

PUNJAB STATE TRANSMISSION CORPORATION LTD.

Departmental Accounts Examination- 2023

Category- UDC (G), LDC

Paper- Act & Labour Laws

Roll No. _____

Time Allowed: 3 hours

Max. Marks: 100

Note: All questions are compulsory

- Q1.** (a) Explain the appeals provisions under RTI Act, 2005. **(10 marks)**
- (b) Write short notes as per under RTI Act, 2005.
- (i) Time limit to provide information
- ii) "Public authority" **(5*2=10 marks)**
- Q2.** (a) Explain the threshold limit of investment in Plant & Machinery & Annual Turnover of Micro, Small & Medium Enterprises under MSMED Act, 2006. **(6 marks)**
- (b) What is UAN number under Employee Provident Fund Act? Differentiate between UAN and PF Number. **(6 marks)**
- (c) List the establishments in which Employee Provident Act is not applicable. **(8 marks)**
- Q3.** (a) What are the general duties of occupier as per Factories Act, 1948? **(10 marks)**
- (b) State the restrictions imposed by the Factories Act, 1948 on the employment and work of women in the Factory. **(10 marks)**
- Q4.** Define the following:-
- (a) "Hazardous process" under Factories Act, 1948
- (b) "Dependant" under Workmen Compensation Act, 1923
- (c) "Competent authority" under RTI Act, 2005 **(4*3 = 12 marks)**
- (d) Explain the method of calculation of wages under Workmen Compensation Act, 1923 **(8 marks)**
- Q5.** (a) In what circumstances employer is not liable to pay compensation under Workmen Compensation Act, 1923. **(5 marks)**
- (b) State the circumstances when an employee can request for pension under Employer Provident Fund Act. **(5 marks)**
- (c) What is the liability of buyer to make payment under MSMED Act, 2006? **(5 marks)**
- (d) If the buyer fails to make payment as required under MSMED Act, 2006, what will be the rate and date from which interest is payable? **(5 marks)**

Solution Paper-3, Act and Labour Law (UDC)

Q1. (a) Explain the appeals provisions under RTI Act, 2005.

Sol:- As per Section 19 of RTI Act, 2005:-

- (i) Any person who, does not receive a decision within the time specified in sub-section (1) or clause (a) of sub-section (3) of section 7, or is aggrieved by a decision of the Central Public Information Officer or State Public Information Officer, as the case may be, may within thirty days from the expiry of such period or from the receipt of such a decision prefer an appeal to such officer who is senior in rank to the Central Public Information Officer or State Public Information Officer as the case may be, in each public authority. Provided that such officer may admit the appeal after the expiry of the period of thirty days if he or she is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (ii) Where an appeal is preferred against an order made by a Central Public Information Officer or a State Public Information Officer, as the case may be, under section 11 to disclose third party information, the appeal by the concerned third party shall be made within thirty days from the date of the order.
- (iii) A second appeal against the decision under sub-section (1) shall lie within ninety days from the date on which the decision should have been made or was actually received, with the Central Information Commission or the State Information Commission: Provided that the Central Information Commission or the State Information Commission, as the case may be, may admit the appeal after the expiry of the period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.
- (iv) If the decision of the Central Public Information Officer or State Public Information Officer, as the case may be, against which an appeal is preferred relates to information of a third party, the Central Information Commission or State Information Commission, as the case may be, shall give a reasonable opportunity of being heard to that third party.
- (v) In any appeal proceedings, the onus to prove that a denial of a request was justified shall be on the Central Public Information Officer or State Public Information Officer, as the case may be, who denied the request.
- (vi) An appeal under sub-section (1) or sub-section (2) shall be disposed of within thirty days of the receipt of the appeal or within such extended period not exceeding a total of forty-five days from the date of filing thereof, as the case may be, for reasons to be recorded in writing.
- (vii) The decision of the Central Information Commission or State Information Commission, as the case may be, shall be binding.
- (viii) In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to,
 - (a) Require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including
 - (i) by providing access to information, if so requested, in a particular form;
 - (ii) by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
 - (iii) by publishing certain information or categories of information;
 - (iv) by making necessary changes to its practices in relation to the maintenance, management and destruction of records;

