

Roll No:  
SAP ID



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, July 2020**  
**Open Book – Through Blackboard Learning Management System**

**Course: Labour Laws II**

**Course Code: LLBL252**

**Programme: B. Tech (CSE), LLB (Hons.) Cyber Laws, 2015/  
B. Tech (ET) LLB (Hons.) IPR, 2015**

**Semester: X**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

As this examination is non-proctored, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concept by the students and any similarity found from resources online/ offline shall be penalized in terms of deduction of marks and even cancellation of paper in requisite cases. The online examination committee of the School would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copied and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from any unfair means and provide answers in their own words.

**All Questions are Compulsory**  
**Answer each question in not more than 500 words**

S. No.		Marks	CO
1	<p><b><u>Case study/Situation:</u></b></p> <p><b><u>Facts of the case</u></b></p> <ul style="list-style-type: none"><li>➤ The Inspector of Factories along with the Chief Inspector of Factories inspected a Brick kiln at about 8 a.m.</li><li>➤ 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.</li><li>➤ They also found a 5 Horse Power Diesel Engine working for supplying water to the process. About 50 workers, men, women and children were found working in the field. They ascertained that the usual number of workers employed were about 200.</li><li>➤ 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 Moldings section and several other workers were found engaged in other miscellaneous work.</li><li>➤ They also found some trucks were engaged in carrying materials to the kiln.</li></ul>	20	CO4

	<ul style="list-style-type: none"> <li>➤ Further, the labourers engaged in the kiln were not directly employed, but were independently engaged by the contractor, as per the agreement.</li> <li>➤ 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.</li> </ul> <p><b>Question:</b> Based on the facts presented above, explain as to whether the Brick kiln in question is a 'factory' within the meaning of The Factories Act, 1948 or not. Justify your answer with reasons.</p>		
Ans.			
2	<ul style="list-style-type: none"> <li>▶ Recently, 11 people died on 7<sup>th</sup> May 2020 after <u>toxic gas leaked</u> from the chemical plant of the <u>LG Polymers Plant</u> at RR Venkatapuram, Visakhapatnam between 2.30 am and 3:30 am and reportedly spread over a radius of about 5 km, affecting at least five villages having total population of about 15000 persons.</li> <li>▶ It is reported that Styrene, chemically known as ethyl benzene which is a synthetic chemical was being used in the said Plant.</li> <li>▶ Styrene is commonly used in the manufacture of plastic products using in food packaging, rubber, plastic, insulation, fibreglass. The harmful effects of Styrene include severe irritation to eyes and mucous membranes, as well as gastro-intestinal effects.</li> </ul> <p><b>Question:</b> Explain Constitution and Role/Functions of Site Appraisal Committee for a Factory involving hazardous process under the provisions of the Factories Act, 1948.</p>	20	CO3
Ans.			
3	<p>An Employer has employed the Inter-State Migrant Workers at his establishment located in the State of Maharashtra during the Lock-down period starting from the night of 24<sup>th</sup> March, 2020.</p> <p><b>Question:</b> Explain as to what would be his liability towards Wages, Allowances &amp; various facilities admissible under the provisions of Inter-State Migrant Workmen (Regulation of Employment &amp; Conditions of Service) Act, 1979?</p>	20	CO3
Ans.			
4	<p>As per the provisions of the Employees Compensation Act, 1923:</p> <p>“An employer is liable to pay compensation for any personal injury caused to a workman by an accident arising out of and in cause of his employment. And the premises of the employer have got to be extended both in time and place with the help of doctrine of Notional Extension for the purpose of Employer’s liability.”</p>	20	CO3

	<b>Question: Discuss the “Doctrine of notional extension” under the Employees Compensation Act, 1923 with the help of case laws.</b>		
Ans.			
5	<p><b>Read the following passage and answer the question:</b></p> <p><b>For industrial growth, and ease of doing business in India, Labour reforms is a must, and should be considered as a top priority for Governments in the Centre as well as in States.</b></p> <p><b>The Code on Wages which was passed in 2019 has amalgamated the laws relating to minimum wages, payment of wages, bonus and equal remuneration.</b></p> <p><b>Such an amalgamation has been slated to facilitate the implementation and also remove the multiplicity of definitions and authorities without compromising on the basic concepts of welfare and benefits to workers.</b></p> <p>➤ <b>Question: Discuss the changes the Code has brought with reference to the Minimum Wages Act, 1948 by drawing comparison highlighting relevant provisions in the Code vis-à-vis existing provisions in the Minimum Wages Act, 1948</b></p>	20	CO4
Ans.			

I....., understand that submitting work that isn't my own may result in failure in this paper and I may also be subject to Disciplinary Proceedings as per the Academic Integrity policy of the University.