

**2017**

(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 answers :  $1 \times 10 = 10$

(i) The object of Factories Act, 1948 is —

(a) To consolidate and amend the law regulating the functioning of factories

(b) To consolidate and amend the law regulating the establishment of factories

(c) To consolidate and amend the law regulating Labour in factories

(d) None of the above.

*Contd.*

(ii) An 'adolescent' means a person who has completed his fifteenth year of age but has not completed his eighteenth year —

(a) Correct statement

(b) Incorrect statement, because no such age is provided by law

(c) Partly incorrect statement, because an adolescent must have completed his sixteenth year of age but not eighteenth year

(d) Partly incorrect statement because an adolescent must have completed his tenth year of age but not his eighteenth year.

(iii) The temporary closure of place of employment or suspension of work is known as —

(a) Suspension

(b) Lock-out

(c) Dismissal

(d) Lay off.

(iv) The term Wages include —

(a) Allowances

(b) Value of any house accommodation, light supply water supply, medical attendance etc.

(c) Travelling Concession

(d) All of the above.

(v) No person shall go on strike —

(a) Before the expiry of the date of strike specified in notice

(b) During the pendency of any conciliation proceedings before a conciliation officer

(c) Within seven days after the conclusion of conciliation proceedings

(d) All the above are correct.

- (vi) Within the meaning of Minimum Wages Act, 1948, the following are wages —
- (a) House rent allowance
  - (b) House accommodation
  - (c) Supply of light, water, medical attendance
  - (d) Contribution paid by the employer to any Pension Fund or Provident Fund.
- (vii) For fixing wages rate, the appropriate Government may fix —
- (a) A minimum rate of wages for time work
  - (b) A minimum rate of wages for piece work
  - (c) A guaranteed time rate
  - (d) All of the above.
- (viii) The essential elements to Constitute a “Trade dispute” are —
- (a) Existence of a dispute between employers and workmen, or between workmen and workmen, and between employers and employers

- (b) The dispute connected with the employment or non-employment
  - (c) The dispute must relate to the terms of employment or the conditions of labour
  - (d) All of the above.
- (ix) Under the provisions of the Workmen's Compensation Act, the amount of compensation in respect of deceased workman —
- (a) Cannot be paid directly by the employer
  - (b) Shall have to be deposited with the Commissioner
  - (c) If paid directly by an employer shall be deemed to be no payment of compensation
  - (d) All the above are correct.
- (x) The Commissioner for Workmen's Compensation is appointed by —
- (a) Central Government
  - (b) State Government
  - (c) Either by Central Government or State Government
  - (d) None of the above.

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

- (i) Industrial adjudication
- (ii) In Corporation of Trade Union
- (iii) Industrial Jurisprudence
- (iv) Adolescent
- (v) Appropriate Government.

3. What are the conditions of changing perspectives of labour in India, according to the provisions of law? 12

**Or**

What are International Labour law standards? Explain in brief the steps taken for its implementation. 6+6=12

4. What do you mean by industrial disputes and discuss the various authorities established and applicable under the Industrial Dispute Act 1947 in a dispute between workmen and management?

12

**Or**

Define 'Strike' and 'Lock-out'. Discuss the Penalty Provisions in Industrial Dispute Act, 1947 in connection with the illegal strike and lock-out. 6+6=12

5. What provisions have been introduced by the Factories Act for granting annual leave with wages to different categories of workers? 12

**Or**

Who may be a Certifying Surgeon and how a certifying surgeon is appointed? What are the rights and duties of certifying surgeon under the provision of the Factories Act 1948? 6+6=12

6. Define Trade Union and Trade disputes as defined under the provision of Trade Union Act, 1926, and discuss the legal protection of registered trade union. 12

**Or**

1. State the procedure for fixing minimum rate of wages under the Minimum Wages Act, 1948 and state the provisions relating to the procedure for hearing and deciding claims under the Minimum Wages Act 1948. 6+6=12

7. Discuss when the employer is not liable to pay compensation to the workmen under the Employee's Compensation Act, 1923 with the help of case laws. 12

**Or**

Discuss the main features of Workmen's Compensation Act, 1923 and also explain the procedure of determination of quantum of compensation under the workmen's Compensation Act, 1923. 6+6=12

---