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21 (9) LBIN 9-1

2019

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 answers :
1×10=10

- (a) There are two broad categories of labour law—first, collective labour law relates to the tripartite relationship between employee, employer and _____ and, secondly, individual labour law concerns employees' rights at work and through the contract for work. [Industrialist/ union]

Contd.

- (b) Under the Constitution, labour is a _____ subject. [state / concurrent]
- (c) The relevance of the dignity of human labour and the need for protecting and safeguarding the interest of labour as human beings has been enshrined in Chapter-III in Articles 16,19, 23 & 24 and in Chapter IV in Articles 39,41,42,43,43A & 54 of the Constitution of India keeping in line with Fundamental _____ and Directive Principles of State Policy. [Rights / Duties]
- (d) Fundamental Principles of labour rights and human rights are set out in the ILO's Constitution of _____ and in the Declaration of Philadelphia of 1944. [1919 / 1920]
- (e) The right to form associations or unions is a _____ right. [constitutional / legal / fundamental]
- (f) According to section 8(4) of the Factories Act, 1948, every District Magistrate is an _____ for his district for the purpose of Factories Act. [occupier / inspector / arbitrator]

- (g) An employer is not liable to pay any compensation under the Employee's Compensation Act, 1923 as amended through EC (Amendment) Act, 2017 in case of any injury which does not result in total or partial disablement of a workman for a period exceeding _____ [seven days / three days / one month]
- (h) 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]
- (i) The appropriate Government's notification fixing the minimum wages under the Minimum Wages Act, 1948 _____ be interfered by the Court. [can / cannot]
- (j) The Employee's Compensation Act, 1923 as amended through EC (Amendment) Act, 2017 was enacted to help workmen face the _____ resulting from accidents. [hardships / unemployment / civil society]

6. Discuss the object and scope of Employee's Compensation Act, 1923 as amended through Employee's Compensation (Amendment) Act, 2017. What are the different kinds of disabilities recognized under the said Act ? $6+6=12$

Or

Discuss the procedure for determination of compensation payable to under the Employee's Compensation Act, 1923 as amended through Employee's Compensation (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 ? $6+6=12$

7. What do you mean by 'minimum wage' as defined under the Minimum Wages Act, 1948 ? Discuss the procedure for fixation of minimum wage. Can the minimum wage once fixed be revised ? $4+8=12$

Or

Discuss the salient features of the Assam Shops and Establishment Act, 1961. What are the powers and functions of Inspector under the Act ? $6+6=12$