

PUNJAB STATE TRANSMISSION CORPORATION LTD.

Departmental Accounts Examination- 2023 (2nd Session)

Category - AE/E&C

Paper- IV

Roll No.....

Acts & Labour Laws

Time allowed: 3 hours

Max. Marks: 100

Note: All questions are compulsory

AE-IV
91

Q. 1

(a) Define the following as per The Factories Act, 1948 :

- (i) adult (ii) adolescent (iii) young person (iv) day (v) week

(Marks: 5*1= 5)

(b) What are the safety measures to be followed relating to fencing of machinery as per Factories Act, 1948?

(Marks: 5)

(c) What are the facilities to be provided in the factory for the welfare of workers as per Factories Act, 1948?

(Marks: 5)

(d) What are the general penalties relating to the contravention of any provisions of Factories Act, 1948?

(Marks: 5)

Q.2

(a) For compliance of MSME Act, what disclosures are required to be made by a business enterprise. Annual accounts are subject to audit under any law of the time?

(Mark)

(b) What are the implications for delayed payments to MSME?

(Mark)

(c) As per the Employees' State Insurance Act, 1948, what are the functions and powers of Inspectors?

(Mark)

(d) What are the benefits of the insured persons under the ESI Act, 1948? ()

Q. 3

(a) Define the following :-

- (i) Accidents ' breach of regulations.
(ii) Determination of disablement.

(Mark)

10)

(b) Define the following as per The Electricity Act, 2003 :-

- (i) Appellate Tribunal
(ii) Appointed date
(iii) Appropriate commission

(iv) Authority

(v) Captive generating plant

(Marks: $5 \times 2 = 10$)

Q. 4

(a) What is the amount of compensation payable to the workmen in the following cases as per the Workmen's Compensation Act, 1923 :-

(i) where death results from the injury.

(ii) where permanent total disablement results from the injury.

(iii) where permanent partial disablement results from the injury.

(iv) where temporary disablement whether total or partial results from the injury.

(Marks: $4 \times 2.5 = 10$)

(b) What are the provisions relating to Settlement as per The Arbitration and Conciliation Act, 1996?

(Marks: 5)

(c) Define Form and Contents of Arbitral Award as per The Arbitration and Conciliation Act, 1996.

(Marks: 5)

Q.5

(a) Explain the procedure of request for obtaining information under Right to Information Act, 2005.

(Marks: 5)

(b) What are the exemptions from disclosure of information under RTI Act, 2005?

(Marks: 10)

(c) Define continuous service as per The Industrial Disputes Act, 1947.

(Marks: 5)

PUNJAB STATE TRANSMISSION CORPORATION LTD.
Departmental Accounts Examination- 2023(2nd session)
Category – AE/E&C **Paper- IV**
Solution of Paper Acts & Labour Laws

Ans. 1(a) As per The Factories Act, 1948 :-

- (i) “adult” means a person who has completed his eighteenth year of age.
- (ii) “adolescent” means a person who has completed his fifteenth year of age but has not completed his eighteenth year.
- (iii) “young person” means a person who is either a child or an adolescent.
- (iv) “day” means a period of twenty-four hours beginning at midnight.
- (v) “week” means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Inspector of Factories.

(Marks: 5*1=5)

Ans. 1(b) Fencing of machinery- In every factory the following, namely:-

- (i) every moving part of a prime mover and every flywheel connected to a prime mover, whether the prime mover or flywheel is in the engine house or not,
- (ii) the headrace and tailrace of every water-wheel and water turbine,
- (iii) any part of a stock-bar which projects beyond the head stock of a lathe; and
- (iv) unless they are in such position or of such construction as to be safe to every person employed in the factory as they would be if they were securely fenced, the following, namely:-
 - (a) every part of an electric generator, a motor or rotary converter;
 - (b) every part of transmission machinery; and
 - (c) every dangerous part of any other machinery,

shall be securely fenced by safeguards of substantial construction which [shall be constantly maintained and kept in position] while the parts of machinery they are fencing are in motion or in use.

(Marks: 5)

Ans. 1(c)

(a) **Washing facilities** :- In every factory-

- adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein;
- separate and adequately screened facilities shall be provided for the use of male and female workers;
- such facilities shall be conveniently accessible and shall be kept clean.

(b) **Facilities for storing and drying clothing** :- The State Government may, in respect of any factory or class or description of factories, make rules requiring the provision therein of suitable places for keeping clothing not worn during working hours and for the drying of wet clothing.

