|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Roll No |  |  |  |  |  |  |  |  |  |  |  |  |

****

**Presidency University**

**Bengaluru**

**SCHOOL OF LAW**

**Make-Up Examinations, July 2024**

**Semester**: VII & IX

**Course Code**: LAW124

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

**Program** : BALLB/BBALLB/BCOMLLB

**Date**: 01-07-2024

**Time**: 9:30 AM -12:30 PM

**Max Marks**: 100

**Weightage**: 50 %

**Instructions:**

1. *Read the all questions carefully and answer accordingly.*
2. *Do not write any matter on the question paper other than roll number.*

**Part A**

**Answer any 4 Questions. Each question carries 5 marks. (4Qx 5M= 20M)**

1. Define the term "minimum wage" as per the Minimum Wages Act, 1948 (C.O.1) [Remember]

2. Briefly discuss the key provisions of the Maternity Benefit Act, 1961 regarding leave and salary during maternity? (C.O.2) [Understand]

3. Outline the main objectives of the Contract Labour (Regulation and Abolition) Act, 1970.

(C.O.1) [Remember]

4. Discuss a case where an employer violated the Payment of Wages Act, 1936 and the legal consequences they faced. (C.O.3) [Understand]

5. Analyze the impact of timely payment of wages on worker productivity and morale under the Payment of Wages Act, 1936. (C.O.2) [Analyze]

6. Define "contract labour" as per the Contract Labour (Regulation and Abolition) Act, 1970.

(C.O.1) [Remember]

**Part B**

**Answer any 4 Questions. Each question carries 10 marks. (4Qx10M=40M)**

7. Minimum wages must be paid irrespective of the financial condition of the employer or the availability of workers on lower wages.’ In the light of above statement, critically analyze the role played by the Judiciary in India to ensure the execution of the Minimum Wages Act, 1948 (C.O.4) [Analyze]

8. Critically analyze the procedures for fixation and revision of minimum wages under the Minimum Wages Act, 1948. Can an employee waive his right to claim minimum wages? (C.O.4) [Analyze]

9. Critically examine the extent of the employer's liability under the Employees' Compensation Act,1923? Describe the exceptions to the employer's liability in certain situations. (C.O.3) [Application]

10. The Payment of Wages Act, 1936 permits an employer to make deductions from the wages of an employee. Describe the pre-requisite conditions wherein in such deductions can be made with supporting case laws. (C.O.4) [Understand]

11. The Employees’ State Insurance Act, 1948 provides certain benefits in case of sickness, maternity, and employment injury. Explain the legal provisions relating to the said benefits of the Act. (C.O.No.3) [Understand]

12. The Ministry of Labour and Employment has expressed a serious concern about some provisions included in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 through the amendment of 2016. Critically examine the provisions of the Act in light of the above statement. (C.O.2) [Analyze]

**Part C**

**Answer any 2 Questions. Each question carries 20 marks. (2Qx20M=40M)**

13. Mr. XYZ has worked on a tea plantation for 18 years and 8 months. He earns a remuneration of Rs. 30,000/p.m. The basic wage is Rs. 7,000 and the dearness allowance is Rs. 3,000 for every month. Calculate the gratuity payable to him. As an advocate provide him with legal advice about the procedure of accruing the gratuity amount. (C.O.3) [Application]

14. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 mandates the regulation of adolescent laborers in terms of work conditions and health and safety as a duty of the occupier of the work premises. Explain the legal provisions of the statute and critically analyze the hurdles faced in the implementation of the such provisions. (C.O.5) [Application]

15. The Employees’ Provident Funds and Miscellaneous Provisions Act, 1952 sets out an objective of providing provident funds, pensions funds, and deposit-linked insurance funds for employees and certain establishments. Explain the applicability and the extent of the Act in light of relevant case laws. (C.O.5) [Application]