

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Labour Law-II  
Semester-VIII (Batch: 2013-18)

Mid Semester Test: Feb-Mar. 2017

Date: 28<sup>th</sup> February, 2017

Duration: 2 hours

Max. Marks: 30

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.
- **Bare Act is not allowed.**

<b>Part-A</b>	<b>Marks</b>
Answer all questions	
<p>Q.1 Write short answers: (word limit: 20-30 words)</p> <p>(a) Whether the apprentices and trainees are <i>employees</i> within the meaning of section 2(9) of the Employees' State Insurance Act, 1948?</p> <p>(b) Whether the incentive bonus is covered within the expression <i>wages</i> under section 2(22) of the Employees' State Insurance Act, 1948?</p> <p>(c) Explain the theory of "notional extension of employers' premises".</p> <p>(d) What is the difference between the <i>temporary partial disablement</i> and the <i>permanent partial disablement</i>?</p> <p>(e) What is the principle of <i>contracting out</i> under the Employees' Compensation Act, 1923?</p>	<p>(5x2=10)</p>

**Part-B**  
Answer any four questions

<p>Q.2 Mr. Mohan Lal was employed by Mr. Madan Mohan Sharma as mechanic for installing a cotton ginning machine and chaff cutting machine on daily wages of Rs.275. While Mohan Lal was taking the trail of the chaff cutting machine his right hand got stuck into the teeth of the gear roller of the machine and all his fingers and thumb of his right hand were cut off resulting in total disability of a permanent character affecting his future earning capacity as well. He was engaged for three days and the accident took place on third day. He claimed for compensation but the employer declined to give any compensation on the ground that Mohan Lal was not an employee because he sustained the injuries while he was cutting his own fodder and the employment was of casual nature. He was employed merely to install the machine and his employment ceased on third day when he sustained the injuries.</p> <p>(a) Whether Mohan Lal is an employee covered under the Employees' Compensation Act, 1923?</p> <p>(b) Is the employer liable to pay the compensation to Mohan Lal? State the reason.</p>	<p>(2.5+2.5=5)</p>
---	--------------------