthly wages of the deceased employee multiplied by the relevant factor, or an amount of one lakh and forty thousand rupees, whichever is less.

10. An employer shall not be liable to pay compensation to an employee _____.

- a. if personal injury is caused to an employee by accident arising out of an in the course of his employment.
- b. **in respect of any injury which does not result in the total or partial disablement of the employee for a period exceeding three days. (Sec.3 (a) Employees' Compensation Act)**
- c. both 'a' and 'b'.
- d. neither 'a' nor 'b'.

11. In view of Sec.23 of the Trade Unions Act, 1926, any registered trade union may with the consent of not less than _____ of the total number of its members and subject to the provisions of Sec. 25, change its name.

- a. one half
- b. **two third**
- c. three fourth
- d. four fifth

12. When a man monitors a woman by the use of the internet, email or any other form of electronic communication, he commits the offence of _____.

- a. Voyeurism.
- b. Sexual Harassment.
- c. **Stalking. (Sec.354D-IPC)**
- d. None of the above.

13. A procedural law is always subservient to the substantive law. Nothing can be given by a procedural law what is not sought to be given by a substantive law and nothing can be taken away by the procedural

law what is given by substantive law. The statement is _____.

a. True. b. False.
c. Partly correct. d. none of the above.

14. If the dispute is not an industrial dispute nor does it relate to enforcement of any other right under the Industrial Disputes Act the remedy lies only in the civil court. The statement is _____.

a. Correct. b. Incorrect.
c. Partly correct. d. none of the above.

15. Fundamental Duties contained in Art. 51A of the Constitution are _____.

a. Enforceable per se even if there is no statute making such duty a legal duty.
b. Not enforceable but nevertheless they are fundamental in the governance of the country.
c. Enforceable when some Fundamental Right is violated.
d. Not enforceable in the absence of a statute making such duty a legal duty.

16. According to the provisions of Industrial Disputes Act, 1947, no notice of change is required to be given by the employer to the employee in respect of the _____.

a. wages, including the period and mode of payment.
b. compensatory and other allowances.
c. change to be effected in pursuance of any settlement or award. [Sec. 9A (a)]
d. hours of work and rest intervals.

17. Who constitutes the Medical Benefits Council under the Employees 'State Insurance Act?

a. The Central Government. (Sec. 10)
b. The State of Maharashtra.
c. The Appropriate Government.

21. An adult worker shall not be required or allowed to work in a factory for more than _____.
a. twenty four hours in any week.
b. twenty four hours in any month.
c. **forty eight hours in any week. (Sec. 51 Factories Act)**
d. forty eight hours in any month.

22. 'Evidence is the tool by which _____ is obtained'.
a. Truth
b. **Proof**
c. Conviction
d. none of the above.

23. For purpose of precedent, a Judgment "per incurium" would mean _____.
a. A judgment which does not decide any question of law.
b. A judgment which decides substantial question of law.
c. A judgment which decides personal right arising out of departmental enquiry.
d. **A judgment which omits to consider existing law on the subject.**

24. For the purposes of conferring jurisdiction on any court in relation to an offence under the Factories Act, 1948 or the rules made thereunder in connection with the operation of any plant _____.
a. the place where the owner of the plant resides for time being shall be deemed to be the place where such offence has been committed.
b. **the place where the plant is for the time being situate shall be deemed to be the place where such offence has been committed. (Section 106A)**
c. the place where the head office of the plant concerned is for the time being situate shall be deemed to be the place where such offence has been committed.
d. the place where the worker is found injured shall be deemed to be the place where such offence has been committed.

25. Any contract or agreement made before or after commencement of the Employees Compensation Act, whereby an employee relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employer shall be _____.
a. irregular in so far as it purports to remove or reduce the liability of any person to pay compensation under the Act.
b. voidable at the option of the employee, in so far as it purports to remove or reduce the liability of any person to pay compensation under the Act.
c. valid irrespective of the fact that it purports to remove or reduce the liability of any person to pay compensation under the Act.
d. **null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under the Act.**
(Sec. 17 of the Employees Compensation Act)

26. In every factory, which of the following facilities shall be provided _____.
a. adequate and suitable facilities for washing for the use of workers therein.
b. separate and adequate screened facilities shall be provided.
c. conveniently accessible and clean facility for washing and screened facilities.
d. **All the above. (Sec. 42 Factories Act)**

27. All contributions paid under the Employees' State Insurance Act, 1948 and all moneys received on behalf of the Corporation shall be paid into a fund which is called _____.
a. a consolidated Fund of India.
b. a contributory Insurance Fund.
c. a Corporation Insurance Fund.
d. **Employees' State Insurance Fund (Sec.26)**

28. The Commissioner under Employees' Compensation Act shall dispose of the matter relating to compensation under the said Act within a period of _____ from the date of reference and intimate the decision in respect thereof within the said period to the employee.

