

No. 48] The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. 559
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Belt Gandhi Nagar, Jammu vide Notification No. 1259 dated 01-01-2019
for a period of one year has been extended till 31-12-2021 subject to
the verification of his Certificates/LL.B Degree from the concerned
University and verification of his character and antecedents from
the CID.

The renewal/extension of provisional licence/enrollment must be
sought before the date of expiry unless the absolute/final enrollment as
an Advocate is ordered therebefore.

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Notification

No. 317 Dated 26-11-2020.

Provisional admission granted under Advocates Act, 1961 in favour
of Ms. Insha Wali Dar D/o Wali Mohammad Dar R/o Sadak Janglath
Mandi, Anantnag vide Notification No. 1204 dated 17-11-2018 for a
period of one year has been extended till 31-12-2021 subject to the
verification of her Certificates/LL.B Degree from the concerned
University and verification of her character and antecedents from
the CID.

The renewal/extension of provisional licence/enrollment must be
sought before the date of expiry unless the absolute/final enrollment as
an Advocate is ordered therebefore.

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Notification

No. 318 Dated 26-11-2020.

Provisional admission granted under Advocates Act, 1961 in favour
of Mr. Sabzar Ahmad Dar S/o Mohamad Ibrahim Dar R/o Kujar, Tantray
Mohalla, Frisal, Kulgam vide Notification No. 1203 dated 17-11-2018
for a period of one year has been extended till 31-12-2021 subject to
the verification of his Certificates/LL.B Degree from the concerned
University and verification of his character and antecedents from
the CID.

No. 48] The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. 563
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Notification

No. 347 Dated 03-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Mr. Durga Dass Sharma S/o Sardari Lal Sharma R/o Gurah Jattan, Tehsil Ghagwal, District Samba vide Notification No. 25 dated 15-09-2020 has been declared as absolute/final.

By order.

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Notification

No. 348 Dated 03-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Ms. Insha Quyoom D/o Abdul Quyoom Sofi R/o Nigeen Bagh Krankshivan Colony, Sopore, Baramulla vide Notification No. 1315 dated 11-12-2017 has been declared as absolute/final.

By order.

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Notification

No. 349 Dated 03-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Mr. Javid Ahmad Najar S/o Mohd Jamal Najar R/o Wanigam Payeen, New Colony, Tehsil Pattan, District Baramulla vide Notification No. 62 dated 06-04-2017 has been declared as absolute/final.

By order.

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Notification

No. 350 Dated 03-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Mr. Sukhjeet Verma S/o Mohinder Pal R/o H.

564 The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. [No. 48
No. 69, W. No. 10, Bishnah, District Jammu vide Notification
No. 1669 dated 05-03-2018 has been declared as absolute/final.

By order.

Notification

Notification

No. 351 Dated 03-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Mr. Tasadiq Hussain Sulwati S/o Mohd Akbar
Sulwati R/o Zachaldara, Wani Mohalla, Kupwara vide Notification
No. 888 dated 17-10-2018 has been declared as absolute/final.

By order.

Notification

Notification

No. 352 Dated 03-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Ms. Gowhar Jan D/o Gh. Nabi Ahanger R/o
Laizbal Kadipora, Syed Sahab, Anantnag vide Notification No. 484
dated 10-07-2018 has been declared as absolute/final.

By order.

Notification

Notification

No. 353 Dated 03-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Ms. Shazana Farhat Amin D/o Sheikh Mohd Amin
R/o Gousia Colony, Bemina, Srinagar vide Notification No. 1317 dated
02-01-2019 has been declared as absolute/final.

By order.

Notification

566 The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. [No. 48
No. 163, Lane No. 3, Ekta Vihar, Kunjwani, Jammu vide Notification
No. 1305 dated 02-01-2019 has been declared as absolute/final.

By order.

Notification

No. 359 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Ms. Insheeba Jan D/o Gh. Muhammad Lone
R/o Brienty Batpora Dialgam, Anantnag vide Notification No. 839 dated
16-10-2018 has been declared as absolute/final.

By order.

Notification

No. 360 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Mr. Abdul Ghafoor S/o Manier Hussain R/o Thera
Topa, P/O Shaki Maddhan, Tehsil Mendhar, District Poonch vide
Notification No. 31 dated 06-04-2017 has been declared as absolute/
final.

By order.

Notification

No. 361 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Ms. Shefalee Koul D/o Raju Koul R/o H. No.
2, Lane No. 4, Near Kamal Building Material Gurha Keran, Barnai Road,
Bantalab, Jammu vide Notification No. 1727 dated 30-03-2019 has been
declared as absolute/final.

By order.

Notification

No. 48] The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. 567
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Notification

No. 362 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Mr. Dinesh Jamwal S/o Ranbir Singh R/o Rahya, Vijaypur, Samba vide Notification No. 1548 dated 03-03-2018 has been declared as absolute/final.

By order.

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Notification

No. 363 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Mr. Shivam Singh S/o Lekh Raj R/o Dehra, Thathri, Doda A/P H. No. 112, Sector-2, JDA Colony, Rajinder Nagar, Bantalab, Jammu vide Notification No. 1737 dated 30-03-2019 has been declared as absolute/final.

By order.

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Notification

No. 364 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Mr. Pranav Lakhnotra S/o Parshotam Lakhnotra R/o H. No. 8, Lakhnotra, Gurah Brahmana, Jammu vide Notification No. 1353 dated 03-01-2019 has been declared as absolute/final.

By order.

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Notification

No. 365 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Ms. Alisha Sharma D/o Arun Kumar R/o Hira

568 The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. [No. 48
Nagar, Pheru Chack, Kathua vide Notification No. 1254 dated
01-01-2019 has been declared as absolute/final.

By order.

Notification

Notification

No. 366 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Mr. Abhinav Singh Sambyal S/o Surendera Singh
R/o Netar Kothian, Barnai, Jammu vide Notification No. 1251 dated
01-01-2019 has been declared as absolute/final.

By order.

Notification

Notification

No. 367 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Mr. Amandeep Sharma S/o Darshan Kumar
Sharma R/o Fatwal, Tehsil Bishnah, District Jammu vide Notification
No. 1528 dated 02-03-2018 has been declared as absolute/final.

By order.

Notification

Notification

No. 368 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Mr. Zeeshan Tariq S/o Mohd Tariq Malik
R/o Daraba Juzvi, P/O Samoi, Tehsil Surankote, District Poonch vide
Notification No. 1307 dated 02-01-2019 has been declared as absolute/
final.

By order.

Notification

570 The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. [No. 48
No. 2, Jullaka Mohalla, Jain Bazar, Jammu vide Notification No. 562
dated 01-12-2015 has been declared as absolute/final.