- (v) by enhancing the provision of training on the right to information for its officials;(vi)by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4;
- (b) Require the public authority to compensate the complainant for any loss or other detriment suffered;
- (c) Impose any of the penalties provided under this Act;
- (d) _Reject the application.
- (ix) The Central Information Commission or State Information Commission, as the case may be, shall give notice of its decision, including any right of appeal, to the complainant and the public authority.
- (x) The Central Information Commission or State Information Commission, as the case may be, shall decide the appeal in accordance with such procedure as may be prescribed.

(10 marks)

(b) Write short notes as per under RTI Act, 2005.

(i) Time limit to provide information

Sol:- RTI Act stipulates a rigid time frame for providing information as under:-

- (i) 30 days from the date of receipt of application
- (ii) 48 hours for information concerning the life and liberty of a person.
- (iii) 5 days shall be added to the above response time in case of the application for information is given through APIO.
- (iv) If the interest of 3rd party is involved then time limit will be 40 days (maximum period + time given to the third party to make representation)
- (v) Failure to provide information within the specified period is a deemed refusal and the applicant can file appeal with the appellate authority.
- (vi) If the information not provide within specified time limit, it shall be provided free of cost.

ii) "Public authority"

Sol:- "Public Authority" means any authority or body or institution of self-government established or constituted-

- (a) bY on under the Constitution.
- (b) bV any other law made by Parliament'
- (c) by any other law made by State Legislature'
- (d) bv notification issued or order made by the appropriate Government, and includes any-
 - (i) Body owned, controlled or substantially financed.
 - (ii) Non-Government organisation substantially financed, directly or indirectly by funds provided by the appropriate Government.

(5*2=10 marks)

Q2. (a) Explain the threshold limit of investment in Plant & Machinery & Annual Turnover of Micro, Small & Medium Enterprises under MSMED Act, 2006.

Sol:-

CLASSIFICATION	MICRO	SMALL	MEDIUM
Manufacturing Enterprises and Enterprises rendering Services	Investment in Plant and Machinery or Equipment: Not more than Rs.1 crore and Annual Turnover ; not more than Rs. 5 crore	Investment in Plant and Machinery or Equipment: Not more than Rs.10 crore and Annual Turnover ; not more than Rs. 50 crore	Investment in Plant and Machinery or Equipment: Not more than Rs.50 crore and Annual Turnover ; not more than Rs. 250 crore

(6 marks)

(b) What is UAN number under Employee Provident Fund Act? Differentiate between UAN and PF Number.

Sol:- UAN stands for Universal Account Number and it is allotted to all eligible employees by Official EPFO Website. It is a common number that contains details of the multiple Member Ids different organisations allot you. It is a 12-digit number that remains the same throughout your employment. So the concept is to link all Member Identification Numbers of an individual under a single Universal Account Number. It offers convenience by enabling you to track details of all your EPF Member IDs through a unique number.

UAN Number	PF Number
The acronym UAN stands for Universal Account Number that comprises information of all Member Ids of an employee.	PF Number comprises all Provident Fund information and details of related transaction of an employee with the issuing organization.
UAN is a permanent number, eligible throughout an individual's lifetime.	Your PF number changes when you switch jobs.
It is a 12-digit number.	This is an alpha-numeric and specifies the region code, office code of your EPFO. It also states the Establishment ID, Establishment Extension, Employee Member ID, and PF number.
An individual has only one UAN number.	An individual may have multiple Provident Fund numbers
You can track the details of all your PF transactions through UAN.	You can track details of only the PF transactions of the linked account through the PF number.
UAN is a standalone number and cannot be mapped to any other member identification number.	Multiple PF numbers can be mapped to a single UAN number.

