

PUNJAB STATE TRANSMISSION CORPORATION LIMITED

Departmental Accounts Examination - 2024 (2nd session)

Category-AE/E Paper-IV Roll No-

Name of the Paper: Acts & Labour Laws

Time allowed: 3 hours

Max marks: 100

Note: All questions are compulsory

1. Discuss the following with respect to Arbitration & Conciliation Act 1996.
ਆਰਬਿਟਰੇਸ਼ਨ ਐਂਡ ਕੰਸੀਲੀਏਸ਼ਨ ਐਕਟ 1996 ਦੇ ਸੰਬੰਧ ਵਿੱਚ ਹੇਠਾਂ ਦਿੱਤੀ ਚਰਚਾ ਕਰੋ

- a) When a written communication is considered as received?
ਕਦੋਂ ਲਿਖਤੀ ਸੰਚਾਰ ਨੂੰ ਪ੍ਰਾਪਤ ਮੰਨਿਆ ਜਾਂਦਾ ਹੈ ?
- b) Arbitration agreement.
ਆਰਬਿਟਰੇਸ਼ਨ ਸਮਝੌਤਾ.

(Marks 2x10=20)

2. a) In what circumstances employer is not liable to pay compensation under Workmen Compensation Act 1923?

ਕਿਨ੍ਹਾਂ ਹਾਲਾਤਾਂ ਵਿੱਚ ਰੁਜ਼ਗਾਰਦਾਤਾ ਵਰਕਮੈਨ ਕੰਪਨਸੇਸ਼ਨ ਐਕਟ 1923 ਦੇ ਤਹਿਤ ਮੁਆਵਜ਼ਾ ਦੇਣ ਲਈ ਜਵਾਬਦੇਹ ਨਹੀਂ ਹੈ

b) Explain the method of calculation of wages under Workmen Compensation Act 1923.

ਵਰਕਮੈਨ ਕੰਪਨਸੇਸ਼ਨ ਐਕਟ 1923 ਦੇ ਤਹਿਤ ਉਜਰਤਾਂ ਦੀ ਗਣਨਾ ਦੀ ਵਿਧੀ ਦੀ ਵਿਆਖਿਆ ਕਰੋ

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

MSMED ਐਕਟ 2006 ਦੇ ਤਹਿਤ ਭੁਗਤਾਨ ਕਰਨ ਲਈ ਖਰੀਦਦਾਰ ਦੀ ਕੀ ਦੇਣਦਾਰੀ ਹੈ?

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

ਜੇਕਰ ਖਰੀਦਦਾਰ MSMED ਐਕਟ 2006 ਦੇ ਤਹਿਤ ਲੋੜ ਅਨੁਸਾਰ ਭੁਗਤਾਨ ਕਰਨ ਵਿੱਚ ਅਸਫਲ ਰਹਿੰਦਾ ਹੈ, ਤਾਂ ਦਰ ਅਤੇ ਮਿਤੀ ਕੀ ਹੋਵੇਗੀ ਜਿਸ ਤੋਂ ਵਿਆਜ ਦਾ ਭੁਗਤਾਨ ਕੀਤਾ ਜਾਵੇਗਾ

(Marks 4x5=20)

3. a) What are the general duties of occupier as per Factories Act 1948?
ਫੈਕਟਰੀ ਐਕਟ 1948 ਦੇ ਅਨੁਸਾਰ ਕਬਜ਼ਾਧਾਰਕ ਦੇ ਆਮ ਕਰਤੱਵ ਕੀ ਹਨ?

b) State the restrictions imposed by the Factories Act 1948 on the employment and work of women in factory?

ਫੈਕਟਰੀਜ਼ ਐਕਟ 1948 ਦੁਆਰਾ ਫੈਕਟਰੀ ਵਿੱਚ ਔਰਤਾਂ ਦੇ ਰੁਜ਼ਗਾਰ ਅਤੇ ਕੰਮ 'ਤੇ ਲਗਾਈਆਂ ਗਈਆਂ ਪਾਬੰਦੀਆਂ ਦਾ ਵਰਣਨ ਕਰੋ

(Marks 2x10=20)

4. Discuss the following with respect to Right to Information Act 2005.

ਸੂਚਨਾ ਦਾ ਅਧਿਕਾਰ ਐਕਟ 2005 ਦੇ ਸਬੰਧ ਵਿੱਚ ਹੇਠਾਂ ਦਿੱਤੀ ਚਰਚਾ ਕਰੋ

a) Competent Authority ਸਮਰੱਥ ਅਧਿਕਾਰੀ

b) Record. ਰਿਕਾਰਡ

c) Right to Information. ਸੂਚਨਾ ਦਾ ਅਧਿਕਾਰ

d) Public Authority. ਪਬਲਿਕ ਅਥਾਰਟੀ

(Marks 4x5=20)

5. a) Mention the functions of State Load Dispatch Centre as per The Electricity Act 2003.

