

Total number of printed pages-7

19 (VI) LBIL-II 6-1

2017

LABOUR AND INDUSTRIAL LAW-II

Paper : 6-1

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 given in the brackets : $1 \times 10 = 10$

(a) In case of an unsatisfactory award of the Industrial Tribunal, the aggrieved party may _____. (Prefer an appeal before the National Tribunal/file writ petition before the High Court)

Contd.

(b) The Industrial Disputes Act, 1947 was amended last in the year _____.
(2005/2010)

(c) In a domestic enquiry, charges should be drawn up by the _____. (Enquiry Officer/Disciplinary Authority)

(d) The present phase of liberalisation, privatisation and globalisation has _____ the scope of managerial prerogative. (reduced/increased)

(e) The Constitution of India provides for the payment of _____. (fair wage/living wage)

(f) Under the Minimum Wages Act, 1948, payment of minimum wages as fixed by the appropriate Government _____. (shall be reviewed by it every five years/may or may not be reviewed by it every five years)

(g) The original concept of Bonus was _____. (Share in the profit/Gift)

(h) The Wage-Ceiling under the Payment of Bonus Act, 1965 is _____ for the purpose of eligibility. (Rupees eighteen thousand/Rupees twenty one thousand)

(i) The doctrine of notional extension of time and place of work is applicable _____. (when the transport facility is provided by the employer/in case of overtime work only)

(j) In the event of the occurrence of an extraordinary situation in factory engaged in a hazardous process, an Inquiry Committee may be constituted by the _____. (State Government/Central Government)

2. Write short notes on : 2x5=10

- (a) Computation Award under the Industrial Disputes Act, 1947
- (b) "Unpaid group" under the Payment of Wages Act, 1936
- (c) "Model Standing Orders" under the Industrial Employment (Standing Orders) Act, 1946
- (d) Bonus as "deferred wage"
- (e) "Accident" for the purpose of the Workmen's Compensation Act, 1923, now renamed as the Employees' Compensation Act, 1923.

3. Discuss the different provisions for reference of industrial disputes to the adjudicatory authorities under the Industrial Disputes Act, 1947. Can a Labour Court or Industrial Tribunal exercise its jurisdiction without any reference from the Government? Explain.

8+4=12

OR

Write an essay on Judicial review of Industrial awards. 12

4. Discuss the salient features of the Industrial Employment (Standing Orders) Act, 1946.

12

OR

Explain the term 'Protected Workman'. Discuss the nature of protection provided for the protected workmen under the Industrial Disputes Act, 1947. Does it put restraints on "managerial prerogative"?

12

5. Discuss the remedial measures under the Payment of Wages Act, 1936 in respect of delayed payment and unauthorised deduction of wages. 12

OR

Write notes on : *(any two)* 6+6=12

- (a) Marginal Productivity Theory of Wages
- (b) National Wage Policy
- (c) Needbased Minimum Wage.

6. "Concept of Bonus is a dynamic concept."
— Explain. 12

OR

Explain the law relating to Computation of Bonus. 12

7. Write a note on the provisions for protection of health of workers under the Factories Act, 1948. 12

OR

Write explanatory notes on : *(any two)*
6+6=12

- (a) Occupational diseases and compensation therefor

(b) Health and Safety measures under the Plantations Labour Act, 1951

(c) Doctrine of notional extension of time and place of work.

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19 (VI) LBIL-II 6-1

2018

LABOUR AND INDUSTRIAL LAWS-II

Paper : 6-1

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 Industrial Disputes Act, 1947 was first amended in the year _____.
[1949/1954]

(b) Power has been given to _____ to require Works Committee to be constituted in every industrial establishment employing 100 workmen or more. [Appropriate Government/ State Government]

Contd.

(c) Section _____ of the Industrial Disputes Act, 1947 deals with payment of wages to workman pending proceedings in higher courts.

[17B/17C]

(d) Labour Court, Tribunal and National Tribunal submit their awards on the disputes to the _____. [Appropriate Government/Central Government].

