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19 (V) LBIN-I

2019

**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 options :  
1×10=10

a) Labour law, generally, defines the rights and obligations as workers, union members and \_\_\_\_\_ in the workplace. [association of workers' union/employers]

b) In a Conciliation proceeding, the third neutral party acts like \_\_\_\_\_ who mediate in and promote the settlement of the disputes. [an observer/a mediator /an arbitrator]

Contd.

- c) The right to form associations or unions is a \_\_\_\_\_ right.  
[constitutional/legal /fundamental]
- d) Duties of the Court of inquiry under section 14 of the Industrial Disputes Act, 1947 are to inquire into the matters referred to it by the \_\_\_\_\_.  
[Conciliation Officer/appropriate Government/Presiding Officer of a Labour Court]
- e) The appropriate Government's power of reference of industrial disputes to the authorities under section 10 of the Industrial Disputes Act, 1947 is not judicial or quasi-judicial, but is \_\_\_\_\_ in its nature. [administrative/prerogative/discretionary]
- f) The appropriate Government's notification fixing the minimum wages under the Minimum Wages Act, 1948 \_\_\_\_\_ be interfered by the Court.  
[can/cannot]

- g) Adolescent under the Minimum Wages Act, 1948 means a person who has completed his fifteenth year of age but not completed his \_\_\_\_\_ year.  
[fifteenth/seventeenth/eighteenth]
- h) Unfair Labour Practice means any of the practices specified in the \_\_\_\_\_ Schedule to the Industrial Disputes Act, 1947.  
(First/Fifth)
- i) The object of the legislature in enacting the Factories Act, 1948 was to regulate labour and to require the employer to pay adequate attention to \_\_\_\_\_ and protection of his workers.  
[the health, safety/pay compensation, health/disablement, injury]
- j) Under the Assam Shops & Establishments Act, 1947, every employee in an establishment shall be entitled to Privilege leave \_\_\_\_\_.  
(during twelve months' continuous service/after twelve months' continuous service)

2. Write short answers : *(any five)* 2×5=10

- a. Distinguish between a Factory and an Industry
- b. Works Committee
- c. Trade unionism
- d. Collective Bargaining
- e. Public Utility Service
- f. Definition of shops & establishment under The Assam Shops and Establishment Act, 1961.

3. (a) Who can be appointed as Registrar of a Trade Union ? What are his powers and functions under the Trade Unions Act, 1926 ? 2+4=6

(b) 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 ? 6

**Or**

(a) What do you mean by the term 'immunity' under the Trade Unions Act, 1926 ? 6

(b) 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. 6

4. (a) 'A legal strike may be unjustified and an illegal strike may be justified'. Explain the statement in context of the law relating to strikes in India. 6

(b) What are the essential conditions of a valid 'retrenchment' under the Industrial Disputes Act, 1947 ? 6

**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 the retrenched workmen. 12

5. Explain the distinction between 'lock out', 'lay off' and 'closure' under the Industrial Disputes Act, 1947. 12

**Or**

Briefly explain the following terms : **(any four)**  
3×4=12

- (a) 'Crèche' under the Factories Act, 1948  
Manufacturing Process
- (b) Young Persons
- (c) Occupational Diseases
- (d) 'Contracting Out' under the Minimum Wages Act, 1948
- (e) Prohibition of Strikes & Lock outs.
6. Discuss the law relating to health and cleanliness measures and safety arrangement in factory under the Factories Act, 1948. 6+6=12

**Or**

- (a) What are the provisions relating to employment of Children and Young Persons in a Factory ? Discuss. 6

- (b) Are there any specific provisions concerning women workers in a Factory? Briefly enumerate the provisions. Suggest any additional provision, if you think so, with your comments. 6

7. Discuss the procedure for determination of compensation payable to under the Employee's Compensation Act, 1923 as amended through EC (Amendment) Act, 2017. What are the defences that are available to an employer against the claim of Compensation by an injured person under the said Act? 6+6=12

**Or**

What are the provisions of employment of children and women under the Assam Shops and Establishment Act, 1961 ? 12