

Government of Jammu and Kashmir
LABOUR & EMPLOYMENT DEPARTMENT
CIVIL SECRETARIAT, SRINAGAR, J&K.

NOTIFICATION

Srinagar, the^{17th}....., July 2020

S.O 225 .-In exercise of the powers conferred by section 112 of the Factories Act, 1948 (Act No. 63 of 1948), the Government of Union Territory of Jammu and Kashmir intends to make the following amendments in the Jammu and Kashmir Factory Rules, 1972 :-

After rule 2, the following rule shall be added, namely:-

“Rule 2A.Competent Person:- (1) The Chief Inspector may recognize any person as a "competent person", within such area and for such period as may be specified, for the purposes of carrying out tests, examinations, inspections and certification of such buildings, dangerous machinery, hoists and lifts, lifting machines and lifting tackles, pressure plant, confined space, ventilation system and such other processes of plant and equipments located in a factory, as stipulated in the Act and the rules, if such person possesses the qualifications, experience and other requirements as specified in the schedule appended to this rule:

Provided that the Chief Inspector may relax the requirements of qualifications but not the requirements in respect of the facilities at the command of such a person if such a person is exceptionally experienced and knowledgeable:

Provided further that where it is proposed to recognize a person employed under the Chief Inspector as a "competent person", concurrence of the Government of Union Territory Jammu & Kashmir shall be obtained and such a person after being so recognized, shall not have the powers of an inspector:

Provided further also that the competent person recognized under this provision shall not be above the age of 62 years and shall be physically fit for the purpose of carrying out the tests, examinations and inspections.

(2) The Chief Inspector may recognize an institution of repute having persons possessing qualifications and experience as specified in the schedule referred to in sub-rule (1) of this rule for the purpose of carrying out the tests, examinations ,

inspections and certifications of such building, dangerous machineries, hoists and lifts, lifting machineries and lifting tackles, pressure plant, confined spaces, ventilation systems and such other processes or plant and equipment located in factory as stipulated in the Act and rules made there under, as a "competent person" with in such area and for such period as may be specified.

- (3) The Chief Inspector on receipt of an application in the prescribed Form No. I or I-A from a person or institution respectively, intending to be recognized as a "Competent person", shall register such application immediately and after having satisfied himself as regard to the competence and facilities available at the disposal of the applicant, either recognize the applicant as a "Competent person" and issue a certificate of competency in the prescribed Form No. 1-B within a period of sixty days from the date of receipt of the application or reject the application specifying the reasons therefore.
- (4) The Chief Inspector may, after giving an opportunity to the competent person of being heard, revoke the certificate of competency;
- (i) If he has a reason to believe that competent person: -
- (a) has violated any of the conditions stipulated in the certificate of competency; or
 - (b) has carried out a test, examination and inspection or has acted in a manner inconsistent with the intent or the purpose of this Act or the rules or has omitted to act as required under the Act or the rules made there under; or
- (ii) for any other reasons to be recorded in writing.

Explanation: For the purpose of this Rule, institution includes an organization.

(5).The Chief Inspector may, for reasons to be recorded in writing, require recertification of lifting machines, lifting tackles, pressure plant or ventilation system, as the case may be, which has been certified by a competent person outside Union Territory of Jammu and Kashmir.

Schedule
[Prescribed under sub rules (1) and (2) of rule 2A

S.No	Section or Rule under which competency is recognised	Qualification required	Experience for the purpose	Facilities at his command
(1)	(2)	(3)	(4)	(5)
1.	Rules made under	Degree in Civil or Structural	(i) A minimum of 10 years of experience in	

	Sec. 6 and Sec, 112 - Certificate of stability for buildings.	Engineering or Its equivalent from a recognized university.	the design or construction or testing or repair of structures; (ii) Knowledge of non-destructive testing various codes of practices that are current and the effect of the vibrations and natural forces on the stability of the buildings; and (iii) Ability to arrive at a reliable conclusion with regard to the safety of the structure or the building.	
2.	Rules made under Sec. 21(2) "Dangerous Machines"	Degree in Electrical Mechanical or Textile Engineering or its equivalent from a recognised university.	(i) A minimum 7 years of experience in:- (a) design or operation or maintenance; or (b) Testing, examination and Inspection of relevant machinery, their guards, safety devices and appliances. (ii) He shall:- (a) be conversant with safety devices and their proper functioning; (b) be able to identify defects and any other cause leading to failure; and (c) have an ability to arrive at a reliable conclusion with regard to the proper function of safety devices and appliances & machine guards.	Gauges for measurement; Instruments for measurement of speed and any other equipment or device to determine the safety in the use of dangerous machines.
3.	Section 28 - Hoists and Lifts	A degree in Electrical and/or Mechanical Engineering or its equivalent from a	(i) A minimum experience of 7 years in:- (a) design or erection or maintenance; or (b) inspection and test	Facilities for load testing, tensile testing gauges. equipment