(e) Minimum wages are payable _____ of the employer. [on the basis of profit/ not on the basis of profit]

(f) _____ ensures payment of wages in particular form at regular intervals without any unauthorized deduction. [Minimum wages Act, 1948/Payment of Wages Act, 1936]

(g) Bonus is a _____ concept. [dynamic/ flexible]

(h) Under the Factories Act, 1948 no adult worker should be allowed or required to work in a factory for more than _____ hours in a week. [48/36]

(i) Factories Act, 1948 was designed on the basis of _____. [I.L.O. Code of Industrial Hygiene/W.T.O. Code of Industrial Hygiene]

(j) Under Section _____ of the Payment of Bonus Act, 1965 every employer is bound to pay his eligible employees minimum bonus. [10/11]

2. Write brief notes on : 2×5=10

(i) 'Works Committee' under the Industrial Disputes Act, 1947.

(ii) Adjudicatory authorities under the Industrial Disputes Act, 1947

(iii) Enforceability of an industrial award.

(iv) "Crèche" under the Factories Act, 1948.

(v) 'Contracting Out' under the Minimum Wages Act, 1948.

3. (a) Discuss the provisions relating to the constitution of Labour Court, its functions and power.

(b) What are the matters that can be adjudicated in the Labour Court? Does the Labour Court has original jurisdiction to try a dispute?

6+6=12

Or

(a) Discuss the nature and scope of the power of the Appropriate Government under section 10(1) of the Industrial Disputes Act, 1947. Are the reasons given by the government in refusing a reference justiciable? Can a reference once made be withdrawn?

(b) Discuss the powers of the Industrial Tribunal to give appropriate relief in case of discharges or dismissal of workmen under section 11-A of the Industrial Disputes Act, 1947.

6+6=12

4. Discuss briefly the salient features of the Industrial Employment (Standing Orders) Act, 1946. 12

Or

(a) What do you mean by Managerial Prerogative? Discuss the principles of Sec. 33(1) of the Industrial Disputes Act, 1947.

(b) What are the restraints on Managerial Prerogative under sections 33 and 33A of the Industrial Disputes Act, 1947? Discuss.

6+6=12

5. (a) Describe the procedure adopted for fixing and revising the Minimum wages under the Minimum Wages Act, 1948.

(b) Discuss the principles of determination of Minimum wage under the Minimum Wages Act, 1948.

6+6=12

Or

- (a) Discuss the concept of National Wage Policy.
- (b) What are the different component of wages? Discuss the principles of fixation of Dearness Allowance.

4+8=12

6. (a) What are the different kinds of disabilities recognized under the Employees' Compensation Act, 1923?
- (b) 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?

4+8=12

Or

- (a) Who are the persons entitled for compensation under the Employees' Compensation Act, 1923?
- (b) What do you mean by "Theory of notional extension of employment" for the purposes of determining the liability of an employer under the Employees' Compensation Act, 1923?

4+8=12

7. (a) Are there any specific provisions concerning women workers in a Factory? Are the provisions adequate? Suggest any additional provisions, if you think so with your comments.

- (b) What are the provisions relating to employment of Children and Young Person in a Factory?

6+6=12

Or

Discuss the provisions relating to Health and Safety of Workers under the Factories Act, 1948. 12

Total number of printed pages-7

19 (VI) LBL 6.1

2019

LABOUR AND INDUSTRIAL LAW-II

Paper : 6.1

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) In an industrial dispute concerning Life Insurance Corporation of India the provisions of Industrial Disputes Act, 1947 _____ : [shall apply/will not apply]

(b) A Board of Conciliation shall consist of a chairman and _____ other members, as the appropriate Government thinks fit. [two or four/ three or five]

Contd.

