

Total number of printed pages-4

19 (SEM-V) LLB 5-1

2025

LABOUR AND INDUSTRIAL LAW-I

Paper : 5-1

Full Marks : 80

Pass Marks : 36

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) Section ____ of the Trade Unions Act, 1926 defines a trade union. (2(h)/ 2(g)/ 3(1)/ 4)
 - (b) "Industry" has been defined under Section ____ of the Industrial Disputes Act, 1947. (2(j) 2(k)/ 3(b)/ 10A)
 - (c) Strike means ____ of work by a body of persons employed in any industry acting in combination.
(Resumption/ Cessation/ Delegation/ Suspension)
 - (d) Employer's liability to pay compensation is laid down under Section ____ of the Employees' Compensation Act, 1923. (2/ 3/ 4/ 10)

(e) The Minimum Wages Act, 1948 came into force on _____.

(1st January, 1948/15th March, 1948/
10th April, 1948/5th February, 1948)

(f) Section _____ of the Factories Act, 1948 deals with the provisions relating to cleanliness. (11/13/17/21)

(g) Financial aid to illegal strike is prohibited under Section _____ of the Industrial disputes Act, 1947.

(23/24/25/25A)

(h) A registered trade union gets legal personality after obtaining the certificate under Section _____ of the Trade Unions Act, 1926. (8/9/10/28)

(i) The Assam Shops and Establishments Act was enacted in the year _____.

(1961/1951/1971/1948)

(j) _____ is a leading case which defined "industry" under the Industrial Disputes Act, 1947.

(Bangalore Water Supply and Sewerage Board v. A. Rajappa/Lal Mohammad v. Indian Railway Construction Ltd.)

2. Write short notes on **any five** of the following :

2×5=10

(a) Trade Dispute

(b) Collective Bargaining

(c) Minimum Wage

(d) Industrial Establishment

(e) Lay-off and Retrenchment

(f) Workman under the Industrial Disputes Act, 1947

3. Discuss the object, scope and importance of the Trade Unions Act, 1926. What are the rights and privileges of registered trade unions under the Act ?

6+6=12

Or

Explain the concept and advantages of collective bargaining. How are trade disputes resolved through collective bargaining in India ?

6+6=12

4. Discuss the tests laid down in Bangalore Water Supply and Sewerage Board V. A. Rajappa (AIR 1978, SC 548) to determine whether an activity is an "industry".

12

Or

What do you mean by 'industrial award' and 'settlement' ? Explain in details the provisions relating to award and settlement under the Industrial Disputes Act, 1947.

4+8=12

5. State the provisions relating to health and cleanliness under the Factories Act, 1948.

12

Or

Discuss the provisions relating to safety and welfare of workers under the Factories Act, 1948 with the help of leading case laws.

6+6=12

6. What is the objective and scope of the Minimum Wages Act, 1948? Discuss the procedure for fixation and revision of minimum wages.

2+4+6=12

Or

Explain the liability of an employer to pay compensation under the Employees' Compensation Act, 1923. Discuss the Doctrine of National Extension with reference to judicial decisions.

6+6=12

7. What is the purpose and significance of the Assam Shops and Establishments Act, 1961? Explain the meaning of "commercial establishment."

8+4=12

Or

Discuss the provisions relating to working hours and leave under the Assam Shops and Establishments Act, 1961.

6+6=12

Total number of printed pages-4

19 (SEM 5) LIL 5.1

2024

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) Section _____ of the Trade Unions Act, 1926 defines trade union.
[2(h)/2(g)]
 - (b) Unfair labour practice means any of the practices specified in _____ Schedule to the Industrial Disputes Act, 1947.
(First/Fifth)
 - (c) Strike means _____ of work by a body of persons employed in any industry acting in combination.
(cessation/resumption)
 - (d) Employer's liability to pay compensation has been laid down under section _____ of the Workman's Compensation Act, 1923. (3/4)

Contd.

- (e) Where a person claims compensation as a relative of a deceased employee, he must establish that he is a _____ within the meaning of section 2(i)(d) of the Employees' (Workman's) Compensation Act, 1923.
(successor/dependant)
- (f) In a conciliation proceeding, the third neutral party acts like a/an _____ who mediate in and promote the settlement of the disputes.
(observer/mediator/arbitrator)
- (g) Financial aid to illegal strike is prohibited under section _____ of the Industrial Disputes Act, 1947.
(25/25A)
- (h) Section _____ of the Factories Act, 1948 defines creche. (48/38)
- (i) The Minimum Wages Act, 1948 came into force from _____.
(15th of March, 1948/10th of April, 1948)
- (j) _____ is a leading case where it was held that in order to entitle the workman to wages for the period of strike, the strike should be legal as well as justified.
(Crompton Greaves Vs. The Workmen/
Tata Iron and Steel Co. Vs. The Workmen)

2. Write on the following in brief: $2 \times 5 = 10$

- (a) Trade Dispute
- (b) Individual Dispute Vs. Industrial Dispute
- (c) Hunger Strike
- (d) Minimum Wage
- (e) Injury in Course of Employment

3. Discuss the history of passing the Trade Unions Act, 1926. Explain registered and recognised trade unions. What are the advantages of a registered trade union?

