# CLAT PG Labour & Industrial Law Sample Paper – 5

Duration: 20 Minutes | Max Marks: 20

## Instructions

- This paper contains **20 Multiple Choice Questions (MCQs)**.
- Each correct answer carries **+1 mark**. Each wrong answer carries a penalty of **–0.25 marks**. Unattempted questions carry **0 marks**.
- Only **one** option is correct for each question.
- Total Duration: **20 Minutes**. Maximum Marks: **20**.
- Questions cover the Industrial Disputes Act 1947, Workmen's Compensation Act 1923, EPF Act 1952, Payment of Wages Act 1936, Factories Act 1948, Child Labour laws, Bonded Labour Act 1976, Contract Labour Act 1970, Equal Remuneration Act 1976, and the IE(SO) Act 1946.

## QUESTIONS

**Q.1.** Which of the following **correctly** states the definition and scope of "workman" under s.2(s) of the Industrial Disputes Act, 1947?

(A) Any person employed in a supervisory capacity drawing a salary above ₹10,000 per month is excluded from the definition of "workman" under s.2(s), irrespective of the nature of work actually performed.

(B) The Supreme Court in *Hussainbhai v. Alath Factory Thozilali Union* (1978) held that the inquiry for identifying "industry" and identifying a "workman" are co-extensive and must be determined simultaneously.

(C) Under s.2(s), a "workman" includes any person (including an apprentice) employed in manual, unskilled, skilled, technical, operational, clerical, or supervisory work; persons employed in a managerial or administrative capacity, persons subject to the Army Act, and railway servants governed by a separate statute are expressly excluded from the definition.

(D) A person employed in a purely supervisory capacity is always included as a "workman" under s.2(s), and no monetary threshold whatsoever applies to supervisory employees for the purpose of exclusion from the definition.

**Q.2.** The seven-judge bench of the Supreme Court in *Bangalore Water Supply and Sewerage Board v. A. Rajappa* (1978) propounded the triple test for determining "industry" under s.2(j) of the IDA, 1947. Which of the following **correctly** states all three elements and the subsequent legislative development?

(A) The triple test requires: (i) systematic activity, (ii) organised co-operation between employer and employee, and (iii) production of goods or rendering of services to the community; hospitals and educational institutions were held covered; however, the 2010 amendment carved out certain sovereign functions of the State and establishments such as hospitals and educational institutions with fewer than 100 workers.

(B) The triple test requires: (i) profit motive, (ii) employer-employee relationship, and (iii) production of marketable goods; sovereign functions of the State are included within the definition of "industry" under s.2(j).

(C) The triple test requires: (i) systematic activity, (ii) engagement of 100 or more workers, and (iii) production of goods or services; hospitals were excluded from the definition since they do not produce tangible goods.

(D) The triple test as propounded in *Bangalore Water Supply* requires: (i) registration under any statute, (ii) employer-employee relationship, and (iii) commercial profit; the 2010 amendment further expanded the definition of "industry" to include all sovereign functions of the State.

**Q.3.** Which of the following statements regarding the Fifth Schedule to the IDA, 1947, dealing with Unfair Labour Practices, is **correct**?

(A) Part I of the Fifth Schedule lists unfair labour practices by trade unions, including threatening workmen with physical violence to compel union membership.

(B) An aggrieved workman alleging an unfair labour practice must file a complaint with the appropriate government, which then refers the matter to a Labour Court; a direct application to the Labour Court is not permitted under s.25T of the IDA, 1947.

(C) Employing badli or casual workmen to perform work of a permanent nature is an unfair labour practice enumerated in Part II of the Fifth Schedule, attributable to trade unions.

(D) Part I of the Fifth Schedule enumerates unfair labour practices by employers – such as interference with the right to organise, domination of trade unions, and discriminatory discharge – while Part II lists those by trade unions – such as coercion and refusal to bargain in good faith; an aggrieved party may apply directly to the Labour Court under s.25T of the IDA, 1947.

**Q.4.** Regarding conciliation proceedings under s.12 of the Industrial Disputes Act, 1947, which of the following statements is **correct**?

(A) A conciliation officer possesses coercive powers to impose a binding settlement between the parties, and any award passed by the conciliation officer is final and binding on both parties.

(B) Under s.12(3) of the IDA, 1947, a settlement arrived at in the course of conciliation proceedings is binding on the parties; the conciliation officer investigates the dispute and promotes settlement but has no power to impose one; if conciliation fails, the officer must submit a report to the appropriate government within 14 days of the commencement of conciliation.

(C) The time limit for conciliation proceedings before a Conciliation Officer is 30 days from the date of reference, and failure to conclude within this period results in automatic reference to an Industrial Tribunal.

(D) A conciliation officer under the IDA, 1947 performs the same function as a mediator under the Code on Industrial Relations, 2020, and the two terms are used interchangeably in judicial decisions interpreting labour statutes.

**Q.5.** With respect to the reference of industrial disputes to Labour Courts and Industrial Tribunals under s.10 of the IDA, 1947, which of the following is **correct**?

(A) The Central Government is the "appropriate government" for all industrial disputes under the IDA, 1947, regardless of the nature of the industry or the parties involved.

(B) The Second Schedule (Labour Court jurisdiction) covers matters relating to retrenchment compensation and closure of undertakings, while the Third Schedule (Tribunal jurisdiction) deals with simpler individual matters such as discharge and dismissal.

(C) Under s.10, the appropriate government exercises discretion in referring a dispute; the Central Government is the appropriate government for disputes concerning railways and certain scheduled industries; s.10(3) prohibits reference of a dispute already the subject of ongoing conciliation proceedings; the Second Schedule covers Labour Court matters while the Third Schedule covers Industrial Tribunal matters.

(D) Once a reference is made under s.10, the employer is free to implement the proposed action – such as retrenchment – pending adjudication, since the reference itself does not operate as a stay.

**Q.6.** Which of the following statements **correctly** describes the requirements relating to notice of strike in public utility services under s.22 of the IDA, 1947?