(c) The arbitrator or arbitrators shall investigate the dispute and submit to the _____ the arbitration award signed by the arbitrator or all the arbitrators, as the case may be. [appropriate Government/Labour Court]

(d) The presiding officers of the Labour court and _____ hear and decide claims arising out of payment of less than the minimum rates of wages. [Deputy Labour Commissioners/Labour Commissioner]

(e) A minor under the Employee's Compensation Act, 1923 means a person who has not attained the age of _____ years. [fourteen/eighteen]

(f) Adolescent under the Factories Act, 1948 means a person who has completed his _____ year of age but has not completed his eighteenth year. [fifteenth/fourteenth]

(g) In every factory wherein more than _____ women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women. [thirty/fifty]

(h) Generally, no adult worker shall be required or allowed to work in a factory for more than _____ hours in any day. [nine/eight]

(i) The Industrial Employment (Standing Orders) Act, 1946 applies to every industrial establishment wherein _____ hundred or more workmen are employed, or were employed on any day of the preceding twelve months. [one/five]

(j) Section _____ of the Industrial Disputes Act, 1947 (the "Act") imposes prohibition on the employer from altering the terms of service of its workmen to their prejudice or to terminate their services during the pendency of any proceedings, including conciliation proceedings, in respect of an industrial dispute. [33/34(1)]

2. Write short answer : $2 \times 5 = 10$

- (i) Distinguish between a Factory and an Industry.
- (ii) Can a dispute raised by an individual workman be treated as an industrial dispute under the Industrial Disputes Act, 1947?
- (iii) Duties of conciliation officer.
- (iv) Application of the principles of *res judicata* in the industrial adjudication.
- (v) Concept of restraints on Managerial Prerogatives as laid down in Sec. 33 and 33A of the Industrial Disputes Act, 1947.

3. In what way the Labour Court and Tribunals are different from the ordinary courts of law? Would an appeal lie against the determination of Labour court or Tribunals to the Supreme Court under Article 136 of the Constitution? Elucidate your answer with the help of decided cases.

$4 + 8 = 12$

Or

Discuss the nature of power of the government in making a reference under section 10(1) of the Industrial Disputes Act, 1947. Are the reasons given by the government in refusing a reference justiciable? Can a reference once made be withdrawn?

$6 + 6 = 12$

4. Discuss the principles of natural justice required to be followed in a domestic enquiry. Support your answer with the help of decided cases.

12

Or

Discuss the powers of the Industrial Tribunal to give appropriate relief in case of discharges or dismissal of workmen under section 11-A of the Industrial Disputes Act, 1947.

12

5. Distinguish between fair wage and living wage. Describe the procedure adopted by the adjudicatory authorities for fixing and revising the wage structure in industry.

$3 + 9 = 12$

Or

What are the salient features of the Payment of Wages Act, 1936? Discuss the remedial measures provided in the Act against unauthorised deductions in the payment of wages. $6+6=12$

6. Discuss the concept of Bonus. Who is eligible for statutory bonus in India? What is the criteria for paying bonus? What is the minimum percentage of bonus paid to an employee under the Payment of Bonus Act? $4+3+3+2=12$

Or

What are the changes that have been brought in by the Payment of Bonus (Amendment) Act, 2015? Discuss. 12

7. What are the different kinds of disabilities recognized under the Employee's Compensation Act, 1923? Discuss the principles for determination of quantum of compensation. $5+7=12$

Or

What are the defences that are available to an employer against the claim of compensation by an injured person under the Employee's Compensation Act, 1923? 12

12

Total number of printed pages-5

19 (Sem-6) LBIN

2021

LABOUR AND INDUSTRIAL LAW-II

Paper : 6:1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate answers :
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*]

(b) A great historic event that took place in Great Britain in _____ century was the advent of 'industrial revolution'.

[*16th/18th/19th*]

Contd.

- (c) A minor under the Employee's Compensation Act, 1923 means a person who has not attained the age of _____ years. [*fourteen/eighteen*]
- (d) A Labour Court shall consist of _____ to be appointed by the appropriate Government.
[*one person only / one Chairman who shall act as Presiding Officer and two members only*]
- (e) The Central or State Governments fix and revise the minimum wages for _____ workers.
[*unskilled/skilled*]
- (f) Adolescent under the Minimum Wages Act, 1948 means a person who has completed his fifteenth year of age but not completed his _____ year.
[*fifteenth/seventeenth/eighteenth*]
- (g) An employer is not liable to pay any compensation in case of any injury which does not result in total or partial disablement of a workman for a period exceeding _____.
[*seven days/three days/one month*]

- (h) 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]
- (i) The appropriate Government's notification fixing the minimum wages under the Minimum Wages Act, 1948 _____be interfered by the Court. [can /cannot]
- (j) The Employee's Compensation Act, 1923 was enacted to help workmen face the _____ resulting from accidents.
[hardships/unemployment/civil society]

2. Write short answers : 2×5=10

- (a) Scope of Section 10 (4) of the Industrial Dispute Act, 1947.
- (b) Concept of Wage.
- (c) Enforceability of an industrial award.
- (d) Duties and responsibilities of 'Occupier' of a Factory.
- (e) Distinguish between a Factory and an Industry.