Your UAN allows you to withdraw the entire amount in your Provident Fund account.	The Provident Fund Number allows you to withdraw funds from the corresponding PF account only.
Withdrawal and transfer of funds is easier through UAN.	Withdrawal and transfer of funds becomes complex when using PF number

(6 marks)

(c) List the establishments in which Employee Provident Act is not applicable.

Sol:- The Employees Provident Fund and Misc Provisions Act, 1952 does not apply to certain establishments as specified under Section 16 of the said Act. They are as follows:-

- (a). Any establishment required under the Co-operative Societies Act 1912 or under any other law for the time being in force in any state relating to co-operative societies employing less than 50 persons and working without the aid of power or
- (b). To any establishment belonging to or under the control of the Central Govt or a State Govt and whose employees are entitled to the benefit of CPF or old age pension
- (c). Any other establishment set up under any Central Provincial or State Act and whose employees are entitled to any CPF or old age pension.
- (d). Any newly set up establishment (less than 3 years)

Central Govt having regard to the financial position of any class of establishment or other circumstances of the case may exempt that class of establishment from the operation of this Act for such period as specified in the notification issued for this purpose.

(8 marks)

Q3. (a) What are the general duties of occupier as per Factories Act, 1948 ?

Sol:-7A. General duties of the occupier.--(1) Every occupier shall ensure, so far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory.

(2) Without prejudice to the generality of the provisions of sub-section (1), the matters to which such duty extends, shall include—

- a) the provision and maintenance of plant and systems of work in the factory that are safe and without risks to health;
- b) the arrangements in the factory for ensuring safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;
- c) the provisions of such information, instruction, training and supervision as are necessary to ensure the health and safety of all workers at work;
- d) the maintenance of all places of work in the factory in a condition that is safe and without risks to health and the provision and maintenance of such means of access to, and egress from, such places as are safe and without such risks;
- e) the provision, maintenance or monitoring of such working environment in the factory for the workers that is safe, without risks to health and adequate as regards facilities and arrangements for their welfare at work.

(3) Except in such cases as may be prescribed, every occupier shall prepare, and, as often as may be appropriate, revise, a written statement of his general policy with respect to the health and safety of the workers at work and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision thereof to the notice of all the workers in such manner as may be prescribed.

(10 marks)

(b) State the restrictions imposed by the Factories Act, 1948 on the employment and work of women in the Factory.

Sol:-A women worker has all the provisions of the Factories Act regarding employment and work of adult male workers apply to adult female workers except the following provisions which apply to adult female workers:-

1. Section 66 of the Factories Act, 1948 states that no woman shall be required or allowed to work in any factory except between the hours of 6 a.m. and 7 p.m. Provided that the State Government may, by notification in the Official Gazette, in respect of factory or group or class or description of factories, vary the limits laid down in clause (b), but so that no such variation shall authorise the employment of any woman between the hours of 10 P.M. and 5 A.M.
2. A women worker shall not be allowed to work on or near machinery in motion.
3. A women worker shall be prohibited of employment near cotton- openers.
4. A company who has more than 30 women workers need to facilitate Creches .
5. A woman shall not be allowed to work in a factory for more than 48 hours in any week or 9 hours in a day.

6. Dangerous Operations: where the state govt. is of the opinion that any operation carried on in a factory exposes any person employed in it to a serious risk of bodily injury, poisoning or disease, it may make rules prohibiting or restricting the employment of women in that operation.
7. The State Government may make rules providing for the exemption from the restrictions set out in sub-section (1), to such extent and subject to such conditions as it may prescribe, of women working in fish-curing or fish-canning factories, where the employment of women beyond the hours specified in the said restrictions is necessary to prevent damage to, or deterioration in, any raw material. The rules made under this sub-section shall remain in force for not more than three years at a time.

