

**Question Booklet****MIC/2015**

Booklet Series

Booklet No.

**A**

Date:

Total Questions: 50

Time : 45 minutes.

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 3 of the Factories Act, 1948 references to time of day are references to \_\_\_\_\_.
  - a. Indian Standard Time, being five hours ahead of Greenwich Mean Time.
  - b. Indian Standard Time, being five and half hours ahead of Greenwich Mean Time.
  - c. Indian Standard Time, being six hours ahead of Greenwich Mean Time.
  - d. Indian Standard Time, being six and half hours ahead of Greenwich Mean Time.
2. An award u/s. 2(b) of Industrial Disputes Act, 1947 means \_\_\_\_\_.
  - a. An interim determination of any industrial disputes or any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal.
  - b. A final determination of any industrial disputes or any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal.
  - c. both 'a' and 'b' above.
  - d. none of the above.
3. For the purpose of co-ordinating the work of committees and sub-committees appointed under Sec.5 of the Minimum Wages Act, 1948 for fixing of minimum rates of wages, the appropriate government shall appoint \_\_\_\_\_.
  - a. a board for fixation and revision of minimum wages.
  - b. an advisory board. (Sec.7)
  - c. a co-ordination board.
  - d. wage board.
4. Section 7 (2) of the Payment of Wages Act, 1936 provides that deduction from the wages of an employed person shall be made only in accordance with the provisions of the said act. Under the said provisions which of the following would be a legal deduction.
  - a. fines
  - b. deduction from absence from duty
  - c. both 'a' and 'b' above.
  - d. none of the above.

5. Under Employees' State Insurance Act, 1948, any question as to whether the assessment of the proportion of the loss of earning capacity is provisional or final, shall be determined by \_\_\_\_\_.
  - a. Employees' Insurance Court
  - b. Corporation
  - c. **Medical Board (Sec.54)**
  - d. Civil Court.
6. U/s. 2 (ia) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, an "Insurance Fund" means \_\_\_\_\_.
  - a. Employees' State Insurance Fund
  - b. **The Deposit Linked Insurance Fund**
  - c. The Consolidated Fund of India
  - d. The Pension Fund
7. Under Section 8(4) of the Factories Act, 1948 \_\_\_\_\_.
  - a. Every District Judge shall be an Inspector for his district for the purpose of the Act.
  - b. **Every District Magistrate shall be an Inspector for his district for the purpose of the Act.**
  - c. Every Executive Magistrate shall be an Inspector for his district for the purpose of the Act.
  - d. Every Commissioner of a Municipal Council or Corporation shall be an Inspector for his district for the purpose of the Act.
8. If a workman whose name is borne on the muster roll and who has completed not less than one year of continuous service under an employer is laid off, he shall be paid by the employer for all days during which he is so laid off, except the days of weekly holidays, compensation which shall be equal to \_\_\_\_\_.
  - a. fifty per cent of the total of the basic wages and dearness allowance that would have been payable to him, had he not been so laid off. (Sec. 25-C Industrial Disputes Act)
  - b. fifty per cent only of the total of the basic wages that would have been payable to him, had he not been so laid off.

- c. sixty per cent of the total of the basic wages and dearness allowance that would have been payable to him, had he not been so laid off.
- d. sixty per cent only of the total of the basic wages that would have been payable to him, had he not been so laid off.

9. (I) Minimum wages payable under the Minimum Wages Act, 1948 shall be paid in cash.

(II) Where it has been the custom to pay wages wholly or partly in kind, the appropriate Government being of the opinion that it is necessary in the circumstances of the case may, by notification in the Official Gazette authorise the payment of minimum wages either wholly or partly in kind .

- a. (I) is true, (II) is false.
- b. (I) is false, (II) is true.
- c. **both (I) and (II) are true. (Sec.11)**
- d. both (I) and (II) are false.

10. “Employed person”, as defined under section 2(ia) of the Payment of Wages Act, 1936, \_\_\_\_\_.

