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4 SEM LLB (N) L & IL II 2

2014

(June)

LABOUR AND INDUSTRIAL LAW-II

(New Course)

Paper : 402

Full Marks : 80

Pass Marks : 32

Time : Three hours

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

Answer Q. 1 and any four from the rest.

1. Examine the following statements and give your comments. *(any five)* 4×5=20

(a) There is a limit for appointing Welfare Officer in a factory.

(b) Free legal services run voluntarily by lawyers fall within the ambit of the definition of 'Industry'.

- (c) 'Industrial Dispute' means any dispute or difference between employers and workmen.
- (d) Personnel, who are subject to Army and Air Force Act, 1950 and Navy Act, 1957, entitled to the provision of the Industrial disputes Act, 1947 as 'workmen'.
- (e) An Appropriate Govt., if satisfied that public emergency or public interest, so requires may declare any Industry in the first schedule to be a Public Utility Service for any period exceeding 6 months.
- (f) A minor cannot be a member of a Registered Trade union.
2. (a) Discuss the object and applicability of the Employee's Compensation Act, 1923.
- (b) Does the Act apply to workers, working in the Public and Private sector alike ?
- 12+3=15
3. Explain the main features of the Industrial Disputes act, 1947. 15
4. Give the meaning of "Fair 'wage" and "Living wage" and bring out the distinction between the two.
- 7½+7½ =15

5. "An Employer is liable to pay compensation to his employee according to the provisions of the Employee's Compensation Act, 1923, if the employee
- I. suffers from personal injury
 - II. the personal injury is caused by an accident, and
 - III. the accident arises out of and in the course of Employment."

Explain.

$5+5+5=15$

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

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

- (a) Partial disablement and total disablement.
- (b) Strike and Lock out.
- (c) General Fund and Political Fund of a Trade union.

7. What is the mode of registration of a Trade union and under what circumstances a certificate of registration of a Trade union may be withdrawn or cancelled by the Registrar ?

$10+5=15$

8. What is the time limit for payment of bonus ?
Discuss the procedure for recovery of bonus due
from an Employer. 8+7=15

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

(a) Triple Test formula

(b) Doctrine of added peril

(c) Factory

(d) Living wage.