(A) Under s.22, workmen in a public utility service must give at least 14 days' written notice before striking; striking is prohibited during the pendency of conciliation proceedings and for 7 days after their conclusion; s.23 imposes a general prohibition on strikes and lockouts during pendency of proceedings before Labour Courts, Tribunals, and Arbitrators and within 2 months of an award; participants in an illegal strike are punishable under s.26 of the IDA, 1947.

(B) Under s.22, workmen in a public utility service must give at least 7 days' written notice before striking, and the prohibition on striking applies only during conciliation proceedings; there is no prohibition after the conclusion of such proceedings.

(C) Section 22 applies to all establishments covered by the IDA, not merely public utility services; the required notice period is 21 days; and participation in an illegal strike attracts no criminal liability under the Act.

(D) Striking without notice in a public utility service is classified as an "unfair labour practice" under the Fifth Schedule and does not attract any criminal liability under s.26 of the IDA, 1947.

**Q.7.** Which of the following **correctly** states the principles governing an employer's liability under s.3 of the Workmen's Compensation Act, 1923?

(A) An employer is liable to pay compensation for any injury suffered by a workman regardless of whether there is a causal connection between the accident and the employment, provided only that the workman was physically present on the employer's premises at the time of the accident.

(B) "Arising out of employment" and "in the course of employment" are synonymous phrases under s.3 of the Workmen's Compensation Act, 1923, and both require only proof of temporal connection between the accident and the workman's contracted hours of work.

(C) The Supreme Court in *Regional Director, ESIC v. Francis De Costa* held that the concept of "notional extension" of employer's premises applies only when the employer has expressly authorised the use of a specific route by the workman, and not otherwise.

(D) Under s.3, employer's liability arises when a workman suffers personal injury by an accident arising out of and in the course of employment; "arising out of" requires a causal connection between the accident and employment – covering positional risk, employment risk, and personal risk – while "in the course of employment" requires that the workman was at the place of work, during working hours, doing something in furtherance of employment; the doctrine of "notional extension" may extend coverage to travel on employer-provided transport.

**Q.8.** Which of the following statements regarding the doctrine of "notional extension" of employer's premises under the Workmen's Compensation Act, 1923 is **correct**?

(A) The doctrine of notional extension applies universally to all accidents occurring during the commute to and from work, irrespective of whether the employer provides transport or has any control over the route taken by the workman.

(B) The doctrine of notional extension may cover an accident occurring during travel if the employer provides transport for the workman; however, an accident during a personal commute does not automatically qualify as "in the course of employment" unless a positional risk attributable to the employment is established; accidents occurring during a lunch break on a private errand are also generally excluded from coverage.

(C) An accident occurring during a workman's lunch break is always deemed to occur "in the course of employment" since the workman remains on or near the employer's premises during the break.

(D) The doctrine of notional extension was explicitly codified in s.3 of the Workmen's Compensation Act, 1923 by the 1962 amendment, which provided that travel to and from work is deemed to be "in the course of employment" in all cases without exception.

**Q.9.** Which of the following **correctly** describes the legal position regarding occupational diseases listed in the Third Schedule of the Workmen's Compensation Act, 1923?

(A) Diseases listed in the Third Schedule are presumed to be employment-related only if the workman has been continuously employed in the specified occupation for a minimum period of 5 years; prior susceptibility of the workman is an absolute defence available to the employer.

(B) Occupational diseases under the Third Schedule require the workman to individually prove causation in each case; the Schedule merely provides a list of diseases that may potentially be caused by specified occupations without creating any legal presumption in favour of the workman.

(C) Diseases enumerated in the Third Schedule – such as asbestosis, silicosis, and lead poisoning – that are contracted by a workman employed in the corresponding specified occupation are deemed to have arisen out of employment; individual proof of causation is not required; employer liability subsists even if the workman had prior susceptibility; and these scheduled diseases are distinct from those recognised under the Employees' State Insurance Act, 1948.

(D) The Third Schedule occupational diseases are covered exclusively under the Employees' State Insurance Act, 1948 and are not separately addressed in the Workmen's Compensation Act, 1923; a workman may not claim compensation under both statutes simultaneously.

**Q.10.** Which of the following **correctly** states the threshold for applicability and the contribution requirements under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952?

(A) The EPF Act applies to establishments employing 20 or more employees under s.1(3)(a); both the employer and employee contribute 12% each of basic wages plus dearness allowance; the Act establishes three schemes – EPF, EPS (Pension), and EDLI; the employer must deposit contributions within 15 days of the end of the wage month; non-deposit attracts damages under s.14B and prosecution under s.14.

(B) The EPF Act applies to all establishments employing 10 or more employees; the employer contributes 15% and the employee contributes 10% of basic wages; the deadline for depositing contributions is the last working day of the following month.

(C) The EPF Act applies to establishments employing 20 or more employees, but the contribution rate is 8.33% each for employer and employee; the Act provides only for the Provident Fund scheme and no separate pension or insurance scheme exists under it.

(D) The EPF Act applies to establishments employing 50 or more employees, and contributions are mandatory only for employees earning up to ₹10,000 per month in basic wages; the deadline for depositing contributions is 30 days from the end of the wage month.

**Q.11.** Which of the following **correctly** describes the exemption provisions under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952?

(A) No establishment can ever be exempted from the EPF Act; all establishments that cross the threshold of 20 employees must mandatorily comply, and no exception of any kind is permissible under the Act.

(B) An employee who joins a new establishment after attaining the age of 50 is automatically exempt from EPF contributions, and the employer need not make any matching contribution in such cases as a matter of law.

(C) Under s.17, the Central Government (not the Central PF Commissioner) may grant exemption to an establishment maintaining a better provident fund; once exempted, the establishment is permanently exempt and cannot be brought back under the purview of the Act.

(D) Under s.17 of the EPF Act, the Central PF Commissioner may exempt establishments maintaining their own provident fund with benefits equal to or better than those under the Act; an "excluded employee" includes one earning above the wage ceiling or one who is already drawing a pension on joining; employees who join as fresh entrants above the statutory wage ceiling and those joining after 58 years may also be excluded; the Act also allows voluntary coverage of establishments below the threshold.

**Q.12.** Which of the following **correctly** states the law on wage period and time of payment under the Payment of Wages Act, 1936?

