


<b>Name:</b> <b>Enrolment</b> <b>No:</b>			
<b>UPES</b> <b>End Semester Examination, May 2024</b>			
<b>Course: Labour Law II</b> <b>Program: BALLB/BBALLB/B.COM LLB (all specializations)</b> <b>Course Code: CLCC 3037</b> <b>Instructions:</b> <b>1. All Questions are compulsory.</b> <b>2. Provide your batch and specialization on the answer sheet.</b>		<b>Semester: VI</b> <b>Time : 03 hrs.</b> <b>Max. Marks: 100</b>	
<b>SECTION A</b> <b>(5Qx2M=10Marks)</b>			
S. No.	Write Short notes-	Marks	CO
Q1	<b>Decide true or false:</b> a. Gig workers and platform workers are covered under the SS Code 2020 and can claim all the benefits provided by the Code as an employee. b. Fair wages is a mean between minimum wages and living wages.	2	CO 1
Q2	Which constitutional provision deals with Maternity benefit?	2	CO 1
Q3	<b>Decide True or False:</b> An employee who is covered under the ESI provisions under the Code on Social Security 2020 can claim both sickness benefit and Permanent disablement benefit at the same period.	2	CO 1
Q4	Define temporary disablement with example.	2	CO 1
Q5	The _____ schedule of the Social Security Code lists Occupational Diseases.	2	CO 1
<b>SECTION B</b> <b>(4Qx5M= 20 Marks)</b>			
<b>Briefly Explain</b>			
Q6	How does the Occupational safety Health and working Conditions Code 2020 protect the inter-state migrant workers.	5	CO 2

Q7	Write a note on the protection of unorganized sector by the labour Codes.	5	CO 2
Q8	India has decided to shift its wage policy from minimum wages to living wages and has sought the assistance of ILO. This indicates a progressive step towards ensuring fair remuneration for workers that not only meets basic needs but also enables them to live with dignity. Comment on the above statement and mention whether such a transition is feasible as per the current economic conditions.	5	CO 2
Q9	How does the Code on Wages 2019 protect the employees? Write a few major reforms brought by the Code.	5	CO 2
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
Q 10	Maternity benefit laws in India play a crucial role in promoting gender equality, ensuring the well-being of mothers and children, and fostering a supportive work environment that enables women to balance their professional and family responsibilities. Discuss the maternity benefits provided to a women employee under the Code on Social Security. Can an adopting mother claim such a benefit? If yes, what are the Conditions.	10	CO 3
Q11.	“The purpose of ESI provisions is to provide welfare measure and social security to the workmen”. Comment on the above statement and discuss the benefits available under the provisions of the Code 2020.	10	CO3
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q12	<b>Read the facts mentioned below and then answer accordingly: (ALL THE QUESTIONS ARE COMPULSORY)</b>  <b>Part A</b> Maya works as a pesticide applicator for a farming company named “Rizag and Co. ltd.” in Karnataka. After several months on the job, she develops respiratory issues attributed to prolonged exposure to toxic chemicals.  Maya’s husband named Chandu was employed as a truck driver in the same company. One day, Chandu with the truck loaded with goods parked at a rest stop during a long-haul journey and negligently left the truck unattended and unlocked (It was against the order of the rules provided by employer). Due to this	(8+12+5)	CO4

negligence, it provided assailants with an opportunity to target the cargo and subsequently assaulted Chandu when he intervened to stop them and resulting into permanent total disablement of Chandu.

**Please Note:** Both Maya and Chandu are not insured persons under ESI provisions.

### **Part B**

In another factory owned by Rizag Co. Ltd., an employee named Manish was insured under ESI provisions Chapter IV of the SS Code 2020. One day a fire broke out in the factory and in order to avert the danger and rescue other employees in the factory, Manish tragically lost his life.

Following his demise, the ESI Corporation compensated his widowed wife who was a dependent of Manish. Subsequently, his widowed wife claimed compensation from Manish's employer, asserting that her husband's death occurred as a result of fire which broke out due to non-compliance of safety measures.

**Based on the above situations answer the following:**

- a. Decide whether Maya can seek compensation from her employer? Justify your answer explaining relevant provisions of SS Code 2020.
- b. Decide whether the injuries sustained by Chandu will be considered as injury arising out of and in the course of employment and whether he can claim any compensation. Justify your answer with the help of relevant provisions of Chapter VII of the Code in Social Security 2020.
- c. Evaluate the validity of claim by Manish's wife under the SS Code 2020 give reasons citing relevant provision of the Code and Case law.

<p>Q13</p>	<p><i>“At least 11 people died and 149 were injured in a massive blast followed by a fire in a firecracker factory in Madhya Pradesh’s Harda district on Tuesday. A rescue operation to find and extract workers still trapped in the debris of the collapsed building was interrupted by continuing explosions, and officials were forced to evacuate at least 100 houses in the vicinity.”</i></p> <p>The Hindu reported this on 6<sup>th</sup> February 2024. Assume you are the Inspector-cum-facilitator of the region and have been tasked with creating awareness about workplace safety. Educate about the following:</p> <ol style="list-style-type: none"> <li>a) Protections available in cases of hazardous factories for employees and persons in vicinity.</li> <li>b) Rights and duties of employees in an establishment.</li> <li>c) India faces many fatal industrial disasters every year. Critically analyse the efficacy of the code in protecting the lives of employees.</li> </ol>	<p><b>10+7+8</b></p>	<p><b>CO4</b></p>
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