$5 + 2 + 5 = 12$

Or

Explain the concept of collective bargaining. How are the trade disputes solved by collective bargaining.

$6 + 6 = 12$

4. Discuss the tests laid down in Bangalore Water Supply and Sewerage Board Vs. A. Rajappa (AIR 1978, SC 548) for determining an activity as 'industry' u/s 2(j) of the Industrial Disputes Act, 1947. 12

Or

What do you mean by industrial award and settlement? Write in detail the provisions relating to award and settlement under the Industrial Disputes Act, 1947.. Whether judicial review of an industrial award is possible? If yes, how? Mention case laws.

$2 + 6 + 4 = 12$

5. State the provisions relating to health and cleanliness under the Factories Act, 1948.

12

Or

Write in detail the provisions relating to safety of workers as laid down under the Factories Act, 1948. Express your views with the help of leading case laws.

6. What is the objective of passing the Minimum Wages Act, 1948? Discuss the salient features of the Act. Explain the procedure for fixation and revision of minimum wage.

2+5+5=12

Or

How far an employer is liable to pay compensation to his employee according to the Employees Compensation Act, 1923? Whether this liability is absolute? Explain with the help of the appropriate provisions made under this Act. How is the Doctrine of Notional Extension applied in payment of compensation to victimized employees?

4+4+4=12

7. What is the purpose of enacting the Assam Shops and Establishment Act, 1971? What is 'commercial establishment'? Explain the loopholes of the Act.

4+2+6=12

Or

Discuss the provisions relating to hours of work and leave under the Assam Shops and Establishment Act, 1971.

12

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: $2 \times 5 = 10$

- (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.

Total number of printed pages-7

19 (V) LBIN 5.1

2021

(Held in 2022)

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.

Answer **any five** questions including question nos. **1** and **2** which are **compulsory**.

1. Fill in the blanks with appropriate answer:

1×10=10

(a) 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)

(b) The right to form associations or unions is a _____ right.

(constitutional/legal/fundamental)

Contd.

(c) 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)

(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 fourteenth year of age but not completed his _____ year.
(fifteenth/seventeenth/eighteenth)

(f) 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)

(g) 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)

(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 University of Gauhati is _____ under the Industrial Disputes Act, 1947.

(industry for all workmen/not an industry)

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

- (a) What is 'Works Committee' under the Industrial Disputes Act, 1947 ?
- (b) What is the provision for 'Creche' under the Factories Act, 1948 ?
- (c) What is 'Contracting Out' under the Minimum Wages Act, 1948 ?
- (d) Public Utility Service.
- (e) Definition of shops and establishment under The Assam Shops and Establishment Act, 1961.

3. Write an essay on the trade union movement in India. 12

Or

Discuss the nature and extent of immunity from criminal conspiracy available to members and office bearers of registered trade unions under the Trade Union Act, 1926. $4+8=12$

4. Discuss the tests laid down in Bangalore Water Supply and Sewerage Board Vs. A Rajappa (AIR 1978 S.C. 548) for determining an activity as "industry" u/s 2(j) of the Industrial Disputes Act, 1947. 12

Or

Distinguish between 'strike' and 'lockout' in an industrial unit. What are the essential conditions that an employer is required to follow before effecting a valid 'retrenchment' under the I.D. Act, 1947 ? $6+6=12$

5. What do you mean by 'minimum wage' as defined under the Minimum Wages Act, 1948 ? Discuss the procedure for fixation of minimum wage. Can the minimum wage once fixed be revised ? $4+8=12$

Or

State the provisions relating to constitution of Labour Court, its functions and power. Does the Labour Court has original jurisdiction to try a dispute ? What are the matters that can be adjudicated in the Labour Court ? $6+2+4=12$

6. Explain different kinds of disabilities under the Employee's Compensation Act. What are the defences of the employer against the claim of compensation under the Act, 1936.

