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21 (Sem-10) LBIN

2021

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 :
1×10=10

(a) The appropriate Government's power of reference of industrial disputes to the authorities under section 10 of the Industrial Disputes Act, 1947 is not judicial or quasi-judicial, but is _____ in its nature.

[*administrative/prerogative/discretionary*]

(b) A great historic event that took place in Great Britain in _____ century was the advent of 'industrial revolution'.

[*16th/18th/19th*]

Contd.

- (c) A minor under the Employee's Compensation Act, 1923 means a person who has not attained the age of _____ years. [*fourteen/eighteen*]
- (d) 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*]
- (e) The Central or State Governments fix and revise the minimum wages for _____ workers.
[*unskilled/skilled*]
- (f) 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*]
- (g) 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 _____.
[*seven days/three days/one month*]

- (h) Duties of the Court of inquiry under section 14 of the Industrial Disputes Act, 1947 are to inquire into the matters referred to it by the _____.
[Conciliation Officer/appropriate Government/Presiding Officer of a Labour Court]
- (i) The appropriate Government's notification fixing the minimum wages under the Minimum Wages Act, 1948 _____be interfered by the Court. [can /cannot]
- (j) The Employee's Compensation Act, 1923 was enacted to help workmen face the _____ resulting from accidents.
[hardships/unemployment/civil society]

2. Write short answers : 2×5=10

- (a) Scope of Section 10 (4) of the Industrial Dispute Act, 1947.
- (b) Concept of Wage.
- (c) Enforceability of an industrial award.
- (d) Duties and responsibilities of 'Occupier' of a Factory.
- (e) Distinguish between a Factory and an Industry.

3. Discuss the need of Restraints on Managerial Prerogatives as laid down in sec. 33 and 33A of the Industrial Disputes Act, 1947. 12

Or

In what way the Labour Court and Tribunals are different from the ordinary courts of law? Would an appeal lie against the determination of Labour Court or Tribunals to the Supreme Court under Article 136 of the Constitution? Elucidate your answer with the help of decided cases. 12

4. Discuss the principles of natural justice required to be followed in a domestic enquiry. Support your answer with the help of decided cases. 12

Or

Discuss the powers of the Industrial Tribunal to give appropriate relief in case of discharges or dismissal of workmen under section 11-A of the Industrial Disputes Act, 1947. 12

5. Distinguish between 'fair wage' and 'living wage'. Describe the procedure adopted by the adjudicatory authorities for fixing and revising the wage structure in industry. 12

Or

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

6. Discuss the concept of Bonus. Who is eligible for statutory bonus in India ?

What is the criteria for paying bonus ? What is the minimum percentage of bonus paid to an employee under the Payment of Bonus Act ? 12

Or

What are the changes that have been brought in by the Payment of Bonus (Amendment) Act, 2015 ? Discuss. 12

7. What are the different kinds of disabilities recognized under the Employee's Compensation Act, 1923 ? Discuss the principles for determination of quantum of compensation. 12

Or

What are the defenses that are available to an employer against the claim of compensation by an injured person under the Employee's Compensation Act, 1923 ? 12