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21 (10) LBIN 10-1

2023

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 answer :

1×10=10

(a) A Board of Conciliation shall consist of a chairman and _____ other members, as the appropriate Government thinks fit.

[two or four/three or five]

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) Employee's Compensation Act, 1923 extends to the _____.

[whole of India except Jammu and Kashmir/ whole of India]

(d) Adolescent under the Factories Act, 1948 means a person who has completed his _____ year of age but has not completed his eighteenth year.

[fifteenth/ fourteenth]

(e) The presiding officers of the Labour court and _____ hear and decide claims arising out of payment of less than the minimum rates of wages.

[Deputy Labour Commissioners/ Labour Commissioner]

(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) Generally, no _____ worker shall be required or allowed to work in a factory for more than nine hours in any day.

[adult/ women]

(h) The Industrial Employment (Standing Orders) Act, 1946 applies to every industrial establishment wherein one hundred or more workmen are employed, or were employed on any day of the preceding _____.

[month/ year]

(i) 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]

- (j) The Central or State Governments fix and revise the minimum wages for _____ workers. [unskilled/skilled]

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

(a) Who can appoint a Conciliation officer and how?

(b) Distinguish between an Industrial Dispute and an Individual Dispute.

(c) Meaning of Judicial Review of Industrial Awards.

(d) Distinguish between fair wage and living wage.

(e) What do you mean by 'restraints on Managerial Prerogatives'?

3. What are the functions and power of Labour Court under the Industrial Disputes Act, 1947? Does the Labour Court has original jurisdiction to try a dispute or can a worker file a case in the Labour Court and if so how? $10 + 2 = 12$

Or

What are the matters that can be adjudicated in the Labour Court? In what way the Labour Court and Tribunals are different from the ordinary courts of law? $5 + 7 = 12$

4. What are the functions of Industrial Tribunal under the Industrial Disputes Act, 1947? Briefly discuss its power to give appropriate relief in case of discharges or dismissal of workmen of under section 11-A of the Act. (Industrial Disputes Act, 1947). $6 + 6 = 12$

Or

Discuss the principles of natural justice required to be followed in the case of domestic enquiry conducted for misconduct of an worker. 12

5. Write short notes on **any two** of the following: $6 \times 2 = 12$

(a) National Wage Policy

(b) Marginal Productivity

(c) Dearness Allowance

Or

Describe the procedure adopted by the adjudicatory authorities for fixing and revising the wage structure in industry.

12

6. Discuss the 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

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

4+6+2=12

7. Discuss the salient features of the Factories Act, 1948. Are there any provisions relating to employment of Women, Children and Young Person in a Factory ?

8+4=12

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6

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

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