

AM/HR, PAPER-1 Service Rules & Regulations

Ans.1. A.

- i) False. It is true if under the personal law of PSPCL employee, adoption is legally recognized as confirming on it status of a natural child. Note 4 below Reg. 2.20 MSR Volume I Part I.
- ii) False as laid down in Note 4 below Reg. 2.33 MSR Volume I Part I.
- iii) True as per provision in Regulation 3.9 of MSR Volume I Part I.
- iv) True Regulation 5.4 Note 2 MSR Volume I Part I.
- v) False as provided in Note 4 to Regulation 7.3(5) MSR Volume-I Part I.

B. Under Punjab State Electricity Board(Revised Pay) Regulations 2009, on promotion & grant of TBPS, pay is fixed and next date of increment is regulated as under

On promotion

Pay fixation will be done by granting one increment equal to 3% of basic pay and rounded off to the next multiple of 10. This will be added to the existing pay in the pay band. The grade pay corresponding to the promotional post will be granted in addition. In cases where promotion involves change in the pay band also, the same methodology will be followed. However if the pay in the pay band after adding the increment is less than the minimum of the higher pay band to which promotion is being made, the pay in the pay band will be stepped to such minimum.

On promotion the employee shall have an option to get the pay fixed in the higher post either from the date of his promotion or from the date of his next increment.

In case the PSPCL employee opts to get his pay fixed from the date of promotion, the next increment will be granted after completion of qualifying service of twelve months.

In case the PSPCL employee opts to get his pay fixed from the date of next increment, on the date of promotion pay in the pay band shall not be changed but the grade pay of the higher post will be granted. On the date of his next increment two increments will be granted i.e. one annual increment and the other on account of promotion. While computing these two increments basic pay prior to the date of promotion shall be taken into account.

On Grant of TBPS

Pay fixation will be done by granting one increment equal to 3% of basic pay and rounded off to the next multiple of 10. This will be added to the existing pay in the pay band. The grade pay corresponding to the promotional scale will be granted in addition. In cases where promotion scale involves change in the pay band also, the same methodology will be followed. However if the pay in the pay band after adding the increment is

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less than the minimum of pay band of promotional scale, the pay in the pay band will be stepped to such minimum.

Next Date of increment will remain unchanged.

Illustration

A PSPCL employee drawing Rs. 17350/- +4950/- G.P. in pay band of Rs. 10900-34800/- with DNI as 1.8.2015, was promoted on 15.05.2015 to a post carrying grade pay of Rs. 5350/-. He opted to retain his old DNI. Fix his on promotion & indicate his DNI.

His pay will be fixed w.e.f. 1.8.2015 as he opted to retain his old DNI. However he will get higher G.P. of Rs. 5350/- from 15.5.2015. On 1.8.2015 he will get two increments @ 3% 1st on Rs. 22300/- i.e. Rs. 670/- and second on Rs. 22970/- i.e. Rs. 690/- His pay band will be Rs. 18710/- +G.P. Rs. 5350/-. His DNI will be 1.8.2016.

If he has drawing pay Rs. 14500/- + Rs. 5400/- G.P. in pay band of Rs. 10900-34800 and has been promoted the post in pay band of Rs. 16650-39100, 5800 G.P. his pay would have been fixed as Rs. 16650/- whether he opts to retain his old DNI or not as in both cases the pay in pay band will be minimum pay in pay band of higher post.

However if he was granted promotional scale w.e.f. 15.05.2015 instead of promotion his pay would be fixed by adding increment @ 3% in his old pay of Rs. 17350/- and he will get Rs. 5350/- as G.P. with DNI as 1.8.2015.

Ans.2.

- i) Requested of the employee is covered in proviso to Regulation 9(1) PSPCL Provident Fund Regulations 2010.
- ii) The GPF subscription cannot be changed during course of the year on account of any increase or decrease in pay. As such request of the employee cannot be entertained. Regulation 10(4)(1) of PSPCL Provident Fund Regulations 2010.
- iii) The employee should have been paid interest up to 31.07.2015 or actual date of payment whichever is earlier. (Proviso to Regulation 13(4) of PSPCL Provident Fund Regulations 2010.
- iv) As per regulation 18(1)(v) of PSPCL Provident Fund Regulations 2010 the advance can be granted for repaying any outstanding amount on account of loan taken from corporation/Government or any financial institution/bank. As such sanctioning of advance in this case is irregular.
- v) Action to deny the advance is not in order as provided in note to regulation 20(ii) of PSPCL Provident Fund Regulations 2010.
- vi) A posthumous child i.e. child born after death of the employee shall be treated as member of the family provided the existence (in the mother belly) of the posthumous child is brought to the notice of the disbursing officer. As such denial of share to such child is not in order. Note I below regulation 30(b) of PSPCL Provident Fund Regulations 2010.
- vii) Regulation 11 of PSEB Punishment & Appeals Regulation 1971 provides that the probationer shall be given an opportunity to show cause before orders are passed by the authority competent to terminate the appointment. As such the action is not in order.
- viii) The case is covered under Regulation 14 of PSEB Punishment & Appeals Regulation 1971 and hence is in order.

