

Total number of printed pages-7

**5 SEM LLB L&IL 1 (N)**

**2018**

(December)

**LAW**

Paper : 5.1

**(Labour and Industrial Law-I)**

Full Marks : 80

Time : Three hours

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

1. Choose the correct answer :  $1 \times 10 = 10$
- (i) An Industrial dispute may be brought before the Labour Court-
- (a) By an aggrieved Party
  - (b) By both the Parties
  - (c) By both Parties with prior permission of the Government.
  - (d) By reference by the appropriate Government.

(ii) Which of the following is a machinery for the Settlement of Industrial Disputes in India ?

- (a) National Commission on Labour
- (b) Wage Board
- (c) Industrial tribunal
- (d) Standing Labour Committee.

(iii) Which Part of the definition of 'worker' under the Factories Act is incomplete ?

- (a) A person employed directly or by or through any agency.
- (b) With or without the knowledge of the principal employer.
- (c) For remuneration
- (d) In the manufacturing process.

(iv) Termination of service of a worker for any reason whatsoever (except disciplinary action and voluntary retirement) is-

- (a) Dismissal
- (b) Discharge
- (c) Retrenchment
- (d) None of the above.

- (v) In which section of the Industrial Disputes Act the duties of Conciliation officers are contained ?
- (a) Sec. 10
  - (b) Sec. 11
  - (c) Sec. 12
  - (d) Sec. 13.
- (vi) To be a member of Trade Union, a person must attain the age of-
- (a) 18 years
  - (b) 16 years
  - (c) 15 years
  - (d) 21 years.
- (vii) A Union leader or an office-bearer of the Trade Union has immunity from-
- (a) Transfer
  - (b) Misconduct
  - (c) Civil Proceedings
  - (d) Deliberate trespass.
- (viii) The question of liability of any person to pay compensation under Workmen's Compensation Act shall be settled by-
- (a) Commissioner
  - (b) Civil Court
  - (c) High Court
  - (d) None of the above.

(ix) The object of Minimum Wages Act is-

(a) To provide for increasing the minimum rates of wages in certain employments

(b) To provide for (increasing) the dearness allowance in certain employments

(c) To provide for fixing minimum rates of wages in certain employments

(d) To provide for fixing basic pay in certain employment.

(x) Employer's Instrument of Coercion is known as-

(a) Layoff

(b) Closure

(c) Lockout

(d) Retrenchment.

2. Write briefly on the following:  $2 \times 5 = 10$

(i) Stay-in-Strike

(ii) Reference of Industrial dispute

(iii) Wage structure under Minimum Wages Act, 1948

(iv) Collective Bargaining and Trade dispute.

(v) Conditions precedent to retrenchment of workmen.

3. Discuss about the International Commitments on development of labour and what are the objectives of International Labour organization? 12

**Or**

Explain in brief the theory of Patterns of Labour Exploitation. How workers are exploited? 6+6=12

4. Define the "Industrial Dispute" under the Industrial Dispute Act, 1947. When does an individual dispute become an Industrial dispute? Critically examine. 6+6=12

**Or**

Discuss the Power of Appropriate Government to refer the dispute for adjudication Under the Provisions of the Industrial Dispute Act, 1947. 12

5. State the provisions laid down under the Factories Act, 1948 in respect of working hours of adult, children and employment of young persons. 12

**Or**

Discuss the provisions regarding licensing and registration of Factories with special reference to notice by occupier as required under the Act. 12

6. What are the privileges and immunities of a registered Trade Union, under the Trade Union Law? Discuss with the help of case laws. 12

**Or**

Write short but critical notes on-

- (a) The objectives of passing Minimum wages Act, 1948. 6
- (b) The components of Minimum Wages Act, 1948. 6

7. Discuss briefly the procedure in the proceedings before the Commissioner under Employee's Compensation Act, 1923.

12

**Or**

(a) State the provisions relating to the amount of Compensation Payable under the Employee's Compensation Act, 1923. 6

(b) Explain in brief the principles and factors of Computation of Compensation under Employee's Compensation Act, 1923. 6

---