(A) The Payment of Wages Act, 1936 requires that wages be paid within 5 days of the end of the wage period for all establishments regardless of the number of workers; the wage period cannot exceed two months.

(B) Under the Payment of Wages Act, 1936, the wage period must not exceed one month (s.4); wages must be paid within 7 days of the end of the wage period for establishments employing fewer than 1,000 workers, and within 10 days for larger establishments; s.7 specifies authorised deductions; total deductions must not exceed 50% of wages in ordinary cases; recovery of excess deductions lies under s.15 before the prescribed authority.

(C) The Payment of Wages Act, 1936 allows a wage period of up to three months for establishments employing skilled workers and requires payment within 15 days of the close of such a wage period.

(D) Under the Payment of Wages Act, 1936, deductions may be made up to 75% of wages for all categories of deductions including fines; no register of fines is required to be maintained under the Act.

**Q.13.** Which of the following **correctly** states the law on authorised deductions under s.7 of the Payment of Wages Act, 1936?

(A) An employer may make any deduction from the wages of a workman so long as the aggregate deductions do not exceed 60% of monthly wages; no prior authorisation or notice is required for any category of deduction.

(B) Fines under s.8 of the Payment of Wages Act, 1936 may be imposed by the employer without obtaining the workman's prior written consent, and there is no statutory requirement to maintain a register of fines.

(C) Authorised deductions under s.7 include fines (with the worker's consent and a prescribed register under s.8), deductions for absence from duty (s.9), deductions for damage or loss caused by the worker (with notice and inquiry under s.10), deductions for accommodation and amenities (s.11), recovery of advances (s.12), and statutory deductions for EPF, ESI, and income tax; aggregate deductions must not exceed 50% of wages (75% in prescribed loan-repayment categories); a remedy for excessive deductions lies under s.15 before the prescribed authority.

(D) Deductions for income tax, EPF, and ESI contributions are not "authorised deductions" under the Payment of Wages Act, 1936; they are governed exclusively by their respective statutes and are not subject to the 50% ceiling imposed by the Act.

**Q.14.** Which of the following **correctly** describes the provisions relating to hazardous processes inserted into the Factories Act, 1948 by the 1987 amendment?

(A) Sections 41A to 41H, inserted by the 1987 amendment, require the occupier to disclose information about hazards to workers and the local authority; a Site Appraisal Committee is constituted under s.41A to advise on the siting of new factories; health records must be maintained for 40 years; the occupier may require workers to undergo medical examinations; workers must be trained in safety procedures; and s.41H mandates compulsory insurance covering the workers employed in hazardous processes.

(B) The 1987 amendment to the Factories Act, 1948 added only a single section (s.41A) requiring the occupier to submit an annual report on hazardous processes to the State Government; no additional obligations on health records, training, or insurance were introduced.

(C) Under the hazardous process provisions of the Factories Act, 1948, the Central Government is required to maintain health records on behalf of workers, and employers are prohibited from requiring workers to undergo any medical examination without a prior court order.

(D) The hazardous process provisions under the Factories Act, 1948 apply only to factories employing more than 1,000 workers; factories with fewer workers are entirely exempt from these provisions even if they engage in hazardous industrial processes.

**Q.15.** Which of the following **correctly** matches the welfare facilities under the Factories Act, 1948 with their applicable worker-threshold requirements?

(A) A canteen is mandatory for factories employing 100 or more workers; a crèche is mandatory for factories employing 50 or more women workers; first-aid boxes are required at the rate of one per 100 workers.

(B) An ambulance room is mandatory for factories with 250 or more workers; shelter and rest rooms are mandatory for factories with 100 or more workers; washing facilities are mandatory only in factories classified as "hazardous" under the Act.

(C) Under s.46 of the Factories Act, 1948, a canteen is required for factories with 100 or more workers; under s.48, a crèche is required where 20 or more women workers are employed; first-aid boxes are required at the rate of one per 200 workers.

(D) Under the Factories Act, 1948: first-aid boxes at one per 150 workers with an ambulance room for 500 or more workers (s.45); a canteen for 250 or more workers (s.46); shelter, rest rooms, and lunchrooms for 150 or more workers (s.47); and a crèche where 30 or more women workers are employed (s.48).

**Q.16.** Which of the following **correctly** describes the legal position on child labour under the Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016?

(A) Children below the age of 16 are completely prohibited from employment in any occupation or process under the 2016 amendment; adolescents between 16 and 18 years may be employed in any non-hazardous occupation without restriction.

(B) The 2016 amendment prohibits employment of children below 14 years in any occupation or process; adolescents between 14 and 18 years may not be employed in hazardous occupations; children may work in a family enterprise in non-hazardous activities after school hours provided school attendance remains compulsory; the penalty for employing a child is imprisonment ranging from 6 months to 2 years.

(C) Under the original Child Labour (Prohibition and Regulation) Act, 1986, employment of children was prohibited in all occupations without exception; the 2016 amendment relaxed this position by allowing children below 14 to work in all occupations provided the prescribed minimum wage is paid.

(D) The 2016 amendment to the Child Labour Act does not recognise any family enterprise exception; children may not work in any capacity even in their parents' non-hazardous business; violation of the Act attracts only a fine and not imprisonment.

**Q.17.** Which of the following **correctly** states the legal position under the Bonded Labour System (Abolition) Act, 1976?

(A) Under the Bonded Labour System (Abolition) Act, 1976, a bonded labourer is freed only upon a formal order of the District Magistrate after a mandatory inquiry; the bonded debt is extinguished only if the labourer cannot repay it within one year from the date of release.

(B) Bonded labour under the 1976 Act refers exclusively to agricultural labour extracted in consideration of a monetary advance; non-agricultural forms of bonded labour, including domestic and industrial bonded labour, are not covered by the Act.

(C) Under s.4 and s.5 of the Bonded Labour System (Abolition) Act, 1976, all bonded labourers stand automatically freed and all bonded debts stand extinguished upon commencement of the Act without any further order; s.6 raises a presumption that a person identified as a bonded labourer is entitled to be freed; the District Magistrate has a statutory duty under s.10 to identify, release, and rehabilitate bonded labourers; continued use of bonded labour is punishable with imprisonment up to 3 years.