3. Discuss the need of Restraints on Managerial Prerogatives as laid down in sec. 33 and 33A of the Industrial Disputes Act, 1947.

12

Or

In what way the Labour Court and Tribunals are different from the ordinary courts of law? Would an appeal lie against the determination of Labour Court or Tribunals to the Supreme Court under Article 136 of the Constitution? Elucidate your answer with the help of decided cases.

12

4. Discuss the principles of natural justice required to be followed in a domestic enquiry. Support your answer with the help of decided cases.

12

Or

Discuss the powers of the Industrial Tribunal to give appropriate relief in case of discharges or dismissal of workmen under section 11-A of the Industrial Disputes Act, 1947.

12

5. Distinguish between 'fair wage' and 'living wage'. Describe the procedure adopted by the adjudicatory authorities for fixing and revising the wage structure in industry.

12

Or

What are the salient features of the Payment of Wages Act, 1936 ? Discuss the remedial measures provided in the Act against unauthorised deductions in the payment of wages. 12

6. Discuss the concept of Bonus. Who is eligible for statutory bonus in India ?

What is the criteria for paying bonus ? What is the minimum percentage of bonus paid to an employee under the Payment of Bonus Act ? 12

Or

What are the changes that have been brought in by the Payment of Bonus (Amendment) Act, 2015 ? Discuss. 12

7. What are the different kinds of disabilities recognized under the Employee's Compensation Act, 1923 ? Discuss the principles for determination of quantum of compensation. 12

Or

What are the defenses that are available to an employer against the claim of compensation by an injured person under the Employee's Compensation Act, 1923 ? 12

Total number of printed pages-7

19 (6) LBIN-II 6:1

2023

LABOUR AND INDUSTRIAL LAW-II

Paper : 6:1

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) A Labour Court shall consist of ___ to be appointed by the appropriate Government.

(one person only/one Chairman who shall act as Presiding Officer and two members only)

Contd.

(b) Section ____ of the Industrial Disputes Act 1947 (the "Act") imposes prohibition on the employer from altering the terms of service of its workmen to their prejudice or to terminate their services during the pendency of any proceedings, including conciliation proceedings, in respect of an industrial dispute. [33/34(1)]

(c) Night work is prohibited for ____ under the Factories Act, 1948.

(all young persons/a child)

(d) According to section 8(4) of the Factories Act, 1948, every District Magistrate is an ____ for his district for the purpose of Factories Act.

(occupier/inspector/arbitrator)

(e) Adolescent under the Minimum Wages Act, 1948 means a person who has completed his fifteenth year of age but not completed his ____ year.

(fifteenth/seventeenth/eighteenth)

(f) The arbitrator or arbitrators shall investigate the dispute and submit to the ____ the arbitration award signed by the arbitrator or all the arbitrators, as the case may be.

(appropriate Government/Labour Court)

(g) A minor under the Employee's Compensation Act, 1923 means a person who has not attained the age of ____ years. *(fourteen/eighteen)*

(h) Any employer who pays less than the minimum wages fixed under the Minimum Wages Act, 1948 or violates any other provisions under the Act is punishable with ____ imprisonment or fine up to five hundred rupees or both.

(6 months/3 months)

(i) Compensation due under the Employee's Compensation Act, 1923 shall be paid within ____ month(s) from the date it fell due. *(one/three)*

- (j) In a 'factory' wherein more than _____ workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers.

(two hundred and fifty/five hundred)

2. Write short answer on : $2 \times 5 = 10$

(a) Can the Principles of *res judicata* be applied in an industrial adjudication ?