By order.

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Notification

No. 373 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Ms. Seherish Andrabi D/o Syed Noor-U-Din Andrabi R/o Andrabi Cottages, JK Bank Road, Tehsil Kreeri, District Baramulla vide Notification No. 329 dated 06-06-2016 has been declared as absolute/final.

By order.

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Notification

No. 374 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Mr. Neeraj Singh S/o Anchal Singh R/o Near Shiv Mandir, Tridwan, Kathua (Hatli), Kathua vide Notification No. 1362 dated 03-01-2019 has been declared as absolute/final.

By order.

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Notification

No. 375 Dated 04-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Ms. Syed Ishrat D/o Syed Altaf Hussain R/o Tilgam, Pattan, Baramulla vide Notification No. 37 dated 16-05-2019 has been declared as absolute/final.

By order.

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572 The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. [No. 48
Futlipora, Tehsil Charar-I-Shafief, District Budgam has been admitted
and enrolled as an Advocate on the Rolls of Jammu and Kashmir Bar
Council provisionally for a period of one year from the date of issuance
of this notification, subject to the verification of his Provisional/LL.B
Degree Certificate from the concerned University and verification of his
character and antecedents from CID. His name has been entered under
Serial No. JK-374/2020 in the Roll of Advocates maintained by this
Registry.

The renewal/extension of provisional licence/enrollment must be
sought before the date of expiry unless the absolute/final enrollment as
an Advocate is ordered therebefore.

Notification

Notification

No. 381 Dated 07-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Mr. Javaid Ahmad Dar S/o Abdul Rashid Dar
R/o Batwina, Baghwanpora, Ganderbal vide Notification No. 564 dated
07-08-2018 has been declared as absolute/final.

By order.

Notification

Notification

No. 382 Dated 07-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Mr. Ovais Rashid Malik S/o Ab. Rashid Malik
R/o Malik Mohalla, Trehgam, Kupwara vide Notification No. 862 dated
17-10-2018 has been declared as absolute/final.

By order.

Notification

574 The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. [No. 48
R/o Hathbora, Kambay Pora, Tehsil Tulamulla, District Ganderbal vide
Notification No. 178 dated 18-06-2019 has been declared as absolute/
final.

By order.

Notification

Notification

No. 387 Dated 07-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Ms. Pratibha Sharma D/o Ravi Kumar Sharma
R/o H. No. 84, Opposite Anand Bartan Store, Patta Bohri Chungi, Talab
Tillo, Jammu vide Notification No. 812 dated 01-03-2013 has been
declared as absolute/final.

By order.

Notification

Notification

No. 388 Dated 07-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Ms. Rahila D/o Gulam Mohammad Dar R/o
Drangabal Pampore, Pulwama vide Notification No. 583 dated
07-08-2018 has been declared as absolute/final.

By order.

Notification

Notification

No. 389 Dated 07-12-2020.

Provisional admission as an Advocate, granted under the Advocates
Act, 1961 in favour of Mr. Irfan Bin Aijaz S/o Aijaz Ahmad Bhat
R/o Nowgam, Khawajapora, Srinagar vide Notification No. 1854 dated
15-03-2018 has been declared as absolute/final.

By order.

Notification

576 The J&K Official Gazette, the 25th Feb., 2021/6th Phal., 1942. [No. 48
P/O Sheer Hamdan, Bona Mohalla, Anantnag vide Notification No. 855
dated 17-08-2017 has been declared as absolute/final.

By order.

Notification

Notification

No. 394 Dated 07-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Mr. Azaz Ahmed S/o Toofiq Ahmed R/o Habib Nagar, P/O Samote, Surankote, Poonch vide Notification No. 1239 dated 01-01-2019 has been declared as absolute/final.

By order.

Notification

Notification

No. 395 Dated 07-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Ms. Safoora Javeed D/o Javeed Ahmad Mantoo R/o 158-Kursoo, Rajbagh, Srinagar vide Notification No. 1713 dated 30-03-2019 has been declared as absolute/final.

By order.

Notification

Notification

No. 396 Dated 07-12-2020.

Provisional admission granted under Advocates Act, 1961 in favour of Ms. Ranju Kumari D/o Charanjeet Singh R/o Dron Kirani, Thatari, Doda vide Notification No. 1704 dated 30-03-2019 for a period of one year has been extended till 31-12-2021 subject to the verification of her Certificates/LL.B Degree from the concerned University and verification of her character and antecedents from the CID.

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 605
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Whereas, on the basis of an indent placed by the Chief Engineer, PMGSY, Division JKRRDA, Jammu a notification under section 4 (1) was issued by the Collector, Land Acquisition (SDM), Gandoh vide letter No. 338-44/LAC dated 27-09-2019, for land measuring 13 Kanals and 15 Marlas, situated in Village Ganshana, Tehsil Bhalessa, District Doda ;

Whereas, the Collector, Land Acquisition (SDM), Gandoh, vide letter No. 636-37/LAC dated 21-10-2019, has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but, no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (SDM), Gandoh, vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Doda vide No. 547/LAC/D/19 dated 28-10-2019 duly endorsed by the Divisional Commissioner, Jammu vide No. 502/3943/PMGSY/Ganshana/19/Doda/3086 dated 21-12-2019 and endorsed by the Financial Commissioner, Revenue, J&K Jammu vide No. FC-LS/LA-5184/2020 dated 19-03-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of Dudwar Chanti road by PMGSY in Village Ganshana, Tehsil Bhalessa, District Doda.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 13 Kanals and 15 Marlas, situated in Village Ganshana, Tehsil Bhalessa, District Doda, for construction of Dudwar Chanti road in Village Ganshana. Further, the Collector, Land Acquisition (SDM), Gandoh is directed under section 7 of the said Act to take orders for acquisition of the said land after giving prescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of land involved in the

606 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
 case for making apportionment of compensation amongst all the interested
 persons/rightful claimants, in accordance with the relevant laws/rules in force,
 while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,
 Principal Secretary to Government,
 Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M.
Doda	Gandoh	Ghanshana	105/5 min	00-15
			105/5 min	00-15
			105/5 min	00-02
			105/5 min	00-04
			105/5 min	00-06
			45/1 min	00-02
			45/2 min	00-03
			45/2 min	01-14
			45/3 min	00-10
			45/3 min	00-12
			45/3 min	00-12
			45/3 min	00-06
			45/3 min	00-04
			45/3 min	00-10
			45/3 min	00-10
			45/3 min	00-10
			45/3 min	00-10
			45/3 min	01-08
			45/3 min	03-00