(D) The Bonded Labour System (Abolition) Act, 1976 was enacted in exercise of powers under Article 21 of the Constitution; the bonded debt is not automatically extinguished but must be repaid in instalments by the freed labourer over a period of 10 years.

**Q.18.** Which of the following **correctly** states the welfare and wage-payment obligations under the Contract Labour (Regulation and Abolition) Act, 1970?

(A) Under s.20 of the CLRA Act, 1970, if the contractor fails to provide welfare facilities such as canteen, rest room, first-aid, and drinking water, the principal employer is obligated to provide them and is entitled to recover the cost from the contractor; under s.21, if the contractor fails to pay wages, the principal employer must pay the wages and may recover the amount from the contractor; the liability of the principal employer is thus secondary but real and enforceable.

(B) Under the CLRA Act, 1970, the principal employer bears no liability if the contractor fails to pay wages or provide welfare facilities; all such liability rests exclusively and solely on the contractor as the direct employer of the contract labourers.

(C) The CLRA Act, 1970 requires the contractor to maintain separate registers and records, but inspection of these records by the principal employer or government inspectors is expressly prohibited under the Act in order to protect trade secrets of the contractor.

(D) Under the CLRA Act, 1970, the principal employer is required to directly pay all wages to contract labourers from the outset and cannot delegate this payment obligation to the contractor under any circumstances whatsoever.

**Q.19.** Which of the following **correctly** describes the legal position on equal remuneration under the Equal Remuneration Act, 1976 and its subsequent legislative development?

(A) The Equal Remuneration Act, 1976 requires equal pay only for "identical work" performed by male and female workers; the concept of "work of a similar nature" is not recognised under the Act, and no obligation regarding recruitment practices exists under it.

(B) The Equal Remuneration Act, 1976 was repealed in its entirety by the Maternity Benefit (Amendment) Act, 2017, which now governs the principle of equal remuneration in India; the Code on Wages, 2019 contains no provisions on equal remuneration between men and women.

(C) The Advisory Committee constituted under s.6 of the Equal Remuneration Act, 1976 has binding power to fix wages for female workers, and its determinations override any collective bargaining agreement to the contrary.

(D) Under s.4 of the ERA, employers are obligated to pay equal remuneration to male and female workers for the same work or work of a similar nature; s.5 prohibits discrimination against women in recruitment; the Advisory Committee under s.6 promotes women's employment opportunities; the Code on Wages, 2019 retains this principle in s.3, expressly prohibiting any employer from paying an employee less on the ground of gender.

**Q.20.** Which of the following **correctly** describes the provisions relating to certified standing orders and their modification under the Industrial Employment (Standing Orders) Act, 1946?

(A) Model Standing Orders under s.14 of the IE(SO) Act, 1946 are permanent and cannot be replaced by establishment-specific certified standing orders; the employer must always follow Model Standing Orders irrespective of the size or nature of the establishment.

(B) Model Standing Orders under s.14 of the IE(SO) Act, 1946 apply until the establishment's own standing orders are certified; modification of certified standing orders requires an application to the Certifying Officer under s.10, with trade unions given 30 days to object; the Certifying Officer may certify the modified order; certified standing orders are binding on the employer, contractors, and all workmen under s.13; no unilateral modification is permissible; non-compliance attracts penalties under s.15 of the Act.

(C) Under the IE(SO) Act, 1946, an employer may unilaterally modify certified standing orders by giving 30 days' notice to the workers; no application to the Certifying Officer is required for modifications of a minor or administrative nature.

(D) Certified standing orders under the IE(SO) Act, 1946 are binding only on permanent workmen and do not apply to contractual or temporary employees; the Certifying Officer's jurisdiction is limited to approving standing orders and does not extend to supervising their modification.

## SOLUTIONS

**Q.1.**

**Solution**

**Topic:** Definition of "workman" under s.2(s) of the IDA, 1947.

**(A) Incorrect.** The exclusion of supervisory employees from the definition of "workman" under s.2(s) is not determined solely by a fixed salary threshold; rather, a person employed in a managerial or administrative capacity is excluded, and in cases of supervisory employees the nature of duties and salary both become relevant. The statement is overly simplistic and inaccurate.

**(B) Incorrect.** In *Hussainbhai v. Alath Factory Thozilali Union*, the Supreme Court addressed the identification of "industry" under s.2(j) – not the definition of "workman." The two inquiries are distinct and not co-extensive.

**(C) Correct.** Section 2(s) of the IDA, 1947 defines "workman" to include any person (including an apprentice) employed in manual, unskilled, skilled, technical, operational, clerical, or supervisory work. The provision expressly excludes: (i) persons employed in a managerial or administrative capacity; (ii) persons subject to the Army Act, 1950 or the Air Force Act, 1950; (iii) persons in the naval establishments; and (iv) railway servants not governed by separate provisions. In supervisory roles, the monetary threshold (set by the appropriate government) also determines exclusion.

**(D) Incorrect.** The statement that no monetary threshold applies to supervisory employees is wrong. Persons employed in a supervisory capacity drawing wages above the prescribed limit (determined by the appropriate government) are excluded from the definition under s.2(s).

**Answer: (C)**

**Q.2.**

**Solution**

**Topic:** Definition of "industry" under s.2(j) – triple test from *Bangalore Water Supply*.

**(A) Correct.** The seven-judge bench in *Bangalore Water Supply and Sewerage Board v. A. Rajappa* (1978) propounded the triple test: (i) systematic activity, (ii) organised cooperation between employer and employee (employer-employee relationship), and (iii) production of goods or rendering of services to the community. The Court held that hospitals and educational institutions are covered. The Industrial Disputes (Amendment) Act, 2010 carved out: (a) any institution owned or managed by organisations wholly or substantially engaged in philanthropic activities and not operating for commercial gain; (b) hospitals or dispensaries; (c) educational, scientific, research, or training institutions; and (d) Khadi or Village Industries – subject to the condition that such entities do not employ workers beyond the prescribed threshold.

