

Total number of printed pages-7

21 (9) LEIN 9.1

2017

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 given in the brackets : $1 \times 10 = 10$
 - (a) The subject of Trade Unions is in the _____ list of the Seventh Schedule to the Constitution of India.
(Union/ State/ Concurrent)
 - (b) The Indian Trade Unions Act, 1926 commenced from _____.
(1st June, 1927/1st January, 1927)
 - (c) "Closure" under the Industrial Disputes Act, 1947 means _____ closing down of a place of employment or part thereof. (Permanent/ Temporary)

Contd.

(d) A person shall not be qualified for appointment as the Presiding Officer of a National Tribunal, unless he is, or has been, a judge of _____.

(The Supreme Court/a High Court)

(e) The Factories Act, 1948 came into force from _____.

(1st April, 1949/1st April, 1948)

(f) The occupier of a factory premises shall give notice of occupancy to the Chief Inspector of Factories _____ days in advance. *(15 days/30 days)*

(g) The Minimum Wages Act, 1948 empowers the _____ to fix the minimum wage for scheduled employments. *(employer as per instruction of the appropriate government/appropriate government)*

(h) Under the Minimum Wages Act, 1948 the term 'wage' _____ value of any house accommodation, supply of water, light and medical attendance or any other amenity or service excluded by general or special order of the appropriate government.

(includes/does not include)

(i) Under the Assam Shops and Establishments Act, 1971 every employee in an establishment shall be entitled to Medical leave _____.

(during every twelve months of continuous service/after every twelve months of continuous service)

(j) Under the Assam Shops and Establishments Act, 1971, no period of work shall exceed _____.

(eight hours/four hours)

2. Answer the following questions :

2×5=10

(a) Can State Government employees posted in the Raj Bhavan claim registration of Trade Union under the Trade Unions Act, 1926 ? Give reasons in brief in support of your answer.

(b) Point out *three* important aspects of 'industrial dispute' as defined under the Industrial Disputes Act, 1947.

(c) Can persons employed for construction of railway lines in open space claim that their place of work is a "factory"? Give reasons in brief in support of your answer.

(d) Write a short note on "cost of living allowance".

(e) What are the provisions for Privilege leave under the Assam Shops and Establishments Act, 1971?

3. Discuss the history of trade union movement in India upto the enactment of the first Trade Union legislation in India. 12

OR

Discuss the provisions for cancellation of registration of a Trade Union. What are the remedies in case of cancellation of registration of a Trade Union? What are the advantages of a registered Trade Union? 5+5+2=12

4. What are the prohibitions for strikes and lock-outs under the Industrial Disputes Act, 1947? Explain.

OR

"The concept of 'retrenchment' under the Industrial Disputes Act, 1947 is not confined to termination of services on account of labour surplusage only but encompasses within it all terminations except those specifically excluded in the definition".

Elucidate the above statement and categorise the circumstances in which an employer is liable to pay retrenchment compensation to retrenched workmen. 12

5. What do you mean by 'occupational diseases'? What are the liabilities of employers in case of different categories of occupational diseases? 4+8=12

OR

(a) Explain the doctrine of "notional extension of time and place of work".

(d) An employee employed in a salt works of a salt manufacturing company while returning home after finishing his work had to go by a public path; then through a sandy area in the open public and finally across a creek through a ferry boat. The employee while crossing the creek in a public ferry boat which capsized due to bad weather, was drowned.

Decide whether the incident could be treated as accident arising out of and in the course of employment.

6+6=12

6. Discuss the important provisions relating to safety of workers under the Factories Act, 1948. 12

OR

Discuss the provisions relating to hazardous processes under the Factories Act, 1948.

12

7. What are the provisions for working hours of establishments under the Assam Shops and Establishments Act, 1971 ? Discuss.

12

OR

(a) Explain the term "establishment" under the Assam Shops and Establishments Act, 1971.

(b) Write a note on the applicability of the Assam Shops and Establishments Act, 1971 and the exceptions and exemptions therefrom.

4+8=12