Ans.3. a)

Date	Station	Mode	Fare	Local	DA	HC
4.5.2015	Patiala to Ludhiana	Staff Car			180/-	
5.5.2015	Ludhiana to Patiala	-do-			120/-	
8.5.2015	Patiala to New Delhi	Train	375/-	292/-	525/-	5000
8.5.2015	Office to GH & place of stay			350/-		
9.5.2015 to 10.5.2015	Stay at New Delhi			300/-	600/-	
11.5.2015	Stay to PFC office			300/-		
11.5.2015	New Delhi to Patiala.	Train	375/-	192/-	120/-	
13.5.2015	Patiala to New Delhi	Train	375/-	392/-		
13.5.2015	New Delhi to Chennai	Air	15000/-		300/-	
14.5.2015 to 15.5.2015	Stay at Chennai				150/-	
16.5.2015	Chennai to New Delhi	Air		350/-		
16.5.2015	New Delhi to Patiala	AC Bus	405/-	42/-	120/-	
20.5.2015	Patiala to Ropar & Back	Staff Car			120/-	
21.5.2015	Patiala to Chd. & Back	Staff Car			120/-	
26.5.2015	No T.A. is admissible Reg. 40(ii) of MSR Vol.III T.A. Reg.					

Cost of Air ticket from New Delhi to Chennai & back will be adjusted against the booking made by Principal TTI.

Assumed

- i) Taxi charges on 9.5.2015 is restricted to one ordinary DA admissible at New Delhi.
- ii) The officer deposited the diet received from the court.
- iii) On 20.5.2015 & 21.5.2015 the officer returned his H.Q. after 6 hours.

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b)

Family Pension

Liberalized $75500 * 50\% = 37750/-$ from 26.2.2015 to 13.3.2022

(upto the age of 65 years of 15 years from the date of death whichever is earlier) FC 06/2012

Normal $75500 * 30\% = 22650/-$ from 14.3.2022 onwards

DCRG $(75500 + 80785) = 156285 * 64 / 2 = 50,01120 /$ Maximum Rs.10,00,000/-

Leave Encashment $156285 * 10 = 1562850/-$

Ex-gratia Rs.1,00,000/-

House rent allowance admissible on last pay drawn for one year or retention of PSPCL accommodation at normal rent for one year as the case may be.

Amount admissible under Deposit linked insurance scheme maximum Rs. 10000/- subject to fulfilment of conditions.

Ans.4.

a)

i) **DCRG**

A PSPCL employee who has become eligible for pension or gratuity under the rules applicable to him and has completed five years' qualifying service, may on his retirement from service be granted an additional gratuity equal to one fourth of the emoluments of the employee for each completed six monthly period of qualifying service subject to a maximum of 16.5 times the emoluments in case of class I, II and III or A.B & C groups and 17.5 times the emoluments' in case of class IV or group D provided that in no case gratuity shall exceed Rs. 10,00,000/-.

In Case of death the above gratuity will be as under:-

Qualifying Service	Amount of Gratuity
Less than one year	2 times of emoluments
One year but less than 5 years	6 times the emoluments
Five years upto 12 years	12 times the emoluments
Above 12 years	equal to one half of the emoluments of the employee for each completed six monthly period of qualifying service subject to a maximum of 33 times the emoluments provided that in no case gratuity shall exceed Rs. 10,00,000/-

Service Gratuity

An employee who has not completed 10 years qualifying service at the time of retirement is entitled to service gratuity at the rate of half month's emoluments for every complete six monthly period of service. This is admissible in lieu of pension.

Commutation of pension

Lump sum payment received by retired employee after surrendering a portion of his pension. W.e.f. 1.4.2013 maximum 30% of basic pension can be commuted by a retiree. The commuted portion of pension shall be restored after 15 years from the actual date of commutation.

ii) **Pension and Leave Salary Contributions**

Where a Board/PSPCL employee is on foreign service/ deputation contribution towards the cost of his pension shall be paid to corporation revenues on his behalf.

If the foreign service is in India, contribution shall be paid on account of the cost of leave salary also.

Contributions due above shall be paid by the employee himself unless the foreign employer consents to pay them. The shall not be payable during leave taken while in Foreign Service.

iii) **Deposit Linked Insurance Scheme**

The family of the deceased employee is entitled under GPF regulation to receive additional amount equal to the average amount standing at the credit of the deceased subscriber in the Fund during a period of 36 months immediately preceding the date of his death subject to a maximum of ten thousand rupees provided.

a) that during the last 36 months the minimum balances at his credit should not be less than the following amount.