(b) What do you mean by Voluntary Adjudication ?

(c) Section 33 A of the Industrial Dispute Act, 1947.

(d) Enforceability of an industrial award.

(e) What is living wage ?

3. Discuss the provisions relating to the constitution of Labour Court, its functions and power under the Industrial Disputes Act, 1947. What are the matters that can be adjudicated in the Labour Court ?

$10 + 2 = 12$

Or

Discuss the nature of power of the government in making a reference under section 10(1) of the Industrial Disputes Act, 1947. Can a reference once made be withdrawn ? $10 + 2 = 12$

4. Discuss the principles of natural justice required to be followed in a domestic enquiry. Support your answer with the help of decided cases. 12

Or

Discuss the powers of the Industrial Tribunal to give appropriate relief in case of discharges or dismissal of workmen of under section 11-A of the Industrial Disputes Act, 1947.

5. Distinguish between minimum wage and living wage. Describe the procedure for fixing and revising the minimum wage under the Minimum Wages Act, 1948. $4 + 8 = 12$

Or

What are the salient features of the Payment of Wages Act, 1936 ? Discuss the remedial measures provided in the Act against unauthorised deductions in the payment of wages.

6+6=12

6. What are the defences that are available to an employer against the claim of compensation by an injured person under the Employee's Compensation Act, 1923 ?

12

Or

Distinguish between Partial and Total disablement under Employee's Compensation Act, 1923. Discuss the principles for determination of quantum of compensation in such disablement.

6+6=12

7. Discuss various measures relating to health and safety of workers that are enshrined under the Factories Act, 1948. Are there any specific provisions relating to women, children and young person in a Factory ? Answer with relevant provisions. 8+4=12

Or

Discuss the concept of Bonus. Who is eligible for statutory bonus in India ? What are the criteria for paying bonus ? What is the minimum percentage of bonus paid to an employee under the Payment of Bonus Act ?

4+2+4+2=12

Total number of printed pages-4

19 (6) PBIL 6-2

2023

PUBLIC INTERNATIONAL LAW

Paper : 6-2

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 sources of international law are to be found in Article 38(1) of _____.
(Statute of the International Court of Justice/Rome Statute)

(b) The League of Nations was founded after the _____.
(Paris Peace Conference/San Francisco Conference)

(c) The League of Nations had _____ main constitutional organs. (two/three)

(d) _____ countries signed the United Nations Charter in 1945. (50/61)

Contd.

(e) International Court of Justice is composed of _____ judges.

(Eleven/Fifteen)

(f) Personality of State is created not by fact but through recognition by other states is the _____ theory of recognition.

(declaratory/constitutive)

(g) 'Treaties shall be complied with' or the 'International agreements are binding on good faith' is the translation of this Latin phrase that comprises a general principle of international law _____.

(*pacta sunt servanda/rebus sic stantibus*)

(h) The case concerning with the inherent right to self-defence of states against an armed attack under Article 51 of the UN Charter is _____.

(*S. S. Lotus Case/Nicaragua v. United States*)

(i) A state can exercise its sovereign power on _____.

(*exclusive economic zone/territorial waters*)

(j) 'International law is the vanishing point of jurisprudence' was stated by _____.

(*Salmond/Holland*)

2. Write short answer on : 2×5=10

(a) Status of individuals in international law.

(b) Geneva Conventions

(c) Treaties as a source of law

(d) International court of justice

(e) Diplomatic agents

3. Discuss the sources of international law. Elaborate the relationship between international law and municipal law.

4+8=12

Or

Explain the term 'recognition'. What are the legal effects of recognition? Distinguish between de facto and de jure recognition.

2+3+7=12

4. Discuss the formation, classification and ratification of laws of treaties. 12

Or

Discuss the principle of international law relating to amicable means of settlement of international disputes.