		recognised university.	procedures; of lifts and hoists; (ii) He shall be:- (a) conversant with current and relevant codes of practices and test procedures; (b) conversant with other statutory requirements covering the safety of Hoists and Lifts; (c) able to identify defects and arrive at a reliable conclusion with regard to the safety of Hoists and Lifts.	/gadgets for measurement and any other equipment required for determining the safe working conditions of Hoists and Lifts.
4.	Section 29- Lifting Machines, Chains, Ropes and Lifting Tackles.	Degree in Mechanical or Electrical Metallurgical Engineering or its equivalent from a recognised university.	(1) A minimum experience of 7 years in:- (a) design or erection or maintenance, or (b) testing, examination and inspection of lifting machines ,chains ,ropes and lifting tackles; (ii) He shall be: - (a) conversant with current and relevant codes of practices and test procedures; (b) conversant with fracture mechanics and metallurgy of the material of construction; (c) conversant with, heat space treatment/stress relieving techniques as applicable to stress bearing components and parts of lifting machines, chains, ropes and lifting tackles; (d) capable of identifying defects and arriving at a reliable conclusion with	Facilities for load testing, tensile testing heat treatment, equipment/gadgets for Measurement, gauges and such other equipment required for determining the safe working conditions of the lifting machines, chains, ropes and lifting tackles.

			regard to the safety of lifting machines, chains, ropes and lifting tackles.	
5.	Section 31 - Pressure Plant	Degree in Electrical or Mechanical or Chemical or Metallurgical Engineering or its equivalent from a recognised university.	<p>(i) A Minimum experience of 10 years in:-</p> <p>(a) design or erection or maintenance; or</p> <p>(b) testing, examination and inspection of pressure plants.</p> <p>(ii) He shall be:-</p> <p>(a) conversant with the current and relevant codes of practice and test procedures relating to pressure vessels;</p> <p>(b) conversant with statutory requirements concerning the safety of unfired pressure vessels and equipments operating under pressure;</p> <p>(c) conversant with non-destructive testing techniques as are applicable to pressure vessels;</p> <p>(d) able to identify defects and arrive at a reliable conclusion with regard to the safety of pressure plants.</p>	Facilities for carrying out hydraulic test, non-destructive test, gauges, equipments or gadgets for measurement and any other equipment or gauges to determine the safety in the use of pressure vessels.
6.	<p>(i) Section 36 - Precautions against dangerous fumes, gases;</p> <p>(ii) Rules made under Sections 41 & 112 concerning ship building, ship repairs and ship breaking.</p>	Master's Degree in Chemistry or a degree in Chemical Engineering or its equivalent from a recognised university.	<p>(i) A minimum experience of 7 years in collection and analysis of environmental samples and calibration of monitoring equipments;</p> <p>(ii) He shall be:-</p> <p>(a) conversant with the hazardous properties of chemicals and their permissible limit values;</p> <p>(b) conversant with the current techniques of sampling, and analysis of environmental contaminants; and</p> <p>(c) able to arrive at a reliable conclusion as regard the safety in respect of entering and carrying out hot work.</p>	Meters, Instruments and devices duly calibrated and certified for carrying out the tests and certification of safety in working in confined spaces.
7.	Ventilation system as required under various schedules	Degree in Mechanical or Electrical Engineering or its equivalent from a recognised university.	(i) A minimum experience of 7 years in Electrical Engineering or the design, fabrication, installation, or testing of ventilation system	Facilities for testing the ventilation system, instruments and

