

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.