608 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
dated 23-10-2019 has been examined and it has been found that the land owners did file any objection to the proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of link road Khojgam to Loiedhar, Phase-III by PWD.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 55 Kanals and 18 Marlas in Village Dhar, Tehsil Mughalmaidan and District Kishtwar for construction of Link Road Khojgam to Loiedhar, Phase-III by PWD. Further, the Collector, Land Acquisition (SDM), Chhatroo of the said land after giving prescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of land involved in the case for making apportionment of compensation amongst all the interested persons/rightful claimants, in accordance with the relevant laws/rules in force, while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,

Principal Secretary to the Government,
Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
Kishtwar	Mughalmaidan	Dhar	555 min	01-12
			555 min	02-00
			522	00-19
			523	03-01
			522	01-05

K. M.

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1	2	3	4	5
				K. M.
			555 min	03-08
			1144/627	00-13
			627 min	01-13
			626	00-07
			628	01-09
			638 min	01-03
			632	00-15
			636	00-15
			637	01-19
			1159/639	00-02
			633 min	01-05
			676 min	01-03
			682	00-12
			684	01-18
			680	01-06
			674	00-11
			673	00-12
			1051/668	01-09
			491	01-15
			499	01-13
			500	00-09
			487	04-02
			484	00-11
			474 min	03-05
			1111/1054/502	02-19
			505	04-19
			504	03-13
			429	00-06
			423	02-09
				ooooo
			Grand Total	55-18
				ooooo

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610 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
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GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATô REVENUE DEPARTMENT.

Notification No. 198-Rev (LAJ) of 2020

Dated 22-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A" to this notification is required for construction of Khojgam to Loie Dhar, Phase-III Link Road under PWD (R&B) situated in Village Dhar, Tehsil Mugalmaidan and District Kishatwar ;

Whereas, on the basis of an indent placed by Chief Engineer, PW (R&B) Department, Jammu, a notification under section 4(1) was issued by Collector, Land Acquisition (SDM), Chhatroo, vide letter No. SDM/C/LA/17/23-29 dated 04-04-2018 for land measuring 20 Kanals and 01 Marla in Village Dhar, Tehsil Mugalmaidan and District Kishtwar for construction of Khojgam to Loie Dhar, Phase-III link road under PWD (R&B) ;

Whereas, the Collector, Land Acquisition (SDM), Chhatroo, vide letter No. SDMC/LA/19/252 dated 03-10-2019 has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but no objection was received from the land owners/ interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (SDM), Chhatroo vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Kishtwar vide No. DCK/LA/2019/623 dated 05-10-2019, duly endorsed by Divisional Commissioner, Jammu vide No. 502/3786/PWD/Dhar/Kishtwar/19/2928 dated 27-11-2019 and Financial Commissioner, Revenue, J&K Jammu vide No. FC-LS/LA-5058/2020 dated 16-03-2020 has been examined and it has been found that the land owners did not file any objection to the proposec acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of Khojgam to Loie Dhar, Phase-III link road under PWD (R&B).

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 20 Kanals and 01 Marla in Village Dhar, Tehsil Mugalmaidan and District

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 611
 Kishtwar for construction of Khojgam to Loie Dhar, Phase-III link road
 under PWD (R&B).

Further, the Collector, Land Acquisition (SDM), Chhatroo of the said
 land after giving prescribed notice to the interested person (s) as required
 under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for
 identification and proper title verification of all types of land involved in the
 case for making apportionment of compensation amongst all the interested
 persons/rightful claimants, in accordance with the relevant laws/rules in force,
 while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,
 Principal Secretary to Government,
 Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M.
Kishtwar	Mughalmaidan	Dhar	824	02-11
			825	00-15
			977/827 min	00-05
			826	01-08
			977/827 min	01-03
			653	01-11
			652 min	02-14
			652 min	00-04
			652 min	02-05

612 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
 612 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48

1	2	3	4	5
				K. M.
			650	02-08
			623	00-18
			625 min	01-05
			626	02-14
				6666
			Grand Total	20-01
				6666

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GOVERNMENT OF JAMMU AND KASHMIR,
 CIVIL SECRETARIAT REVENUE DEPARTMENT.

Notification No. 209-Rev (LAJ) of 2020

Dated 24-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A" to this notification is required for construction of road from Katyara to Kanser via Haddal Km 2nd under PWD (R&B) situated in Village Haddal, Tehsil Bhaderwah, District Doda ;

Whereas, on the basis of an indent placed by Chief Engineer, PWD (R&B), Division Bhaderwah, a notification under section 4 (1) was issued by Collector, Land Acquisition (ADC), Bhaderwah, vide letter No. ADC/LAC/18-19/866-72 dated 14-10-2019 for the land measuring 19 Kanals, 11 Marlas in Village Haddal, Tehsil Bhaderwah, District Doda for construction of road from Katyara to Kanser via Haddal Km 2nd under PWD (R&B) ;

Whereas, the Collector, Land Acquisition (ADC), Bhaderwah, vide letter No. LAC/ADC/19-20/976-77 dated 23-10-2019 has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (ADC), Bhaderwah, vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Doda, vide No. 532/LAC/D/19 dated 28-10-2019, Divisional Commissioner, Jammu vide No. 502/3935/PWD/Haddal/Doda/

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 613
 19/2914 dated 27-11-2019 and Financial Commissioner, Revenue, J&K
 Jammu vide No. FC-LS/LA-5174/2020 dated 11-05-2020 has been examined
 and it has been found that the land owners did not file any objection to the
 proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof
 are given above is required for public purpose viz. for construction of road
 from Katyara to Kanser via Haddal Km 2nd under PWD (R&B).

Now, therefore, in pursuance of section 6 of the J&K State Land
 Acquisition Act, Samvat 1990, it is declared that the land measuring
 19 Kanals, 11 Marlas in Village Haddal, Tehsil Bhaderwah, District Doda
 for construction of road from Katyara to Kanser via Haddal Km 2nd under
 PWD (R&B). Further, the Collector, Land Acquisition (ADC), Bhaderwah
 is directed under section 7 of the said Act to take orders for acquisition of
 the said land after giving prescribed notice to the interested person (s) as
 required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for
 identification and proper title verification of all types of land involved in the
 case for making apportionment of compensation amongst all the interested
 persons/rightful claimants, in accordance with the relevant laws/rules in force,
 while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,
 Principal Secretary to Government,
 Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
Doda	Bhaderwah	Haddal	146	01-00½
			147	00-02
			148	00-12½
			145	00-01
			149	00-04

K. M.

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K. M.

