


| Name: | |  | |
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| Enrolment No: | | | |
| UNIVERSITY OF PETROLEUM AND ENERGY STUDIES Supplementary End Semester Examination, December 2023 | | | |
| Course: Labour Law II | | Semester: VII | |
| Program: B.A., LL.B. / BBA, LL.B. / B.Com., LL.B. | | Time: 03 hrs | |
| Course Code: CLCC4013 | | Max. Marks: 100 | |
| Instructions: Read the questions properly and answer all the questions within reasonable lengths. | | | |
| SECTION A (5Qx2M=10Marks) | | | |
| S. No. | | Marks | CO |
| Q. | Answer the questions (Q. 1 to Q.5) in not more than 50 words. | | |
| 1. | What is gig work? Give examples. | 2 | CO1 |
| 2. | What are the provisions/right for maternity leave for woman who gives birth to third child? | 2 | CO1 |
| 3. | What is the primary function of Advisory Board constituted under the Code on Wages. | 2 | CO1 |
| 4. | What do you understand by the meaning of term 'Social Security' within the meaning of code on Social Security, 2020. | 2 | CO1 |
| 5. | Which code makes special provisions for Inter-state migrant workers under its chapter IX? | 2 | CO1 |
| SECTION B (4Qx5M= 20 Marks) | | | |
| Q | Answer the following questions briefly: | | |
| 6. | Enumerate the circumstances under which an employer shall not be liable to pay compensation under Chapter VII (Employee's Compensation) of the Code on Social Security 2020. | 5 | CO2 |
| 7. | Distinguish between floor wage and fair wages. | 5 | CO2 |
| 8. | Write a note on 'deductions for recovery of loans' given by the employer. | 5 | CO2 |

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| 9. | Describe the extend of the definition of ‘employer’ as provided in the Occupational Safety, Health and Working Conditions Code, 2020. | 5 | CO2 |
| SECTION-C (2Qx10M=20 Marks) | | | |
| Q | Explain the following questions: | | |
| 10. | Write an analysis on how the new Labour Codes seek to protect the rights of the inter-state migrant workers in India. | 10 | CO3 |
| 11. | Explain with landmark cases, the jurisprudence that developed around the Right to a Minimum Wage to be paid to the employee. | 10 | CO3 |
| SECTION-D (2Qx25M=50 Marks) | | | |
| Q | Analyse the facts mentioned and then answer the questions based on your understanding of the provisions under Labour laws: | | |
| 12. | <p style="text-align: center;"><u>Read the below mentioned facts and answer the questions:</u></p> <p>Roshni, an employee working in a steel factory, was insured under Chapter IV (Employees’ State Insurance Corporation) of the Code on Social Security, 2020. She claimed maternity benefit from the ESIC, which was awarded to her. Subsequently, she claimed maternity benefit under Chapter VI (Maternity Benefit) of the Code on Social Security, 2020. The employer repudiated the claim.</p> <p>a) Decide whether Roshni is entitled to maternity benefit under Chapter VI of the Code and whether the repudiation of claim by employer was valid.</p> <p>b) Supposing Roshni is not insured under Chapter IV, and she wants to claim maternity benefit under Chapter VI, what is the eligibility criteria for availing such benefit? Also, state the benefits provided to a woman under Chapter VI of the Code.</p> | 25 | CO4 |
| 13. | <p style="text-align: center;"><u>Read the below mentioned facts and answer the questions:</u></p> <p>Ram Avatar is a migrant labour from Tripura working in a brick-kiln in Haryana along with seventy-five other labours from various parts of the country. He works here along with his wife who has an 8-month-old infant girl. He and his wife are paid Rs. 250 per day each as daily wage. They come to work at 7 am in the working</p> | 25 | CO4 |

and leave at 5 pm every day. There are no public holiday for them as the kiln is operated for round the year. He is allowed 15 days leave only to visit is hometown in August.

For the last 2 years, the workers have been complaining about the working conditions in the kiln which is operated manually underground. Temperatures inside is often above 50 degree Celsius and there is very high humidity since there are windows or exhaust fans but one entry-exit door. There is coal and kerosene lying inside the compound close to kiln which is highly inflammable and kept in unsafe manner. The fire extinguishers are not provided. Drinking water facility is a water tank kept in open outside the facility but due to water scarcity water is rationed to one bottle per person. The infant is taken care of Ram Avatar's wife who also works and leaves her baby in shade of a tree within the facility and checks her every few minutes.

Identify and answer the following question:

- a) Is the brick kiln facility an 'establishment' within the meaning of code of Occupational safety, Health and Working Conditions Code.
- b) Identify the violations, if any that the employer is committing under the code if her/his/its facility is assumed to be a 'factory' or 'establishment' and mention the provision she/he/it is in violation of?
- c) As a lawyer of the aggrieved labours, suggest remedial/corrective measures for benefit of Ramavatar and others also suggest punitive action that should be taken in the case.