**(B) Incorrect.** Profit motive is not a requirement under the triple test; even charitable or non-profit activities satisfy the definition if they involve systematic activity and an employer-employee relationship. Sovereign functions of the State were held to fall outside the definition.

**(C) Incorrect.** There is no minimum worker threshold of 100 in the triple test itself; and hospitals were expressly held to be covered by the definition in the same judgment.

**(D) Incorrect.** Registration under a statute and commercial profit are not elements of the triple test. The 2010 amendment narrowed the definition by excluding certain categories – it did not expand it to include all sovereign functions.

**Answer: (A)**

**Q.3.**

### Solution

**Topic:** Unfair Labour Practices under the Fifth Schedule to the IDA, 1947.

**(A) Incorrect.** Part I of the Fifth Schedule lists unfair labour practices by *employers*, not trade unions. Threatening workmen with violence to compel union membership is a trade union unfair labour practice listed in Part II.

**(B) Incorrect.** Section 25T of the IDA, 1947 allows an aggrieved party to apply *directly* to the Labour Court; reference by the appropriate government is not a precondition to such an application.

**(C) Incorrect.** Employing badli or casual workmen to perform permanent work is a practice attributable to *employers* and is listed in Part I of the Fifth Schedule, not Part II which governs trade union practices.

**(D) Correct.** Part I enumerates employer unfair labour practices including interference with the right to organise, domination or support of a trade union, discriminatory discharge, and employing badli workers to avoid the Act's coverage. Part II enumerates trade union unfair labour practices including coercion of workmen, refusal to bargain in good faith, and calling illegal strikes. An aggrieved workman or trade union may apply under s.25T directly to the Labour Court for a declaration and appropriate relief.

**Answer: (D)**

**Q.4.**

**Solution**

**Topic:** Conciliation proceedings under s.12 of the IDA, 1947.

**(A) Incorrect.** A conciliation officer under s.12 has no coercive power to impose a binding settlement. The officer facilitates a voluntary settlement. There is no "award" by a conciliation officer; awards are made only by Labour Courts and Tribunals.

**(B) Correct.** Under s.12(3), any settlement arrived at in the course of conciliation is binding on the parties. The conciliation officer's role is investigative and facilitative – not adjudicative. If conciliation fails, the officer is required to send a report to the appropriate government along with a memorandum of settlement (if partial) or a full failure report, and this must be done within 14 days of the commencement of conciliation for disputes in public utility services.

**(C) Incorrect.** The time limit of 14 days applies to the submission of the report after the commencement of conciliation in public utility services – not to the entire conciliation process; and failure to conclude does not trigger automatic reference to a Tribunal.

**(D) Incorrect.** A conciliation officer under the IDA, 1947 and a mediator under the Industrial Relations Code, 2020 are distinct roles. The terms are not used interchangeably either in statute or in judicial interpretation.

**Answer: (B)**

**Q.5.**

**Solution**

**Topic:** Reference of industrial disputes under s.10 of the IDA, 1947.

**(A) Incorrect.** The "appropriate government" under the IDA is not always the Central Government. It is the Central Government for disputes concerning railways, major ports, mines, oilfields, and certain central public sector undertakings; otherwise, the State Government is the appropriate government.

**(B) Incorrect.** The allocation between the Second and Third Schedules is inverted. The Second Schedule covers matters such as dismissal, discharge, and individual disputes (Labour Court), while the Third Schedule covers wage revision, hours of work, and collective matters (Tribunal). Closure and retrenchment fall under the Third Schedule (Tribunal jurisdiction).

**(C) Correct.** Section 10 vests a discretionary power in the appropriate government to refer a dispute to a Labour Court or Tribunal. The appropriate government is the Central Government for railways and specified central industries; otherwise the State Government. Section 10(3) prohibits the government from making a reference while conciliation proceedings in respect of the same dispute are pending. The Second Schedule pertains to Labour Court jurisdiction (individual disputes) and the Third Schedule to Tribunal jurisdiction (collective disputes).

**(D) Incorrect.** A reference under s.10 does not automatically stay the proposed action. However, under s.33, once adjudication has commenced, the employer cannot alter service conditions without prior permission, which effectively constrains implementation of some proposed actions.

**Answer: (C)**

**Q.6.**

**Solution**

**Topic:** Notice of strike in public utility services – ss.22, 23, and 26 of the IDA, 1947.

**(A) Correct.** Section 22(1) of the IDA, 1947 requires that no person employed in a public utility service shall go on strike without giving the employer at least 14 days' written notice. Striking is prohibited during the pendency of conciliation proceedings and for 7 days after their conclusion. Section 23 extends a general prohibition on strikes and lockouts during the pendency of proceedings before a Labour Court, Industrial Tribunal, or Arbitrator, and within 2 months of the communication of an award. Section 26 makes participation in an illegal strike (and abetment thereof) a criminal offence punishable with imprisonment.

**(B) Incorrect.** The required notice period under s.22 is 14 days, not 7 days. The prohibition also extends 7 days beyond the conclusion of conciliation, not just during it.

**(C) Incorrect.** Section 22 applies specifically to public utility services, not to all establishments. The notice period is 14 days, not 21, and criminal liability does attach under s.26.

**(D) Incorrect.** Striking without notice in a public utility service is an *illegal strike* under s.24 of the IDA, 1947 – not an unfair labour practice under the Fifth Schedule – and s.26 expressly imposes criminal liability on participants.

**Answer: (A)**

**Q.7.**

**Solution**

**Topic:** Employer's liability under s.3 of the Workmen's Compensation Act, 1923.

**(A) Incorrect.** Mere presence on the employer's premises is insufficient. Both conditions – "arising out of" and "in the course of" employment – must be satisfied; physical location is relevant but not determinative.

**(B) Incorrect.** The two phrases are not synonymous. "Arising out of employment" addresses the causal nexus between the accident and the employment, while "in the course of employment" addresses the temporal and situational nexus. Both must independently be proved.

**(C) Incorrect.** The Supreme Court in *Regional Director, ESIC v. Francis De Costa* elaborated on the notional extension doctrine but did not restrict it to cases of express authorisation of a specific route. The principle is broader, covering employer-provided transport and similar employer-controlled conditions of travel.

