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19 (VI) LBIL-II 6-1

2018

**LABOUR AND INDUSTRIAL LAWS-II**

Paper : 6-1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :

1×10=10

(a) The Industrial Disputes Act, 1947 was first amended in the year \_\_\_\_\_.  
[1949/1954]

(b) Power has been given to \_\_\_\_\_ to require Works Committee to be constituted in every industrial establishment employing 100 workmen or more. [Appropriate Government/ State Government]

Contd.

(c) Section \_\_\_\_\_ of the Industrial Disputes Act, 1947 deals with payment of wages to workman pending proceedings in higher courts.

[17B/17C]

(d) Labour Court, Tribunal and National Tribunal submit their awards on the disputes to the \_\_\_\_\_. [Appropriate Government/Central Government].

(e) Minimum wages are payable \_\_\_\_\_ of the employer. [on the basis of profit/ not on the basis of profit]

(f) \_\_\_\_\_ ensures payment of wages in particular form at regular intervals without any unauthorized deduction. [Minimum wages Act, 1948/Payment of Wages Act, 1936]

(g) Bonus is a \_\_\_\_\_ concept. [dynamic/ flexible]

(h) Under the Factories Act, 1948 no adult worker should be allowed or required to work in a factory for more than \_\_\_\_\_ hours in a week. [48/36]

(i) Factories Act, 1948 was designed on the basis of \_\_\_\_\_. [I.L.O. Code of Industrial Hygiene/W.T.O. Code of Industrial Hygiene]

(j) Under Section \_\_\_\_\_ of the Payment of Bonus Act, 1965 every employer is bound to pay his eligible employees minimum bonus. [10/11]

2. Write brief notes on : 2×5=10

(i) 'Works Committee' under the Industrial Disputes Act, 1947.

(ii) Adjudicatory authorities under the Industrial Disputes Act, 1947

(iii) Enforceability of an industrial award.

(iv) "Crèche" under the Factories Act, 1948.

(v) 'Contracting Out' under the Minimum Wages Act, 1948.

3. (a) Discuss the provisions relating to the constitution of Labour Court, its functions and power.

(b) What are the matters that can be adjudicated in the Labour Court? Does the Labour Court has original jurisdiction to try a dispute?

6+6=12

Or

(a) Discuss the nature and scope of the power of the Appropriate Government under section 10(1) of the Industrial Disputes Act, 1947. Are the reasons given by the government in refusing a reference justiciable? Can a reference once made be withdrawn?

(b) Discuss the powers of the Industrial Tribunal to give appropriate relief in case of discharges or dismissal of workmen under section 11-A of the Industrial Disputes Act, 1947.

6+6=12

4. Discuss briefly the salient features of the Industrial Employment (Standing Orders) Act, 1946. 12

Or

(a) What do you mean by Managerial Prerogative? Discuss the principles of Sec. 33(1) of the Industrial Disputes Act, 1947.

(b) What are the restraints on Managerial Prerogative under sections 33 and 33A of the Industrial Disputes Act, 1947? Discuss.

6+6=12

5. (a) Describe the procedure adopted for fixing and revising the Minimum wages under the Minimum Wages Act, 1948.

(b) Discuss the principles of determination of Minimum wage under the Minimum Wages Act, 1948.

6+6=12

**Or**

- (a) Discuss the concept of National Wage Policy.
- (b) What are the different component of wages? Discuss the principles of fixation of Dearness Allowance.

4+8=12

6. (a) What are the different kinds of disabilities recognized under the Employees' Compensation Act, 1923?
- (b) What are the defences that are available to an employer against the claim of compensation by an injured person under the Employees' Compensation Act, 1923?

4+8=12

**Or**

- (a) Who are the persons entitled for compensation under the Employees' Compensation Act, 1923?
- (b) What do you mean by "Theory of notional extension of employment" for the purposes of determining the liability of an employer under the Employees' Compensation Act, 1923?

4+8=12

7. (a) Are there any specific provisions concerning women workers in a Factory? Are the provisions adequate? Suggest any additional provisions, if you think so with your comments.

- (b) What are the provisions relating to employment of Children and Young Person in a Factory?

6+6=12

**Or**

Discuss the provisions relating to Health and Safety of Workers under the Factories Act, 1948. 12