

2009

(December)

LABOUR LAW

Paper : 401

Full Marks : 80

Time : Three hours

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

Answer question No. 1 and any four from the rest.

1. Examine the following statements and give your comments (*any five*) : 4×5=20
- (a) An adolescent is deemed to be either an Adult or a Child.
 - (b) Retrenchment of workmen is a measure of punishment.
 - (c) Under triple formulae an Educational Institution can be an Industry.

Contd.

- (d) The death of a workman due to heart failure while on duty cannot be regarded as a result of personal injury.
- (e) One/two month(s) notice to workmen is the pre-condition to valid retrenchment.
- (f) A strike can be declared illegal if resorted to in consequence of an illegal Lock-out.
- (g) Industrial dispute means a dispute between the Employers and the Workmen only.

2. What are the conditions precedent to retrenchment of workmen under the Industrial Disputes Act, 1947 ? Discuss.

Is there any provision for re-employment of retrenched workmen ? 12+3=15

3. Discuss the provisions for employment of non Adult workers in a Factory under the Factories Act, 1948. What is the procedure for issuing a certificate of Fitness to a young person ?

12+3=15

4. Distinguish between *any two* of the following :

$7\frac{1}{2}+7\frac{1}{2}=15$

(a) Fair wage and living wage.

(b) Strike and Lock-out.

(c) Partial disablement and total disablement.

5. What are the provisions provided by the Plantation Labour Act, 1951 for the Welfare of Labourers ? Who can take action if the facilities are not provided to the Labourers ? 12+3=15
6. Discuss the conditions under which registration of a registered Trade Union may be withdrawn or cancelled by the Registrar. 15
7. Define wages according to the Payment of Wages Act, 1936. Discuss in this connection whether amenities provided by the employers form a part of wages. Does Bonus come within the definition of wages ? 5+10
8. Explain the procedure for fixing and revising the minimum rates of wages under provisions of the Minimum Wages Act, 1948. Whether it affects the existence of the Industry if an employer is unable to pay the minimum wage to worker ? 12+3

9. Explain the principles to determine the — 'injury caused by accident arising out of and in the course of employment' of an employee. 15

10. Write explanatory notes on *any three* of the following : 3×5=15

- (a) Industrial dispute
 - (b) Lay-off
 - (c) Certifying Surgeon
 - (d) Public Utility Services
 - (e) Occupier of a Factory
 - (f) Manufacturing Process.
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