**(D) Correct.** Section 3 creates employer liability for personal injury caused by an accident "arising out of and in the course of employment." "Arising out of" requires a causal connection – the accident must be attributable to the nature of the employment (positional risk doctrine, employment risk doctrine, and sometimes personal risk). "In the course of employment" requires that the workman was at the place of work, during working hours, doing something for the employer's benefit. The notional extension doctrine, developed judicially, may treat travel on employer-provided transport as part of the course of employment.

**Answer: (D)**

**Q.8.**

**Solution**

**Topic:** Doctrine of notional extension of employer's premises under the WCA, 1923.

**(A) Incorrect.** The doctrine does not apply universally to all commuting accidents. The employer must have some degree of control over the travel – most commonly by providing transport – for the doctrine to apply. A personal commute on a private vehicle does not attract notional extension automatically.

**(B) Correct.** The notional extension doctrine recognises that the employer's "premises" may extend to cover travel on employer-provided transport. Where the employer provides transport, an accident during such travel may qualify as "in the course of employment." However, where the workman uses a personal vehicle or chooses an alternative route for personal reasons, the accident will not ordinarily qualify unless a specific positional risk attributable to the employment is demonstrated. Accidents during lunch breaks on private errands are also generally excluded since the workman is not doing anything in furtherance of employment at that time.

**(C) Incorrect.** The place of the accident alone (employer's premises) is not determinative; the workman must be engaged in something related to employment. A purely private errand during a lunch break, even on the premises, may fall outside "in the course of employment."

**(D) Incorrect.** The doctrine of notional extension was not codified by any 1962 amendment to the WCA, 1923; it is a judicial doctrine developed through case law and does not extend to all commuting accidents as a blanket rule.

**Answer: (B)**

**Q.9.**

**Solution**

**Topic:** Occupational diseases listed in the Third Schedule of the WCA, 1923.

**(A) Incorrect.** The Third Schedule does not impose a minimum period of 5 years of employment before the presumption applies. The Schedule creates a legal presumption of employment causation upon proof of the disease and employment in the specified occupation; prior susceptibility of the workman is not an absolute defence for the employer.

**(B) Incorrect.** The whole point of the Third Schedule is to eliminate the need for individual proof of causation. Once the scheduled disease is contracted by a workman employed in the corresponding specified occupation, it is *deemed* to have arisen out of employment. The Schedule does not operate as a mere indicative list.

**(C) Correct.** Diseases enumerated in the Third Schedule (including asbestosis, silicosis, and lead poisoning) that are contracted by a workman employed in the specified occupational exposure are deemed by law to arise out of that employment. Individual causal proof is not required. The employer's liability subsists even if the workman had a pre-existing susceptibility to the disease. These scheduled occupational diseases are distinct from those recognised for ESI benefit purposes under the Employees' State Insurance Act, 1948, which has its own schedule and benefit structure.

**(D) Incorrect.** The Third Schedule to the Workmen's Compensation Act, 1923 is an independent and operative provision. Occupational diseases are addressed in both the WCA and the ESI Act; they are not exclusively dealt with under the ESI Act.

**Answer: (C)**

**Q.10.**

**Solution**

**Topic:** Applicability threshold and contribution requirements under the EPF Act, 1952.

**(A) Correct.** Section 1(3)(a) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 applies the Act to every establishment that is a factory engaged in any specified industry and employing 20 or more persons. The employee and employer each contribute 12% of basic wages plus dearness allowance (including cash value of food concession). The Act establishes three schemes: the Employees' Provident Fund Scheme (EPF), the Employees' Pension Scheme (EPS), and the Employees' Deposit-Linked Insurance Scheme (EDLI). The employer must deposit contributions within 15 days of the close of each month; failure to deposit attracts interest and damages under s.14B and criminal prosecution under s.14.

**(B) Incorrect.** The threshold is 20 employees, not 10; and the contribution rates are 12% each, not 15% and 10%.

**(C) Incorrect.** The contribution rate is 12% each (not 8.33%), and the Act establishes three schemes including EPS and EDLI in addition to EPF.

**(D) Incorrect.** The threshold is 20 employees, not 50, and the deposit deadline is 15 days from the end of the wage month, not 30 days.

**Answer: (A)**

**Q.11.**

**Solution**

**Topic:** Exemption provisions under the EPF Act, 1952.

**(A) Incorrect.** Section 17 of the EPF Act expressly provides for exemption of establishments; the Act does not mandate universal compliance without any exception.

**(B) Incorrect.** Employees joining after 58 years of age are excluded under the EPF scheme (not 50 years), and the rule on exclusion depends on the scheme rules – a person above 58 joining for the first time is generally excluded from EPS (pension) but still covered under EPF.

**(C) Incorrect.** The power under s.17 to grant exemption vests in the Central PF Commissioner (or the appropriate authority as delegated), not the Central Government directly in ordinary cases. Exemptions are also not necessarily permanent; they can be withdrawn if conditions are no longer satisfied.

**(D) Correct.** Under s.17, the Central PF Commissioner may, subject to conditions, exempt an establishment from the EPF scheme if it maintains its own provident fund providing benefits equal to or better than those under the Act. An "excluded employee" under the scheme rules includes a person drawing wages above the statutory ceiling (currently ₹15,000 per month in basic wages) or one who is already in receipt of a pension on the date of joining. Employees who join above the statutory ceiling as fresh entrants, and those who join after 58 years, may be classified as excluded employees. The Act also permits voluntary coverage under s.1(4).

**Answer: (D)**

**Q.12.**

**Solution**

**Topic:** Wage period and time of payment under the Payment of Wages Act, 1936.

**(A) Incorrect.** The Payment of Wages Act, 1936 does not require payment within 5 days for all establishments; and the maximum permitted wage period is one month, not two months.

**(B) Correct.** Section 4 of the Payment of Wages Act, 1936 provides that no wage period shall exceed one month. Section 5 requires that wages be paid: (i) within 7 days of the end of the wage period where the establishment employs fewer than 1,000 workers; and (ii) within 10 days for establishments with 1,000 or more workers. Section 7 sets out the categories of authorised deductions. The aggregate of all deductions must not exceed 50% of wages in ordinary cases (or 75% where the deduction is for repayment of advances for housing or certain other specified purposes). Recovery of wages improperly withheld or excess deductions may be pursued under s.15 before the authority appointed for this purpose.