(10 marks)

Q4. Define the following:-

a) "Hazardous process" under Factories Act, 1948

"hazardous process" means any process or activity in relation to an industry specified in the First Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, wastes or effluents thereof would—

- (i) cause material impairment to the health of the persons engaged in or connected therewith, or
- (ii) result in the pollution or the general environment:

Provided that the State Government may, by notification in the Official Gazette, amend the First Schedule by way of addition, omission or variation of any industry specified in the said Schedule.

b) "Dependant" under Workmen Compensation Act, 1923

Section 2(d)- "dependant" means any of the following relatives of a deceased [employee], namely:—

- (i) a widow, a minor 10[legitimate or adopted] son, and unmarried 10[legitimate or adopted] daughter, or a widowed mother; and
- (ii) if wholly dependent on the earnings of the [employee] at the time of his death, a son or a daughter who has attained the age of 18 years and who is infirm;
- (iii) if wholly or in part dependent on the earnings of the [employee] at the time of his death,
 - (a) a widower,
 - (b) a parent other than a widowed mother,
 - (c) a minor illegitimate son, an unmarried illegitimate daughter or a daughter [legitimate or illegitimate or adopted] if married and a minor or if widowed and a minor,
 - (d) a minor brother or a unmarried sister or a widowed sister if a minor,
 - (e) a widowed daughter-in-law,
 - (f) a minor child of a pre-deceased son,
 - (g) a minor child of a pre-deceased daughter where no parent of the child is alive, or
 - (h) a paternal grandparent if no parent of the [employee] is alive.]

c) "Competent authority" under RTI Act, 2005

"competent authority" means-

- (i) the Speaker in the case of the House of the People or the Legislative Assembly of a State or a Union territory having such Assembly and the Chairman in the case of the Council of States or Legislative Council of a State;
- (ii) the Chief Justice of India in the case of the Supreme Court;
- (iii) the Chief Justice of the High Court in the case of a High Court;
- (iv) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
- (v) the administrator appointed under article 239 of the Constitution;

(4*3 = 12 marks)

d) Explain the method of calculation of wages under Workmen Compensation Act, 1923

Sol:-In this Act and for the purposes thereof the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated] as follows, namely:—

- a. where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;
- b. where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the workman shall be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman employed on the same work by the same employer, or, if there was no workman so employed, by a workman employed on similar work in the same locality;]
- c. in other cases [including cases in which it is not possible for want of necessary information to calculate the monthly wages under clause (b)], the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

Explanation.— A period of service shall, for the purposes of 8 [this section] be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen day

(8marks)

Q.2 (a) **In what circumstances employer is not liable to pay compensation under Workmen Compensation Act, 1923.**

Sol:- The employer shall not be liable to pay such compensation under Employees Compensation Act, 1923 in the following cases:

- i) Any injury which does not result in the total or partial disablement of the workman for a period exceeding 3 days.
- ii) The employee was under the influence of drugs/alcohol at the time of accident.
- iii) Employee wilfully disobeys any safety rule.
- iv) Employee wilfully removes/disregards any safety guards/equipment.
- v) Employee has refused to get himself medically examined cost of which is borne by the employer.

(5 marks)

(b) State the circumstances when an employee can request for pension under Employer Provident Fund Act.

Sol:- The circumstances are as follows:-

1. On Superannuation: Superannuation means reaching the retirement age with atleast 10 years of service.
2. Before Superannuation: On attaining the age between 50 and retirement age and at least 10 years of service.
3. Death: Death While in service or while not in service
4. Permanent disablement: On becoming permanently unfit.

(5 marks)

(c) What is the liability of buyer to make payment under MSMED Act, 2006?

Sol:- As per Sec 15 of MSMED Act, 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 45 days from the day of acceptance or the day of deemed acceptance.

(5 marks)

(d) If the buyer fails to make payment as required under MSMED Act, 2006, what will be the rate and date from which interest is payable?

Sol:- As per Sec 16 of MSMED Act, 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.

(5 marks)