

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2018

Course: Labour Laws II

Course Code: LLBL 252

Semester: VII

Programme: B.A. LL.B. (Hons.) Energy Laws

Time: 03 hrs. Max. Marks: 100

Instructions:

SECTION A

Note: Attempt all Questions. All Questions carry equal marks.

Max 10 marks

S. No.	Question	Marks	CO
Q 1	Write short note on 'Non statutory welfare schemes'	2	2&3
Q 2	Write short note on 'Fixing hours for a normal working day' under the provisions of the Minimum Wages Act, 1948.	2	2&3
Q 3	Write short note on 'Disablement' under the provisions of Employees Compensation Act, 1923.	2	2&3
Q 4	Write short note on 'Fine' under the provisions of Payment of Wages Act, 1936.	2	2&3
Q 5	Write short note on 'Occupational Diseases' under the provisions of Employees Compensation Act, 1923.	2	2&3

SECTION B

Note: Attempt any two Questions out of following three:

Max 20 marks

Q 6	Explain term 'Accident arising out of and in the course of employment' under the provisions of Employees Compensation Act, 1923.	10	3
Q 7	Explain Constitution of Site Appraisal Committees under the provisions of the Factories Act, 1948	10	3
Q 8	Explain the Benefits admissible under the provisions of Employees State Insurance Act, 1948	10	3

SECTION-C

Note: Attempt both the Questions. All Questions carry Equal Marks.

Max 20 marks

Q 9	Explain the Welfare provisions as per the provisions of the Factories Act, 1948.	10	3
Q 10	What are the Allowances & facilities admissible under the provisions of Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979	10	3

SECTION-D

Note: Attempt both the Questions.

Max 50 marks

	<p><u>Case study/Situation:</u></p> <p>Facts of the case</p> <ul style="list-style-type: none">➤ There is one Food Laboratory of a Pvt. Limited company which has taken one premises on lease after taking the consent of Haryana State Industrial and Infrastructure Development Corporation Ltd. It is further stated that this Food Laboratory is covered under the provisions of Punjab Shops and Commercial Establishment Act. Accordingly, the Food Laboratory of the company has also duly obtained the Registration Certificate under the provisions of aforesaid Act. The said certificate was issued by the Labour Department after inspecting the premises of the company.➤ In the Food Laboratory, food items are inspected, tested and certified.➤ An inspection was conducted by Assistant Director (IS&H) Gurgaon on 04.09.2012 and noticed violations under the Factories Act, 1948 and Rules framed there under. It is stated that Occupier/Manager were engaged in the testing, inspection, certification of materials of the food item with the aid of 30 workers and electric power of 250 K.V.A, hence the establishment is coverable under Section 2m (i) of the Factories Act, 1948 but Occupier/Manager failed to show the proof of submission of Factory Licence fee under Factories Act up to year 2012 along with Form No.2. In the complaint, so many violations have been pointed out under the Factories Act, 1948.➤ The premise is a Laboratory and as per the complaint, work of testing, inspection, certification of materials of the food item was carried out.		
Q 11	<p>Based on the facts presented above, answer whether Food Laboratory/premises is covered under the provisions of the Factories Act, 1948 or not.</p> <p>Justify your answer with grounds/citation.</p>	25	4
	<p><u>Case study/Situation:</u></p> <p>Facts of the case</p> <ul style="list-style-type: none">➤ The Inspector of Factories along with the Chief Inspector of Factories inspected a Brick kiln at about 8 a.m.➤ They found a number of persons working in 2 kilns which were actually in operation and the smoke was coming out of six chimneys provided in the kilns.➤ They also found a 5 Horse Power Diesel Engine working for supplying water to the process. About 50 workers, both men, women and children were found working in the field. They ascertained that the usual number of workers employed were about 300.		

	<ul style="list-style-type: none"> ➤ During the time of their inspection, they found six workers were charging coal into the kiln, three were unloading sand from truck, three were carrying sand to the moulding section and several other workers were found engaged in other miscellaneous work. ➤ They also found some trucks were engaged in carrying materials to the kiln. ➤ Further, the labourers engaged in the kiln were not directly employed, but were independently engaged by the contractor, as per the agreement. ➤ As per terms of Agreement, the contractor was engaged to manufacture about 20 lakhs of bricks at the rates fixed by him and it was the contractor who had engaged the workers and was paying their wages to the workers engaged in the Kiln. 		
Q 12	<p>Based on the facts presented above, question for consideration is whether the Brick kiln in question is a 'factory' within the meaning of the Indian Factories Act, 1948 or not.</p> <p>Justify your answer with grounds/citation</p>	25	4