206	00-03
204	00-11
203	00-10½
202	00-19
201	00-09
200	00-07
198	00-03½
196	00-06
195	00-13
368	00-04
378	00-03
530/373	00-05
374	00-03
354	00-11
357	00-02
355	00-03
356	00-02
521/348	01-00
338	00-03
325	00-01
329	00-01
323	00-05
334 min	00-16
334 min	00-19

616 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
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Whereas, on the basis of an indent placed by Chief Engineer, PMGSY, JKRRDA, Jammu, a notification under section 4 (1) was issued by Collector, Land Acquisition (ADC), Nowshera, vide letter No. ADC/NSR/LA/2019-20/108-112 dated 28-10-2019 for land measuring 44 Kanals, 13 Marlas situated in Village Rani Bandhetar, Tehsil Nowshera, District Rajouri for construction of road from Chingus to Rani Badhetar under PMGSY ;

Whereas, the Collector, Land Acquisition (ADC), Nowshera vide letter No. ADC/NSR/LA/2019-20/123-24 Dated 24-12-2019 has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (ADC), Nowshera, vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Rajouri vide No. AC/LA/845-46 dated 27-01-2020 Divisional Commissioner, Jammu vide No. 502/4110/PMGSY/Rani Badhetar/Raj/20/4393 dated 13-02-2020 and Financial Commissioner, Revenue, J&K Jammu vide No. FC-LS/LA-5170/2020 dated 14-05-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of road from Chingus to Rani Badhetar under PMGSY.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 44 Kanals, 13 Marlas situated in Village Rani Bandhetar, Tehsil Nowshera, District Rajouri for construction of road from Chingus to Rani Badhetar under PMGSY. Further, the Collector, Land Acquisition (ADC), Nowshera is directed under section 7 of the said Act to take orders for acquisition of the said land after giving prescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for identification and proper title verification of all types of land involved in the case for making apportionment of compensation amongst all the interested

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 617
 persons/rightful claimants, in accordance with the relevant laws/rules in force,
 while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,
 Principal Secretary to Government,
 Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M.
Rajouri	Nowshera	Rani Badheter	146 pt	06-06
			146 pt	03-15
			180 pt	02-10
			176 pt	00-08
			153 pt	01-01
			150 pt	03-06
			135 pt	00-13
			138 pt	02-17
			122/1	02-01
			146 pt	00-43
			146 pt	06-09
			178 pt	02-15
			175 pt	03-08
			152 pt	01-04
			133 pt	01-17

618 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
 618 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48

1	2	3	4	5
				K. M.
			137 pt	00-09
			122/2 pt	02-15
			122 pt	02-06
				66666
			G. Total	44-13
				66666

666666

GOVERNMENT OF JAMMU AND KASHMIR,
 CIVIL SECRETARIAT REVENUE DEPARTMENT.

Notification No. 205-Rev (LAK) of 2020

Dated 22-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A" to this notification is required for public purposes viz. for construction of 2x4 MW Small Hydroelectric Project at Boniyar in Estate Maidanan situated at Village Banali and Trikanjan, Tehsil Boniyar, District Baramulla ;

Whereas, on the basis of an indent placed by Chief Engineer, Civil Investigation and Design Wing, PDC, Srinagar, a notification under section 4 (1) was issued by Collector, Land Acquisition (SDM), Uri, vide letter No. SDM/LA/Uri/19/1197-1204 dated 27-01-2010 read with Corrigendum No. CLAU/LA/SHP/02 dated 23-12-2017, for land measuring 22 Kanals situated in Village Banali and Trikanjan, Tehsil Boniyar, District Baramulla, for construction of 2x4 MW Small Hydroelectric Project at Boniyar in Estate Maidanan ;

Whereas, the Collector, Land Acquisition (SDM), Uri, vide No. SDM/Uri/18/15/LA dated 15-03-2019, has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition but no objection was received from the land owners/interested persons within the prescribed period as required under sections 5&5A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (SDM), Uri, vide letter referred to above duly endorsed by District Collector (DC),

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 619
 Baramulla vide letter No. DCB/LA/SHP/2019/02 dated 18-10-2019
 Divisional Commissioner, Kashmir vide No. Div.Com/LAS-3329/6739
 dated 02-11-2019 and by Financial Commissioner, Revenue vide
 No. FC-LS/LA/5160/2020 dated 16-03-2020 has been examined and it has
 been found that the land owners did not file any objection to the proposed
 acquisition ;

Whereas, the Government is satisfied that the land particulars whereof
 are given above is required for public purpose viz. for construction of
 2x4 MW Small Hydroelectric Project at Boniyar in Estate Maidanan.

Now, therefore, in pursuance of section 6 of the J&K State Land
 Acquisition Act, Samvat 1990, it is declared that the land measuring
 22 Kanals situated in Village Banali and Trikanjan, Tehsil Boniyar, District
 Baramulla, for construction of 2x4 MW Small Hydroelectric Project at
 Boniyar in Estate Maidanan. Further, the Collector, Land Acquisition (SDM),
 Uri is directed under section 7 of the said Act to take orders for acquisition
 of the said land after giving prescribed notice to the interested person (s) as
 required under the Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for
 identification and proper title verification of all types of land involved in the
 case for making apportionment of compensation amongst all the interested
 persons/rightful claimants, in accordance with the relevant laws/rules in
 force, while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,
 Principal Secretary to Government,
 Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M.
Baramulla	Boniyar	Banali	78	00-01
		Trikanjan	77	01-00
			519	00-04

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 621
Mathola, Tehsil Bhaderwah, District Doda for construction of Mathola-
Topri via Bhanderbagg link road under PWD (R&B) ;

Whereas, the Collector, Land Acquisition (ACR), Doda vide letter No. 1314/Acq dated 10-10-2019 has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (ACR) Doda vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Doda vide No. 459/LAC/D/19 dated 21-10-2019, Divisional Commissioner, Jammu vide No. 502/3885/PWD/Mathola/D/19/2895-96 dated 27-11-2019 and Financial Commissioner, Revenue, J&K Jammu vide No. FC- LS/LA-5174/2020 dated 11-05-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of Mathola-Topri via Bhanderbagg link road under PWD (R&B).

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 35 Kanals, 01 Marla in Village Mathola, Tehsil Bhaderwah, District Doda for construction of Mathola-Topri via Bhanderbagg link road under PWD (R&B). Further, the Collector, Land Acquisition (ACR), Doda is directed under section 7 of the said Act to take orders for acquisition of the said land after giving prescribed notice to the interested person (s) as required under the Land Acquisition Act/Rules.