ਬਿਜਲੀ ਐਕਟ 2003 ਦੇ ਅਨੁਸਾਰ ਸਟੇਟ ਲੋਡ ਡਿਸਪੈਚ ਸੈਂਟਰ ਦੇ ਕਾਰਜਾਂ ਦਾ ਜ਼ਿਕਰ ਕਰੋ

b) Duties of state transmission utility as per The Electricity Act 2003.

ਬਿਜਲੀ ਐਕਟ 2003 ਦੇ ਅਨੁਸਾਰ ਰਾਜ ਬਿਜਲੀ ਸੰਚਾਰ ਅਦਾਰਾ ਦੇ ਕਰਤੱਵ

(Marks 2x10=20)

Solution 1 a)

Receipt of written communications—

(1) Unless otherwise agreed by the parties—

(a) any written communication is deemed to have been received if it is delivered to the addressee personally or at his place of business, habitual residence or mailing address, and

(b) if none of the places referred to in clause (a) can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee's last known place of business, habitual residence or mailing address by registered letter or by any other means which provides a record of the attempt to deliver it.

(2) The communication is deemed to have been received on the day it is so delivered.

(3) This section does not apply to written communications in respect of proceedings of any judicial authority.

Solution 1 b)

(1) Arbitration agreement means an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not.

(2) An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(3) An arbitration agreement shall be in writing.

(4) An arbitration agreement is in writing if it is contained in—

(a) a document signed by the parties;

(b) an exchange of letters, telex, telegrams or other means of telecommunication [including communication through electronic means] which provide a record of the agreement; or

(c) an exchange of statements of claim and defence in which the existence of the agreement is alleged by one party and not denied by the other.

(5) The reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement if the contract is in writing and the reference is such as to make that arbitration clause part of the contract.

Solution 2 a)

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 had refused to get himself medically examined, cost of which is borne by the employer.

Solution 2 b)

As per the Act, "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.

Solution 2 c)

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.

Solution 2 d)

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.

Solution 3 a)

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.

Solution 3 b)

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 decrease, 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.

Solution 4 a)

"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;

Solution 4 b)

"Record" includes—

- (a) any document, manuscript and file;
- (b) any microfilm, microfiche and facsimile copy of a document;
- (c) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and
- (d) any other material produced by a computer or any other device;

Solution 4 c)

"Right to Information" means the right to information accessible under this Act which is held by or under the control of any public authority and includes the right to—

- (i) inspection of work, documents, records;
- (ii) taking notes, extracts or certified copies of documents or records;
- (iii) taking certified samples of material;
- (iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device;

Solution 4 d)

"Public Authority" means any authority or body or institution of self government established or constituted—

- (a) by or under the Constitution;
- (b) by any other law made by Parliament;
- (c) by any other law made by State Legislature;
- (d) by 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.

Solution 5 a)

Functions of State Load Despatch Centres—

(1) The State Load Despatch Centre shall be the apex body to ensure integrated operation of the power system in a State.

(2) The State Load Despatch Centre shall—

(a) be responsible for optimum scheduling and despatch of electricity within a State, in accordance with the contracts entered into with the licensees or the generating companies operating in that State;

(b) monitor grid operations;

(c) keep accounts of the quantity of electricity transmitted through the State grid;

(d) exercise supervision and control over the intra-State transmission system; and

(e) be responsible for carrying out real time operations for grid control and despatch of electricity within the State through secure and economic operation of the State grid in accordance with the Grid Standards and the State Grid Code.

(3) The State Load Despatch Centre may levy and collect such fee and charges from the generating companies and licensees engaged in intra-State transmission of electricity as may be specified by the State Commission.

Solution 5 b)

Duties of transmission licensees—

It shall be the duty of a transmission licensee—

(a) to build, maintain and operate an efficient, co-ordinated and economical inter-State transmission system or intra-State transmission system, as the case may be;

(b) to comply with the directions of the Regional Load Despatch Centre and the State Load Despatch Centre as the case may be;

(c) to provide non-discriminatory open access to its transmission system for use by—

(i) any licensee or generating company on payment of the transmission charges; or

(ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission.