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21 (9) LBIN 9.1

2020

(Held in 2021)

LABOUR AND INDUSTRIAL LAW-I

Paper : 9.1

Full Marks : 56

Time : 2½ hours

The figures in the margin indicate full marks for the questions.

GROUP-A

1. Fill in the blanks with appropriate answer :
1×8=8

(a) In a Conciliation proceeding the third neutral party acts like _____ who mediate in and promote the settlement of the disputes.

[a mediator/ an arbitrator]

(b) The right to form associations or unions is a _____ right.

[constitutional/ fundamental]

Contd.

- (c) An employer is not liable to pay any compensation in case of any injury which does not result in total or partial disablement of a workman for a period exceeding _____. *[fifteen days/three days]*
- (d) Under the Factories Act, 1948, Ambulance Room is to be provided if _____ workers are ordinarily employed in a factory. *[five hundred/more than five hundred]*
- (e) Under the Factories Act, 1948, night work is prohibited for _____. *[all young persons/a child]*
- (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) Adolescent under the Minimum Wages Act, 1948 means a person who has completed his fifteenth year of age but not completed his _____ year. *[fifteenth/seventeenth/eighteenth]*

(h) Under the Assam Shops & Establishments Act, 1947, every employee in an establishment shall be entitled to Privilege leave _____.
[during twelve months of continuous service/after twelve months of continuous service]

2. Write short answer : 2×3=6

- (a) Collective Bargaining
- (b) Manufacturing Process
- (c) Hazardous processes.

3. Write an essay on the trade union movement in India. 7

Or

Who can be appointed as Registrar of a Trade Union? What are his powers and functions under the Trade Unions Act, 1926?

4. Briefly state the principle of law laid down by the Supreme Court in Bangalore Water Supply and Sewerage Board v. A Rajppa (AIR 1978 S.C. 548). 7

Or

Distinguish between 'Strike' and 'Lockout' in an industrial unit. What are the essential conditions that an employer is required to follow before effecting a valid 'retrenchment' under the I.D. Act, 1947 ?

GROUP-B

5. 'A legal strike may be unjustified and an illegal strike may be justified.'

Explain the statement in context of the law relating to strikes in India. 14

Or

Why the measures relating to health and safety of Workers are enshrined under the Factories Act, 1948 ? Are there any specific provisions relating to children and young person in a Factory ?

6. What are the defences that are available to an employer against the claim of compensation by an injured person under the Employee's Compensation Act, 1923 ?

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Or

Discuss the concept of 'minimum wage'. What are the procedure for fixation of minimum wage? Can the minimum wage once fixed be revised?

Or

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