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4 SEM LLB LIL 2 (O)

2016

(June)

LAW

(Labour and Industrial Law-II)

Paper : 402

(Old Course)

Full Marks : 80

Pass Mark : 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 four)*** $4 \times 4 = 16$

(a) Educational institution falls within the definition of 'industry' under Triple Test Formulae.

- (b) A person employed in public utility service shall not go on strike within 14 days of giving notice of strike.
- (c) An employee is not entitled to get compensation if he dies in accident due to his disregard to safety devices.
- (d) A minor cannot be a member of a Registered Trade Union.
- (e) Minimum wages cannot be the same in all industries.
- (f) The definition of wages does not include bonus.

2. What are the conditions precedent to retrenchment of workmen under the Industrial Disputes Act, 1947 ? Discuss the procedure regarding retrenchment of a workman. 10+6=16

3. Discuss the provisions in the Industrial Disputes Act, 1947 to justify lock-out and strike in public utility services and industrial establishment. 8+8=16

4. Explain the following concepts from the Employee's Compensation Act, 1923 with the aid of illustrations —

a) personal injury

b) accident arising out of and in course of employment. $6+10=16$

5. Discuss the procedure for fixation and revision of minimum wages as per the Minimum Wages Act, 1948. 16

6. Discuss the procedure under the Trade Union Act, 1926 regarding registration of a trade union. State the effect of registration of a trade union. $10+6=16$

7. What is the time limit for payment of bonus? Discuss the procedure for recovery of bonus due from an employer. $6+10=16$

8. Distinguish between the following : $4 \times 4 = 16$

a) Lock-out and Closure

- b) Partial Disablement and Total Disablement
- c) Minimum Wage and Fair Wage
- d) General Fund and Political Fund of a Trade Union.

9. Write notes on the following : 4×4=16

- a) Industrial Dispute
 - b) Notional extension of employer's premises
 - c) Cancellation of registration of Trade Union
 - d) Living Wage.
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