However, the Collector, concerned shall be personally responsible for identification and proper title verification of all types of land involved in the case for making apportionment of compensation amongst all the interested persons/rightful claimants, in accordance with the relevant laws/rules in force, while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,
Principal Secretary to Government,
Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M.
Doda	Bhaderwah	Mathola	56 min	00-10
			57 min	00-09
			58 min	01-11
			71 min	01-01
			71 min	00-12
			71 min	00-12
			71 min	00-06
			72 min	01-08
			72 min	01-02
			114 min	01-05
			118	00-06
			118 min	01-00
			119 min	00-10
			120 min	00-13
			121 min	00-06
			122 min	00-19
			156	01-00
			166 min	01-00
			189 min	00-13
			190	00-17
			191 min	00-09
			191 min	01-04

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	K. M.
191 min	00-10
194 min	00-08
195 min	01-00
224 min	00-16
224 min	02-03
225 min	00-10
226 min	01-04
229 min	00-11
230 min	00-07
230 min	00-06
231 min	01-06
233	00-15
233 min	00-05
234 min	00-06
235 min	00-12
235 min	01-11
235 min	00-02
235 min	00-06
357 min	00-06
362 min	01-03
363 min	00-07
406 min	00-09
406 min	00-09
406 min	01-16
	oooo
Total	35-01
	oooo

624 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT& REVENUE DEPARTMENT.

Notification No. 192-Rev (LAJ) of 2020

Dated 22-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A" to this notification is required for construction of road from Kandote to Indrallah under PMGSY situated at Village Kandote, Tehsil Thathri, District Doda ;

Whereas, on the basis of an indent placed by Chief Engineer, PMGSY, Jammu, a notification under section 4 (1) was issued by the Collector, Land Acquisition (SDM), Thathri vide letter No. SDM/T/LAC/242-50 dated 04-10-2019, for land measuring 21 Kanals, 08½ Marlas situated at Village Kandote, Tehsil Thathri, District Doda for construction of road from Kandote to Indrallah under PMGSY ;

Whereas, the Collector, Land Acquisition (SDM), Thathri vide letter No. SDM/T/LAC/2019-20/384-85 dated 25-10-2019, has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but, no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (ADC), Bhaderwah vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Doda vide No. 542/LAC/D/19 dated 28-10-2019 Divisional Commissioner, Jammu vide No. 502/3946/PMGSY/Kandrote/19/Doda/4029 dated 23-12-2019 and Financial Commissioner, Revenue, J&K Jammu vide No. FC-LS/LA-5186/2020 dated 19-03-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of road from Kandote to Indrallah under PMGSY.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 21 Kanals, 08½ Marlas situated at Village Kandote, Tehsil Thathri, District Doda for construction of road from Kandote to Indrallah under PMGSY. Further, the Collector, Land Acquisition (SDM), Thathri is directed under section 7 of the said Act to take orders for acquisition of the said land after

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 625
 giving prescribed notice to the interested person (s) as required under the
 Land Acquisition Act/Rules.

However, the Collector concerned shall be personally responsible for
 identification and proper title verification of all types of land involved in the
 case for making apportionment of compensation amongst all the interested
 persons/rightful claimants, in accordance with the relevant laws/rules in
 force, while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,
 Principal Secretary to Government,
 Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area	Kind of land
1	2	3	4	5	6
				K. M.	
Doda	Thathri	Kandote	340	01-2½	Udar
			79	02-3½	G. M.
			341	00-09	Udar
			79	00-08	G. M.
			320	00-0½	Udar
			347	00-05	Udar
			79	00-17	G. M.
			348	00-04	Udar
			79	01-00	G. M.
			357	00-02	B. Q.
			79	00-08	G. M.
			349	01-3½	Udar
			350	00-14	Udar

626 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
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1	2	3	4	5
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			K. M.	
		351	00-16½	Udar
		315	00-14	Udar
		315	00-07	B. Q.
		332	02-00	Udar
			00-10½	B. Q.
		331	02-3½	B. Q.
		634/632/327	00-19	B. Q.
		634/632/327	01-17	Udar
		330	02-12	Udar
		634/632/327	00-13	B. Q.
				ooooôô
			Total	21-8½
				ooooôô

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GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATô REVENUE DEPARTMENT.

Notification No. 213-Rev (LAJ) of 2020

Dated 24-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A" to this notification is required for construction of PWD road from Gulmana Parsholla to Bridge at Sheva Dal situated in Village Parsholla, Tehsil Mohalla, District Doda ;

Whereas, on the basis of an indent placed by Executive Engineer, PWD (R&B), Division Doda, a notification under section 4 (1) was issued by Collector, Land Acquisition (ACR), Doda, vide letter No. 67-73/Acq dated 18-04-2016 for land measuring 19 Kanals, 10 Marlas in Village Parsholla, Tehsil Mohalla, District Doda for construction of PWD road from Gulmana Parsholla to Bridge at Sheva Dal ;

Whereas, the Collector, Land Acquisition (ACR), Doda vide letter No. 1263-68/ Acq dated 10-10-2019 has reported that the notification issued

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 627
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under section 4 (1) of the J&K State Land Acquisition Act by him was
served upon the interested persons for filing objections, if any, to the proposed
acquisition, but no objection was received from the land owners/interested
persons within the prescribed period as required under sections 5 & 5-A of
the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (ACR),
Doda vide letter referred to above duly endorsed by District Collector,
Land Acquisition (DC), Doda vide No. 435/LAC/D/19 dated 15-10-2019,
Divisional Commissioner, Jammu vide No. 502/3837/PWD/Parsolla/
D/19/2661 dated 30-10-2019 and Financial Commissioner, Revenue, J&K
Jammu vide No. FC-LS/LA-5161/2020 dated 15-05-2020 has been examined
and it has been found that the land owners did not file any objection to the
proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof
are given above is required for public purpose viz. for construction of PWD
road from Gulmana Parsholla to Bridge at Sheva Dal.

Now, therefore, in pursuance of section 6 of the J&K State Land
Acquisition Act, Samvat 1990, it is declared that the land measuring
19 Kanals, 10 Marlas in Village Parsholla, Tehsil Mohalla, District Doda for
construction of PWD road from Gulmana Parsholla to Bridge at Sheva
Dal. Further, the Collector, Land Acquisition (ACR), Doda is directed under
section 7 of the said Act to take orders for acquisition of the said land after
giving prescribed notice to the interested person (s) as required under the
Land Acquisition Act/Rules.

However, the Collector, concerned shall be personally responsible for
identification and proper title verification of all types of land involved in the
case for making apportionment of compensation amongst all the interested
persons/rightful claimants, in accordance with the relevant laws/rules in force,
while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,
Principal Secretary to Government,
Revenue Department.

