

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2022

Course: Labour Law II

Semester: IX

Program: B.Tech LL.B

Time: 03 hrs

Course Code: CLCC4013

Max. Marks: 100

Instructions: Read the questions properly and answer all the questions.

SECTION A

(5Qx2M=10Marks)

S. No.		Marks	CO
Q.	Answer the questions (Q. 1 to Q.5) in not more than 50 words.		
1.	Wage for overtime work shall not be less than _____ the normal rate of wages	2	CO1
2.	The total amount of deductions which may be made under code on wages 2020 in any wage period from the wages of an employee shall not exceed ____ per cent. of such wages	2	CO1
3.	The definition of "occupational disease" means a disease specified in the ____Schedule as a disease peculiar to the employment of the employee	2	CO1
4.	The contribution payable towards Employees Insurance in respect of an employee shall comprise contribution payable by the employer of ____% and contribution payable by the employee ____% and shall be paid to the Corporation. (% contribution payable towards the fund)	2	CO1
5.	What is the maternity leave given to women who already have three surviving children?	2	CO1

SECTION B

(4Qx5M= 20 Marks)

Q	Answer the following questions briefly:		
6.	Enumerate the conditions applicable on a person receiving sickness benefit or disablement benefit (other than for permanent disablement).	5	CO2
7.	Distinguish between living wage and fair wage.	5	CO2
8.	Summarize the impact of 'fines' as a kind of deduction on wages	5	CO2
9.	Enumerate the rights of an employee 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.	Critically examine the role of Labour Codes in protecting the rights of the inter-state migrant workmen in India.	10	CO3
11.	Elucidate on the concept of 'Presumption as to accident arising in course of employment' with the help of cases.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q	Analyse the facts mentioned and then answer the questions:		
12.	<p style="text-align: center;"><u>Read the facts stated below and answer the questions:</u></p> <p>Gopal, a 35-year-old bus driver associated with a transport corporation, is insured under Chapter IV (Employees' State Insurance Corporation) of the Code on Social Security, 2020. One day, while he was on duty, he got assaulted by a few people who were involved in a riot. He suffered from multiple injuries, which resulted in his permanent partial disablement. Thereafter, he claimed compensation from his employer. The employer repudiated the claim.</p> <p>Aggrieved by such repudiation, Gopal approached the industrial tribunal in order to avail remedy.</p> <p>Decide whether Gopal can claim any compensation from his employer. Justify your answer with reference to Chapter VII (Employees' Compensation) of the Code on Social Security, 2020 and relevant judgements.</p>	25	CO4
13.	<p style="text-align: center;"><u>Read the facts stated below 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</p>	25 (5+20)	CO4

	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.		
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