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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**MID TERM EXAMINATION**

**Winter Semester:** 2021 - 22

**Course Code:** LAW 124

**Course Name:** Labour & Industrial Law II

**Program & Sem:** BBA; BA; B.Com LLB; VIIIth Semester

**Date:** 10/May/2022

**Time:** 01:30 PM – 03:00 PM

**Max Marks:** 60

**Weightage:** 30%

**Instructions:**

- (i) Read all the questions carefully and answer accordingly.
- (ii) Normal Calculators are permitted

**Part A [Memory Recall Questions]**

**Answer all the Questions. Each question carries 01 marks.**

**(10Qx 1M= 10M)**

1. The Limitation Period under Employee's Compensation Act is of  
(C.O.No.1, 2) [Knowledge]
  - A. 30 days from the date of order
  - B. 90 days from the date of order
  - C. 30 days after the date of order
  - D. 60 days from the date of order
2. Under Section 2 (d) there are three categories of dependents as per Employee's Compensation Act 1923. the third category does not comprise of the following dependent  
(C.O.No.1, 2) [Knowledge]
  - A. Unmarried Illegitimate Daughter
  - B. Legitimate Married Daughter
  - C. Minor child from a predeceased son
  - D. None of the above
3. losing one's eyesight in the course of employment is a type of (C.O.No.1,3,4) [Knowledge]
  - A. Total permanent Disablement
  - B. Partial Disablement
  - C. Total Partial Disablement
  - D. None of the above
4. The classes of injuries not covered under the Employees Compensation Act are  
(C.O.No.1, 2) [Knowledge]
  - A. Infectious & Parasitic Disease
  - B. Disease caused by toxic Compounds
  - C. Lung Cancer

D. Respiratory Virus disease

5. If any accident takes place outside of India, then that case (C.O.No.1,3,4) [Knowledge]
- A. Can be decided by Indian Courts
  - B. Cannot be decided by Indian Courts
  - C. Can be decided by ILO International Court
  - D. Can be decided by the Commissioner of that country
6. You are an advocate practicing in Labour Law, A case comes to you where an employee's family died while working in the industry premises while getting hit by lightning. one of your reference cases would include (C.O.No.1,3,4) [Knowledge]
- A. Janak Prasad Singh vs Bihar State Electricity Board
  - B. Indian Red-Cross Society vs Vidyaben H.
  - C. Shri Krishan vs Jasoda Devi and others.
  - D. State of Rajasthan v Ram Prasad & Others
7. The Amendments made under the Employees Compensation Act 1923 are (C.O.No.1, 3, 4) [Knowledge]
- A. Workman changes to Workmen
  - B. Title of the Act changed from Workman's Compensation to Employee's Compensation Act
  - C. Clerks were included under schedule II for Compensation
  - D. All of the Above
8. The Doctrine of Notional Extension is discussed under (C.O.No.1,3,4) [Knowledge]
- A. Payment of Gratuity Act 1972
  - B. Minimum Wages Act 1948
  - C. Employee's Compensation Act 1923
  - D. Workman's Compensation Act 1923
9. The composition of Advisory committee shall have Every Advisory Committee under Section 6 of Equal Remuneration Act 1976 shall consist of not less than ten persons, to be nominated by the appropriate Government, of which \_\_\_\_\_ shall be women. (C.O.No.1, 3, 4) [Knowledge]
- a. One-Fourth
  - b. One-Half
  - c. One-Third
  - d. None
10. The court has no authority to fix the scales of pay especially when the different scales of pay has been fixed by the pay commission or pay revision committee. The above decision was given the case (C.O.No.1,3,4) [Knowledge]
- a. M.P Rural Agriculture Extension Officers Association v. State of M.P & another
  - b. Govt. of West Bengal v. Tarun K. Roy
  - c. State of West Bengal & others v. Hari Narayan Bhowal & Others

## Part B [Thought Provoking Questions]

Answer all the Questions. Each question carries 15 marks.

(2Qx15M=30M)

11. Consider the factual situation-Certain women at a construction site of a building were being paid Rs. 10/- per hour for their work, which was different as far as the men were concerned who were being paid Rs. 15/- per hour for the same amount of work. The women raised an objection and said that they too have a right for equal payment as the amount of work being done by both men and women was equal. You are their legal advisor, how can these women be helped? State relevant sections with illustrations (C.O.No.3, 4) [Comprehension]

12. Mr. Darshan runs a business of selling chemicals used in making of Sanitizers. Raja, who has been hired two weeks back, has a drinking problem. One day Raja comes to work while he is still drunk, he reaches his workstation, but due to some issue with the machinery Raja is unable to start the machinery. He goes and complaints to the engineer to fix the machine, but the engineer does not come. As a result Raja starts fixing the machine on his own, and injures himself, where his left leg and hand gets completely paralyzed. Raja Claims Compensation. You are Mr. Darshan's Lawyer, kindly advise him on the matter, can he escape from not paying the compensation?

