

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, May 2019

Course: Labour Law II

Semester: X

Program: B.Tech (CSE), LL.B (Hons.) Cyber Laws/ B.Tech (ET), LL.B (Hons.) IPR

Course Code: LLBL 252

Max. Marks: 100

Time: 03 hrs.

Instructions: Section A consists of 5 questions, attempt any 4. All questions are compulsory in Section B, C & D.

SECTION A

S. No.		Marks	CO
Q 1	Write a note on object of The Payment of Wages Act, 1936	2	CO2
Q 2	Define the concept of Labour Welfare.	2	CO1
Q 3	Write a note on " <i>Occupational Disease</i> ".	2	CO4
Q 4	Define term "Factory" under The Factory Act, 1948.	2	CO1
Q 5	State provision relating to Appeal in The Employee's State Insurance Act, 1948.	2	CO2

SECTION B

Q 6	Write a detailed note on various doctrines of Labour Welfare.	10	CO1
Q 7	Critically analyze the role of Inter-state Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979 in protection of migrant workers.	10	CO3

SECTION-C

Q 8	Critically analyze safety provisions provided under The Factories Act, 1948	10	CO1
Q 9	What do you understand by minimum wage? How would you distinguish it from fair wage? What was the criteria approved by the Hon'ble Supreme Court in fixing/revising the minimum wage structure? Explain with the help of suitable judgement.	10	CO4
SECTION-D			
Q 10	Employer can be held liable to pay compensation to the worker, if he suffers injury during the course of employment. This general has been extended by applying the concept of Notional Extension. However, doctrine of Notional Extension shall be applied with utmost care otherwise, it may result in unjust hardship to the employer. Critically analyze the concept of Notional Extension as discussed in St. Helens Colliery Company Ltd. v. Hewitson, 1924 AC 59. Also, analyze the application of this doctrine in Indian Perspective.	25	CO2,4
Q 11	<p>Mr. A established a factory, which was falling under the Schedule II of the Minimum Wages Act, 1948. For smooth functioning and manufacturing, he hired around 50 workers to work in the factory. However, these workers were employed by providing wages, which were below the rate of minimum wage in that particular Industry decided by the Government. Worker's Union filed an application before commissioner for violation of The Minimum wages Act. Commissioner passed an order in the favour of workers and ordered against Mr. A to pay as per minimum wage.</p> <p>Mr. A filed petition under Article 32 in the Supreme Court of India by contending that the provisions of The Minimum Wages Act, 1948 violates of his right to freely carry out his business and hence being violative of his fundamental right under Article 19 (1)(g) of Constitution.</p> <p>Decide the legality of contention made by Mr. A by citing relevant judgements and provisions of The Minimum Wages Act, 1948.</p>	25	CO4

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Instructions: Section A consists of 5 questions, attempt any 4. All questions are compulsory in Section B, C & D.

S. No.		Marks	CO
Q 1	Define the concept of social security.	2.5	CO1
Q 2	Write a note on ' <i>Social assistance</i> ' and ' <i>Social Insurance</i> '.	2.5	CO2
Q 3	Define " <i>Authorized deductions</i> " under The Payment of Wages Act, 1936	2.5	CO2
Q 4	Define object of Inter-state Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979.	2.5	CO1
Q 5	Write a note on Constitution of Site Appraisal Committee under The Factories Act, 1948.	2.5	CO4
SECTION B			
Q 6	Critically analyze the various welfare related provisions provided under The Factories Act, 1948. Also, cite reasons for their addition under the Act.	10	CO1
Q 7	Write a detailed on various benefits available under The Employee's State Insurance Act, 1948.	10	CO4
SECTION-C			

Q 8	Critically analyze the role of International Labour Organization in the field of labour welfare. Also, state the position of India with respect to several conventions passed by ILO.	10	CO3
Q 9	Critically analyze various labour related provisions provided under Part III and IV of Indian Constitution. Also state relevant case laws.	10	CO1
SECTION-D			
Q 10	Mr. A was employed by M/s. Super Asbestos Pvt. Ltd., which is established in Raebareilly, Uttar Pradesh. The factory plant is in operation since 1980. The factory is involved in manufacturing of asbestos-based products such as AC roofing sheets. Asbestos is major cause for various health hazards such as lung cancer and mesothelioma. Mr. A after 8 months of his service was diagnosed with lung cancer. Which the doctors believed to be repeated exposure to “asbestos”. Mr. A wants to claim compensation from his employer. Can Mr. A claim compensation under the Employee’s compensation Act? Decide.	25	CO4
Q 11	Bhopal Disaster drew the attention of law makers towards the inefficiency of The Factories Act, 1948 especially in the matters of Industries indulged in Hazardous process. After this Industrial disaster, several changes were made in The Factories Act, 1948 to put a check on hazardous process. Critically analyze these provisions.	25	CO1, 3