- i. Class I employee Rs. 4000/-
- ii. Class II employee Rs. 2500/-
- iii. Class III employee Rs. 1500/-
- iv. Class IV employee Rs. 1000/-
- v. The subscriber should have put in at least five years regular corporation service at the time of his death.

iv) **Identical Time Scale.**

When two posts are on identical time scales it is reasonable to hold that the duties and responsibilities of the posts are not very different in nature, irrespective of the fact whether the pay of the posts is governed by different rules/regulations.

Ans.5 a) Pay Fixation of MR X form 1.1.2006 to 31.12.2015 is as under:-

Date	Basic Pay	GP	Total	Remarks
1.1.2006	6730	1700	8430	
1.1.2007	6990	1700	8690	AGI
9.1.2007	7260	2450	9710	i) 9 year TBS of RTM as per FC No. 5/2013 ii) With NDI 1,1,2008
1.1.2008	7560	2450	10010	AGI
1.1.2009	7870	2450	10320	AGI
1.1.2010	8180	2450	10630	AGI
2.3.2010	8500	2450	10950	i) Promoted as ALM ii) With NDI 1.3.2011
1.3.2011	8830	2450	11280	AGI
1.12.2011	8830	3400	12230	GP as per FC No. 23/2014
1.3.2012	9200	3400	12600	AGI
1.3.2013	9580	3400	12980	AGI
9.1.2014	9970	3700	13670	i) 16 Years TPS of RTM as per FC No. 5/2013 ii) With NDI 1.3.2014
1.3.2014	10380	3700	14080	AGI
1.3.2015	10810	3700	14510	AGI
31.12.2015	10810	3700	14510	

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Answer 1 (i).

1. MAJOR PENALTIES WITH EXPLANATION

- i) Withholding of increments of pay with cumulative effect or reduction to a lower stage in the time-scale of pay for specified period, with further directions as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect postponing the future increments of his pay;
- ii) Reduction to a lower time-scale of pay, grade, post or service, which shall ordinarily be a bar to the promotion of employee to the time-scale of pay, grade, post or service, from which he was reduced, with or without further directions regarding conditions of restoration to the grade or post or service from which the employee was reduced and his seniority and pay on such restorations to that grade, post or service;
- iii) Compulsory retirement;
- iv) Removal from service which shall not be a disqualification for future employment under the Board;
- v) Dismissal from service which shall ordinarily be a disqualification for future employment under the Board;

Explanation:

The following shall not amount to a penalty within the meaning of this regulation, namely:-

- i) Withholding of increments of pay of Board employee for his failure to pass any Departmental Examination in accordance with rules/regulations or orders governing the Service to which he belongs or post which he holds the terms of his appointment;
- ii) Stoppage of an employee at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;

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- (iii) non-promotion of an employee, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible;
- (iv) reversion of an employee officiating in a higher service, grade, or post to a lower service, grade or post, on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct ;
- (v) reversion of an employee appointed on probation to any other service, grade or post to his permanent service, grade or post, during or at the end of the period of probation in accordance with the terms of his appointment or the rules/regulations and orders governing such probation;
- (vi) repayment of the services of an employee whose services have been borrowed from a State Government or an authority under the control of a state Government at the disposal of the authority, which had lent his services;
- (vii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services:-
 - (a) of an employee appointed on probation, during or at the end of the period of his probation in accordance with the terms of his appointment or the rules/regulations and orders governing such probation; or
 - (b) of a temporary employee appointed otherwise than under contract, on the expiration of the period of the appointment,

or on the abolition of the post or before the due time in accordance with terms of his appointment or

- c) Of an employee employed under an agreement in accordance with the terms of such agreement.

2. MINOR PENALTIES:-

- i) Censure;
- ii) Withholding of his promotions;
- iii) Recovering from his pay of the whole or part of any pecuniary loss caused by him to the Board by negligence or breach of orders;
- iv) Withholding of increments of pay without cumulative effect.

Answer 1 (ii).

CMD	Up to Rs. 20,000
Director(s)	Up to Rs. 10,000
Committee of WTDs	Up to Rs. 5 lacs

Answer 1 (iii).

The Heads of the Department may re-delegate the financial powers delegated to them in DOP to any officer sub-ordinate to them at their headquarters offices on their own responsibility and subject to such restrictions as they may like to impose. Provided that the financial power re-delegated shall, however be exercised subject to the supervision and control of the delegation officer.

Provided further that such re-delegated powers shall be exercised personally by such officer and shall in no circumstance be further delegated.

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Answer 2 (a).

TAKING PART IN POLITICS AND ELECTIONS

- 1) No Board employee shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.
- 2) It shall be the duty of every Board employee to endeavor to prevent any member of his family from taking part in subscribing in aid of or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Board as by law established, and where a Board employee is unable to prevent member of his family from taking part in, or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Board.
- 3) If any question arises whether a party is a political party or whether any organization takes part in politics or whether any movement or activity falls within the scope of Sub-Regulation (2), the decision of the Board thereon shall be final.
- 4) No Board employee shall canvass or otherwise canvass, interfere with, or use his influence in accordance with or take part in an election to any legislature or local authority.

