

B.A., LL.B. (Hons.) DEGREE SIXTH SEMESTER EXAMINATION, MAY 2023

Labour Law II

Time: 3 Hours

Maximum Marks : 50

Answer any FIVE questions. Each question carries TEN marks. (5x10=50)

1. Examine the constitutional foundation of labour rights and labour legislations in India.
2. The concept of social security has been transformed from charity-based to rights-based approach. Comment.
3. Examine the status of unorganized workers and to what extent the labor jurisprudence protects and promotes the welfare of such workers.
4. Equal Remuneration Act does not absolutely prohibit discrimination while recruiting and providing remuneration to men and women workers. Comment and discuss the scope of the Act.
5. Explain Gratuity. Whether is it permissible in law for the employer to withhold the payment of gratuity of the employee, even after his superannuation from service, because of the pendency of the disciplinary proceedings against him? Which are the situations where forfeiture of gratuity is permissible?
6. Services of workers were procured through an outsourcing agency on contractual basis by an employer. The contractor exploited the workers by paying wages less than the fixed rate of minimum wages under the law. It was alleged by the contractor that there is no genuine contract between him and the principal employer and the workers were not directly working under the supervision and control of the contractor. Moreover, he is not a registered contractor. Discuss the liability of contractor and principal employer towards the contract labourers.
7. Mr. F was engaged in the work of cleaning the machinery and factory equipments as well as loading and unloading the packages that arrived at the factory. One day he was asked by his supervisor to collect a package from another warehouse that belonged to the factory. It was raining heavily but since the package was quite important, the supervisor asked Mr. F to bring it urgently. On his way back, he was hit by natural lightning and he died. Decide on the question of entitlement to compensation.
8. Write short notes on any two:
 - a) Fixation of minimum wages
 - b) ESI Court
 - c) Benefits under the Maternity Benefit Act

