


Name: Enrolment No:			
UPES End Semester Examination, December 2024			
Course : Labour Law II Semester : III Program : LL.B (Hons) Course Code: CLCC 2030		Time : 03 hrs. Max. Marks: 100	
Instructions: All Questions are compulsory.			
SECTION A (5Qx2M=10Marks)			
Sl. No.		Marks	CO
Q 1.	<p>Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work four breaks of such duration as may be prescribed by the Central Government, for nursing the child until the child attains the age of fifteen months</p> <p>a) True b) False</p>	2	CO1
Q 2.	<p>Under Clause (f) of sub-section (2) of Section 18 of the Code on Wages, 2019, which of the following conditions apply to the recovery of advances given to an employee?</p> <p>a) Advances given to an employee before the commencement of employment can be recovered from the first payment of wages for a complete wage period, but no recovery is allowed for advances given for travelling expenses.</p> <p>b) Recovery of advances given to an employee before employment can be made only after the third payment of wages to the employee, irrespective of whether the employee has completed a wage period.</p> <p>c) Recovery of advances of money given after the employment began is subject to conditions prescribed by Law, but there are no provisions for recovery of advances already earned.</p>	2	CO1

	d) Advances of wages to an employee that have not already been earned may be recovered without any prescribed conditions or limits.		
Q 3.	The employer shall pay or cause to be paid wages to the employees, engaged on- (a) _____, at the end of the shift; (b) _____, on the last working day of the week, that is to say, before the weekly holiday; (c) _____, before the end of the second day after the end of the fortnight; (d) _____, before the expiry of the seventh day of the succeeding month	2	CO1
Q 4.	Where an employee performs two or more classes of work, each with a different minimum wage rate, the employer is required to pay the employee, for the time spent on each class of work, at least the minimum wage rate applicable to each class of work. a) True b) False	2	CO1
Q 5.	Define Permanent total disablement.	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6.	Write a short note on Deductions which may be made from wages.	5	CO2
Q 7.	What are the rights of an employee as provided in the Occupational Safety, Health and Working Conditions Code, 2020?	5	CO2
Q 8.	Explain the Appointment of Inspector-cum-Facilitators and their powers under Code on Wages 2019.	5	CO2
Q 9.	Write a short note on constitution and functions of Central Advisory Board and State Advisory Boards.	5	CO2
SECTION-C (2Qx10M= 20 Marks)			
Q 10.	Analyze the concept of occupational safety as outlined in the Occupational Safety, Health and Working Conditions (OSH) Code, 2020. Discuss its key provisions and provide relevant examples to illustrate how the Code addresses safety concerns in the workplace.	10	CO3
Q11.	<u>Interpret the following facts and answer the question:</u> The Employees' Insurance Court has issued an order requiring a company to pay a certain sum to an employee under the Employees' Insurance Act. The company disagrees with the order and intends to file an appeal with the High Court, claiming that the order raises substantial questions of law regarding the interpretation of the Employees' Insurance Act.	10 (4+2+4)	CO2

	<p>a) What are the key conditions that must be met for the company to file an appeal to the High Court?</p> <p>b) In an event that the company files an appeal after 65 days from the date of the Employees' Insurance Court's order, how would the provisions of the Limitation Act, 1963 apply to this scenario, and could the appeal still be entertained by the High Court?</p> <p>c) If the High Court accepts the appeal, under what circumstances could the Employees' Insurance Court withhold payment of the sum directed by the order, and what is the significance of such withholding?</p>		
<p>SECTION-D (2Qx25M=50 Marks)</p>			
<p>Q 12.</p>	<p><u>Evaluate the facts and answer the following:</u></p> <p>On January 15, 2024, Mr. John Doe, an employee working at XYZ Plantation Company was severely injured while operating machinery as part of his daily duties. Mr. Doe suffered a broken leg and several deep lacerations. The injury occurred while he was performing tasks on a plantation where hazardous conditions, including poorly maintained machinery and lack of sufficient safety training were noted. Mr. Doe was not provided with appropriate protective gear or proper safety instructions, even though such conditions had been flagged by other workers in the past.</p> <p>Mr. Doe is now seeking compensation for his injuries. The plantation management has acknowledged that safety protocols may not have been fully followed and argues that the injury occurred due to Mr. Doe's own negligence. In addition, they mention that Mr. Doe's contract contains a clause that limits the company's liability for injuries caused by accidents during work.</p> <p>a. Discuss the employer's liability under the principles of employer's liability Law, specifically in relation to injuries sustained due to unsafe working conditions. To what extent can the plantation be held liable for Mr. Doe's injuries, considering the employer's possible negligence in maintaining safety standards?</p> <p>b. If Mr. Doe had been killed instead of being injured in the accident, what legal provisions would apply to ensure that his family receives compensation?</p> <p>c. Based on the severity of Mr. Doe's injuries and the circumstances surrounding the accident, outline how compensation should be calculated. Discuss the factors that would be taken into account including the potential for lost</p>	<p>25 (10+4+5+6)</p>	<p>CO4</p>

	<p>wages, medical expenses, rehabilitation and any other relevant considerations under employer liability or workers' compensation laws.</p> <p>d. Use relevant case laws, statutes and legal principles to support your answers.</p>		
Q 13.	<p><u>Evaluate the facts and answer the following:</u></p> <p>A member of opposition, who previously served as a labour minister, recently held a press conference where he criticized the recent codification of Labour Laws in India. He claimed that the new labour codes, particularly those concerning social security, occupational safety and wages are merely a repetition of older laws, intended to deceive the public and workers. He further argued that these reforms will not improve the fate of workers and that the government has no intention of effectively implementing the progressive provisions. The process of framing rules and establishing the necessary bodies would take an unreasonable amount of time and the codification itself is designed to deplete the country's resources. Specifically, the benefit of the labour codes for women workers, especially in the area of maternity.</p> <p>As a law student tasked with preparing a detailed report for publication:</p> <ol style="list-style-type: none"> Critically examine the opposition's assertions about the new labour codes, considering the pros and cons of the codification in detail. In your response, consider both the advantages and disadvantages of the codification process, with a particular focus on the provisions relating to maternity. Provide a balanced analysis, discussing both the potential positive impact and the challenges associated with these reforms. 	<p style="text-align: center;">25 (12.5 + 12.5)</p>	<p style="text-align: center;">CO4</p>