4+8=12

Or

- (a) Define the term 'Workman' and 'Compensation' under Employee's Compensation Act.
- (b) Briefly explain the different kinds of wages. Discuss the important features of the Minimum Wages Act, 1948.

6+6=12

7. Write short notes on : **(any four)** 3×4=12

- (a) Occupier
- (b) Manufacturing Process
- (c) Occupational Diseases
- (d) Adjudication under the ID Act, 1947
- (e) Provisions for working hours under the Factories Act, 1948

Or

Discuss the provisions relating to employment of Children and Young Person in a Factory. Are there any specific provisions concerning women workers in a Factory ? Discuss.

8+4=12

Total number of printed pages-5

19 (V) LBIN 5.1

2020

(Held in 2021)

LABOUR AND INDUSTRIAL LAW-I

Paper : 5.1

Full Marks : 56

Time : 2½ hours

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

GROUP-A

1. Fill in the blanks with appropriate answer :
1×8=8

(a) 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]

Contd.

(b) The appropriate Government's notification fixing the minimum wages under the Minimum Wages Act, 1948 _____ be interfered by the Court.

[can/ cannot]

(c) The Workmen's Compensation Act, 1923 was enacted to help workmen face the _____ resulting from accidents.

[hardships/ unemployment/ civil society]

(d) Unfair labour practice means any of the practices specified in the _____ Schedule to the Industrial Disputes Act, 1947.

[First/ Fifth]

(e) 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]

(f) Under the Minimum Wages Act, 1948 the employer is _____ to pay the minimum if there is inadequate profit.

[bound/ not bound]

(g) Under the Minimum Wages Act, 1948, the appropriate government _____ minimum wage as per recommendation of the Advisory Board.

[shall fix the/ may not fix the]

- (h) Under the Assam Shops and Establishments Act, 1947, no period of work shall exceed _____.
[five hours/four hours]

2. Write short answer : 2×3=6

- (a) What is 'Works Committee' under the Industrial Disputes Act, 1947 ?
- (b) What is the provision for 'Creche' under the Factories Act, 1948 ?
- (c) What is 'Contracting Out' under the Minimum Wages Act, 1948 ?

3. Discuss the nature and extent of immunity from criminal conspiracy available to members and office bearers of registered trade unions under the Trade Union Act, 1926. 7

Or

What are the different types of funds and the objects for which such funds can be applied by a Trade Union under the Trade Unions Act, 1926 ?

4. Discuss the tests laid down in *Bangalore Water Supply and Sewerage Board Vs. A Rajppa* (AIR 1978 S.C. 548) for determining an activity as "industry" u/s 20(j) of the Industrial Disputes Act, 1947. 7

Or

State the provisions relating to constitution of Labour Court, its functions and power. What are the matters that can be adjudicated in the Labour Court?

GROUP-B

5. '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.'

Elucidate the above statement and categorise the circumstances in which an employer is liable to pay retrenchment compensation to the retrenched workmen. 14

Or

Are the measures relating to Safety of Workers under the Factories Act, 1948 important? Are there any specific provisions relating to women employee in a Factory? Are these measures effective?

6. Explain different kinds of disabilities under the Employee's Compensation Act, 1923. What are the defences of the employer against the claim of compensation under the Act ? 14

Or

Discuss the concept of 'minimum wage'. What are the procedure for fixation of minimum wage under the Minimum Wages Act, 1948 ? Can the minimum wage once fixed be revised ?

Total number of printed pages-7

19 (V) LEIN-1

2019

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 options :
1×10=10

- a) Labour law, generally, defines the rights and obligations as workers, union members and _____ in the workplace. [association of workers' union/ employers]
- b) 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]

Contd.

- c) The right to form associations or unions is a _____ right.
[constitutional/legal /fundamental]
- d) 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]
- e) 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]
- f) The appropriate Government's notification fixing the minimum wages under the Minimum Wages Act, 1948 _____ be interfered by the Court.
[can/cannot]

- g) 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]
- h) Unfair Labour Practice means any of the practices specified in the _____ Schedule to the Industrial Disputes Act, 1947.
(First/Fifth)
- i) 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]
- j) Under the Assam Shops & Establishments Act, 1947, every employee in an establishment shall be entitled to Privilege leave _____.
(during twelve months' continuous service/after twelve months' continuous service)

2. Write short answers : *(any five)* 2×5=10

- a. Distinguish between a Factory and an Industry
- b. Works Committee
- c. Trade unionism
- d. Collective Bargaining
- e. Public Utility Service
- f. Definition of shops & establishment under The Assam Shops and Establishment Act, 1961.

