

Total number of printed pages-7

19 (Sem-V) LBIN 5-1

2016

LABOUR AND INDUSTRIAL LAW-I

Paper : 5-1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answers given in the brackets : $1 \times 10 = 10$

(a) The title of the Indian Trade Unions Act, 1926 was amended to the Trade Unions Act, 1926 as per the Amendment Act of _____. (1947/1964)

(b) According to the Trade Unions Act, 1926, registration of Trade Unions is _____. (compulsory/optional)

Contd.

- (c) "Closure" under the Industrial Disputes Act, 1947 means _____ closing down a place of employment or part thereof. (temporary/permanent)
- (d) Unfair labour practice means any of the practices specified in the _____ Schedule to the Industrial Disputes Act, 1947. (Fourth/Fifth)
- (e) The Minimum Wages Act, 1948 was passed to give effect to the _____ of ILO. (Minimum Wage Fixing Machinery Recommendation/Minimum Wage Fixing Machinery Convention)
- (f) Under the Employees Compensation Act, 1923, widowed mother is a dependant for the purpose of payment of compensation _____. (only if she had been dependant on the employee at the time of his death/even if she was not dependant on the employee at any point of time)

- (g) The Assam Shops and Establishments Act, 1971 replaces the Assam Shops and Establishments Act, _____. (1948/1965)
- (h) Under the Assam Shops and Establishments Act, 1971, every employee in an establishment shall be entitled to medical leave with wages _____. (during twelve months of continuous service/after rendering twelve months of continuous service)
- (i) An open space on the sea shore, without any boundary wall, where sea water is dried for preparation of salt is _____. (a factory/not a factory)
- (j) Provisions relating to hazardous processes were inserted into the Factories Act, 1948 after the _____. (Bhopal Gas disaster/National Emergency)

2. Answer the following questions : 2×5=10

- (a) Write a note on Registered Office of Trade Unions.

(b) Under what circumstances can the Minimum Wages be paid wholly in kind?

(c) What is the maximum punishment prescribed for Unfair Labour Practices?

(d) Discuss the provision relating to appointment of Safety Officer in a Factory.

(e) When can an employee employed in an establishment under the Assam Shops and Establishments Act, 1971, claim extra wages for overtime?

3. Discuss the philosophy of Trade Unionism.

12

OR

What are the provisions for cancellation of Registration of Trade Unions? What is the remedy available in case of cancellation of Registration of Trade Unions? 6+6=12

4. What is a Public Utility Service under the Industrial Disputes Act, 1947? Discuss the important provisions relating to strikes and lockouts in Public Utility Services.

4+8=12

OR

What is Lay-off? Discuss the provisions relating to lay-off of workmen of different types of industrial establishments under the Industrial Disputes Act, 1947. 4+8=12

5. Discuss the provisions relating to welfare of workers under the Factories Act, 1948.

12

OR

Discuss the provisions for annual leave with wages for workers under the Factories Act, 1948. 12

6. Write notes on the following with reference to the Employees' Compensation Act, 1923 (previously, Workmen's Compensation Act, 1923) :

- (a) Half Monthly Payments
- (b) Contracting out
- (c) Distribution of compensation
- (d) Payment of compensation to contractor's employees. 12

OR

Write notes on the following with reference to the Minimum Wages Act, 1948 :

- (a) Cost of Living Allowance
- (b) Payment of Minimum Wages in kind
- (c) Review/Revision of Minimum Wages
- (d) Appointment of Authority. 12

7. Discuss the provisions for working hours and leave for religious purposes under the Assam Shops and Establishments Act, 1971. 12

OR

Discuss the provisions of leave under the Assam Shops and Establishments Act, 1971. 12