No. 48] The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. 629
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GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT& REVENUE DEPARTMENT.

Notification No. 215-Rev (LAJ) of 2020

Dated 24-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A" to this notification is required for construction of PWD road from Gulman Parsholla to Bridge at Sheva Dal situated in Village Mohalla, Tehsil Mohalla, District Doda ;

Whereas, on the basis of an indent placed by Executive Engineer, PWD (R&B), Division Doda, a notification under section 4 (1) was issued by Collector, Land Acquisition (ACR), Doda, vide letter No. 60-66/Acq dated 18-04-2016 for land measuring 44 Kanals, 05 Marlas in Village Mohalla Tehsil, District Doda for construction of PWD road from Gulman Parsholla to Bridge at Sheva ;

Whereas, the Collector, Land Acquisition (ACR), Doda vide letter No. 1257-62/Acq dated 10-10-2019 has reported that the notification issued under section 4 (1) of the J&K State Land Acquisition Act by him was served upon the interested persons for filing objections, if any, to the proposed acquisition, but no objection was received from the land owners/interested persons within the prescribed period as required under sections 5 & 5-A of the Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (ACR), Doda vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Doda vide No. 433/LAC/D/19 dated 15-10-2019, Divisional Commissioner, Jammu vide No. 502/3838/PWD/Mohalla/D/19/2650 dated 29-10-2019 and Financial Commissioner, Revenue, J&K Jammu vide No. FC-LS/LA-5161/2020 dated 15-05-2020 has been examined and it has been found that the land owners did not file any objection to the proposed acquisition ;

Whereas, the Government is satisfied that the land particulars whereof are given above is required for public purpose viz. for construction of PWD road from Gulman Parsholla to Bridge at Sheva Dal.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 44 Kanals, 05 Marlas in Village Mohalla, Tehsil and District Doda for construction of PWD road from Gulman Parsholla to Bridge at Sheva Dal. Further, the Collector, Land Acquisition (ACR), Doda is directed under

630 The J&K Govt. Gazette, 25th Feb., 2021/6th Phal., 1942. [No. 48
 section 7 of the said Act to take orders for acquisition of the said land after
 giving prescribed notice to the interested person (s) as required under the
 Land Acquisition Act/Rules.

However, the Collector, concerned shall be personally responsible for
 identification and proper title verification of all types of land involved in the
 case for making apportionment of compensation amongst all the interested
 persons/rightful claimants, in accordance with the relevant laws/rules in force,
 while making the award.

(Sd.) DR. PAWAN KOTWAL, IAS,

Principal Secretary to Government,
 Revenue Department.

Annexure-A

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
1	2	3	4	5
				K. M.
Doda	Mohalla	Mohalla	1705/69	01-00
			71 min	04-10
			71 min	05-00
			117	05-07
			118 min	01-16
			118 min	09-01
			140	00-12
			119	00-02
			119	00-04
			119	00-02
			119	00-04
			1755/398	04-17
			1755/398	11-10
				6666
			Total	44-05
				6666

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THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Thu., the 25th Feb., 2021/6th Phal., 1942. [No. 48
Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART II—A

Orders by Heads of Departments.

CHARGE REPORTS

In pursuance of Government Order No. 93-JK (GAD) of 2021 dated
30-01-2021 issued by the General Administration Department
vide endorsement No. GAD(Ser) Genl/104/2018-II dated 30-01-2021,
I, Rejesh Sharma (KAS) do hereby assume the charge of the post
of Custodian General, J&K today the 3rd of February, 2021 forenoon.

(Sd.) RAJESH SHARMA, KAS,

Custodian General,
J&K, Jammu.

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90 The J&K Official Gazette, 25th Feb., 2021/6th Phal, 1942. [No. 48
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Certified that we have in the afternoon of this day respectively made over and received charge of the Office of Chief Medical Officer, Health and Family Welfare, Doda along with cash balance lying in Account No. CD-509 of Jammu and Kashmir Bank, Branch Ex-Doda as on 31-11-2020 A. N. of Rs. 95/- (Rupees Ninety-five) only last entry made in the cash book as well as drawal register.

The closing balance as on 30-11-2020 A. N. as per cash book and a per bank statement is Rs. 95/- (Rupees Ninety-five) only.

Memo of the balane for which responsibility is accepted by the Officer, Receiving Charge.

Permanent Advance : Rs. 95/- (Rupees Ninety-five) only.

Station : Doda.

Dated : 01-12-2020.

(Sd.)

Chief Medical Officer,
Health and Family Welfare, Doda.

Relieved Officer.

(Sd.)

Chief Medical Officer,
Health and Family Welfare, Doda.

Relieving Officer.



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 133] Jammu, Thu., the 25th Feb., 2021/6th Phal., 1942. [No. 48

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART II B

Notifications, Notices and Orders by Heads of Departments.

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GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE DEPUTY COMMISSIONER, SAMBA.

Subject :ô Amendment/Corrigendum in Form-I notification was issued by Deputy Commissioner, Samba for land measuring 394 Kanals and 11 Marlas situated at Village Arazi, Samba and Parel, Tehsil Samba under DEO Case No. KAS/7533/LH.

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Amendment in Form-I

NOTICE

Whereas, Deputy Commissioner, Samba had issued notice in Form-I under sub-section (1) of section 7 of the J&K Requisition and Acquisition of Immovable Property Act, 1968 for land measuring 394 Kanals and 11 Marlas situated at Village Arazi, Samba and Parel vide No. DCS/LHS/SM/19-20/38-41 dated 11-05-2019 ;

338 The J&K Official Gazette, 25th Feb., 2021/6th Phal, 1942. [No. 48

Whereas, the Principal Secretary to Government, Home Department J&K Civil Secretariat, Srinagar, has issued Notice in Form-J under endorsement No. Home/CL-39/97 dated 01-10-2019 for acquisition of said requisitioned land ;

Whereas, this office has re-examined the case file and the assami-wise list submitted by the Tehsildar, Samba, it has been found that the word -Khewatø missing in S. No. 2 and also the name of land owners were left out in the S. Nos.10 and 24 ;

Whereas, vide this office letter No. DCS/LHS/20-21/228-29 dated 11-11-2020 Tehsildar, Samba was directed to provide the complete report of Assami-wise so that the necessary amendment/corrigendum be issued, if any, accordingly ;

Whereas, Tehsildar, Samba submitted the aforesaid requisite information vide his letter No. OQ/273 dated 19-11-2020 ;

Whereas, on scrutiny of the documents submitte by Tehsildar, Samba with the notice in Form-I it was observed that there existed the word øKhewatø and name of land owners, which needed to be included in Form-I after rectification.