<p>framed under Sec. 87 such as Schedules on:-</p> <p>(i) grinding or glazing of metals and processes incidental thereto;</p> <p>(ii) cleaning or smoothening, roughening etc. of articles, by a jet of sand, metal shot or grit or other abrasive propelled by a blast of compressed air or steam;</p> <p>(iii) handling and processing of asbestos;</p> <p>(iv) manufacture of Rayon by Viscose process;</p> <p>(v) foundry Operations.</p>		<p>and equivalent. systems used for extraction and collection of dust, fumes and vapours and ancillary equipments;</p> <p>(ii) He shall be conversant with current and relevant codes of practice and test procedures in respect of ventilation and extraction system for fumes and shall be able to arrive at a reliable conclusion with regard to effectiveness of the system.</p>	<p>gauges for testing the effectiveness of the extraction systems for dust, vapours and fumes, and any other equipment needed for determining the efficiency and adequacy of these systems. He shall have the assistance of suitable qualified technical persons who can come to a reasonable conclusion as to the adequacy of the system.</p>
---	--	--	--

Form No. 1-B

[Prescribed under sub- Rule (3) of rule 2(A)]

Form of Certificate of Competency Issued To A Person or an Institution in Pursuance to Rule 2(A) .

I.....
in exercise of the powers conferred on me under Section 2(ca) of The Factories Act, 1948 and the rules made there under, here by recognise.....(Name of the Institution) or Shri.....(Name of the person)employed in.....(Name of the organization) to be a competent person for the, purpose of carrying out tests,



examinations, inspections and certification for such buildings, dangerous machinery, lift and hoists, lifting machines and lifting tackles, pressure plants ,confined space, ventilation system and such other process or plant and equipment as the case may be used in a factory located in Jammu & Kashmir under section.....and the rules made there under.

This certificate is valid from.....to.....

This certificate is issued subject to the conditions stipulated hereunder:-

- (i) tests, examinations and inspections shall be carried out in accordance with the provisions of the Act and the rules made there under;
- (ii) tests, examinations and inspections shall be carried out under the direct supervision of the competent person or by a person so authorized by an institution recognized to be a competent person;
- (iii) the certificate of competency issued in favour of a person shall stand cancelled if the person declared competent leaves the organization mentioned in his application; and
- (iv) the Institution recognized as a competent person shall keep the Chief Inspector informed of the names, designations and qualification of the persons authorized by it to carry out tests, examination and inspections.

Station:

Date:

Official Seal

Signature of the Chief inspector

Note: -“A separate certificate should be issued under each relevant section. A person or an institution may be recognised competent for the purpose of more than one section of the Act”.

Now, in pursuance of sub-section (1) of section 115, of the Factories Act,1948 (Central Act), the aforesaid amendments are hereby published for information of general public for inviting objections,suggestions.Any person who desired to object to the aforesaid amendments may submit his/her objections/suggestions for consideration in writing to the to the Commissioner/Secretary to Government , Labour and Employment



Department, Civil secretariat within a period of 45 days from the date of issuance of this notification.

Any objection/suggestion received after the expiry of the said period shall not be entertained.

By order of the Government of Jammu & Kashmir

**Sd/-
(Saurabh Bhagat),IAS
Commissioner/Secretary to the Government,**

NO:L&E/Lab/35/2020

Dated:- -07-2020

Copy to the:-

1. Advisor (F) to Hon'ble Governor for Labour & Employment.
2. Secretary to Government of India, Ministry of Labour and Employment, Shram Shakti Bhawan, New Delhi-110001.
3. Director General, Labour & Employment, Government of India, New Delhi.
4. Principal Secretary to the Lieutenant Governor, J&K.
5. Divisional Commissioner, Jammu/Kashmir.
6. Director Information, J&K, Srinagar with the request to publish the notification in leading English dailies one each from Jammu/Kashmir.
7. General Manager, Government Press, Srinagar for its publication in the next issue of the Government Gazette.
8. Chief Inspector of Factories, Labour Department, J&K, Srinagar.
9. CEO/Secretary, J&K Building and other Construction Workers Welfare Board, Srinagar.
10. Private Secretary to Commissioner Secretary to the Government, Labour and Employment Department.
11. Private Secretary To Commissioner Secretary to Govt. General Administration Department
12. SRO file (w.2.s.c).
13. Stock file.

 13.07.2020

Additional Secretary to Government
Labour & Employment Department