Provided that:-

- i) A Board employee qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;
- ii) A Board employee shall not be deemed to have contravened the provisions of this Sub-Regulation by reason only that he assists in the conduct of an election in the due performance of duty imposed on him by or under any law for the time being in force.

Explanation:-

The display by a Board employee on his person, vehicle or residence, of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this Sub-Regulation.

Answer 2 (b)

- i) Committee comprising Director/Finance, Director/Distribution, Chief/Administration, Dy. Secy/General

(Director/Finance shall be Chairman and Dy. Secy/General convener of the Committee)

ii)(a)

- Special Repair:

CEs	Rs. 5,00,000
SEs	Rs. 2,00,000
Xens/REs	Rs. 50,000

- Renewals and Replacement of Existing works:

CEs	Rs. 10,00,000
SEs	Rs. 7,00,000
Xens/REs	Rs. 2,50,000

- (b) To waive off Surcharge levied on account of late payment where levy of surcharge is not due to fault of customer:

CEs/DS	Rs. 2,000 in each individual case
SEs/DS	Rs. 5,00 in each individual case
Xens/DS	Rs. 1,00 in each individual case

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Answer 3.

i)

CMD	Up to Rs. 5 lacs
Committee of WTDs	Up to Rs. 10 lacs

ii)

Open Tender	Works Committees Up to Rs. 2 Crore CE Up to Rs. 1 Crore
Limited Tender	Works Committees Up to Rs. 80 lacs CE Up to Rs. 40 lacs
Single Tender	Works Committees Up to Rs. 40 lacs CE Up to Rs. 20 lacs

iii) The tenders will be submitted as per Notice Inviting Tender (NIT) / Tender specifications complete in all respects and deviation from NIT / Tender specification shall be clearly brought out by the Tenderers. No post tender development shall be allowed regarding any change in terms of prices or technical specifications.

a) TWO PART BIDS: For works upto Rs. 5 crores

Tenders shall be submitted in two parts:

Part-1: Earnest Money; Part-11: Commercial Technical Conditions and Price Bid.

The tenderer shall seal original or each part of the tender separately in double envelope, duly marked as part-1 and part-11. The inner envelope of each part of the tenders shall indicate the name and address of the tenderer to enable the tender to be returned un-opened, if it does not meet the NIT requirements. The tender shall be

submitted in duplicate, triplicate or quadruplicate, as desired. Other copies of the tender shall be similarly sealed and marked.

b) THREE PART BIDS: For works exceeding Rs. 5 crores

Each part shall be sealed in separate envelope dully subscribe on the envelope as Part-1, Part-11 and Part-111. Envelope marked Part-1, 'Earnest Money' shall be opened and if the earnest money is found in order then the envelope marked Part-11 'Commercial & Technical conditions Qualifying Financial effects' shall be opened. In case financial effects are unambiguous and without any reservations specified, only then Part-111 'Price Bid' shall be opened.

v)

Purchase Regulation stated that the authority next to the authority placing the order should decide the question of blacklisting any firm or debaring any firm from business dealings.

Answer 4(D)

1. As per regulation 2 of work Regulation 1987, the authority shall be responsible for the selection of the contractor and shall be responsible for the selection of the contractor and shall be responsible for the selection of the contractor.
2. All the work shall be done in accordance with the terms and conditions of the contract and shall be done in accordance with the terms and conditions of the contract.

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Answer 4 (a)

- i. Regulation 15(vi) of Works Regulation 1997 states that the salient particulars viz brief description/specification of items, prices and completion period offered in each tender shall be read out before the tenderers/their authorized representatives present. As such the representative demand is in order.
- ii. Regulation 6(v) of the Purchase Regulation stated that for items of critical nature, Tenders may be obtained on the spot in the market by a committee of not less than three officers (including one from Accounts side) appointed by Whole-time-Members/ Central Purchase Committee/Project Purchase Committee / Purchase Committee (General) with specific delegation of powers upto 50% of the above referred competent authorities' own powers and generally following the limited Tenders procedure suitably abridged to enable award of purchase order/contract on the spot.

Provided that in the case of spot Purchase Committee constituted by the Central Purchase Committee (General), Prior Permission of the Member-In-charge shall be required.

It is clear from above the spot purchase committee constituted under Purchase Regulation cannot utilize the power under DOP.

Answer 4 (b)

- i. As laid in regulation 22(iii) of works Regulation 1997 detailed order/contract shall be got pre- audited from an officer of Accounts organization before final issue to the contractor. As such action of CE/MM is not in order.
- ii. An excess payment on account of increase in the price of nuts and bolts can be made only if there was a price variation clause in the purchase/contract order, otherwise the contractor having agreed to execute the work at a specified rate is not entitled to such payment.

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Answer 5.

