



Total number of printed pages-7

19 (V) LBIN 5.1

2023

## LABOUR AND INDUSTRIAL LAW-I

Paper : 5.1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answer :

1×10=10

- (a) The appropriate Government's power of reference of industrial disputes to the authorities under section 10 of the Industrial Disputes Act, 1947 is not judicial or quasi-judicial, but is \_\_\_\_\_ in its nature. [administrative / prerogative / discretionary]

Contd.

- (b) Duties of the court of inquiry under section 14 of the Industrial Disputes Act, 1947 are to inquire into the matters referred to it by the \_\_\_\_\_. [*Conciliation Officer/ Appropriate Government/ Presiding Officer of a Labour Court*]
- (c) Unfair labour practice means any of the practices specified in the \_\_\_\_\_ Schedule to the Industrial Disputes Act, 1947. (*First/Fifth*)
- (d) The right to form associations or unions is a \_\_\_\_\_ right. [*constitutional/legal/fundamental*]
- (e) In a conciliation proceeding the third neutral party acts like \_\_\_\_\_ who mediate in and promote the settlement of the disputes. [*an observer/a mediator/an arbitrator*]
- (f) The object of the legislature in enacting the Factories Act, 1948 was to regulate labour and to require the employer to pay adequate attention to \_\_\_\_\_, \_\_\_\_\_ and protection of his workers. [*the health, safety/pay compensation, health /disablement, injury*]

- (g) According to section 8(4) of the Factories Act, 1948, every District Magistrate is an \_\_\_\_\_ for his district for the purpose of the Factories Act. [*occupier/inspector/ arbitrator*]
- (h) Adolescent under the Minimum Wages Act, 1948 means a person who has completed his fifteenth years of age but not completed his \_\_\_\_\_ year. [*fifteenth /seventeenth/eighteenth*]
- (i) In case of accidental death of an employee arising out of and in the course of employment, the employer is \_\_\_\_\_ funeral expenses. (*bound to pay /not bound to pay*)
- (j) Under the Assam Shops and Establishments Act, 1947, no period of work shall exceed \_\_\_\_\_. (*five hours/four hours*)

2. Write briefly on the following: 2×5=10

- (a) Continuous Service
- (b) Collective Bargaining
- (c) Public Utility Service
- (d) Hazardous Processes
- (e) Scope of the Employees Compensation Act, 1923 (*Workmen's Compensation Act, 1923*)

3. (a) Briefly discuss the history of trade union movement in India. 6

- (b) What are different types of funds and the objects for which such funds can be applied by a trade union under the Trade Unions Act, 1926? 6

**Or**

Examine the nature and extent of immunity from criminal conspiracy available to members and office bearers of a registered trade union under the Trade Unions Act, 1926. 12

4. Discuss and justify the tests laid down by the Supreme Court in *Bangalore Water Supply and Sewerage Board v. A Rajappa* (AIR 1978, SC 548) for determining whether an activity in question is an 'industry' under section 2(j) of the Industrial Disputes Act, 1947. 12

**Or**

"The concept of 'retrenchment' under the Industrial Disputes Act, 1947 is not confined to termination of services on account of labour surplus age only but encompasses within it all terminations except those specifically excluded in the definition."

In the light of the above statement discuss the essential conditions that an employer is required to follow before effecting a valid 'retrenchment' under the Industrial Disputes Act, 1947.

5. "A legal strike may be unjustified and an illegal strike may be justified."

Interpret the statement in the context of the law relating to strikes under the Industrial Disputes Act, 1947. Support your answer with relevant case law. 12

**Or**

Discuss in brief the facts and the principle of law laid down in Bandhua Mukti Morcha Vs. Union of India and Others, AIR 1984, SC 802.

6. Discuss the law relating to health and safety of workers under the Factories Act, 1948. Are there any specific provisions relating to women worker in a factory ? 8+4=12

**Or**

Explain the following terms in reference to the Factories Act, 1948 : 3×4=12

- (a) Occupier
  - (b) Young Persons
  - (c) Occupational Diseases
  - (d) Child and Young Person
7. What are the defences that are available to an employer against the claim of compensation by an injured person under the Employees Compensation Act, 1923 ?

12

**Or**

Discuss the salient features of the Assam Shops and Establishment Act, 1961.