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4 SEM LLB 1 LABRL

2010

(July)

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) One year of continuous service is a condition precedent to claim compensation by a workman.
 - (b) Free legal services run voluntarily by lawyers, are not included in the definition of 'industry'.

- (c) If a personal injury is caused to a workman by accident arising out of and in course of employment, his employer shall be liable to pay compensation.
- (d) A person employed in 'Public utility service' shall not go on strike within 14 days of giving such notice.
- (e) A workman, who claims for compensation must undergo medical examination made by a qualified medical practitioner.
- (f) The death of a workman due to heart failure while on duty cannot be regarded as a result of personal injury.
- (g) Compensation cannot be claimed by a workman if involved in accident while going to the place of employment.
2. Discuss the rights and liabilities of a Registered Trade Union and mention the disadvantages of Un-registered Trade Union. 10+5=15
3. Bring out the distinction between 'lay off' and 'retrenchment'.
- Explain the circumstances in which a workman is not deemed to be laid off. 8+7=15

4. Distinguish between any *two* of the following : 7½+7½=15
- (a) Child and Adolescent
 - (b) Fair wage and Living wage
 - (c) Strikes and Lock outs.
5. Define minimum rate of wages. What remedy is available to a workman who has been paid less than minimum rate of wages ? 5+10=15
6. What are the provisions in the Factory Act, 1948 relating to the welfare of workers ? 15
7. Define wages according to the Payment of Wages Act, 1936. Can amenities be provided by the employer form a part of wages ? Does bonus come within the ambit of the definition of 'wages' ? 8+5+2=15
8. What are the objects and scope of the Plantations Labour Act, 1951 ? 10+5=15
9. Explain the doctrine of 'Common Employment', under the Employer's Liability Act, 1938. Discuss the precautions to be undertaken by an employer to avoid liability for injury caused to a workman by fellow workmen while they are engaged in common employment. 5+10=15

10. Write short notes on any *three* of the following :

(a) Permanent Partial Disablement

(b) Creches

(c) Labour Court

(d) Qualified Medical Practitioner

(e) Minimum Wages

(f) Cost of Living Index Number.

$5 \times 3 = 15$