- a. includes the legal representative of a deceased employer.
- b. **includes the legal representative of deceased employed person.**
- c. does not include the legal representative of deceased employed person.
- d. none of the above.

11. Which of the following Act is passed based on the Supreme Court guidelines?

- a. The Criminal Law (Amendment) Act, 2013.
- b. **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.**
- c. The Criminal Law (Amendment) Act, 1983.
- d. None of the above.

12. Which of the following statement is true and correct?

- a. All the recommendations of the Justice Verma Committee are

incorporated in the Criminal Law (Amendment) Act, 2013.

- b. None of the recommendations of the Justice Verma Committee are incorporated in the Criminal Law (Amendment) Act, 2013.
- c. **Most of the recommendations of the Justice Verma Committee are incorporated in the Criminal Law (Amendment) Act, 2013.**
- d. All of the above.

13. In which of the following cases, the Supreme Court held that 'no arrest can be made because it is lawful for the police officer to do so. The existence of the power to arrest is one thing and the justification for the exercise of it is quite another. The police officer must be able to justify the arrest apart from his power to do so.'?

- a. State of Gujarat v Lal Singh
- b. **Joginder Kumar v State of UP**
- c. Nandini Satpathy v P L Dani
- d. None of the above.

14. All notices required by or under the Factories Act, 1948 to be displayed in a factory shall be \_\_\_\_\_.

- a. in Hindi and in language understood by the majority of the workers in the factory.
- b. **in English and in language understood by the majority of the workers in the factory.(Sec. 108(2) Factories Act)**
- c. only in the language understood by the majority of the workers in the factory.
- d. in the local language of a particular state wherein the factory is situated and in the language understood by the majority of the workers in the factory.

15. Which one of the following comes under the definition of "Workman" under Industrial Disputes Act.

- a. one who is employed mainly in a managerial or administrative capacity.
- b. one who being employed in a supervisory capacity draws wages exceeding ten thousand rupees per mensem.

c. one who has been dismissed in connection with industrial dispute. (Sec. 2(s) Industrial Disputes Act)

d. one who is an employee of a prison.

16. (I) The right to receive any payment of any benefit under the Employees' State Insurance Act shall not be transferable or assignable.

(II) The cash benefit payable under the said Act shall be liable to attachment or sale in execution of any decree or order of any court.

a. (I) is correct and (II) is incorrect. (Sec.60)

b. (I) is incorrect and (II) is correct.

c. both (I) and (II) are correct.

d. both (I) and (II) are incorrect.

17. A man shall be guilty of the offence of sexual harassment if he commits--

(i) physical contact and advances involving unwelcome and explicit sexual overtures; or

(ii) a demand or request for sexual favours; or

(iii) showing pornography against the will of a woman; or

(iv) making sexually coloured remarks.

a. (i) and (ii) b. (i) and (iii)

c. (i), (ii) and (iii) d. (i), (ii), (iii) and (iv)  
(Sec.2(n) Sexual Harassment Act)

18. By which of the following judgments the Supreme Court extended the benefit of Article 21 to ensure fair procedural laws?

a. A K Gopalan Case b. Maneka Gandhi Case

c. ADM Jabalpur Case d. None of the above.

19. Under Section 96 of the Factories Act, 1948 whoever, except in so far as it may be necessary for the purposes of a prosecution for any offence punishable under the Act, publishes or discloses to any person the result of any analysis of any sample made under Section 91 shall be punishable \_\_\_\_\_.

- a. with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both.
- b. with imprisonment for a term which may extend to nine months or with fine which may extend to five thousand rupees or with both.
- c. with imprisonment for a term which may extend to twelve months or with fine which may extend to two thousand rupees or with both.
- d. with imprisonment for a term which may extend to one month or with fine which may extend to twelve thousand rupees or with both.

20. An employer who intends to close down an undertaking shall serve, atleast \_\_\_\_\_ days before the date on which the intended closure is to become effective, a notice, in the prescribed manner, on the appropriate Government stating clearly the reasons for the intended closure of the undertakings.