(c) **Facilities for sitting** :-

In every factory suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position, in order that they may take advantage of any opportunities for rest which may occur in the course of their work.

(d) **First-aid appliances :-**

(1) There shall in every factory be provided and maintained so as to be readily accessible during all working hours first-aid boxes or cupboards equipped with the prescribed contents, and the number of such boxes or cupboards to be provided and maintained shall not be less than one for every one hundred and fifty workers ordinarily employed [at any one time] in the factory.

(2) Each first-aid box or cupboard shall be kept in the charge of a separate responsible person (who holds a certificate in first-aid treatment recognised by the State Government) and who shall always be readily available during the working hours of the factory.

(3) In every factory wherein more than five hundred workers are [ordinarily employed] there shall be provided and maintained an ambulance room of the prescribed size, containing the prescribed equipment and in the charge of such medical and nursing staff as may be prescribed [and those facilities shall always be made readily available during the working hours of the factory.

(e) **Canteens:-** (1) The State Government may make rules requiring that in any specified factory wherein more than two hundred and fifty workers are ordinarily employed, a canteen or canteens shall be provided and maintained by the occupier for the use of the workers.

(f) **Shelters, rest rooms and lunch rooms :-** (1) In every factory wherein more than one hundred and fifty workers are ordinarily employed, adequate and suitable shelters or rest rooms and a suitable lunch room, with provision for drinking water, where workers can eat meals brought by them, shall be provided and maintained for the use of the workers:

(g) **Creches :-** (1) In every factory wherein more than (thirty women workers) are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women. (2) Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in a clean and sanitary condition and shall be under the charge of women trained in the care of children and infants.

(h) **Welfare officers :-** (1) In every factory wherein five hundred or more workers are ordinarily employed the occupier shall employ in the factory such number of welfare officers as may be prescribed.

(Marks: 5)

Ans. 1(d) Save as is otherwise expressly provided in this Act and subject to the provisions of section 93, if in, or in respect of, any factory there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any order in writing given thereunder, the occupier and manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to two years] or with fine which may extend to one lakh rupees) or with both, and if the contravention is continued after conviction, with a further fine which may extend to 'lone thousand rupees] for each day on which the contravention is so continued:

Provided that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than twenty-five thousand rupees) in the case of an accident causing death, and [five thousand rupees] in the case of an accident causing serious bodily injury.

(Marks: 5)

(Total 4*5=20)

Ans.2(a) Requirement to specify unpaid amount with interest in the annual statement of accounts :- Where any buyer is required to get his annual accounts audited under any law for the time being in force, such buyer shall furnish the following additional information in his annual statement of accounts, namely:-

- (i) the principal amount and the interest due thereon (to be shown separately) remaining unpaid to any supplier as at the end of each accounting year,
- (ii) the amount of interest paid by the buyer in terms of section 16, along with the amount of the payment made to the supplier beyond the appointed day during each accounting year,
- (iii) the amount of interest due and payable for the period of delay in making payment (which have been paid but beyond the appointed day during the year) but without adding the interest specified under this Act,
- (iv) the amount of interest accrued and remaining unpaid at the end of each accounting year, and
- (v) the amount of further interest remaining due and payable even in the succeeding years, until such date when the interest dues as above are actually paid to the small enterprise, for the purpose of disallowance as a deductible expenditure under section 23.

(Marks 5)

Ans.2(b)

- (i) **Liability of buyer to make payment :-** Where any supplier supplies any goods or renders any services to any buyer, the buyer shall make payment therefore on or before the date agreed upon between him and the supplier in writing or, where there is no agreement in this behalf, before the appointed day.

Provided that in no case the period agreed upon between the supplier and the buyer in writing shall exceed forty-five days from the day of acceptance or the day of deemed acceptance.

- (ii) **Date from which and rate at which interest is payable:-** Where any buyer fails to make payment of the amount to the supplier, as required under section 15, the buyer shall, notwithstanding anything contained in any agreement between the buyer and the supplier or in any law for the time being in force, be liable to pay compound interest with monthly rests to the supplier on that amount from the appointed day or, as the case may be, from the date immediately following the date agreed upon, at three times of the bank rate notified by the Reserve Bank.

- (iii) **Recovery of amount due:-** For any goods supplied or services rendered by the supplier, the buyer shall be liable to pay the amount with interest thereon as provided under section 16.

(Marks 5)

Ans.2(c) Inspectors, their functions and duties :-

(1) The Corporation may appoint such persons as Inspectors, as it thinks fit, for the purposes of this Act, within such local limits as it may assign to them.

