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19 (3-V) LBIL 5.1

2015

LABOUR AND INDUSTRIAL LAW - I

(New Course)

Paper : 5.1

Full Marks : 80

Time : Three hours

The figures in the margin indicate full marks for the questions.

PART - A

(Compulsory)

1. Fill in the blanks with appropriate answer :
10×1=10

(a) Unfair labour Practice means any of the practices specified in the _____ Schedule to the Industrial Disputes Act, 1947 (First/Fifth).

Contd.

- (b) The University of Gauhati is ____ under the Industrial Disputes Act, 1947. (industry for all workmen / not an industry)
- (c) An employer is not liable to pay any compensation in case of any injury which does not result in total or partial disablement of a workman for a period exceeding _____. (fifteen days/three days)
- (d) In case of accidental death of an employee arising out of and in the course of employment, the employer is ____ funeral expenses. (bound to pay/ not bound to pay)
- (e) Under the Minimum Wages Act, 1948 the employer is ____ to pay the minimum if there is inadequate profit. (bound/not bound)
- (f) Under the Minimum Wages Act, 1948, the appropriate government ____ minimum wage as per recommendation of the Advisory Board. (Shall fix the / may not fix the)

- (g) Under the Factories Act, 1948, Ambulance Room is to be provided if ____ workers are ordinarily employed in a factory. (five hundred / more than five hundred)
- (h) Under the Factories Act, 1948, night work is prohibited for ____ (all young persons / a child)
- (i) Under the Assam Shops & Establishments Act, 1947, every employee in an establishment shall be entitled to Privilege leave ____ (during twelve months of continuous service/ after twelve months of continuous service)
- (j) Under the Assam Shops and Establishments Act, 1947, no period of work shall exceed _____. (five hours/ four hours)

PART - B
(Compulsory)

2. Write short answer : 5×2=10
- (i) Definition of "Trade Union" under the Trade Unions Act, 1926.
 - (ii) Explain the term 'accident' under the Workmen's Compensation Act, 1923, now renamed as the Employees' Compensation Act, 1923.
 - (iii) What is 'Works Committee' under the Industrial Disputes Act, 1947?
 - (iv) What is provision for 'Creche' under the Factories Act, 1948?
 - (v) What is 'Contracting Out' under the Minimum Wages Act, 1948?

PART - C
(Compulsory)

Marks : 60

3. What are the different types of funds and the objects for which such funds can be applied by a Trade Union under the Trade Unions Act, 1926. 12

Or

Discuss the nature and extent of immunity from criminal conspiracy available to members and office bearers of registered trade unions under the Trade Union Act, 1926. 12

4. Discuss the tests laid down in *Bangalore Water Supply and Sewerage Board Vs. A Rajppa* (AIR-1978 S.C.548) for determining an activity as "industry" u/s 2(j) of the Industrial Disputes Act, 1947. 12

Or

'The concept of 'retrenchment' under the Industrial Disputes Act, 1947 is not confined to termination of services on account of labour surplus age only but encompasses within it all terminations except those specifically excluded in the definition.'

Elucidate the above statement and categorise the circumstances in which an employer is liable to pay retrenchment compensation to retrenched workmen. 12

5. Discuss the provisions for working hours under the Factories Act, 1948. 12

Or

Discuss the provisions relating to employment of Children and Young Person in a Factory. Are there any specific provisions concerning women workers in a Factory? Discuss. 8+4=12

6. Explain the following terms: 3×4=12

- (a) Occupier under the Factories Act, 1948
- (b) Occupational Diseases under the Employees Compensation Act, 1923
- (c) Adjudication under the ID Act, 1947
- (d) Prohibition of Strikes and Lock outs.

Or

Discuss the salient features of the Assam Shops and Establishments Act, 1971.

12

7. Explain different kinds of disabilities under the Workmen's Compensation Act. What are the defences of the employer against the claim of compensation under the Act, 1936?

6+6=12

Or

Discuss the important features of the Minimum Wages Act, 1948. 4+8=12