

Total number of printed pages-7

19 (VI) LBL 6.1

2019

LABOUR AND INDUSTRIAL LAW-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) In an industrial dispute concerning Life Insurance Corporation of India the provisions of Industrial Disputes Act, 1947 _____ : [shall apply/will not apply]

(b) A Board of Conciliation shall consist of a chairman and _____ other members, as the appropriate Government thinks fit. [two or four/ three or five]

Contd.

(c) The arbitrator or arbitrators shall investigate the dispute and submit to the _____ the arbitration award signed by the arbitrator or all the arbitrators, as the case may be. [appropriate Government/Labour Court]

(d) The presiding officers of the Labour court and _____ hear and decide claims arising out of payment of less than the minimum rates of wages. [Deputy Labour Commissioners/Labour Commissioner]

(e) A minor under the Employee's Compensation Act, 1923 means a person who has not attained the age of _____ years. [fourteen/eighteen]

(f) Adolescent under the Factories Act, 1948 means a person who has completed his _____ year of age but has not completed his eighteenth year. [fifteenth/fourteenth]

(g) In every factory wherein more than _____ women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women. [thirty/fifty]

(h) Generally, no adult worker shall be required or allowed to work in a factory for more than _____ hours in any day. [nine/eight]

(i) The Industrial Employment (Standing Orders) Act, 1946 applies to every industrial establishment wherein _____ hundred or more workmen are employed, or were employed on any day of the preceding twelve months. [one/five]

(j) Section _____ of the Industrial Disputes Act, 1947 (the "Act") imposes prohibition on the employer from altering the terms of service of its workmen to their prejudice or to terminate their services during the pendency of any proceedings, including conciliation proceedings, in respect of an industrial dispute. [33/34(1)]

2. Write short answer : $2 \times 5 = 10$

- (i) Distinguish between a Factory and an Industry.
- (ii) Can a dispute raised by an individual workman be treated as an industrial dispute under the Industrial Disputes Act, 1947?
- (iii) Duties of conciliation officer.
- (iv) Application of the principles of *res judicata* in the industrial adjudication.
- (v) Concept of restraints on Managerial Prerogatives as laid down in Sec. 33 and 33A of the Industrial Disputes Act, 1947.

3. In what way the Labour Court and Tribunals are different from the ordinary courts of law? Would an appeal lie against the determination of Labour court or Tribunals to the Supreme Court under Article 136 of the Constitution? Elucidate your answer with the help of decided cases.

$4 + 8 = 12$

Or

Discuss the nature of power of the government in making a reference 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?

$6 + 6 = 12$

4. Discuss the principles of natural justice required to be followed in a domestic enquiry. Support your answer with the help of decided cases.

12

Or

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.

12

5. Distinguish between fair wage and living wage. Describe the procedure adopted by the adjudicatory authorities for fixing and revising the wage structure in industry.

$3 + 9 = 12$

Or

What are the salient features of the Payment of Wages Act, 1936? Discuss the remedial measures provided in the Act against unauthorised deductions in the payment of wages.

6+6=12

6. Discuss the concept of Bonus. Who is eligible for statutory bonus in India? What is the criteria for paying bonus? What is the minimum percentage of bonus paid to an employee under the Payment of Bonus Act?

4+3+3+2=12

Or

What are the changes that have been brought in by the Payment of Bonus (Amendment) Act, 2015? Discuss.

12

7. What are the different kinds of disabilities recognized under the Employee's Compensation Act, 1923? Discuss the principles for determination of quantum of compensation.

5+7=12

Or

What are the defences that are available to an employer against the claim of compensation by an injured person under the Employee's Compensation Act, 1923?

12