3. (a) Who can be appointed as Registrar of a Trade Union ? What are his powers and functions under the Trade Unions Act, 1926 ? 2+4=6

(b) What are the 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

(a) What do you mean by the term 'immunity' under the Trade Unions Act, 1926 ? 6

(b) Discuss the nature and extent of immunity from criminal conspiracy available to members and office bearers of registered trade unions under the Trade Union Act, 1926. 6

4. (a) 'A legal strike may be unjustified and an illegal strike may be justified'. Explain the statement in context of the law relating to strikes in India. 6

(b) What are the essential conditions of a valid 'retrenchment' under the Industrial Disputes Act, 1947 ? 6

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.'

Elucidate the above statement and categorise the circumstances in which an employer is liable to pay retrenchment compensation to the retrenched workmen. 12

5. Explain the distinction between 'lock out', 'lay off' and 'closure' under the Industrial Disputes Act, 1947. 12

Or

Briefly explain the following terms : **(any four)**
3×4=12

- (a) 'Crèche' under the Factories Act, 1948 Manufacturing Process
 - (b) Young Persons
 - (c) Occupational Diseases
 - (d) 'Contracting Out' under the Minimum Wages Act, 1948
 - (e) Prohibition of Strikes & Lock outs.
6. Discuss the law relating to health and cleanliness measures and safety arrangement in factory under the Factories Act, 1948. 6+6=12

Or

- (a) What are the provisions relating to employment of Children and Young Persons in a Factory ? Discuss. 6

- (b) Are there any specific provisions concerning women workers in a Factory? Briefly enumerate the provisions. Suggest any additional provision, if you think so, with your comments. 6

7. Discuss the procedure for determination of compensation payable to under the Employee's Compensation Act, 1923 as amended through EC (Amendment) Act, 2017. What are the defences that are available to an employer against the claim of Compensation by an injured person under the said Act ? 6+6=12

Or

What are the provisions of employment of children and women under the Assam Shops and Establishment Act, 1961 ? 12

Total number of printed pages-7

19 (V) LBIN-I 5-1

2018

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 answers :

1×10=10

(a) The registration of Trade Union is _____ under the Trade Union Act, 1926. [not compulsory/compulsory]

(b) A workman is deemed to be in continuous service under an employer for a period of one year if the workman, during a period of twelve calendar months preceding the date with reference to which the calculation is to be made

(i) has actually worked for not less than _____ days below ground in a mine and

Contd.

- (ii) has actually worked for _____ in any other case. [190, 240/240,190]
- (c) 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]
- (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) 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]

- (g) 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]
- (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 Employees' Compensation Act was enacted to help workmen face the _____ resulting from accidents. [hardships/ unemployment/civil society]

2. Write brief notes on : $2 \times 5 = 10$

- (a) Powers of the Registrar under the Trade Unions Act, 1926
- (b) A 'Contract of Service' and a 'Contract for Service'
- (c) 'Continuous service' under the Industrial Disputes Act, 1947
- (d) Collective Bargaining
- (e) Distinguish between a Factory and an Industry.

3. Discuss briefly the procedure for registration of a Trade Union. Mention the grounds for cancellation of registration of a Trade Union under sec. 10 of the Trade Unions Act, 1926
12

Or

Define Trade Union under the Trade Unions Act, 1926. Discuss the nature and extent of immunity from criminal conspiracy available to members and office bearers of registered trade unions under the Trade Union Act, 1926. $4+8=12$

4. 'A legal strike may be unjustified and an illegal strike may be justified.' Do you agree with the statement? Discuss in the context of the law relating to strikes in India with recent case law. 12

Or

- (a) What is the extent of jurisdiction of Labour Court under Industrial Disputes Act, 1947? Does the Labour Court has original jurisdiction to try a dispute?
- (b) Discuss the circumstances under which a dispute can be referred under section 10 of the Industrial Disputes Act, 1947? What is the effect of such an order of reference? $6+6=12$

5. Discuss provisions relating to Children and Young Person and Women workers in a Factory under the Factories Act, 1948. Are the provisions adequate? Suggest any additional provisions, if you think so with your comments. 12

Or

Discuss the provisions relating to Safety & Welfare of Workers under the Factories Act, 1948. 12

6. (a) Define 'occupational disease' under the Employees' Compensation Act, (Workmen's Compensation Act, 1923). What is the extent of liability of an employer in such a case?
- (b) What are the defenses that are available to an employer against the claim of compensation by an injured person under the Employees' Compensation Act? 6+6=12