(C.O.No.1, 3) [Comprehension]

## Part C [Problem Solving Questions]

Answer all the Questions. Each question carries 20 marks.

(1Qx20M=20M)

13. A group of 5 welders met with an accident while working in the work premises. All their details have been mentioned below

a. Calculate the amount of compensation to be paid in each case according to the Employee's Compensation Act 1923?

b. In what order will the compensation be given out to the dependents in each case? (C.O.NO3, 4) [Application]

S.No	Welder	Injury	Age	Minimum Wage	Relevant Factor	Dependents
1	Welder 1	Death	21	3000	222.71	A minor Brother and a Widowed Mother
2	Welder 2	Coma	28	4400	211.79	An adopted married daughter, A minor child of a pre deceased daughter
3	Welder 3	Death	31	1500	205.95	A widow, A Minor adopted Son
4	Welder 4	Lost both hands	33	7000	201.66	An adopted married daughter, A minor child of a pre deceased daughter
5	Welder 5	Lost Right Eye	48	6500	159.80	A minor illegitimate Son, adopted Daughter, Paternal Grandparent



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**END TERM EXAMINATION**

**Winter Semester:** 2021 - 22

**Course Code:** LAW 124

**Course Name:** Labour & Industrial Law II

**Program & Sem:** BBA; BA; B.Com LLB; VIIIth Semester

**Date:** 28<sup>th</sup> June 2022

**Time:** 01.00 PM to 04.00 PM

**Max Marks:** 80

**Weightage:** 40%

**Instructions:**

- (i) *Read the all questions carefully and answer accordingly.*

**Part A [Memory Recall Questions]**

**Answer all the Questions. Each question carries FOUR marks.**

**(5Qx 4M= 20M)**

**Write Short Notes on the following**

- Q.NO 1. Section 6 of The Equal Remuneration Act 1976 (C.O.No.1,3,4) [Knowledge]  
Q.NO 2. Preamble of Payment of Gratuity Act 1972 (C.O.No.1,3,4) [Knowledge]  
Q.NO 3. Union of India v. Kameshwar Dubey & Others (C.O.No.1,3,4) [Knowledge]  
Q.NO 4. Minimum Piece Rate under Minimum Wages Act 1948 (C.O.No.1,3,4) [Knowledge]  
Q.NO 5. Section 9 of Maternity Benefit Act 1961 (C.O.No.1,3,4) [Knowledge]

**Part B [Thought Provoking Questions]**

**Answer all the Questions. Each question carries TEN marks.**

**(3Qx10M=30M)**

- Q.NO 6. What are the norms provided by International Labour Organization for fixation of Minimum Wages? Has the same been incorporated in India? Provide appropriate reasoning for your answers?  
(C.O.No.1, 3) [Comprehension]

- Q.NO 7. We as a nation promote child rights and "Best Interest of Children" and discourage child labour and exploitation of children in any way. On the contrary, under Labour Law, certain aspects talk about the kind of benefits which must be provided to people who are otherwise treated as minors and where it is illegal to hire them to work. So can we conclude that a few Legislations conveniently stay silent on the matter and are in absolute contradiction of Child Rights as well as Indian Constitution? Elucidate by discussing relevant provisions of labour law which are related to the above statement made?  
(C.O.No.1, 3) [Comprehension]

Q.NO 8. Payment of Wages was passed for reduction evils like non-payment of wages and bring a uniformity in the manner in which employers used to pay the monthly wages to the employees, post the passing of the Act too, only a few deductions were permitted to be made under the Act. Discuss in detail with relevant provisions, examples and case laws. (C.O.No.1, 3) [Comprehension]

### **Part C [Problem Solving Questions]**

**Answer both the Questions. Each question carries FIFTEEN marks. (2Qx15M=30M)**

Q.NO 9. Susan, a divorcee is a British Citizen, who comes to India in 2018 on a work visa, along with her two kids Aaron and Ashley. She finds a job in a multi-national organization in Bangalore and starts working. She gets married to an Indian Alok in 2019. After two years of marriage, Susan gets pregnant again, and applies for Maternity Leave, however her application for maternity leave gets cancelled on the basis that the laws of Maternity Benefit Act 1961 shall apply only to Indian citizens and not to any British Citizen. Susan is planning to sue the company. Can Susan Avail the Maternity Benefits? If yes under which Sections? Can Alok apply for paternity leave? Give reasoning for your answers. (C.O.NO 4) [Application]

Q.NO 10. Amrit is 60 years old, working in a Private Company for the last five years that is, since November 2017, Amrit had taken a leave of absence for 6 months in June 2019 to finish an online course which he was pursuing from a top reputed Management University, and an additional 2 months leave when his daughter got married in January 2022. Now Amrit has to retire in November 2022. What Procedure must be followed by Amrit to claim his Gratuity from his employer? Discuss elaborately under the ambit of Payment of Gratuity Act 1972 with applicable and necessary case laws. (C.O.NO 3, 4) [Application]