- i) The tenders may be re - invited in event of :
 - a) Any subsequent change necessitated in technical specifications.
 - b) Inadequacy of number of tender's i.e less than three.
 - c) Unsuitability of offers.
 - d) Pronounced changes in market trends, when it is felt that the rate of tenders received are too high.
 - e) Any other compelling reasons to be recorded in writing.

- (ii) If the contractor shall desire an extension of the time limit for completion of the work on the ground of his having been unavoidably hindered in execution or of any other ground, he shall apply in writing to the engineer in charge and the engineer in charge may if in his opinion there are reasonable grounds for granting extension allow such extension as he thinks necessary or proper. The decision of the Engineer in charge in this regard shall be final and binding. For any delay in work on account of act of omission or commission at the part of Board viz delay in issue of material alterations, omission, additions, substitutions in original specifications, drawings, designs etc only extension of time will be agreed for the period so lost and no compensation would be given on this account.

- iii.) **OPENING OF TENDERS**
 - 1) Tenders shall be opened on the due date, time and place in the presence of Tenderers or their authorized representatives on production of letter of authority and they will append their signatures in the Tender Register in token of their presence
 - 2) In case the due date happens to be a holiday, the Tenders shall be opened on the next working day at the same time and place.
 - 3) The Tenders shall be opened by the officer/official inviting Tenders or by an officer deputed by him for the purpose in the presence of another officer. In case of CPC/PPC/PPC(General), field offices under Projects/Power Plants/Distribution Offices, an officer/official of Accounts Organization, shall also be associated in opening of the Tenders.
In case of sub divisions tender shall be opened in the presence of Senior Official like JE, Line Supdts./Sectional Officer.

The officers opening the Tender will append their dated signatures on the Tender Register and dated initials on the envelopes and on each page of the original & duplicate Tenders and on each cutting/correction/over-writings etc. observed in the Tenders as attestations thereof.

- 4) Tenders submitted by the firms who did not purchase a set of tender document/specifications as required shall not be opened and words "Ineligible tenders specification not purchased" shall be written on the envelope and kept in safe custody.
- 5) The envelope containing earnest money shall be opened first and in case the earnest money is in accordance with the terms of N.I.T/Tender specification, only then the envelope contained detailed offer shall be opened. In case there is no indication on the envelope containing earnest money, the same shall be opened, but the Tender shall be processed only if earnest money is found enclosed in the envelope, otherwise it will be resealed. The words "Invalid Tender being Without Earnest money" shall be recorded on the envelopes of such like Tenders and the same shall be kept under safe custody. However, where less than three eligible tenders are received with earnest money all other tenders received without earnest money may be opened after the approval of the member finance and accounts and member concerned with the value of the contract is above Rs. 2.5 lacs and where the value of the contract is less than Rs. 2.5 lacs tender may be opened with approval of CE concerned/Secretary.
- 6) The silent particulars which brief description/specifications of items, quantities, prices and delivery period offered in each tender, shall be read out before the tenderers/their authorized representative present.
- 7) After opening the Tenders the originals shall be handed over to the officer/official deputed for processing the case and his acknowledgement recorded in the Tender Register. The second copy of Tender documents, duly signed, shall be retained in the safe custody with office Superintendent/Head Clerk/Sub-divisional Clerk concerned.

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Paper-3

Acts & Labour Laws

Assistant Manager/HR

Session- 12/2017

Ques no. 1 :

(a) As per section 7 of the Factories Act, 1948 before occupying or using any premises as a factory:-

(1) The occupier shall, at least fifteen days before he begins to occupy or use any premises as a factory, send to the Chief Inspector a written notice containing-

(a) The name and situation of the factory;

(b) The name and address of the occupier;

(bb) the name and address of the owner of the premises or building (including the precincts thereof) referred to in section 93;]

(c) the address to which communications relating to the factory may be sent;

(d) the nature of the manufacturing process-

(i) carried on in the factory during the last twelve months in the case of factories in existence on the date of the commencement of this Act; and

(ii) to be carried on in the factory during the next twelve months in the case of all factories;

(e) the total rated horse power installed or to be installed in the factory, which shall not include the rated horse power of any separate stand-by plant;]

(f) the name of the manager of the factory for the purposes of this Act;

(g) the number of workers likely to be employed in the factory;

(h) the average number of workers per day employed during the last twelve months in the case of a factory in existence on the date of the commencement of this Act;

(i) such other particulars as may be prescribed.

(2) In respect of all establishments which come within the scope of the Act for the first time, the occupier shall send a written notice to the Chief Inspector containing the particulars specified in sub-section (1) within thirty days from the date of the commencement of this Act.

(3) Before a factory engaged in a manufacturing process which is ordinarily carried on for less than one hundred and eighty working days in the year resumes working, the occupier shall send a written notice to the Chief Inspector containing the particulars specified in sub-section (1) [at least thirty days] before the date of the commencement of work.