- a. Fifteen
- b. Thirty
- c. Forty-five
- d. **Sixty(u/s. 25-FFA of ID Act)**

21. The word 'hear say' is used in the sense \_\_\_\_\_.

- a. Whatever a person is heard to say.
- b. Whatever a person declares on information given by someone else.
- c. Sometimes it is treated as nearly synonymous with irrelevant.
- d. **All of the above.**

22. Res gestae is an exception to the \_\_\_\_\_.

- a. Relevancy Rule.
- b. **Hearsay Rule. (Section 6 of Evidence Act)**
- c. Circumstantial evidence.
- d. None of the above.

23. Who among the following are entitled to the fundamental rights under Article 15 of The Constitution of India?

- a. Everybody in India
- b. **Indian citizens.**
- c. All legal entities
- d. all of the above.

24. If the dispute is an industrial dispute arising out of a right or liability under the general or common law and not under the Act, the jurisdiction of the civil court is alternative, leaving it to the election of the suitor concerned to choose his remedy for the relief which is competent to be granted in a particular remedy. The statement is \_\_\_\_\_.  
a. correct.      b. incorrect.  
c. partly correct      d. none of the above.

25. Excepting the offence which consists of disobeying a written order made by an Inspector, no court shall take cognizance of any offence punishable under the Factories Act, 1948 unless \_\_\_\_\_.  
a. a complaint thereof is made within three months of the date on which the alleged commission of the offence came to the knowledge of an Inspector. (Section 106 of the Factories Act)  
b. a complaint thereof is made within six months of the date on which the offence is alleged to have been committed.  
c. a complaint thereof is made within three months of the date on which the offence is alleged to have been committed.  
d. a complaint thereof is made within six months of the date on which the alleged commission of the offence came to the knowledge of an Inspector.

26. U/s. 2(f) of the Industrial Disputes Act, 1947, "Court" means \_\_\_\_\_.  
a. Labour Court constituted u/s. 7 of the Industrial Disputes Act.  
b. a Court of Judicial Magistrate First Class as defined under the Code of Criminal Procedure.  
c. a Court of inquiry constituted under the Industrial Disputes Act.  
d. none of the above.

27. Any sums required to be paid by an employer under Chapter VIII of the Factories Act, 1948, but not paid by him shall be recoverable as \_\_\_\_\_.  
a. fine under the provisions of the Code of Criminal Procedure.  
b. compensation under the provisions of Code of Criminal Procedure.  
c. delayed wages under the provisions of the Payment of Wages Act, 1936. (Sec. 82 of Factories Act)  
d. none of the above.

28. Where any matter under the Employees Compensation Act is to be done by or before a Commissioner, the same shall subject to the provisions of the said Act and to any rules made thereunder, be done by or before the Commissioner for the area in which \_\_\_\_\_.

- the employee or in the case of his death, the dependent claiming the compensation ordinarily resides, or
- the accident took place which resulted in the injury, or
- the employer has his registered office.
- all the above. (Sec. 21 )**

29. If ten persons were tried for murder and eight of them were acquitted for benefit of doubt, \_\_\_\_\_.

- Others should also be acquitted.
- Others can be convicted.**
- Others cannot be convicted for joint liability.
- None of the above.

30. In which of the following cases the Supreme Court laid down the principles regarding the jurisdiction of civil courts in relation to industrial disputes?

- Dhulabhai v State of MP
- Premier Automobiles Ltd. v. Kamlakar Shantaram Wadke.**
- Nirmal v. Jahan Ara
- None of the above.

31. Reasonable restrictions on Fundamental Rights can be imposed by \_\_\_\_\_.

- President.
- Parliament.**  
(Part III of Constitution of India)
- Prime Minister
- None of the above.

32. In which of the following cases the Supreme Court held that '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'?

- a. State v Barak
- b. Thribhuvan v Union of India
- c. **Saiyad Mohd Baker v Abdul Habib Hasan**
- d. None of the above.

33. It is the cardinal principle of criminal jurisprudence that, the more serious or heinous the offence \_\_\_\_\_.

- a. The degree of proof required is less.
- b. **The degree of proof required is more.**
- c. Degree of proof required is same in all cases.
- d. None of the above.