**(C) Incorrect.** The Act does not allow a wage period of three months for any category of workers; the maximum is one month uniformly.

**(D) Incorrect.** The 75% limit applies only to specific categories (such as loan repayment); the general cap is 50%. A register of fines is expressly required under s.8 of the Act.

**Answer: (B)**

**Q.13.**

**Solution**

**Topic:** Authorised deductions under s.7 of the Payment of Wages Act, 1936.

**(A) Incorrect.** The permissible ceiling is 50% (not 60%) in ordinary cases; and several deduction categories require prior authorisation, notice, or prescribed procedural steps.

**(B) Incorrect.** Under s.8, imposition of a fine requires that the matter be specified in a notice exhibited in the workplace, the worker's explanation must be sought, and a register of fines must be maintained. The worker's prior consent in writing is also required by the scheme of s.8 read with the rules.

**(C) Correct.** Section 7 of the Payment of Wages Act, 1936 authorises the following deductions (and no others): fines under s.8 (with worker's consent and a prescribed register); deductions for absence from duty under s.9; deductions for damage or loss under s.10 (with show-cause notice and inquiry); deductions for accommodation and amenities under s.11; recovery of advances under s.12; and statutory deductions for EPF, ESI, income tax, and pursuant to court orders. The total of all deductions from wages in any wage period must not exceed 50% of wages, except that where deductions include repayment of advances for housing and approved purposes the ceiling may rise to 75%. A person from whom excess deductions are made may apply under s.15 to the authority for recovery.

**(D) Incorrect.** Section 7(2) expressly includes deductions for income tax and contributions to EPF and ESI as authorised deductions; they are subject to the statutory ceiling under the Payment of Wages Act and are not outside its ambit merely because they are regulated by other legislation.

**Answer: (C)**

**Q.14.**

**Solution**

**Topic:** Hazardous process provisions – ss.41A to 41H of the Factories Act, 1948 (inserted by the 1987 amendment).

**(A) Correct.** The Factories (Amendment) Act, 1987 inserted ss.41A to 41H into the Factories Act, 1948. Section 41A establishes a Site Appraisal Committee (comprising experts from various fields) to advise on the siting of factories involving hazardous processes. The occupier must disclose information about hazards to workers and the local authority. Health records of workers must be maintained for a minimum of 40 years. Section 41C empowers the occupier to require workers to undergo medical examinations. Section 41E obligates the occupier to train workers in safety procedures. Section 41H mandates that every occupier carrying on a hazardous process shall maintain compulsory insurance to cover the risk to workers from any possible accident in the factory.

**(B) Incorrect.** The 1987 amendment inserted multiple sections (41A through 41H), creating a comprehensive scheme – not merely one section.

**(C) Incorrect.** The occupier (not the Central Government) is required to maintain health records. The Act also permits (not prohibits) the occupier to require workers to undergo medical examinations.

**(D) Incorrect.** The hazardous process provisions apply to any factory engaged in a hazardous process as defined, regardless of the number of workers; there is no minimum threshold of 1,000 workers for these provisions.

**Answer: (A)**

**Q.15.**

**Solution**

**Topic:** Welfare facilities and applicable thresholds under the Factories Act, 1948.

**(A) Incorrect.** A canteen under s.46 is mandatory for factories employing 250 or more workers (not 100); a crèche under s.48 is required for 30 or more women workers (not 50); and first-aid boxes are required at one per 150 workers under s.45.

**(B) Incorrect.** An ambulance room is required where 500 or more workers are employed – not 250. Shelter and rest rooms under s.47 are mandatory for 150 or more workers – not 100. Washing facilities under s.42 are mandatory for all factories covered by the Act, not only hazardous factories.

**(C) Incorrect.** A canteen is required for 250 or more workers (not 100), and a crèche for 30 or more women workers (not 20); and first-aid boxes are at the rate of one per 150 workers (not 200).

**(D) Correct.** The Factories Act, 1948 mandates the following welfare facilities at the specified thresholds: s.45 – first-aid boxes at one per 150 workers, with an ambulance room required where 500 or more workers are employed; s.46 – canteen for factories with 250 or more workers; s.47 – shelter rooms, rest rooms, and lunchrooms for factories with 150 or more workers; s.48 – crèche where 30 or more women workers are ordinarily employed. Sections 42 (washing facilities), 43 (storing and drying facilities), and 44 (sitting facilities) apply to all covered factories without a specific numerical threshold.

**Answer: (D)**

**Q.16.**

**Solution**

**Topic:** Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016.

**(A) Incorrect.** The prohibition on full child employment applies to those below 14 years, not 16. Adolescents between 14 and 18 years are subject to restrictions in hazardous occupations; they are not entirely unrestricted in non-hazardous work.

**(B) Correct.** The Child and Adolescent Labour (Prohibition and Regulation) Amendment Act, 2016 amended the 1986 Act significantly. The key features are: (i) complete prohibition on employment of children below 14 years in any occupation or process; (ii) adolescents (14–18 years) are prohibited from employment in hazardous occupations; (iii) a family enterprise exception is recognised – children may work in family businesses (excluding hazardous activities) after school hours and during vacations, subject to compulsory school attendance; (iv) the penalty for employing a child labour is imprisonment for 6 months to 2 years and/or a fine.

**(C) Incorrect.** The original 1986 Act did not prohibit *all* child employment; it prohibited employment in specific hazardous occupations listed in the Schedule. The 2016 amendment expanded the prohibition to all occupations for children below 14, not just hazardous ones.

**(D) Incorrect.** The 2016 amendment explicitly recognises the family enterprise exception. Violation of the Act attracts imprisonment (not merely a fine); it is not a purely financial penalty.

