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21(10) LBIL 10-1

2019

**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 :  $1 \times 10 = 10$

(a) The number of representatives of workmen on the Works Committee \_\_\_\_\_ be less than the number of representatives of the employer. [ shall not / shall ]

Contd.

(b) The objective of constituting a Board of Conciliation under the Industrial Disputes Act, 1947 is for promoting the settlement of an \_\_\_\_\_ [individual dispute / industrial dispute]

(c) A Labour Court shall consist of \_\_\_\_\_ to be appointed by the appropriate Government. [one person only / one Chairman who shall act as Presiding Officer and two members only]

(d) The Central or State Governments fix and revise the minimum wages for \_\_\_\_\_ Workers. [unskilled / skilled]

(e) Any employer who pays less than the minimum wages fixed under the Minimum Wages Act, 1948 or violates any other provisions under the Act is punishable with \_\_\_\_\_ imprisonment or fine upto five hundred rupees or both. [6 months / 3 months]

(f) Employee's Compensation Act, 1923 extends to the \_\_\_\_\_. [whole of India except Jammu and Kashmir / whole of India]

(g) Compensation due under the Employee's Compensation Act, 1923 shall be paid within \_\_\_\_\_ month(s) from the date it fell due. [one / three]

(h) In a 'factory' wherein more than \_\_\_\_\_ workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers. [two hundred and fifty / five hundred]

(i) No adult worker shall be required or allowed to work in a factory for more than \_\_\_\_\_ hours in any week. [fifty six / forty eight]

(j) No child who has not completed his \_\_\_\_\_ year shall be required or allowed to work in any factory. [fourteenth / fifteenth]

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

- (i) Section 10(4) of the Industrial Dispute Act, 1947.
- (ii) Manufacturing Process.
- (iii) Distinction between 'contract of service' and 'contract for service'.
- (iv) Enforceability of an industrial award.
- (v) Distinguish between minimum wage, fair wage and living wage.

3. Discuss the provisions relating to the Constitution of Labour Court, its functions and powers under the Industrial Disputes Act, 1947.  $12$

Or

What are the matters that can be adjudicated in the Labour Court? Does the Labour Court has original jurisdiction to try a dispute? Discuss.  $4+8=12$

4. Discuss the principles of natural justice which are required to be followed in the case of domestic enquiry conducted for misconduct.  $12$

Or

Are the decisions or orders passed by the following authorities, constituted under Industrial Disputes Act, 1947, appealable under Article 136 of the Constitution before the Supreme Court of India?

- (i) Labour Court
- (ii) Industrial Tribunal
- (iii) Conciliation Officer.

Elucidate your answer with reasons.  $12$

5. What are the salient features of the Payment of Wages Act, 1936? Discuss the remedial measures provided in the Act against the unauthorised deductions in the payment of wages.  $6+6=12$

**Or**

Discuss the salient features of the Payment of Bonus Act, 1965. Enumerate the changes that have been brought in by the Payment of Bonus (Amendment) Act, 2015.

8+4=12

6. What do you mean by "Theory of notional extension of employment" for the purposes of determining the liability of an employer under the Employee's Compensation Act, 1923? 12

**Or**

Distinguish between Partial and Total disablement under Employee's Compensation Act, 1923. Discuss the principles for determination of quantum of compensation in such disablement.

5+7=12

7. (a) Are there any specific provisions concerning women workers in a Factory under the Factories Act, 1948? Is the provisions adequate? Suggest any additional provisions, if you think so with your comments.
- (b) What are the provisions relating to employment of Children and Young Person in a Factory? 6+6=12

**Or**

Discuss the provisions relating to Safety and Welfare of Workers under the Factories Act, 1948. 12