Therefore, on the basis of report of Tehsildar, Samba, I, Rohit Khajruia, Deputy Commissioner, Samba do hereby issue an amendment in the Form-I issued by the then Deputy Commissioner, Samba vide No. DCS/LHS/SM/19-20/38-41 dated 11-05-2019 which is placed on record as follows :ø

Shedule of Property

S. No.	Name of Village	Name of owners	Name of tenants	Kh. Nos.	Area
1	2	3	4	5	6
					K. M.
1.	Arazi, Samba	1. Alaf Din, 2. Feroz Din, 3. Bhaga, 4. Bhadar Dheen, 5. Bhuru all son of Lal Dheen Gujar R/o Arazi, Samba equal share Mahajreen	Makbooza Military	48 55	07604 00613
				Total	ø ø 07617 ø ø

1	2	3	4	5	6
					K. M.
2.	do.	Mohd. Jayi and other Khewat No. 1 36 Kls 16 Marlas Fata Din and other Khewat No. 11, 115 Kanals 13 Marlas Mahajreen	Makbooza Military	217/64 295/67 296/67 297/68 75 74	02616 01618 02618 14612 07609 03607 6666 Total 33600 6666
3	do.	Fata Din, Taj Din S/o Nura Gujar equal share Mahajreen Custodian Property, Jammu	Makbooza Military	69	12612
4	do.	1. Subash Chander, 2. Romesh Chander sons of Shana equal share @ one share R/o Arazi, Samba	Makbooza Military	60	06600
5	do.	Ajit Kumar, Des Raj, Subash Chander, Romesh Kumar S/o Shana Ram, Parkasho Devi, Purno Devi, Raj Devi all daughters of Shana Ram, Shano Devi Widow of Shana all equal share Darshan Kumar, Vicky Kumar sons, Jyoti Devi, Anita Rani daughters of Taro Devi one share	Makbooza Military	60 62 72	14616 01603 05600 66666 Total 20619 66666
6	do.	Mohd. Shafi and others Fateh Din co-share baya Anant Ram S/o Makodu Brahmin R/o Khridi at present Sarna Vendee baya Sarita @ one share Ajit Kumar, Des Raj,	Makbooza Military	309/297/68	08600

1	2	3	4	5	6
		Subash Chander, Romesh Kumar S/o Shana equal shares, Parkasho Devi, Purni Devi, Raj daughter of Shana equal shares eight shares. Darshan Kumar, Vicky Kumar sons Anita Rani, Jyoti Devi daughter of Taro Devi equal shares one share @ one share. Rajesh Kumar, Raghbir Chand Sons of Ganju, Shakuntla Devi, Puro Devi, Biaso Devi, Deepa Devi, Babli Devi, Bato Wd/o Gangu equal shares @ one share Garu Ram, Subash Chander, Bushan Ram Sons of Mansa Ram equal shares @ one share Mani Ram S/o Shiv Dayal @ one share Mahajreen.			K. M.
7.	do.	Anant Ram S/o Mokodu Brahmin R/o Khridi Vendee	Makbooza Military	309/298/68	01612
8	do.	Lal Singh, Darshan Singh, Sarwan Singh sons of Kartar Singh equal shares 18 shares, Ashu Devi daughter of Kartar Singh two shares @ ½ share, Lal Singh, Darshan Singh, Sarban Singh sons of Kartar Singh 18 shares, Ashu Devi daughter of Bua Ditti Wd/o Kartar Singh @ 1/6th share @ ½ share Mehar Singh, Harbazan Singh, Rampal Singh sons of Bano Ram 18 shares Asha Devi daughter Sheela Devi Wd/o Bano Ram two equal shares @ 1/6th share @ ½ share, Chhankar Singh,	Makbooza Military	47 216/56 57 Total	04616 06600 33605 44601 66666

1	2	3	4	5	6
					K. M.
		Baldev Singh sons of Chhalo Ram, Rani Devi, Koushlya Devi D/o Chhalo Ram equal shares, four shares @ ½ share R/o Parel.			
9	do.	Rajesh Kumar, Raghbir Chand sons of Gangu, Sakuntla Devi, Puro Devi, Baiso devi, Deepa Devi, Balli Devi daughter of Gangu, Banto Devi Wd/o Gangu equal share.	Makbooza Military	216/56 60 Total	07609 12600 19609 6666
10	do.	Mohd. Shafi and other Fateh Deen co-sharer Vendor Anant Ram S/o Makodu Brahmin R/o Khridi at present Sarna Vendee 1st vendor Bishan Dass, Daya Ram, Pyara Ram sons of Gasitu equal shares 21 shares. Kanta Devi, Vinay daughters of Banti Devi Wd/o Gasito three shares @ ¼ shares Ashok Kumar Jallo Ram, Chuni Lal sons of Rasalo 21 shares Sakuntla Devi, Manna Devi daughters of Shani Devi Wd/o Rasalo equal shares three shares @ ¼ share. Kuldeep Raj, Sat Pal sons equal shares, 10 shares Kauhslya Devi daughter, Sarswati Devi Wd/o Munshi equal share two shares @ ½ share R/o Mananu vendee.	Makbooza Military	311/218/64	16604
11.	do.	Mandir Chatter Buj Maharaj Bahetmam Anant Ram S/o Ganga Ram Brahmin R/o Arazi, Samba.	Makbooza Military Makhbooja Rattan Chand, Krishan Chand	78 79 80 Total	40600 05600 06609 6666 51609 6666

1	2	3	4	5	6
					K. M.
			Sat Pal, Sham Lal Sons of Angat Ram equal share @ ½ share Paras Ram S/o Kirpa R a m @ ½ s h a r e R / o S a m b a . M a h h t a m M a n d i r .		
12.	do.	Shamlat Deh	Makbooza Military Aqaf property	49	13612
13.	do.	Shamlat Deh	Makbooza Military Kahcharai	50	27619
14.	do.	Shamlat Deh	Makbooza Military Rafah Aam	53 61	01616 00612 66666
				Total	02608 66666
15.	do.	Bachitru Ram, Tara Chand sons of Shahdu @ one share, Ram Pal, Raj Kumar sons 8 shares, Baiso Devi Wd/o Pritam Chand one share Vikram Chand, Krishan Chand sons of Punnu, Kunti Devi D/o Punnu and Shanti Devi Wd/o Punnu all equal shares five shares. Ajay Kumar sons of Balwant Raj one share @ one share. Parsidho, Rugal sons of Sardhu, Taro, Kanta, Jally daughtes equal five share @ one share R/o Arazi.	Makbooza Military	45	14611

