

Total No. of printed pages = 4

4 SEM LLB (N) 2 L&IL 2

2012

(July)

LABOUR AND INDUSTRIAL LAW – II

Paper : 402

(New Course)

Full Marks – 80

Pass Marks – 32

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*) : $4 \times 5 = 20$

(a) A person employed in public utility service shall not go on strike within 14 days of giving notice of strike.

(b) A minor cannot be admitted as a member of a Trade Union.

- (c) Workman cannot claim compensation if he suffers from the diseases, other than the occupational diseases.
- (d) One/two months, notice to workmen is the precondition to valid retrenchment.
- (e) Minimum wage in no circumstances shall fall below subsistence wages.
- (f) One of the concepts of bonus is to recognise the efforts of the employees to get the profit of the industry and to encourage them to work more and earn more.
2. (a) Discuss the scope and applicability of the Workmen's Compensation Act, 1923.
- (b) Does the above act apply for workers in the public and private sector alike? $12+3=15$
3. Give the meaning of 'Fair wage' and 'Living wage' and bring out the distinction between the two. $7\frac{1}{2}+7\frac{1}{2}=15$
4. (a) Explain the rights and liabilities of a Registered Trade Union.
- (b) What is the legal status of an unregistered Trade Union? $12+3=15$

5. (a) Discuss the rights and disqualification of an employee to receive bonus under the Payment of Bonus Act, 1965.

(b) What do you mean by 'minimum' and 'maximum' bonus? $10+5=15$

6. Distinguish between any *two* of the following : $7\frac{1}{2}+7\frac{1}{2}=15$

(a) Closure and lockout

(b) Permanent partial disablement and Permanent total disablement

(c) General fund and political fund of a Trade Union.

7. What are the essentials of 'lay-off' ? Discuss the circumstances under which a laid off workman shall not be entitled to lay-off compensation.

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

8. Highlight the importance of the rule :

$5+4+6=15$

(a) "Last come, first go"

(b) "Doctrine of added Peril"

(c) "Notional extension of Employer's premises".

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

- (a) Labour court
- (b) Occupational disease
- (c) Dependants
- (d) Collective bargaining.

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