

Roll No:

SAP ID



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

Course: LABOUR LAW-II

Programme: BBA.LLB. (HONS) CORPORATE LAWS, 2016

Time: 03 hrs.

Instructions:

Course Code: LLBL252

Semester: VIII

Max. Marks: 100

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><u>Case study</u></p> <p><u>Read the following situation and answer the questions given below:</u></p> <p>Mr. Hanumant Singh working as Operator in M/s. Modi Flour Mill, Okhla, New Delhi was expected to be inside the Mill at 1.25 p.m. for the shift starting at 1.30 p.m. He was standing at about 1.20 p.m. with a group of co-workers, approx. 10-15 feet away from the entry gate of the Mill.</p> <p>The gate was opened and there was no rush.</p> <p>He was knocked down by a speeding car as a result of which he died.</p> <p>His widow wants to claim compensation under the Employees Compensation Act, 1923.</p> <p><u>Question:</u> (i) Discuss the “Doctrine of notional extension” under the Employees Compensation Act, 1923 with the help of case laws.</p> <p>(ii) Discuss the Employer’s liability for compensation; with whom the amount of compensation is to be decided and how the compensation is to be distributed</p>	20 (10+10)	CO4
Ans.			
2		20	CO4

	<p>Recently, 11 people died on 7th 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.</p> <ul style="list-style-type: none"> ➤ 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. ➤ It is reported that Styrene, chemically known as ethyl benzene which is a synthetic chemical was being used in the said Plant. <p><u>Question:</u> Explain Constitution and Role/Functions of Site Appraisal Committee for a Factory involving hazardous process under the provisions of the Factories Act, 1948.</p>		
Ans.			
3	<p>A woman who is drawing Rs. 25,000 as monthly salary has been working in a Factory situated in Gurugram, Haryana.</p> <p>The Factory is registered under the Employees State Insurance Act, 1948.</p> <p><u>Question:</u> Explain as to whether she is eligible for Maternity Benefits under the provisions of Maternity Benefit Act, 1961 or Employees State Insurance Act, 1948 by giving reasons and what kind of benefits are admissible to her?</p>	20	CO3
Ans.			
4	<p>Read the following case law and answer the questions given below:</p> <p>Some demands for wage revision was made by the employees of all banks which were pending at the relevant time and in support of the said demands, the All India Bank Employees Association had given a call for a country wide strike. The bank issued a circular to all its Managers and Agents to deduct wages of the employees who would participate in strike for the days they go on strike. The employee unions gave a call for four hours strike. Even after warning the employees went for four hours strike. The bank issued a circular directing its Managers and Agents to deduct full day's salary of the strikers. The employees filed a petition in High Court quashing the circular.</p> <p>The High Court allowed the writ petition holding that neither the regulations nor awards nor settlement empowered the bank to make the deductions secondly, in justice equity and good conscience the bank could not by dictate of the impugned circular attempt to stifle the legitimate weapon given by the law to the workers to ventilate their grievances by resorting to strike.</p> <p>Hence the Bank filed an appeal against the order of H.C before the S.C.</p>	20	CO4

	<u>Question:</u> Justify your answer with reference to deduction of wages during strike period.		
Ans.			
5	<p>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.</p> <p>The Code on Wages which was passed in 2019 has amalgamated the laws relating to wages, payment of wages, bonus and equal remuneration.</p> <p>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.</p> <p>Question: Explain the Code on Wages 2019 with reference to the Changes made with respect to The Minimum Wages Act, 1948 by drawing comparison by high lighting relevant provisions in the Code vis a vis under the said Act.</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.