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 Time: **03 hrs. Max. Marks: 100**
Instructions:

SECTION A

Note: Attempt all Questions. All Questions carry equal marks. Max 10 marks

S. No.		Marks	CO
Q 1	Write short note on 'Appointment of Commissioner' under the provisions of Employees Compensation Act, 1923.	2	1
Q 2	Write short note on 'Deduction for damage or loss' under the provisions of Payment of Wages Act, 1936.	2	1
Q 3	Write short note on 'Dependant' under the provisions of Employees Compensation Act, 1923.	2	1
Q 4	Write short note on 'Manufacturing Process' under the provisions of the Factories Act, 1948	2	1
Q 5	Write short note on 'Employment of young persons' as per the provisions of the Factories Act, 1948	2	1

SECTION B

Note: Attempt any two Questions out of following three: Max 20 marks

Q 6	Explain term 'Doctrine of Notional Extension' under the provisions of Employees Compensation Act, 1923.	10	2
Q 7	What are the authorised 'Deductions' from wages under the provisions of Payment of Wages Act, 1936.	10	2
Q 8	Explain the Scope and Coverage of Employees State Insurance Act, 1948	10	2

SECTION-C

Note: Attempt both the Questions. All Questions carry Equal Marks. Max 20 marks

Q 9	Explain the provisions relating to 'Health' as per the provisions of the Factories Act, 1948.	10	3
Q 10	What are the provisions for registration of Establishment and issue of Licence to Contractor Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979	10	3

SECTION-D

Note: Attempt both the Questions. Max 50 marks

	<u>Case study/Situation:</u>		
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	<p>Facts of the case</p> <ul style="list-style-type: none"> • The Inspector of Factories along with the Chief Inspector of Factories inspected a Brick kiln at about 8 a.m. • They found a number of persons working in 2 kilns which were actually in operation and the smoke was coming out of six chimneys provided in the kilns. • They also found a 5 Horse Power Diesel Engine working for supplying water to the process. About 50 workers, both men, women and children were found working in the field. They ascertained that the usual number of workers employed were about 300. • During the time of their inspection, they found six workers were charging coal into the kiln, three were unloading sand from truck, three were carrying sand to the moulding section and several other workers were found engaged in other miscellaneous work. • They also found some trucks were engaged in carrying materials to the kiln. • Further, the labourers engaged in the kiln were not directly employed, but were independently engaged by the contractor, as per the agreement. • As per terms of Agreement, the contractor was engaged to manufacture about 20 lakhs of bricks at the rates fixed by him and it was the contractor who had engaged the workers and was paying their wages to the workers engaged in the Kiln. 		
<p>Q 11</p>	<p>Based on the facts presented above, question for consideration is whether the Brick kiln in question is a 'factory' within the meaning of the Indian Factories Act, 1948 or not.</p> <p>Justify your answer with grounds/citation</p>	<p>25</p>	<p>4</p>
	<p><u>Case study/Situation:</u></p> <p>Facts of the case</p> <ul style="list-style-type: none"> • There is one Food Laboratory of a Pvt. Limited company which has taken one premises on lease after taking the consent of Haryana State Industrial and Infrastructure Development Corporation Ltd. It is further stated that this Food Laboratory is covered under the provisions of Punjab Shops and Commercial Establishment Act. Accordingly, the Food Laboratory of the company has also duly obtained the Registration Certificate under the provisions of aforesaid Act. The said certificate was issued by the Labour Department after inspecting the premises of the company. • In the Food Laboratory, food items are inspected, tested and certified. • An inspection was conducted by Assistant Director (IS&H) Gurgaon on 04.09.2012 and noticed violations under the Factories Act, 1948 and Rules framed there under. It is stated that Occupier/Manager were engaged in the testing, inspection, certification of materials of the food item with the aid of 30 workers and electric power of 250 K.V.A, hence the establishment is coverable under Section 2m (i) of 		

	<p>the Factories Act, 1948 but Occupier/Manager failed to show the proof of submission of Factory Licence fee under Factories Act up to year 2012 along with Form No.2. In the complaint, so many violations have been pointed out under the Factories Act, 1948.</p> <ul style="list-style-type: none">• The premise is a Laboratory and as per the complaint, work of testing, inspection, certification of materials of the food item was carried out.		
Q 12	<p>Based on the facts presented above, answer whether Food Laboratory/premises is covered under the provisions of the Factories Act, 1948 or not.</p> <p>Justify your answer with grounds/citation.</p>	25	4