

PUNJAB STATE TRANSMISSION CORPORATION LIMITED

Departmental Accounts Examination - 2024 (1st session)

Category-UDC/GEN

Paper-III

Roll No-

Name of the Paper: Acts & Labour Laws

Time allowed: 3 hours

Max marks: 100

Note: All questions are compulsory

1. A) Discuss Employer's liability for compensation under Workmen's Compensation Act, 1923.
B) Explain the method of calculation of wages under Workmen's Compensation Act, 1923.

(Marks 2x10=20)

2. A) Explain the Safety & Welfare Provisions for worker under The Factories Act, 1948.
B) What are the powers of Inspectors under The Factories Act, 1948.

(Marks 2x10=20)

3. Define the following as per The Employee Provident Fund Act:
A) Once the Act applies it continues to be applicable.
B) Excluded employee.
C) Superannuation.
D) Contributions.

(Marks 4x5=20)

4. A) What are the functions of Board set up under Micro Small & Medium Enterprises Act.
B) Describe the composition of Micro & Small Facilitation Council.

(Marks 2x10=20)

5. A) Describe Competent Authority under RTI Act 2005.
B) Describe the provisions related to third party information as contained in RTI Act 2005.

(Marks 2x10=20)

2024 1st Session UDC/GEN Paper III Acts & Labour Laws

1 A)

If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of the Act.

Provided that the employer shall not be so liable

- (a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days;
- (b) in respect of any injury, not resulting in death or permanent total disablement caused by an accident which is directly attributable to- (i) the workman having been at the time thereof under the influence of drink or drugs, or (ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or (iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman.

1 B)

In this Act the expression "monthly wages" means the amount of wages deemed to be payable for a month's service and calculated as follows-

- (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 decided by the number of days comprising such period.

Safety Provisions (Under the Factorles Act, 1948)

(i) Fencing the Machinery

The factory should fence the following machinery or substantial construction and maintain them in the right position:

- (a) every moving part of a prime-mover and every flywheel, whether the prime-mover or fywheel is in the engine-house or not.
- (b) the headrace and tailrace of every water-wheel and water-turbine.
- (c) any part of a stock bar which projects beyond the headstock of a lathe (d) every part of an electric generator, a motor or rotary converter.
- (e) every part of transmission machinery.
- (f) every dangerous part of any other machinery.

(ii) Work on or Near Machinery in Motion

Whenever machinery is in motion and it becomes necessary to do the inspection, lubrication, repairs, etc., the factory should appoint a specially trained expert man, wearing tight-fitting clothes to do the job.

The factory owners should not allow any woman or young person to clean, lubricate or adjust any part of a prime-mover or of any transmission machinery while prime-mover or transmission machinery is in motion.

(iii) Employment on Dangerous Machines

The factory owners or managers cannot allow any worker to work any machine without instructing him/her about the dangerous outcomes and the relevant precautions.

Moreover, before the appointment, the manager has to see that the worker has relevant skills and knowledge to work on the machinery.

(iv) Devices for Cutting off Power

(a) In every factory, there should be suitable devices for cutting ofl power in emergencies from running machinery in all the workrooms. In the case of factories which do not belong to this Act have to just do the arrangements in the workroom in which electricity is used to generate power.

(b) The factory should provide and maintain suitable striking gear or other efficient mechanical appliance to move driving belts. (c) Driving belts when not in use shall not be allowed to rest.

(v) Self-Acting Machinery

No factory should allow any traversing part of a self-acting machine in any factory to rum within a distance of forty-five centimeters from any fixed structure which is not part of the machine.

(vi) Casing of New Machinery

In all machinery driven by power and installed in any factory after the commencement of this Act.

(a) every set screw, bolt or key on any revolving shaft, spindle, wheel shall be so sunk,

encased or otherwise effectively guarded as to prevent danger;
(b) all spur, worm and other toothed or friction gearing which does not require frequent adjustment while in motion shall be completely encased, unless it is so situated as to be as safe as it would be if it were completely encased.

(vii) Prohibition of Employment of Women and Children Near Cotton Openers

The factory should not employ any woman or child in any part of a factory for pressing cotton in which a cotton-opener is at work.

Welfare Provisions (Under the Factories Act, 1948)

(i) Washing facilities -

The Factories Act provides for -

a) adequate and suitable facilities for washing for the use of workers in the factories. The workers who live in crowded areas have inadequate facilities for washing at their homes, and bathing facilities add to their comfort, health and efficiency

b) Separate and adequately screened washing facilities for the use of male and female workers.

c) Such facilities being conveniently accessible, and being kept clean.

(ii) Facilities for storing and drying clothes

A suitable place for keeping clothes not worn during working hours shall be provided in every factory. Facilities shall also be provided for the drying of wet clothes.

(iii) Facilities for sitting

For workers who are to work in a standing position, suitable arrangement for sitting shall be provided in the factories. This is to enable workers to take advantage of any opportunity for rest which may occur in the course of their work.

(iv) First-aid appliances

First-aid boxes or cupboards equipped with the required contents should be provided for workers in every factory. This should be readily accessible to them during all working hours. The number of such first aid boxes shall not be less than one for every 150 workers employed in the factory.