5. What are the different types of intervention? State the valid principles relating to intervention on the ground of self defence and self-preservation with reference to suitable case laws. 4+8=12

Or

Write short notes on : 6+6=12

- (a) Laws of armed conflicts and its effect including insurgency and belligerency
- (b) War crimes and the role of ICRC

6. Discuss the principles governing extradition. What are the essential requirements for the extradition of a fugitive ? 4+8=12

Or

“International law is not law since there is no international legislature to make it, no international executive to enforce it and no effective international judiciary to develop it or resolve disputes about it.” Do you agree ? Elucidate your answer. 12

7. “State responsibility arises not only in connection with the treatment of aliens but also as result of unlawful acts of a state which cause damage to another state.” In the light of the statement discuss the constituent elements of state responsibility. 12

Or

Discuss the concept of the law of neutrality. What is disarmament ? 8+4=12

37/11. 6/11 50m

Total number of printed pages-7

19 (VI) LBIN 6.1

2024

LABOUR AND INDUSTRIAL LAW-II

Paper : 6.1

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 Industrial Disputes Act, 1947 was passed with the key objective of 'maintenance of peaceful work culture in the industry in India' which is mentioned under _____.

*(the Section 1 (A) of the Statute/
the Statement of Objects and Reasons
of the Statute)*

(b) The Industrial Disputes Act, 1947 which was introduced to take care of the industrial disputes was approved on _____, and was enforced on April 1, 1947.

(March 11, 1947/March 31, 1947)

Contd.

(c) Section 10 of the Industrial Disputes Act, 1947 empowers the appropriate government to intervene in an industrial dispute by referring it to a _____ or a Board of Conciliation for resolution.

(Conciliation Officer/ Inquiry Officer)

(d) A Board of Conciliation shall consist of a Chairman and _____ other members, as the appropriate government thinks fit.

(2 or 4 / 3 or 5)

(e) The rights and powers inherent in management roles within an organization under the Industrial Disputes Act, 1947 are referred to as _____.

*(managerial prerogatives/
employer's prerogatives)*

(f) Under Section _____ of the Industrial Disputes Act, 1947, a protected workman is as any workman who is a member of the executive or office bearer of a registered trade union. [33(3)/31(2)]

(g) The Payment of Bonus Act, 1965 is applicable to any factory employing _____ or more persons where any processing is carried out with aid of power.

(10/20)

(h) Adolescent under the Factories Act, 1948 means a person who has completed his _____ years of age but has not completed his eighteenth year.

(fifteenth/fourteenth)

(i) The Workmen's Compensation Act, 1923 was changed to Employees' Compensation Act in its Amendment Act of _____.

(2009/2002)

(j) Under the Payment of Bonus Act, 1965 bonus is payable at the rate of minimum bonus of 8.33% and maximum is 20% annually within _____ months from the close of accounting year.

(eight/three)

2. Write short answer : $2 \times 5 = 10$

(a) Is the decision by the arbitrator under Section 10A of the Industrial Disputes Act, 1947 subject to judicial review ?

(b) Who can appoint a Conciliation Officer ?

(c) Distinguish between a factory and an industry.

(d) Meaning of restraints on managerial prerogatives as laid down in Sec. 33 and 33A of the Industrial Disputes Act, 1947.

(e) Define 'hazardous processes' under the Factories Act, 1948.

3. Discuss the essential components of 'industrial dispute' in Sec. 2(k) of the Industrial Disputes Act, 1947. Differentiate between an individual dispute and industrial dispute. Cite relevant case laws. $6 + 6 = 12$

Or

What are the matters that can be adjudicated in the labour court ? Briefly discuss the procedure followed by labour court in adjudication. $4 + 8 = 12$

4. Discuss the constitution, functions and powers of Industrial Tribunal constituted under the Industrial Disputes Act, 1947. Can a worker file a case in the Tribunal directly ? $10 + 2 = 12$

Or

Discuss the nature of power of the government in making a reference under Section 10(1) of the Industrial Disputes Act, 1947. 12

5. Discuss the principles of natural justice required to be followed in the case of domestic enquiry conducted for misconduct of an worker. 12

Or

Briefly discuss the concept of national wage policy. Describe the procedure adopted by the adjudicatory authorities for fixing and revising the wage structure in industry.

6+6=12

6. Discuss the theory of notional extension of employment for the purposes of determining the liability of an employer under the Employees' Compensation Act, 1923. 12

Or

What are the defenses that are available to an employer against the claim of compensation by an injured person under the Employees' Compensation Act, 1923?