(4) Whenever a new manager is appointed, the occupier shall send to the ²⁵[Inspector a written notice and to the Chief Inspector a copy thereof] within seven days from the date on which such person takes over charge.

(5) During any period for which no person has been designated as manager of a factory or during which the person designated does not manage the factory, any person found acting as a manager, or if no such person is found, the occupier himself, shall be deemed to be the manager of the factory for the purposes of this Act.

(b) As per workmen Compensation Act, 1923:-

(i) "Dependent" means any of the following relatives of a deceased workman namely:

- a widow a minor legitimate or adopted son an unmarried legitimate or adopted daughter or a widowed mother; and
- if wholly dependent on the earnings of the workman at the time of his death a son or a daughter who has attained the age of 18 years and who is infirm;
- if wholly or in part dependant on the earnings of the workman at the time of his death-
- a widower
- a parent other than a widowed mother
- 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 minor
- a minor brother or an unmarried sister or a widowed sister if a minor
- a widowed daughter-in-law
- a minor child of a pre-deceased son

- a minor child of a pre-deceased daughter where no parent of the child is alive or
 - a paternal grandparent if no parent of the workman is alive; For the purpose of sub-clause (ii) and items (f) and (g) of sub-clause (iii) references to a son daughter or child include an adopted son daughter or child respectively.
- (ii) "Partial disablement" means where the disablement is of a temporary nature such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement and where the disablement is of a permanent nature such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time. Provided that every injury specified in Part II of Schedule shall be deemed to result in permanent partial disablement;
- (iii) "wages" includes any privilege or benefit which is capable of being estimated in money other than a traveling allowance or the value of any traveling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;
- (iv) "total disablement" means such disablement whether of a temporary or permanent nature as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement :
- (v) "employer" includes anybody of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer and when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship means such other person while the workman is working for him;

Ques no. 2

(a) As per section 6A of Employees Provident Funds and Miscellaneous Provisions Act, 1952:-

(1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Employees' Pension Scheme for the purpose of providing for:

(a) superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this Act applies; and

(b) widow or widower's pension, children pension or orphan pension payable to the beneficiaries of such employees.

(2) Notwithstanding anything contained in section 6, there shall be established, as soon as may be after framing of the Pension Scheme, a Pension Fund into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme:

(a) such sums from the employer's contribution under section 6, not exceeding eight and one-third per cent of the basic wages, dearness allowance and retaining allowance, if any, of the concerned employees, as may be specified in the Pension Scheme;

(b) such sums as are payable by the employers of exempted establishments under subsection (6) of section 17;

(c) the net assets of the Employees' Family Pension Fund as on the date of the establishment of the Pension Fund;

(d) such sums as the Central Government may, after due appropriation by Parliament by law in this behalf, specify.

(3) On the establishment of the Pension Fund, the Family Pension Scheme (hereinafter referred to as the ceased scheme) shall cease to operate and all assets of the ceased scheme shall vest in and shall stand transferred to, and all liabilities under the ceased scheme shall be enforceable against, the Pension Fund and the beneficiaries under the ceased scheme shall be entitled to draw the benefits, not less than the benefits, they were entitled to under the ceased scheme, from the Pension Fund.

(4) The Pension Fund shall vest in and be administered by the Central Board in such manner as may be specified in the Pension Scheme.

(5) Subject to the provisions of this Act, the Pension Scheme may provide for all or any of the matters specified in Schedule III.

(6) The Pension Scheme may provide that all or any of its provisions shall take effect either prospectively or retrospectively on such date as may be specified in that behalf in that Scheme.

(7) A Pension Scheme, framed under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the scheme or both Houses agree that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that scheme.

(b) As per the provisions of RTI Act:-

(i) "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;

(ii) "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:-

- a) inspection of work, documents, records;
- b) taking notes, extracts or certified copies of documents or records;
- c) taking certified samples of material;
- d) 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;

(iii) "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:-

- e) body owned, controlled or substantially financed;
- f) non-Government organization substantially financed, directly or indirectly by funds provided by the appropriate Government;

(iv) "Information" means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force.

(v) "Competent authority" means:-

- a) 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;
- b) the Chief Justice of India in the case of the Supreme Court;
- c) the Chief Justice of the High Court in the case of a High Court;
- d) the President or the Governor, as the case may be, in the case of other authorities established or constituted by or under the Constitution;
- e) the administrator appointed under article 239 of the Constitution;

Ques no. 3

(a) The Appropriate Commission may, on an application made to it under section 15, grant a licence to any person--

- a. to transmit electricity as a transmission licensee; or
- b. to distribute electricity as a distribution licensee; or
- c. to undertake trading in electricity as an electricity trader, in any area as may be specified in the licence:

Provided that any person engaged in the business of transmission or supply of electricity under the provisions of the repealed laws or any Act specified in the Schedule on or before the appointed date shall be deemed to be a licensee under this Act for such period as may be stipulated in the licence, clearance or approval granted to him under the repealed laws or such Act specified in the Schedule, and the provisions of the repealed laws or such Act specified in the Schedule in respect of such licence shall apply for a period of one year from the date of commencement of this Act or such earlier period as may be specified, at the request of the licensee, by the Appropriate Commission and thereafter the provisions of this Act shall apply to such business:

As per the provisions of Electricity Act, 2003 following Procedure is to be followed for grant of license.-

- 1) Every application under section 14 shall be made in such form and in such manner as may be specified by the Appropriate Commission and shall be accompanied by such fee as may be prescribed.
- 2) Any person who has made an application for grant of a licence shall, within seven days after making such application, publish a notice of his application with such particulars and in such manner as may be specified and a licence shall not be granted—

- until the objections, if any, received by the Appropriate Commission in response to publication of the application have been considered by it:

Provided that no objection shall be so considered unless it is received before the expiration of thirty days from the date of publication of the notice as aforesaid;

- until, in the case of an application for a licence for an area including the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or of

any building or place in the occupation of the Government for defence purposes, the Appropriate Commission has ascertained that there is no objection to the grant of the licence on the part of the Central Government.

3) A person intending to act as a transmission licensee shall, immediately on making the application, forward a copy of such application to the Central Transmission Utility or the State Transmission Utility, as the case may be.

4) The Central Transmission Utility or the State Transmission Utility, as the case may be, shall, within thirty days after the receipt of the copy of the application referred to in sub-section (3), send its recommendations, if any, to the Appropriate Commission:

Provided that such recommendations shall not be binding on the Commission.

5) Before granting a licence under section 14, the Appropriate Commission shall—

a) publish a notice in two such daily newspapers, as that Commission may consider necessary, stating the name and address of the person to whom it proposes to issue the licence;

b) consider all suggestions or objections and the recommendations, if any, of the Central Transmission Utility or the State Transmission Utility, as the case may be.

6) Where a person makes an application under sub-section (1) of section 14 to act as a licensee, the Appropriate Commission shall, as far as practicable, within ninety days after receipt of such application,—

a) issue a licence subject to the provisions of this Act and the rules and regulations made there under; or

b) reject the application for reasons to be recorded in writing if such application does not conform to the provisions of this Act or the rules and regulations made thereunder or the provisions of any other law for the time being in force:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

7) The Appropriate Commission shall, immediately after issue of a licence, forward a copy of the licence to the Appropriate Government, Authority, local authority, and to such other person as the Appropriate Commission considers necessary.

8) A licence shall continue to be in force for a period of twenty-five years unless such licence is revoked.

(b) As per the provisions of Consumer Protection Act:-

(i) "Complainant" means -

- a consumer; or
- any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956), or under any other law for the time being in force; or
- the Central Government or any State Government who or which makes a complaint;
- one or more consumers, where there are numerous consumers having the same interest;

(ii) "Complaint" means any allegation in writing made by a complainant that -

- an unfair trade practice or a restrictive trade practice has been adopted by any trader;
- the goods bought by him or agreed to be bought by him suffer from one or more defects;
- the services hired or availed of or agreed to be hired or availed of by him suffer from deficiency in any respect;
- a trader has charged for the goods mentioned in the complaint price in excess of the price fixed by or under any law for the time being in force or displayed on the goods for any package containing such goods,
- goods which will be hazardous to life and safety when used, are being offered for sale to the public in contravention of the provisions of any law for the time being in force requiring traders to display information in regard to the contents, manner and effect of use of such goods with a view to obtaining any relief provided by or under this Act;

Ques no. 4

(a) As per the Provisions of MSME, Act, following is the composition of micro and small enterprises facilitation council.-

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 among the following categories, namely:
 - 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
 - one or more office-bearers or representatives of associations of micro or small industry or enterprises in the State; and
 - one or more representatives of banks and financial institutions lending to micro or small enterprises; or
 - 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.
3. The composition of the Micro and Small Enterprises Facilitation Council, the manner of filling vacancies of its members and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed by the State Government.

Following procedure is to be followed to make a reference to micro and small enterprises facilitation council.-

1. Notwithstanding anything contained in any other law for the time being in force, any party to a dispute may, with regard to any amount due under section 17, make a reference to the Micro and Small Enterprises Facilitation Council.
2. On receipt of a reference under sub-section (1), the Council shall either itself conduct conciliation in the matter or seek the assistance of any institution or centre providing alternate dispute resolution services by making a reference to such an institution or centre, for conducting conciliation and the provisions of sections 65 to 81 of the Arbitration and Conciliation Act, 1996 shall apply to such a dispute as if the conciliation was initiated under Part III of that Act.

