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19 (10) LBIL-II 10-1

2017

LABOUR AND INDUSTRIAL LAW - II

Paper : 10-1

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 given in the brackets : $1 \times 10 = 10$
 - (a) Industrial Tribunal is constituted by the _____ (Central government/ appropriate government)
 - (b) The decision of the Conciliation Officer on an industrial dispute is _____. (binding on the parties to the dispute/ not binding on the parties to the dispute)
 - (c) In a domestic enquiry, the management side is represented by the _____. (Disciplinary Authority/Presenting Officer)

Contd.

(d) The Enquiry Officer in a domestic enquiry should submit his report to the _____. (Disciplinary Authority and also the delinquent employee/ Disciplinary Authority)

(e) The Payment of Bonus (Amendment) Act, 2015 has come into force from _____. (1st April, 2015/1st April 2014)

(f) Dispute relating to Bonus under the Payment of Bonus Act, 1965 is _____. (an industrial dispute/not an industrial dispute)

(g) The wage-ceiling under the Payment of Wages Act, 1936 is _____. (Rupees eighteen thousand/Rupees twenty one thousand)

(h) Believers in Natural Law School developed the _____ Theory of Wages. (Marginal Productivity/Subsistence)

(i) _____ of the Constitution of India requires that the state shall in particular direct its policy towards securing that the health and strength of workers, men and women are not abused. (Article 43/Article 39)

(j) The ILO code of Industrial Hygiene was followed in the matter of enactment of the _____ (Workmen's Compensation Act, 1923/Factories Act, 1948)

2. Write short notes on : 2×5=10

(a) "Scheduled employment" under the Minimum Wages Act, 1948.

(b) "Subsistence Allowance" under the Industrial Employment (Standing Orders) Act, 1946.

(c) "Settlement" under the Industrial Disputes Act, 1947.

(d) "Contracting Out" under the Employees' Compensation Act, 1923.

(e) Bonus Commission.

3. Write an essay on Judicial review of industrial awards. 12

Or

What do you mean by the term 'award' under the Industrial Disputes Act, 1947 ? What are the different kinds of awards under the Industrial Disputes Act, 1947 ? Discuss the binding force and duration of awards.

3+3+6=12

4. What do you mean by the term 'Standing Orders' under the Industrial Employment (Standing Orders) Act, 1946 ? How are the Standing Orders framed and certified under the Industrial Employment (Standing Orders) Act, 1946 ? Add a note on the importance of Standing Orders in the matter of industrial discipline.

3+3+6=12

Or

Discuss with reference to the case-laws as to how the principles of natural justice are applicable in the matters of domestic enquiry and disciplinary action.

12

5. "The General purpose of the Payment of Wages Act, 1936 is to provide that the employed persons shall be paid their wages in a particular form and at regular intervals and without any unauthorised deductions".
— Amplify the statement citing the relevant provisions of law.

12

Or

Write notes on : (any two) 6×2=12

- (a) Subsistence Theory of Wages
(b) National Wage Policy
(c) Machinery for fixation of statutory Minimum Wage.

6. Discuss the salient features of the Payment of Bonus Act, 1965. 12

Or

"The concept of Bonus is a dynamic concept" — Elucidate with reference to the history of enactment of the Payment of Bonus Act, 1965. 12

7. Discuss the provisions for determination of compensation under the Workmen's Compensation Act, 1923 now renamed as the Employees' Compensation Act, 1923. 12

Or

Write notes on : **(any two)** 6×2=12

(a) Health and Safety measures under the Plantation Labour Act, 1951

(b) Health and Safety measures under the Mines Act, 1952

(c) Safety measures under the Factories Act, 1948.