

Name:

Enrolment No:



**End Semester Examination May 2019**

**Course: Labour Laws- II**

**Programme: BBA LLB CL, B.COM., LL.B. TAXATION LAWS**

**Time: 03 hrs.**

**CC:LLBL-252**

**Semester: VIII**

**Max. Marks: 100**

**Instructions:**

(Attempt all sections. Each question is compulsory.)

**Section A (10 marks) - General Question- subject matter  
(Attempt all questions. Each questions carry equal marks)**

**Marks**

**COs**

1.	Define 'worker' as given under factories act, 1948.	[2.5]	CO2
2.	Components of Minimum wages	[2.5]	CO2
3.	Authorized Deductions under Payment of Wages act, 1936.	[2.5]	CO2
4.	Occupational Disease.	[2.5]	CO2

**Section B (20 marks) - Conceptual Question  
(Attempt all questions. Each questions carry equal marks)**

5.	Differentiate between minimum wage, fair wage and living wage. "No industry has a right to exist unless it is able to pay its workmen at least a bare minimum wage." Discuss in the light of M S Crown Aluminum Works v. their Workmen AIR 1958 SC 30.	[10]	CO2
6.	Discuss the labour welfare policies of the Indian state with the help of constitutional provisions.	[10]	CO1

**Section C (20 marks)- Analytical question  
(Attempt all questions. Each questions carry equal marks)**

7.	Critically analyze the impact of globalization, privatization and liberalization on the labor laws of India.	[10]	CO3, CO4
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8.	Analyze the welfare provisions, provided under factories act, 1948.	[10]	CO2
<b><u>Section D (50 marks) - Application Based Question</u></b> <b>(Attempt all questions. All questions carry equal marks) (25*2)</b>			
9.	Preamble to the Indian constitution states that Indian polity would be socialist in nature, among others. The socialist and welfare approach has also been mandated through DPSPs like article, 41, 42, 43, 43A etc. To achieve this, The Indian state has legislated a number of labor welfare legislations like factories act, 1948 etc. However, on the other hand, the state has been gradually withdrawing itself from the public domain and services. This has largely affected the labor welfare implementation. Do you agree with the views expressed above? Justify your agreement or disagreement with the help of recent policy changes, laws.	[25]	CO1, CO3, CO4
10.	A bus was on the last trip for the day. Some assailants entered the bus, sprayed chilli powder on the passengers and shot the conductor dead. Can this be termed as an injury arising out of and in the course of employment? Decide and discuss the scope of compensation under employees' compensation act, 1923. Also, discuss the theory of notional extension with the help of decided cases.	[25]	CO2

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<b>Section A (10 marks) - General Question- subject matter (Attempt any two questions. Each questions carry equal marks)</b>		<b>Marks</b>	<b>COs</b>
1.	Define the concept of social security in India	[2.5]	CO1
2.	Difference between social assistance and social insurance	[2.5]	CO1
3.	Definition of 'factories' under factories act	[2.5]	CO2
4.	Object of Payment of wages act, 1936.	[2.5]	CO2
<b>Section B (20 marks) - Conceptual Question (Attempt all questions. Each questions carry equal marks)</b>			
5.	What do you understand by 'Minimum Wage'? How would you distinguish it from fair wage and living wage. What was the criteria approved by supreme court in fixing/ revising minimum wages in the <u>Standard Vaccum Refining Co Ltd Case?</u>	[10]	CO2
6.	Discuss constitutional provisions with respect to labour welfare and social security and also analyze the same in the light of globalization.	[10]	CO1, CO4
<b>Section C (20 marks)- Analytical question (Attempt all questions. Each questions carry equal marks)</b>			
7.	Analyze the benefits available under Employees' State insurance act, 1948 to the employees.	[10]	CO2, CO3
8.	Analyze the welfare provision as provided under Factories act, 1948.	[10]	CO2, CO3
<b>Section D (50 marks) - Application Based Question</b>			

<b>(Attempt all questions. All questions carry equal marks) (25*2)</b>			
9.	Mr. X, owner of a factory engaged in manufacturing process of garments in the city of Haldwani, uttarakhand. He paid his employees less thanb the wages fixed by the appropriate government. He has been booked for offending provisions of minimum wages act, 1948. He has challenged the constitutional validity of the the Act based on the ground that it violates his fundamental right given under article 19(1)(g) in the supreme court of India under article 32. Comment on the constitutional validity of the Act with the help of decided cases.	<b>[25]</b>	<b>CO2 CO1</b>
10.	Mr. Y, an employee of a factory, after finishing up his day's work was going on a cycle to collect his pay from the cash section of the factory, which was situated on the other side of the road. On the way, he was knocked down by a speedy bus and died. Decide whether his widow would be entitled to compensation under employees' compensation act. Also discuss with the help of case laws the theory of notional extension.	<b>[25]</b>	<b>CO2</b>