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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**MIDTERM EXAMINATION**

**Even Semester:** 2018-19

**Course Code:** LAW 124

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

**Programme & Sem:** BBA.,LL.B. (Hons.) & VIII Sem

**Date:** 25 March 2019

**Time:** 2 Hours

**Max Marks:** 60

**Weightage:** 30%

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**Instructions:**

- (i) *All questions are compulsory*
  - (ii) *Read the questions carefully and answer accordingly*
  - (iii) *Write legibly*
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**Part A**

Answer **both** the Questions. **Each** question carries **five** marks.

(2Qx5M=10)

1. Match the Following

- |                                   |   |
|-----------------------------------|---|
| a. Calculation of Gratuity        | (i) Employer's premises                     |
| b. Notional Extension             | (ii) Simple/Compound Interest               |
| c. Compensation in case of Death  | (iii) Section 6 Equal Remuneration Act 1976 |
| d. Right of Appeal under Gratuity | (iv) 50% of Monthly Wages/ Rs. 80,000       |
| e. Advisory Committee             | (v) 60 days                                 |

2. Write Short Notes on:

- a. Dependent under Employee's Compensation Act 1923,
- b. Protection of Gratuity

**Part B**

Answer **both** the Questions. **Each** question carries **ten** marks.

(2Qx10M=20)

3. How the exact amount of gratuity is calculated? Elucidate in the light of Section 7 of the Payment of Gratuity Act 1972
4. What is Disablement? What are the different kinds of Disablements under Employee's Compensation Act 1923?

### Part C

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

5. What is the procedure to determine the amount of compensation to be paid to the employee by the employer? Discuss in the light of the case of P.K Parmar Vs Keval Constructions
6. How has Indian Constitution helped in helped in the drafting of the rules and regulations ultimately turning into laws in case of labour laws present in the country?

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**PRESIDENCY UNIVERSITY  
BENGALURU**

**SCHOOL OF LAW**

**END TERM FINAL EXAMINATION**

**Even Semester:** 2018-19

**Course Code:** LAW 124

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

**Program & Sem:** BBA.,LL.B.(Hons.) & VIII Sem

**Date:** 20 May 2019

**Time:** 3 Hours

**Max Marks:** 80

**Weightage:** 40%

**Instructions:**

- (i) All questions are compulsory
- (ii) Read the questions carefully and answer accordingly
- (iii) Write legibly
- (iv) Question 7 has two parts; both parts 7(a) & 7(b) are of 10 marks each, so answer both parts accordingly.

**Part A**

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

(10Qx2M=20M)

**1. Fill in the blanks**

- i. For Permanent/Total Disablement \_\_\_\_\_ of monthly wages of injured workman multiplied by relevant factor or \_\_\_\_\_ whichever is more.
- ii. Equal pay for equal work finds its place in the directive principles and is an accompaniment of equality clauses enriched in \_\_\_\_\_ and \_\_\_\_\_ of the Indian Constitution.
- iii. The advisory committee under section 6 of the Equal Remuneration Act 1976 will have a total of \_\_\_\_\_ members where one half of them will be \_\_\_\_\_.
- iv. Gratuity shall be payable to an employee under section \_\_\_\_\_ of the Payment of Gratuity Act 1972 on the termination of his employment after he has rendered continuous service for not less than \_\_\_\_\_ Years.
- v. The Maternity Benefit (Amendment) Act 2017 has increased the duration of paid maternity leave available for women employees to \_\_\_\_\_ weeks from \_\_\_\_\_ weeks.
- vi. In Union of India v Kameshwar Dubey & Others the point of consideration by the court was the difference between \_\_\_\_\_ and \_\_\_\_\_.
- vii. Apart from revision of Minimum wages every 5 years the Minimum \_\_\_\_\_ rate and minimum \_\_\_\_\_ rate must also be considered as the case may be.

- viii. The Central Advisory Board under Minimum Wages Act 1948 should have equal distribution of people representing \_\_\_\_\_ and \_\_\_\_\_.
- ix. The amount of compensation payable depends in case of death on the average monthly wages of the deceased workman and in the case of an injured workman both on the average monthly \_\_\_\_\_ or the nature of \_\_\_\_\_.
- x. Section 21 of the Maternity benefit Act 1961 says that penalty for contravention of the act by the employer shall be punishable with imprisonment which may extend up to \_\_\_\_\_ or a fine of \_\_\_\_\_ or both.

### Part B

Answer **all** the Questions. **Each** question carries **five** marks. (4Qx5M=20M)

- 2. Certain things must be kept in mind while deciding the minimum wages of the employee. Clearly state these aspects and their importance in deciding the Minimum Wages?
- 3. The provisions of Payment of Wages Act 1936 relate to the deducted or delayed wages only and labour court has not entertained other claims which were not covered under this Act. In the light of the above statement made explain the concept of Delayed and Deducted wages?
- 4. One of the critical aspects of Minimum wages to be paid to the employees arises when it directly attacks the constitutional validity? Write a critical note on the same based on the case laws supporting the same?
- 5. The Maternity Benefit (Amendment) Act 2017 was revised with a lot of points favouring the women and with keeping in mind a humane approach. Discuss the major changes made to the act?

### Part C

Answer **all** the Questions. **Each** question carries **ten** marks. (4Qx10M=40M)

- 6. Sharad is an employee in a F&B Company "WANGY TANGY" making tomato based products which includes ketchup, juice and tomato puree. Sharad gets paid Rs.3000 every month by his employer Mr. Rathod. In January, Sharad is given 300 kg of Tomatoes instead of his wages of Rs.1500. Sharad Protests but no one supports him. If we consider the kind of deductions allowed under the Payment of Wages Act 2017, then is this payment justified by Mr. Rathod? (10 marks)

- 7. Priya is a Hospitality Manager in a 5 star hotel in New Delhi. Priya falls in love with a guest of the hotel who hails from England and has an affair with him. After 3 months Priya finds out that she is pregnant and due to certain medical complications she is unable to go through an abortion. She starts preparing documents to avail the maternity benefit claims. After knowing about Priya's condition and her affair with the guest, her General Manager asks her to quit the job, she refuses so she is fired from her job without any notice in advance. You are her legal advisor

**7(a)** Can Priya avail the Maternity Benefit Claims under the Maternity Benefit Act 2017? (10 marks)

**7(b)** Can she be fired from her job without any notice period? Can any action be taken against the hotel? (10 marks)

- 8. The General Conference of the Labour organization "Considering that minimum wage fixing should in no way operate to the prejudice of the exercise and growth of free collective bargaining as a means of fixing wages higher than the minimum, and Having decided upon the adoption of certain proposals with regard to minimum wage fixing machinery and related problems, with special reference to developing countries" In the light of the above statement throw some light on the norms for fixation of Minimum wages accepted by International Labour Organization? (10 marks)