

Total number of printed pages-7

21 (9) LBIL 9-1

2018

LABOUR AND INDUSTRIAL LAW -- I

Paper : 9-1

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 main object of the Industrial Disputes Act, 1947 is to make provision for the investigation and _____ of industrial disputes. [settlement / enquiry]

(b) Tribunal means an Industrial Tribunal constituted under section _____ of the Industrial Disputes Act, 1947 and includes an Industrial Tribunal constituted before the 10th day of March, 1957 under the Act. [7A / 2(r)]

Contd.

- (c) An employer is not liable to pay any compensation in case of any injury which does not result in total or partial disablement of a workman for a period exceeding _____. [fifteen days / three days]
- (d) In case of accidental death of an employee arising out of and in the course of employment, the employer is _____ funeral expenses. [bound to pay / not bound to pay]
- (e) The employer is _____ to pay the minimum, under the Minimum Wages Act, 1948, if there is inadequate profit. [bound / not bound]
- (f) The appropriate Government's notification fixing the minimum wages under the Minimum Wages Act, 1948 _____ be interfered by the Court. [can / cannot]
- (g) An Ambulance Room is to be provided if _____ workers are ordinarily employed in a factory under the Factories Act, 1948. [five hundred / more than five hundred]

- (h) Under the Factories Act, 1948, night work is prohibited for _____. [all young persons / a child]
- (i) Every employee in an establishment shall be entitled to Privilege leave _____ under the Assam Shops & Establishments Act, 1947. (during twelve months of continues service / after twelve months of continues service)
- (j) Under the Assam Shops and Establishments Act, 1947, no period of work shall exceed _____. (five hours / four hours)

2. Write brief notes on : 2×5=10
- a) Who can be appointed as Registrar of a Trade Union ?
- b) Young Person under the Factories Act, 1948.
- c) Collective Bargaining.
- d) 'Contract of Service' and a 'Contract for Service'.
- e) Public Utility Service.

3. Discuss briefly the procedure for registration of a Trade Union. Mention the grounds for cancellation of registration of a Trade Union under s. 10 of the Trade Unions Act, 1926.

7+3=10

Or

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. 10

4. (a) What are the essential components of 'Industrial Dispute' under section 2(k) of the Industrial Disputes Act, 1947?

- (b) Distinguish between Strike and Lay-off and Lockout. 5+5=10

Or

- (a) What are the dispute settlement machineries under the Industrial Disputes Act, 1947?

- (b) Discuss the constitution, procedure, power and duties of Labour Courts and Tribunals with special reference to section 10 of the Industrial Disputes Act, 1947. 5+5=10

5. (a) Briefly discuss the tests laid down by the Supreme Court in *Bangalore Water Supply and Sewerage Board vs. A Rajappa* (AIR 1978 S.C. 548) for determining whether an activity in question is an 'industry' under section 2(j) of the Industrial Disputes Act, 1947.

- (b) Examine whether the activities of a firm of Solicitors & a Hospital are covered within the definition of 'industry' under section 2(j) of the I.D. Act, 1947.

5+5=10

Or

- (a) What do you mean by the term 'Protected Workman'? Explain.

- (b) 'Conditions contained in the proviso to section 33(2) (b) of the Industrial Disputes Act, 1947 are mandatory in nature and their non-compliance would render the order of discharge or dismissal void or inoperative.' Elucidate the statement supported by relevant case laws. 3+7=10

6. What are the provisions relating to hours of work, periodic rest and overtime of a worker under the Factories Act, 1948? Are there any special provision for women workers in a Factory? Discuss. 10

Or

Discuss the provisions relating to Safety and Cleanliness measures in a Factory under the Factories Act, 1948. Are there any specific provisions relating to hazardous processes in a Factory ? Discuss.

8+2=10

7. If a personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of Employees' Compensation Act (Workmen's Compensation Act, 1923). Is there any exception to this provision? Explain with the help of case laws. 10

Or

Briefly discuss the following under the provisions of Employee's Compensation Act :

- (a) Meaning and classification of 'Disablement'
- (b) Principles for determination of quantum of compensation in cases of Partial and Total Disablement. 5+5=10

Or

- (a) Define minimum wage. Discuss the procedure for fixation of minimum wage.
- (b) Can the minimum once fixed be revised? If so, what is the procedure for revision of minimum wages ? Discuss stating the relevant provision under the Minimum Wages Act, 1948. 5+5=10

8. (a) What are the powers and duties of Inspectors appointed under the Assam Shops and Establishment Act, 1961 ?
- (b) Discuss the procedure for enforcement of hours of works and leave under the Assam Shops and Establishment Act, 1961. 5+5=10

Or

What is the objective of the Assam Shops and Establishment Act, 1961 ? Discuss its salient features. 3+7=10