(v) Canteens

In factories employing more than 250 workers, there shall be a canteen for the use of workers. The government may prescribe the rules in respect of the

-Food stuff to be served in the canteen;

-Charges to be made;

-Constitution of a managing committee for the canteen; and

-Representation of the workers in the management of the canteen.

(vi) Shelters, restrooms and lunch rooms

Adequate and suitable shelters, rest rooms, and lunch rooms with drinking water facility

shall be made in factories employing 150 workers or more. Workers can eat meals brought by them in such rooms. Rest and lunch rooms shall be sufficiently lighted and ventilated. It shall be maintained in cool and clean conditions.

(vii) Creches-

In every factory, where more than 50 women workers are employed, provision shall be made for suitable and adequate room for the use of children under the age of six years of such women. Such a room shall be adequately lighted and ventilated

(viii) Welfare Officer

The factories Act also provides for employment of welfare officers with prescribed qualification to look into the implementation of various facilities provided for. Such a provision exists in every factory employing more than 500 workers.

2 B

Powers of Inspectors

Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed,-

- (a) enter, with such assistants, being persons in the service of the government, or any local or other public authority, ⁴[or with an expert] as he thinks fit, any place which is used, or which he has reason to believe is used, as a factory;
- ²⁸ [(b) make examination of the premises, plant, machinery, article or substance;
- (c) inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry;
- (d) require the production of any prescribed register or any other document relating to the factory;
- (e) seize, or take copies of, any register, record or other document or any portion thereof as he may consider necessary in respect of any offence under this Act, which he has reason to believe, has been committed;
- (f) direct the occupier that any premises or any part thereof, or anything lying therein, shall be left undisturbed (whether generally or in particular respects) for so long as is necessary for the purpose of any examination under clause (b);
- (g) take measurements and photographs and make such recordings as he considers necessary for the purpose of any examination under clause (b), taking with him any necessary instrument or equipment;

(h) in case of any article or substance found in any premises, being an article or substance which appears to him as having caused or is likely to cause danger to the health or safety of the workers, direct it to be dismantled or subject it to any process or test (but not so as to damage or destroy it unless the same is, in the circumstances necessary, for carrying out the purposes of this Act), and take possession of any such article or substance or a part thereof, and detain it for so long as is necessary for such examination

3

(A) Once the Act applies it continues to be applicable:- Sec 1 (5) provides that an establishment to which 'The Employees Provident Funds Act 1952' applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below 20.

(B) Excluded Employee means

(1) An employee who, having been a member of the Fund, withdraw the full amount of his accumulations in the Fund after retirement.

(2) An employee whose pay at the time he is otherwise entitled to become a member of the Fund, exceeds Rs.15,000 per month.

(C) Superannuation in relation to an employee, who is the member of the Pension Scheme, means the attainment by the said employee, of the age of 58 years.

(D) Contributions (Sec 6) The Object of the Act is to provide for the institution of the provident funds for employees in factories and other establishments. The principal duty is laid upon the employer to put the 'Employees' Provident Fund and Family Pension Schemes' into operation and to make contributions of both their and employees' share to the Funds and to deduct from the wages of the employees their share.

4 (A)

The Board shall, subject to the general directions of the Central Government, perform all or any of the following functions, namely:-

- (a) examine the factors affecting promotion and development of micro, small and medium enterprises and review the policies and programmes of the Central Government in regard to facilitating the promotion and development and enhancing the competitiveness of such enterprises and the impact thereof on such enterprises;
- (b) make recommendations matters referred to in clause (a) or on any other matter referred to it by the Central Government which, in the opinion of that Government, is necessary or expedient for facilitating the promotion and development and enhancing the competitiveness of the micro, small and medium enterprises; and
- (c) advise the Central Government on the use of the Fund or Funds constituted under section 12.

4 (B)

(1) The Micro and Small Enterprise Facilitation Council shall consist of not less than three but not more than five members to be appointed from amongst the following categories, namely:

- (i) Director of Industries, by whatever name called, or any other officer not below the rank of such Director, in the Department of the State Government having administrative control of the small scale industries or, as the case may be, micro, small and medium enterprises; and
- (ii) one or more office-bearers or representatives of associations of micro or small industry or enterprises in the State; and
- (iii) one or more representatives of banks and financial Institutions lending to micro or small enterprises; or
- (iv) one or more persons having special knowledge in the field of industry, finance, law, trade or commerce.

(2) The person appointed under clause (i) of sub-section (1) shall be the Chairperson of the Micro and Small Enterprises Facilitation Council.

5 A)

Competent Authority means

- (1) 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.

5 B

Section 11 of the Act provides the procedure of disclosure of 'third party' information. According to it, If a Public Information Officer (PIO) Intends to disclose an Information supplied by a third party which the third party has treated as confidential, the PIO, before taking a decision to disclose the information shall invite the third party to make submission in the matter. The third party has a right to make an appeal to the Departmental Appellate Authority against the decision of the PIO and if not satisfied with the decision of the Departmental Appellate Authority, a second appeal to the concerned Information Commission. The PIO cannot disclose such information unless the procedure prescribed in section 11 is completed.