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19 (V) LBIN 5-1

2017

**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 : 1×10=10
  - (a) Trade Unions Act, 1926 was amended last in the year \_\_\_\_\_. (1964/2001)
  - (b) The Factory premises should be painted and refurbished every \_\_\_\_\_.  
(year/five years)
  - (c) The Industrial Disputes Act, 1947 is preceded by the \_\_\_\_\_.  
(Trade Disputes Act, 1934/Trade Disputes Act, 1929)

Contd.

- (d) The employer shall provide for canteen if there are \_\_\_\_\_ workers in a factory.  
(more than 250/more than 500)
- (e) The subject of welfare of labour is in the \_\_\_\_\_ list of the seventh schedule to the Constitution of India.  
(Union/State/Concurrent)
- (f) Under the Factories Act, 1948, a "child" means a person who has not completed his \_\_\_\_\_ year of age.  
(fourteenth/fifteenth)
- (g) The decision in the case of Bangalore Water Supply and Sewerage Board v. A. Rajappa (AIR 1978 SC 548) has now been directed to be placed before a \_\_\_\_\_ Judge Bench of the Supreme Court for reconsideration.  
(five/seven/nine)
- (h) The Minimum Wages Act, 1948 was passed on \_\_\_\_\_.  
(1st April, 1948/15th March, 1948)
- (i) Under the Assam Shops and Establishments Act, 1971, every employee in an establishment shall be entitled to privilege leave \_\_\_\_\_.  
(during 12 months of continuous service / after 12 months of continuous service)

- (j) Under the Assam Shops and Establishments Act, 1971, no period of work shall exceed \_\_\_\_\_.  
(eight hours/four hours)

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

- (a) Can State Government employees posted in the Raj Bhavan claim registration of Trade Union under the Trade Unions Act, 1926? Give reasons in brief in support of your answer.
- (b) Can persons employed for construction of railway lines in open space claim that their place of work is a factory? Give reasons in brief in support of your answer.
- (c) What are the essentials of a strike?
- (d) Write short note on "cost of living allowance".
- (e) What are the provisions for Medical leave under the Assam Shops and Establishments Act, 1971?

3. Members of a registered Trade Union make an agreement that they shall not accept employment under the employer at a wage lower than that specified in the said agreement. But after a few days some members break the agreement and accept employment at a wage lower than the wage specified in the aforementioned agreement. In such an event a section of members file a civil suit to recover damages for breach of agreement. Another section of members file a suit to enforce the agreement.

Can a Civil Court entertain or dismiss one or both of the suits?

Discuss with reference to the provisions of the Trade Unions Act, 1926. 12

**Or**

Discuss the provisions of the Trade Unions Act, 1926 relating to appointment, powers and functions of the Registrar of Trade Unions. 12

4. "The Concept of 'retrenchment' under the Industrial Disputes Act, 1947 is not confined to termination of services on account of labour surplusage only but encompasses

within it all terminations except those specifically excluded in the definition".

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

**Or**

Write notes on :

4×3=12

- (a) Public Utility Service
- (b) Unfair Labour Practice
- (c) Workman.

5. Who can be appointed as Authority to hear and decide claims under the Minimum Wages Act, 1948? What types of claims can be decided by the Authority under the Minimum Wages Act, 1948? Who can make application before such Authority?

4+4+4=12

**Or**

- (a) Explain the doctrine of "notional extension of time and place of work".

- (b) An employee employed in the saltworks of a Salt Manufacturing Company while returning home after finishing his work had to go by a public path, then through a sandy area in the open public and finally across a creek through a ferry boat. The employee while crossing the creek in a public ferry boat which capsized due to bad weather, was drowned.

Decide whether the incident could be treated as accident arising out of and in the course of employment.

6. Discuss the important provisions relating to safety of workers under the Factories Act, 1948. 12

**Or**

Discuss the provisions relating to hazardous processes under the Factories Act, 1948.

12

7. What are the provisions for working hours of establishments under the Assam Shops and Establishments Act, 1971? Discuss.

12

**Or**

- (a) Explain the term "establishment" under the Assam Shops and Establishments Act, 1971.
- (b) Write a note on the applicability of the Assam Shops and Establishments Act, 1971 and the exceptions and exemptions therefrom. 4+8=12