**Answer: (B)**

**Q.17.**

**Solution**

**Topic:** Legal position under the Bonded Labour System (Abolition) Act, 1976.

**(A) Incorrect.** The liberation of bonded labourers under the 1976 Act is automatic and does not require a prior formal order of the District Magistrate. Sections 4 and 5 operate ex proprio vigore upon commencement of the Act; the DM's role under s.10 is to give effect to, not to create, the right of freedom.

**(B) Incorrect.** The definition of "bonded labour" under s.2(g) is not restricted to agricultural labour. It covers any labour or service rendered in consideration of an advance or any other economic consideration under the bonded labour system – agricultural, domestic, industrial, or otherwise.

**(C) Correct.** Upon the commencement of the Bonded Labour System (Abolition) Act, 1976, s.4 provides that every bonded labourer shall stand freed from bondage, and s.5 extinguishes the bonded debt. This is automatic and immediate. Section 6 raises a presumption that a person identified as a bonded labourer is entitled to be freed. The District Magistrate is under a positive statutory duty under s.10 to inquire into cases, release, and rehabilitate bonded labourers within the district. Under s.16, any person who compels another to render bonded labour after commencement of the Act is punishable with imprisonment up to 3 years and fine.

**(D) Incorrect.** The Act was enacted under Articles 23 (prohibition of traffic in human beings and forced labour) and 35 of the Constitution – not under Article 21. The bonded debt is automatically extinguished under s.5 and need not be repaid.

**Answer: (C)**

**Q.18.**

**Solution**

**Topic:** Welfare and wage-payment obligations under the Contract Labour (Regulation and Abolition) Act, 1970.

**(A) Correct.** Section 20 of the CLRA Act, 1970 creates a secondary but real obligation on the principal employer: if the contractor fails to provide facilities – such as a canteen, rest rooms, first-aid boxes, or drinking water – as required by or under the Act, the principal employer must provide them and is entitled to recover the costs from the contractor. Similarly, under s.21, if the contractor fails to pay wages to contract labourers on time, the principal employer is obligated to step in and pay those wages, and may then recover the amount from the contractor. This makes the principal employer's liability "secondary but real."

**(B) Incorrect.** The CLRA Act expressly imposes secondary liability on the principal employer for both welfare facilities and wage payment if the contractor defaults; the principal employer cannot take shelter behind the contractor's independent obligations.

**(C) Incorrect.** The CLRA Act, 1970 requires contractors to maintain specified registers, but these are subject to inspection by the principal employer and government inspectors; there is no provision prohibiting such inspection.

**(D) Incorrect.** The primary obligation to pay wages under the CLRA Act rests with the contractor; the principal employer's obligation to pay arises only upon the contractor's default. The Act does not require the principal employer to pay wages directly in the first instance.

**Answer: (A)**

**Q.19.**

**Solution**

**Topic:** Equal remuneration – Equal Remuneration Act, 1976 and the Code on Wages, 2019.

**(A) Incorrect.** Section 4 of the ERA, 1976 requires equal remuneration not only for "identical work" but also for "work of a similar nature." The concept of similar work is expressly recognised. Furthermore, s.5 prohibits discrimination against women in recruitment, and advisory committees under s.6 promote women's employment.

**(B) Incorrect.** The Equal Remuneration Act, 1976 was repealed by the Code on Wages, 2019 (which consolidated multiple wage-related laws), not by the Maternity Benefit (Amendment) Act, 2017. The Code on Wages, 2019 does contain provisions on equal remuneration.

**(C) Incorrect.** The Advisory Committee under s.6 of the ERA is consultative in nature – it advises on opportunities for and promotion of women's employment. It does not have binding power to fix wages, and its recommendations do not automatically override collective bargaining agreements.

**(D) Correct.** Section 4 of the Equal Remuneration Act, 1976 obligated employers to pay equal remuneration to male and female employees for the same work or work of a similar nature. Section 5 prohibited discrimination against women in recruitment and promotion on the ground of sex. The Advisory Committee under s.6 was tasked with advising on employment opportunities for women. The Code on Wages, 2019, which repealed and consolidated the ERA along with the Payment of Wages Act, Minimum Wages Act, and Payment of Bonus Act, retains the equal remuneration principle in s.3, which expressly prohibits any employer from paying any employee at a rate less than the rate at which remuneration is paid to another employee of the opposite gender for the same work or work of a similar nature.

**Answer: (D)**

**Q.20.**

**Solution**

**Topic:** Certified standing orders and their modification under the IE(SO) Act, 1946.

**(A) Incorrect.** Model Standing Orders under s.14 are a temporary measure applicable *until* an establishment gets its own standing orders certified. Once the establishment's standing orders are certified, the Model Standing Orders cease to apply. They are not permanent.

**(B) Correct.** Section 14 of the Industrial Employment (Standing Orders) Act, 1946 provides that Model Standing Orders apply to an establishment until the establishment's own standing orders are certified. Under s.10, to modify certified standing orders the employer must apply to the Certifying Officer (usually the Deputy Labour Commissioner or equivalent). Trade unions and workmen's representatives must be given 30 days to file objections. The Certifying Officer then hears the parties and, if satisfied, certifies the modified standing orders. Under s.13, certified standing orders are binding on the employer, on all contractors working within the establishment, and on all workmen regardless of their category. No unilateral modification is permissible; doing so without going through the prescribed procedure renders the modification void. Non-compliance with certified standing orders attracts fines under s.15.

**(C) Incorrect.** An employer cannot unilaterally modify certified standing orders even with 30 days' notice. The prescribed procedure through the Certifying Officer is mandatory in all cases, including modifications of a minor nature.

**(D) Incorrect.** Certified standing orders under s.13 are binding on all workmen employed in the establishment, including temporary, casual, and contract workers engaged through the employer – not only permanent employees. The Certifying Officer's jurisdiction also includes supervising modifications under s.10.

**Answer: (B)**

## ANSWER KEY

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|---|---|---|---|---|---|---|---|---|---|
| 1 | C | 2 | A | 3 | D | 4 | B | 5 | C |
| 6 | A | 7 | D | 8 | B | 9 | C | 10 | A |
| 11 | D | 12 | B | 13 | C | 14 | A | 15 | D |
| 16 | B | 17 | C | 18 | A | 19 | D | 20 | B |