

Syn 10th Sem

Total number of printed pages-7

21 (10) LIDL-II 10-1

2018

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) No party to an industrial dispute can be represented by a legal practitioner _____ (in any proceedings before any authority under the Industrial Disputes Act, 1947/in any conciliation proceedings under the Industrial Disputes Act, 1947)

Contd.

- (b) In case of an unsatisfactory award of the Industrial Tribunal, the aggrieved party may _____. (prefer an appeal before the National Tribunal/file Writ petition before the High Court)
- (c) In a domestic enquiry, the delinquent employee is to be examined at the _____. (last stage of the enquiry/beginning of the enquiry)
- (d) The present phase of liberalisations privatisation and globalisation has _____ the scope of managerial prerogative. (reduced/increased)
- (e) The original concept of Bonus was _____. (Gift/Share in the profit)
- (f) The first Payment of Bonus Act was enacted in the year _____. (1940/1965)

- (g) The Constitution of India provides for the payment of _____. (living wages/fair wages)
- (h) The Subsistence Theory of Wages was first formulated by _____. (French economists/German economists)
- (i) Inquiry Committee in respect of health and safety of factory workers and public in general can be appointed by _____. (State Government/Central Government)
- (j) The Mines Act, 1952 is administered by the _____. (State Government/Central Government)

2. Answer the following questions :

2×5=10

- (a) Explain the term "adjudication".
- (b) What is "unpaid group" under the Payment of Wages Act, 1936 ?

(c) Write a short note on "Safety Officer" under the Factories Act, 1948.

(d) Where any workman is suspended by the employer pending investigation or inquiry into complaints of charges of misconduct, how should the employer make payments to such workman?

(e) Explain the term "Bonus".

3. Discuss the different provisions for reference of industrial disputes to the adjudicatory authorities under the Industrial Disputes Act, 1948. 12

OR

What are adjudicatory authorities under the Industrial Disputes Act, 1947? Discuss the jurisdiction of such adjudicatory authorities. 2+10=12

4. In an industrial dispute involving dismissal from service, the Labour Court held that the enquiry was not fair and not in

consonance with the principles of natural justice. Therefore, the court called upon the management to adduce fresh evidence. The Management declined to do so. Thereafter, the workman also declined to do so, and the Labour Court dismissed the claim of the workman.

The workman challenged the decision of the Labour Court.

Decide the case with reference to the leading case. 12

OR

Discuss the principles and procedure to be followed in a domestic enquiry. 12

5. "The concept of Minimum Bonus unrelated to profit makes the payment an accretion to the wages and leads indirectly to the erosion of capital. Because of such payment, if it does not come from the profit, it must come from the reserves or capital".

— Discuss the statement with reference to the principles of law laid down in the case of *Jalan Trading Co (P) Ltd vs. Mill Majdoor Sabha*. (AIR 1967 SC 69)

12

OR

Do you think that the concept of bonus is changing with time? Discuss with reference to the history of enactment of the Payment of Bonus Act, 1965. 12

6. Discuss the remedial measures under the Payment of Wages Act, 1936 in respect of delayed payment and unauthorised deduction of wages. 12

OR

Write explanatory notes on : *(any two)*
6×2=12

- (a) Dearness Allowance
(b) Marginal Productivity Theory of Wages
(c) Distinction between fair wage and living wage.

7. Write a note on the composition, function and powers of the Site Appraisal Committee under the Factories Act, 1948. 12

OR

Discuss the statutory provisions as to health and safety in mines. 12