33. Which among the following is not a Fundamental Right?

- a. Right to strike.
- b. Right against exploitation.
- c. Right to equality.
- d. Right to freedom of religion.

34. Pay Master, under the Payment of Wages Act, 1936, means, _____.

- a. Cashier.
- b. Accountant.
- c. Manager.
- d. Employer. [Rule 2(q)]

35. Any person who knowingly expends or applies any money in direct furtherance or support of any illegal strike or lock-out shall be punishable with _____.

- a. imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.
- b. imprisonment for a term which may extend to three months or with fine which may extend to two thousand rupees or with both.
- c. imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both.
- d. imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both. (Sec. 28 Industrial Disputes Act)

36. The wages of every person employed upon or in any Railway, Factory or Industrial or establishment upon or in which less than one thousand person are employed shall be paid before the expiry of _____ after the last day of the wage period in respect of which the wages are payable.

- a. seventh day
- b. eighth day
- (Sec.5 Payment of Wages Act,1936)
- c. nineth day
- d. tenth day

37. No Court shall take cognizance of any offence under the Factories Act, 1948 except on _____.

- a. complaint by or with the previous sanction in writing of appropriate Government.
- b. complaint by or with the previous sanction in writing of an Inspector. (Sec. 105 Factories Act)

- c. complaint by or with the previous oral sanction of an Inspector.
- d. complaint by or with the previous sanction in writing of a Police Officer.

38. Law of Evidence is applicable to _____.

- a. Criminal Law.
- b. Civil Law.
- c. Labour Law
- d. **All the above.**

39. An ex parte decree can be set aside on the ground that _____.

- a. **Summons were not duly served.**
- b. Non-appearance of defendant as copies of documents filed with plaint were not provided to defendant.
- c. Defendant refused to receive the summons and thereafter no fresh summons were issued to him.
- d. An ex parte decree cannot be set aside under any circumstance.

40. An appeal against the order of the Commissioner under Section 30 of the Employees' Compensation Act, lies to the _____.

- a. Industrial Court.
- b. District Court.
- c. **High Court.**
- d. Appropriate Government.

41. In view of explanation to Sec.71 of the Factories Act, 1948 "night" shall mean _____.

- a. **a period of atleast twelve consecutive hours which shall include the interval between 10.00 p.m. and 6.00 a.m.**
- b. a period of atleast twelve consecutive hours which shall include the interval between 9.00 p.m. and 5.00 a.m.
- c. a period of atleast twelve consecutive hours which shall include the interval between 8.00 p.m. and 4.00 a.m.
- d. a period of atleast twelve consecutive hours which shall include the interval between 11.00 p.m. and 7.00 a.m.

47. Which of the following is not an offence introduced by the Criminal Law (Amendment) Act, 2013?

- Stalking.
- Voyeurism.
- Sexual Harassment.
- None of the above.**

48. Under the Industrial Disputes Act, the lay-off compensation is paid to workman who is _____.

- Badali-workman.
- Casual workman.
- Whose name is borne on muster rolls of Industrial establishment and who has completed not less than one year of continuous service under the employer. [Sec.25(C)]
- Daily wager.

49. Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workman in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench _____ in that category, unless for reasons to be recorded the employer retrenches any other workman.

- the workman who was the first person to be employed
- the workman who was the tenth person to be employed
- the workman who was the last person to be employed (Sec.25G Industrial Disputes Act, 1947)**
- any workman

50. What is the prohibited period of work of children under the Child Labour (Prohibition and Regulation) Act, 1986?

- 6 p.m. to 6 a.m.
- 7 p.m. to 8 a.m. [Sec. 7(4)]**
- 5.30 p.m. to 10.30 a.m.
- 8 p.m. to 8 a.m.

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