

**SCHOOL OF LAW****MAKEUP EXAMINATION- JAN 2023****Course Code:** LAW124**Course Name:** Labour and Industrial Law - II**Program:** BALLB(Hons.)/BBALLB(Hons.)/BCOMLLB(Hons.)**Date:** 23.01. 2022**Time:** 01.00 PM – 04.00 PM**Max Marks:** 80**Weightage:** 40%**Instructions:***(i) Read the all questions carefully before answering.***Part A [Memory Recall Questions]****Answer all the Questions. Each question carries TWO marks.****(10Qx 2M= 20M)****(C.O.No.1-5) [Knowledge level]**

1. What is the Doctrine of Notional Extension?
2. Define 'Personal Injury'?
3. What is 'Miscarriage'?
4. Who is 'Commissioning mother'?
5. Define 'Gratuity'?
6. What is meant by 'Continuous Service'?
7. Explain the 'subsistence theory of wage' in brief?
8. Define 'Adolescent'?
9. Explicate the object of the Equal Remuneration Act, 1976?
10. What is the 'same work' or 'work of a similar nature'?

Part B [Thought Provoking Questions]**Answer all the Questions. Each question carries TEN marks.****(4Qx10M=40M)****(C.O.No.1-5) [Comprehension level]**

11. Is an employee who sustained self-inflicted injuries, entitle to get compensation under the Employees' Compensation Act, 1923? Discuss?

12. If a woman works in any other establishment, after she has been permitted by the employer to absent herself under section 6 of the Maternity Benefit Act, 1961, is she entitled to get maternity benefit? Decide?
13. Explain the eligibility of an employee to get gratuity under the Payment of Gratuity Act, 1972? Can we say the applicability of this Act is very limited?
14. Is the Minimum Wages Act, 1948, violating the guarantee of freedom of trade or business etc., under the article 19(1)(g) of our Indian Constitution? What is your opinion?

Part C [Problem Solving Questions]

Answer all the Questions. Each question carries TWENTY marks. (1Qx20M=20M)

(C.O.No. 1-5) [Application level]

15. There are two ways available to go to the industry i.e., one way is by road and another way is via creek. One day, an existing employee opted the way i.e., via creek, that has to be crossed by a boat. On that day due to bad weather and over loading, the boat met with an accident. As a result of that, the employee was died. Can the legal representative of the deceased employee be entitled to get compensation under the Employees' Compensation Act, 1923? Discuss?