12

7. Discuss the concept of bonus. What are the criteria for paying bonus? What is the minimum percentage of bonus paid to an employee under the Payment of Bonus Act?

6+3+3=12

Or

Discuss the salient features of the Factories Act, 1948. Enumerate the provisions relating to employment of women, children and young persons in a factory? 8+4=12

Total number of printed pages-7

19 (SEM-VI) LIL-II G-1

2025

LABOUR AND INDUSTRIAL LAW-II

Paper : 6-1

Full Marks : 80

Time : Three hours

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

1. Fill in the blanks with appropriate options :
1×10=10

(a) Works Committee has been defined under section _____ of the Industrial Disputes Act, 1947. (3/5)

(b) Section _____ of the Industrial Disputes Act, 1947 deals with the period of operation of settlement and awards. (19/18)

(c) The Industrial Employment (Standing Orders) Act has been passed in the year _____ . (1946/1942)

(d) Section 33(4) of the Industrial Disputes Act, 1947 provides that in every establishment the number of recognized protected workmen shall be _____ of the total number of workmen employed therein. (one per cent/ten per cent)

(e) Marginal Productivity theory of wage is primarily based on MRP and _____. (MPP/MPL)

(f) The Constitutional validity of the Minimum Wages Act, 1948 was attacked on the ground of violation of Article _____ of the Constitution of India. [19(1)(a)/14]

(g) The Payment of Bonus Act, 1965 provides for _____ bonus. (ex gratia/profit-based)

(h) Section 10 of the Payment of Bonus Act, 1965 lays down rules regarding minimum bonus at _____ % of salary or wage earned by the employee during one accounting year. (8.33/20)

(i) The term 'workmen' has been replaced with the term 'employee' in the Workmen's Compensation Act, 1923 in the year _____. (2009/1999)

(j) Under Chapter _____ of the Factories Act, 1948, safety provisions have been laid down. (IV/III)

2. Answer the following questions in brief :
2×5=10

(a) What is Court of Inquiry?

(b) Distinguish between minimum wage and living wage.

(c) What is managerial prerogative?

(d) What is interim bonus?

(e) Differentiate award and settlement.

3. Explain the concept of dispute settlement machinery as laid down under the Industrial Disputes Act, 1947. Write in detail the composition, power and function of Labour Court, Industrial Tribunal and National Industrial Tribunal. 4+8=12

Or

Explain in detail the nature and scope of the power of Appropriate Government as laid down under the Industrial Disputes Act, 1947. 12

4. What do you mean by Domestic Enquiry and Disciplinary action in industrial establishments? How Disciplinary action can be taken against an industrial worker by virtue of managerial prerogative on the basis of the principles of natural justice? What are the restrictions on the managerial prerogative? What remedies are available against any arbitrary or unjustifiable action taken against a worker by the management in the name of managerial prerogative? 2+4+2+4=12

Or

Explain the process of framing standing orders as mentioned under the Industrial Employment (Standing Orders) Act, 1946. 12

5. Give an illustrative concept of wage. What are the different theories of wage? Explain each theory with criticism, if any. 4+8=12

Or

Write in detail the process of fixation of minimum wage according to the provisions of the Minimum Wages Act, 1948. Explain the provisions relating to non-payment, delayed payment and unauthorized deduction of wage under the Minimum Wages Act, 1948. 6+6=12

6. Write the history and background of the Payment of Bonus Act, 1965. Discuss the provisions of computation of bonus according to the Payment of Bonus Act, 1965. 4+8=12

Or

Write short notes on the following :

6×2=12

(a) Customary Bonus

(b) Disqualification for entitlement to bonus

7. Illustrate the concept of injury arising out of and in the course of employment. How compensation is calculated for different types of injuries incurred during working hours in an industrial employment as provided under the Workmen's Compensation Act, 1923 ?

4+8=12

Or

Answer the following :

4×3=12

(a) Quantum of compensation for partial and total disablement

(b) Provisions of health under the Factories Act, 1948

(c) Provisions relating to Hazardous Process under the Factories Act, 1948