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21 (9) LINL-19-1

2022

(Held in 2023)

**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 :  
1×10 = 10

(a) Under the Constitution of India, labour is a subject included in the \_\_\_\_\_ list.

(state / concurrent)

(b) Fundamental principles of labour rights and human rights are set out in the ILO's Constitution of \_\_\_\_\_ and in the Declaration of Philadelphia of 1944.

(1919 / 1920)

Contd.

(c) There are two broad categories of labour law - first, collective labour law relates to the tripartite relationship between employee, employer and \_\_\_\_\_ and, secondly, individual labour law concerns employees' rights at work and through the contract for work.

*(industrialist / union)*

(d) Under the Minimum Wages Act, 1948, the appropriate government \_\_\_\_\_ minimum wage as per recommendation of the Advisory Board.

*(shall fix the / may not fix the)*

(e) Unfair labour practice means any of the practices specified in the \_\_\_\_\_ schedule to the Industrial Disputes Act, 1947.

*(first / fifth)*

(f) 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)*

(g) The appropriate Government's notification fixing the minimum wages under the Minimum Wages Act, 1948 \_\_\_\_\_ be interfered by the Court.

*(can / cannot)*

(h) The right to form associations or unions is a \_\_\_\_\_ right.

*(constitutional / legal / fundamental)*

(i) 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)*

(j) An employer is not liable to pay any compensation under the Employee's Compensation Act, 1923 as amended through EC (Amendment) Act, 2017 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)*

**Or**

Briefly discuss the following:  $4 \times 3 = 12$

- (a) Distinction between 'lock out', 'lay off'
  - (b) 'Closure' under the Industrial Disputes Act, 1947
  - (c) 'Continuous service' under the Industrial Disputes Act, 1947
6. Discuss the object and scope of Employee's Compensation Act, 1923 as amended through Employee's Compensation (Amendment) Act, 2017. What are different kinds of disabilities recognized under the said Act ?

$5 + 7 = 12$

**Or**

Explain different kinds of disabilities under the Employee's Compensation Act, 1923. What are the defences of the employer against the claim of compensation under the Act.

$6 + 6 = 12$

7. What do you mean by 'minimum wage' as defined under the Minimum Wages Act, 1948 ? Discuss the procedure for fixation of minimum wage ? Can the minimum wage once fixed be revised ?  $3 + 7 + 2 = 12$

**Or**

Discuss the salient features of the Assam Shops and Establishment Act, 1961. What are the powers and functions of Inspector under the Act ?  $8 + 4 = 12$