Or

- (a) Distinguish between 'living wage' and 'minimum wage'.
- (b) What are the provisions laid down in the Minimum Wages Act, 1948 for fixation and payment of minimum wage to an employee? Can it be revised? If so, how? Discuss. 6+6=12
7. Discuss the object and salient features of the Assam Shops and Establishment Act, 1961. 12

Or

Discuss the procedure for enforcement of hours of works, leave and wages under the Assam Shops and Establishment Act, 1961. Are there any provisions for employment of children and women under the Act? What are the powers of the inspector in this regard? Discuss. 12

Total number of printed pages-7

19 (V) LBIN 5-1

2017

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 answers given in the brackets : $1 \times 10 = 10$
 - (a) Trade Unions Act, 1926 was amended last in the year _____. (1964/2001)
 - (b) The Factory premises should be painted and refurbished every _____.
(year/five years)
 - (c) The Industrial Disputes Act, 1947 is preceded by the _____.
(Trade Disputes Act, 1934/Trade Disputes Act, 1929)

Contd.

(d) The employer shall provide for canteen if there are _____ workers in a factory.
(more than 250/more than 500)

(e) The subject of welfare of labour is in the _____ list of the seventh schedule to the Constitution of India.

(Union/State/Concurrent)

(f) Under the Factories Act, 1948, a "child" means a person who has not completed his _____ year of age.

(fourteenth/fifteenth)

(g) The decision in the case of Bangalore Water Supply and Sewerage Board v. A. Rajappa (AIR 1978 SC 548) has now been directed to be placed before a _____ Judge Bench of the Supreme Court for reconsideration.

(five/seven/nine)

(h) The Minimum Wages Act, 1948 was passed on _____.

(1st April, 1948/15th March, 1948)

(i) Under the Assam Shops and Establishments Act, 1971, every employee in an establishment shall be entitled to privilege leave _____.

(during 12 months of continuous service / after 12 months of continuous service)

(j) Under the Assam Shops and Establishments Act, 1971, no period of work shall exceed _____.

(eight hours/four hours)

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

(a) Can State Government employees posted in the Raj Bhavan claim registration of Trade Union under the Trade Unions Act, 1926? Give reasons in brief in support of your answer.

(b) Can persons employed for construction of railway lines in open space claim that their place of work is a factory? Give reasons in brief in support of your answer.

(c) What are the essentials of a strike?

(d) Write short note on "cost of living allowance".

(e) What are the provisions for Medical leave under the Assam Shops and Establishments Act, 1971?

3. Members of a registered Trade Union make an agreement that they shall not accept employment under the employer at a wage lower than that specified in the said agreement. But after a few days some members break the agreement and accept employment at a wage lower than the wage specified in the aforementioned agreement. In such an event a section of members file a civil suit to recover damages for breach of agreement. Another section of members file a suit to enforce the agreement.

Can a Civil Court entertain or dismiss one or both of the suits?

Discuss with reference to the provisions of the Trade Unions Act, 1926. 12

Or

Discuss the provisions of the Trade Unions Act, 1926 relating to appointment, powers and functions of the Registrar of Trade Unions. 12

4. "The Concept of 'retrenchment' under the Industrial Disputes Act, 1947 is not confined to termination of services on account of labour surplusage only but encompasses

within it all terminations except those specifically excluded in the definition".

Elucidate the above statement and categories the circumstances in which an employer is liable to pay retrenchment compensation to workmen. 12

Or

Write notes on:

4×3=12

- (a) Public Utility Service
- (b) Unfair Labour Practice
- (c) Workman.

5. Who can be appointed as Authority to hear and decide claims under the Minimum Wages Act, 1948? What types of claims can be decided by the Authority under the Minimum Wages Act, 1948? Who can make application before such Authority?

4+4+4=12

Or

- (a) Explain the doctrine of "notional extension of time and place of work".

- (b) An employee employed in the saltworks of a Salt Manufacturing Company while returning home after finishing his work had to go by a public path, then through a sandy area in the open public and finally across a creek through a ferry boat. The employee while crossing the creek in a public ferry boat which capsized due to bad weather, was drowned.

Decide whether the incident could be treated as accident arising out of and in the course of employment.

6. Discuss the important provisions relating to safety of workers under the Factories Act, 1948. 12

Or

Discuss the provisions relating to hazardous processes under the Factories Act, 1948.

12

7. What are the provisions for working hours of establishments under the Assam Shops and Establishments Act, 1971? Discuss.

12

Or

- (a) Explain the term "establishment" under the Assam Shops and Establishments Act, 1971.
- (b) Write a note on the applicability of the Assam Shops and Establishments Act, 1971 and the exceptions and exemptions therefrom. 4+8=12