34. Under the M.R.T.U. And P.U.L.P Act, 1971, a complaint relating to unfair labour practices may be filed before the competent Court within \_\_\_\_\_.

- a. thirty days of the occurrence of such unfair labour practice.
- b. sixty days of the occurrence of such unfair labour practice.
- c. **ninety days of the occurrence of such unfair labour practice. (Sec.28)**
- d. one twenty days of the occurrence of such unfair labour practice.

35. What is the legal status of "Secularism" enshrined in the Constitution?

- a. **It is a part of basic structure and cannot be changed.**
- b. It is a part of directive principles and may be changed by 2/3<sup>rd</sup> majority in Parliament.
- c. Any religion can be regarded as religion of the Country by suitable amendment in the Constitution.
- d. It has restricted scope to the extent of fundamental rights available under the Constitution.

36. The Supreme Court of India has original jurisdiction to decide \_\_\_\_\_.

- a. Important question of interpretation of Constitutional provisions.
- b. Important international disputes between a Corporation like

O.N.G.C. And Corporation in U.S.A.

- c. Disputes between national political parties.
- d. **Dispute between two States. [Art. 131(c)]**

37. Decree can be \_\_\_\_\_.

- a. Preliminary
- b. Final
- c. Partly preliminary and partly final
- d. **all the above.**

38. The 'Fundamental Duties' are intended to serve as a reminder to \_\_\_\_\_.

- a. The State to perform duties conferred by the Constitution.
- b. The judiciary to administer justice properly.
- c. **Every citizen to observe basic norms of democratic conduct.**  
(Art. 51A of Constitution of India)
- d. The legislature wing to make laws for the welfare of the State.

39. Under the Maharashtra Industrial Relations Act, 1946, the arbitration proceedings shall be deemed to have completed.

- a. **when the award is published. (Sec. 76)**
- b. when a copy of the award is forwarded to the Registrar.
- c. when a copy of the award is forwarded to the Commissioner of Labour.
- d. on receipt of such award by the Registrar.

40. The determination of any question of \_\_\_\_\_ in any Order, decision, or declaration passed or made, by \_\_\_\_\_ under the Regulations made under Section 33 shall be binding and shall be followed in all proceedings under the MRTU and PULP Act, 1971.

- a. fact; full bench of the High Court of Judicature, At Bombay.
- b. **law; full bench of the Industrial Court.(Sec. 35 )**
- c. fact; full bench of the Industrial Court.
- d. law; full bench of the Labour Court.

41. Who has jurisdiction to decide dispute in respect of office bearers or members of registered Trade Union under the Trade Unions Act, 1926?

- The Labour Court.
- The Labour Commissioner.
- The Industrial Court. (Sec. 28A)**
- The Registered Trade Union.

42. Who can add any employment to either part of the Schedule under the Minimum Wages Act?

- Labour Court
- Industrial Court
- High Court
- Appropriate Government (Sec. 27)**

43. Under the powers of Industrial and Labour Courts under the MRTU and PULP Act, Court may on an application in that behalf \_\_\_\_\_ any \_\_\_\_\_ passed by it.

- revise; final order.
- review; interim order. [Sec.30(2)]**
- revise; interim order.
- set aside; final order.

44. What is the term of the office of the members of Corporation other than members referred under Section 4 under the provisions of Employees State Insurance Act, 1948?

- 5 years.
- 1 year
- 4 years. (Sec. 5)**
- 2 years.

45. Who can direct the State Government to carry into execution of the Minimum Wages Act.

- Industrial Court
- Governor
- High Court
- Central Government (Sec.28)**

46. The preamble of the Industrial Disputes Act, 1947 states that it is an Act to make provision for the \_\_\_\_\_ and \_\_\_\_\_ of Industrial Disputes Act and for certain other purposes.

- Investigation; Settlement.**
- Enquiry; Arbitration
- Investigation; Safety
- Enquiry; Welfare

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