(2) Any Inspector appointed by the Corporation under sub-section (1) (hereinafter referred to as Inspector), or other official of the Corporation authorised in this behalf by it, may, for the purposes of enquiring into the correctness of any of the particulars stated in any return referred to in section 44 or for the purpose of ascertaining whether any of the provisions of this Act has been complied with-

(a) require any principal or immediate employer to furnish to him such information as he may consider necessary for the purposes of this Act; or

(b) at any reasonable time enter any office, establishment, factory or other premises occupied by such principal or immediate employer and require any person found in charge thereof to produce to such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

- Ans.3
- (c) examine, with respect to any matter relevant to the purposes aforesaid, the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises, or any person whom the said Inspector or other official has reasonable cause to believe to be or to have been an employee;
 - (d) make copies of, or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises;
 - (e) exercise such other powers as may be prescribed.
- (3) An Inspector shall exercise such functions and perform such duties as may be authorised by the Corporation or as may be specified in the regulations.

(Marks 5)

Ans.2(d) Benefits of the insured persons under the ESI Act, 1948 :-

- (i) Subject to the provisions of this Act, the insured persons [their dependants or the persons hereinafter mentioned, as the case may be,] shall be entitled to the following benefits, namely:
 - (a) periodical payments to any insured person in case of his sickness certified by a duly appointed medical.
 - (b) periodical payments to an insured woman in case of confinement or mis-carriage or sickness arising out of pregnancy, confinement, premature birth of child or miscarriage.
 - (c) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained as an employee under this Act.
 - (d) periodical payments to such dependants of an insured person who dies as a result of an employment injury sustained as an employee under this Act.
 - (e) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit); and
 - (f) payment to the eldest surviving member of the family of an insured person who has died, towards the expenditure on the funeral of the deceased insured person, or, where the insured person did not have a family or was not living with his family at the time of his death, to the person who actually incurs the expenditure on the funeral of the deceased insured person (to be known as [funeral expenses]):
- (ii) person eligible for sickness benefit.
- (iii) person deemed available for employment.
- (iv) Maternity benefit.
- (v) Disablement benefit.

(Marks 5)

(Total 4*5=20)

Ans.3(a) As per The ESI Act, 1948 :-

(i) **Accidents happening while acting in breach of regulations, etc :-** An accident shall be deemed to arise out of and in the course of an insured person's employment notwithstanding that he is at the time of the accident acting in contravention of the provisions of any law applicable to him, or of any orders given by or on behalf of his employer or that he is acting without instructions from his employer, if-

- the accident would have been deemed so to have arisen had the act not been done in contravention as aforesaid on or without instructions from his employer, as the case may be; and
- the act is done for the purpose of and in connection with the employer's trade or business.

(ii) **Determination of question of disablement :-** Any question-

- (a) whether the relevant accident has resulted in permanent disablement; or
- (b) whether the extent of loss of earning capacity can be assessed provisionally or finally; or
- (c) whether the assessment of the proportion of the loss of earning capacity is provisional or final; or
- (d) in the case of provisional assessment, as to the period for which such assessment shall hold good,

shall be determined by a medical board constituted in accordance with the provisions of the regulations and any such question shall hereafter be referred to as the "disablement questions".

(Marks 2*5=10)

Ans.3(b) As per The Electricity Act, 2003 :-

(i) **"Appellate Tribunal"** means the Appellate Tribunal for Electricity established under section 110.

(ii) **"Appointed date"** means such date as the Central Government may, by notification, appoint.

(iii) **"Appropriate commission"** means the Central Regulatory Commission referred to in sub-section (1) of section 76 or the State Regulatory Commission referred to in section 82 or the Joint Commission referred to in section 83, as the case may be.

(iv) **"Authority"** means the Central Electricity Authority referred to in sub-section (1) of section 70.

(v) **"Captive generating plant"** means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association.

(Marks 5*2=10)

(Total 10+10=20)

Ans. 4(a) Subject to the provisions of The Workmen's Compensation Act, the amount of compensation shall be as follows, namely :-

(i) **Where death results from the injury** – an amount equal to fifty per cent of the monthly wages of the deceased workman multiplied by the relevant factor, or an amount of eighty thousand rupees, whichever is more.

(ii) **Where permanent total disablement results from the injury** – an amount equal to sixty per cent of the monthly wages of the injured workman multiplied by the relevant factor, or an amount of ninety thousand rupees, whichever is more.