3. Where the conciliation initiated under sub-section (2) is not successful and stands terminated without any settlement between the parties, the Council shall either itself take up the dispute for arbitration or refer to it any institution or centre providing alternate dispute resolution services for such arbitration and the provisions of the Arbitration and Conciliation Act, 1996 shall then apply to the dispute as if the arbitration was in pursuance of an arbitration agreement referred to in sub-section (1) of section 7 of that Act.
4. Notwithstanding anything contained in any other law for the time being in force, the Micro and Small Enterprises Facilitation Council or the centre providing alternate dispute resolution services shall have jurisdiction to act as an Arbitrator or Conciliator under this section in a dispute between the supplier located within its jurisdiction and a buyer located anywhere in India.
5. Every reference made under this section shall be decided within a period of ninety days from the date of making such a reference.

(b) As per the provisions of Air (Prevention and Control of Pollution) Act, 1981:-

- (i) "Air pollution" means any solid, liquid or gaseous substance [2 (including noise) 2] present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;
- (ii) "Approved appliance" means any equipment or gadget used for the burning of any combustible material or for generating or consuming any fume, gas or particulate matter and approved by the State Board for the purposes of this Act.
- (iii) "Occupier", in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises, and includes, in relation to any substance, the person in possession of the substance;
- (iv) "Control equipment" means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant.
- (v) "State Board" means, in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), is in force and the State Government has constituted for that State under Section 4 of that Act, the said State Board.

Ques no. 5

(a) Regional Load Despatch Centre.-

The Central Government may, make region-wise demarcation of the country, and, from time-to-time, make such modifications therein as it may consider necessary for the efficient, economical and integrated transmission and supply of electricity, and in particular to facilitate voluntary inter-connections and coordination of facilities for the inter-State, regional and inter-regional generation and transmission of electricity.

Regional Load Despatch Centre is constituted as following:-

- 1) As per Electricity Act, The Central Government shall establish a Centre for each region to be known as the Regional Load Despatch Centre having territorial jurisdiction as determined by the Central Government in accordance with section 25 for the purposes of exercising the powers and discharging the functions under this Part.
- 2) The Regional Load Despatch Centre shall be operated by a Government company or any authority or corporation established or constituted by or under any Central Act, as may be notified by the Central Government. Provided that until a Government company or authority or corporation referred to in this sub-section is notified by the Central Government, the Central Transmission Utility shall operate the Regional Load Despatch Centre. Provided further that no Regional Load Despatch Centre shall engage in the business of generation of electricity or trading in electricity.

Following are the functions of Regional Load Despatch Centre:-

Functions of Regional Load Despatch Centre:-

As per provisions laid down in Electricity Act the Regional Load Despatch Centre shall perform following functions:-

- 1) The Regional Load Despatch Centre shall be the apex body to ensure integrated operation of the power system in the concerned region.
- 2) The Regional Load Despatch Centre shall comply with such principles, guidelines and methodologies in respect of wheeling and optimum scheduling and despatch of electricity as the Central Commission may specify in the Grid Code.
- 3) The Regional Load Despatch Centre shall--
 - a) be responsible for optimum scheduling and despatch of electricity within the region, in accordance with the contracts entered into with the licensees or the generating companies operating in the region;
 - b) monitor grid operations;
 - c) keep accounts of quantity of electricity transmitted through the regional grid;

- d) exercise supervision and control over the inter-State transmission system; and
 - e) be responsible for carrying out real time operations for grid control and despatch of electricity within the region through secure and economic operation of the regional grid in accordance with the Grid Standards and the Grid Code.
- 4) The Regional Load Despatch Centre may levy and collect such fee and charges from the generating companies or licensees engaged in inter-State transmission of electricity as may be specified by the Central Commission.

(b) As per chapter IV of the RTI Act:-

1. Every State Government shall, by notification in the Official Gazette, constitute a body to be known as the..... (name of the State) Information Commission to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.
2. The State Information Commission shall consist of—
 - the State Chief Information Commissioner, and
 - Such number of State Information Commissioners, not exceeding ten, as may be deemed necessary.
 - The State Chief Information Commissioner and the State Information Commissioners shall be appointed by the Governor on the recommendation of a committee consisting of—
 - i. the Chief Minister, who shall be the Chairperson of the committee;
 - ii. the Leader of Opposition in the Legislative Assembly; and
 - iii. a Cabinet Minister to be nominated by the Chief Minister.
3. Where the Leader of Opposition in the Legislative Assembly has not been recognized as such, the Leader of the single largest group in opposition of the Government in the Legislative Assembly shall be deemed to be the Leader of Opposition.
4. The general superintendence, direction and management of the affairs of the State Information Commission shall vest in the State Chief Information Commissioner who shall be assisted by the State Information Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Information Commission autonomously without being subjected to directions by any other authority under this Act.
5. The State Chief Information Commissioner and the State Information Commissioners shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.
6. The State Chief Information Commissioner or a State Information Commissioner shall not be a Member of Parliament or Member of the Legislature of any State or Union

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territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.

7. The headquarters of the State Information Commission shall be at such place in the State as the State Government may, by notification in the Official Gazette, specify and the State Information Commission may, with the previous approval of the State Government, establish offices at other places in the State.