(iii) **Where permanent partial disablement results from the injury** – in the case of an injury specified in Part II of Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity (as assessed by the qualified medical practitioner) permanently caused by the injury.

(iv) **Where temporary disablement whether total or partial results from the injury** – a half monthly payment of the sum equivalent to twenty-five per cent of monthly wages of the workman, to be paid in accordance with the provisions of sub-section (2).

(Marks 4*2.5=10)

Ans. 4(b) Provisions relating to Settlement as per The Arbitration and Conciliation Act, 1996 :-

(1) It is not incompatible with an arbitration agreement for an arbitral tribunal to encourage settlement of the dispute and, with the agreement of the parties, the arbitral tribunal may use mediation, conciliation or other procedures at any time during the arbitral proceedings to encourage settlement.

(2) If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.

(3) An arbitral award on agreed terms shall be made in accordance with section 31 and shall state that it is an arbitral award.

(4) An arbitral award on agreed terms shall have the same status and effect as any other arbitral award on the substance of the dispute.

(Marks 5)

Ans. 4(c) Form and contents of arbitral award as per The Arbitration and Conciliation Act, 1996:-

(1) An arbitral award shall be made in writing and shall be signed by the members of the arbitral tribunal.

(2) For the purposes of sub-section (1), in arbitral proceedings with more than one arbitrator, the signatures of the majority of all the members of the arbitral tribunal shall be sufficient so long as the reason for any omitted signature is stated.

(3) The arbitral award shall state the reasons upon which it is based, unless-

(a) the parties have agreed that no reasons are to be given, or

(b) the award is an arbitral award on agreed terms under section 30.

(4) The arbitral award shall state its date and the place of arbitration as determined in accordance with Section 20 and the award shall be deemed to have been made at that place.

(5) After the arbitral award is made, a signed copy shall be delivered to each party.

(6) The arbitral tribunal may, at any time during the arbitral proceedings, make an interim arbitral award on any matter with respect to which it may make a final arbitral award.

(7) (a) Unless otherwise agreed by the parties, where and in so far as an arbitral award is for the payment of money, the arbitral tribunal may include in the sum for which the award is made interest, at

such rate as it deems reasonable, on the whole or any part of the money, for the whole or any part of the period between the date on which the cause of action arose and the date on which the award is made.

(b) A sum directed to be paid by an arbitral award shall, unless the award otherwise directs, carry interest at the rate of two per cent. higher than the current rate of interest prevalent on the date of award, from the date of award to the date of payment.

(8) The costs of an arbitration shall be fixed by the arbitral tribunal in accordance with section 31A.

(Marks 5)

(Total 10+5+5=20)

Ans. 5(a) Procedure of request for obtaining information under The Right to Information Act, 2005 :-

(1) A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made, accompanying such fee as may be prescribed, to -

- (a) the Central Public Information Officer or State Public Information Officer, as the case may be, of the concerned public authority;
- (b) the Central Assistant Public Information Officer or State Assistant Public Information Officer, as the case may be,

specifying the particulars of the information sought by him or her:

Provided that where such request cannot be made in writing, the Central Public Information Officer or State Public Information Officer, as the case may be, shall render all reasonable assistance to the person making the request orally to reduce the same in writing.

(2) An applicant making request for information shall not be required to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him.

(3) Where an application is made to a public authority requesting for an information,-

- (i) which is held by another public authority, or
- (ii) the subject matter of which is more closely connected with the functions of another public authority,

the public authority, to which such application is made, shall transfer the application or such part of it as may be appropriate to that other public authority and inform the applicant immediately about such transfer:

Provided that the transfer of an application pursuant to this sub-section shall be made as soon as practicable but in no case later than five days from the date of receipt of the application.

(Marks 5)

Ans. 5(b) Exemption from disclosure of information :-

(1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,-

- (a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;
- (b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court,
- (c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;
- (d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;
- (e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;
- (f) information received in confidence from foreign Government;
- (g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;
- (h) information which would impede the process of investigation or apprehension or prosecution of offenders,
- (i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers;

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed:

- (j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 (19 of 1923) nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section.

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

(Marks 10)

Ans. 5(c) Continuous service as per The Industrial Disputes Act, 1947 :-

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer-

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than-

(i) ninety-five days, in the case of a workman employed below ground in a mine, and

(ii) one hundred and twenty days, in any other case.

(Marks 5)

(Total 5+10+5=20)