1	2	3	4	5	6
16.	do.	Shamlat Deh	Allah Din and others evacue Makbooza Military	52 63 65 Total	K. M. 00611 00602 03614 66666 04607 66666
17.	do.	State Land	Punnu, Beli sons of Kalu equal share Makbooza Military	59	05605
18.	do.	State Land	Karan Chand, Sat Pal, Baldev Raj S/o Mangu Ram equal share Tabya Marzi Sarkar Makbooza Military	51 52 54 215/56 Total	04608 00610 03612 08607 66666 16617 66666
19.	do.	State Land	Mansa S/o Sabad Pal Megh Gair Maroosi Tabya Marzi Sarkar Makbooza Military	216/56 60 Total	07611 12600 66666 19611 66666
20.	do.	Shamlat Deh	Makbooza Military	70	01603

1	2	3	4	5	6
					KóM
21.	do.	State Land	Makbooza	46	00615
			Military	58	01603
				71	00608
				72	30602
				73	01610
					66666
			Total		33608
					66666
22.	do.	State Land	Makbooza	52	00609
			Military Kashat		
			Allaru, Jhagadhu,		
			Baju, Anatu sons		
			of Punu, Mahasha		
			R/o Deh illegal		
			possession		
23.	Parel	State Land	Makbooza	52 min	12608
			Military		
24.	Parel	Ishar Dass S/o Thakur Dass Davinder Dutta and Satish Dutta S/o Om Parkash equal shares Massialya R/o Arazi, Samba, Vaishno Dass 6 shares Shanti Devi, Kanta Kumari, daughters Dan Devi Wd/o Ishar Dass equal shares in 3 shares. Gotam Dutta, Sanjay Dutta sons equal 10 shares, Manju Dutta daughter Mohini Dutta Wd/o Petember Nath equal share is 2	Satish Dutta S/o Om Parkash Davinder Dutta Makbooza Military	53	21600

No. 48]		The J&K Official Gazette, 25th Feb., 2021/6th Phal, 1942.		345
1	2	3	4	5
				KóM
		shares over ½ share. Prem Lata Dutta, Jagdev Dutta, Davinder Dutta, Satish Dutta, Narinder Dutta sons equal shares in 86 shares Darshana Devi, Meena Dutta, Neelam Dutta daughter and Padma Devi Wd/o Om Parksh equal share in 4 shares R/o Parel.		óóóóóó
			Total	394611 óóóóóó

(Sd.) ROHIT KHAJURIA, KAS,
Deputy Commissioner
(The Competent Authority under RAIP Act),
Samba.

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Notice

I, Devender S/o Munshi Ram R/o A/p Air Force Station, Satwari Cantt., ATC Section to Complex, Tehsil Jammu South, District Jammu Permanent Address Loharwara (150), Bhiwani, Haryana have applying for correction of my name and my father name which has been wrongly written in my PAN Card as Devender Sharma instead of correct name Deevender (my name) amd Munshi Ram Sharma instead of correct name Munshi Ram. Objection, if any, may be conveyed to concerned authority within seven days from date of publication of this notice.

It is certified that I have complied with other legal requirements in this connection.

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346 The J&K Official Gazette, 25th Feb., 2021/6th Phal, 1942. [No. 48
Notice

My name is wrongly been written as Sonia Bhat instead of Deeksha Bhat in UTI Mutual Funds, Bahu Plaza, Jammu, Policy No. 593185593573 (old folio No. 500862865). Now I am applying for correction. Objection, if any, may be conveyed to UTI Mutual Funds, Bahu Plaza, Jammu within seven days.

Deeksha Bhat D/o Kanya Lal Bhat
R/o Plot No. 20, Lane No. 271,
Swarn Vihar, Muthi, Jammu.

It is certified that I have complied with other legal requirements in this connection.

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Declaration

I, Nissar Ahmad Mir S/o Ab. Rashid Mir R/o Chareel Lamber, Tehsil Banihal, District Ramban working as Master in School Education Department, J&K Government (presently working in Govt. High School, Chareel, Banihal, District Ramban). Declare that my father's name is Ab. Rasheed Mir as per my basic educational records 10 class Diploma, PAN Card and some other documents. But my father's name is wrongly mentioned as Abdul Rashid Mir in my Service Book. I declare that both name Ab. Rasheed Mir and Abdul Rashid Mir are names of one and the same person i. e. my father. I declare that correct name of my father as Ab. Rasheed Mir (as per my basic education records 10 class Deploma, PAN Card etc.

Notice

No Legal responsibility is accepted for the publication of Advertisements/Public Notices in this Part of the Official Gazette of UT of J&K. Persons notifying the Advertisements/Public Notices will remain solely, responsible for the legal consequences and also for any other misrepresentation etc.

By Order.

General Manager,
Ranbir Govt. Press, Jammu.



सत्यमेव जयते

THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Thu., the 25th Feb., 2021/6th Phal., 1942. [No. 48

Separate paging is given to this part in order that it may be filed as a separate compilation.

ADVERTISEMENTS—C

GOVERNMENT OF JAMMU AND KASHMIR,
OFFICE OF THE GENERAL MANAGER,
GOVERNMENT PRESS, SRINAGAR.

LIMITED SHORT TERM TENDER NOTICE

Sealed limited short term tender notice affixed with revenue stamps of Rs. 6/- are invited from registered firms/binders for binding/ sewing of Answer Sheets as per sample and specification given below, the printed sheets will be supplied by the department in full. The tenders inclusive of all charges should reach to the office of the undersigned by or before 13-02-2021 up to 1.00 P. M. The tenders are likely to be opened on the same day by the department. The payment on account of below detailed job shall be made to the successful tenderer after completion of job, subject to the satisfaction of the department. The successful tenderer shall have to complete the above jobs with full satisfaction of the department and have to deliver the material into the department within a week's time.

Description of Binding Job	Size	Quantity
Single Number on Title Page, Gathering, Side Sewing and Final Size Cutting of Answer Sheets of 16 lve. on printed paper sheets of 80 gsm.	18"x24"4 (as per approved sample)	20,000 Nos.

Terms and Conditions :ô

1. The printed material shall be lifted from this department.
2. The successful tenderer should get the sample approved by the department before executing the job within one day of lifting of printed material.
3. The quality of the Binding Job should be very strictly as per the approved sample (Answer Sheet) provided by the department.
4. The successful tenderer shall have to execute an agreement with this department on the prescribed format.
5. The interesting parties are requested to deposit earnest money of Rs. 3000/- in the shape of CDR/FDR pledged to General Manager, Government Press, Srinagar.
6. In case the successful tenderer backs out the contract or delays the contract, the undersigned shall be at liberty to impose a penalty @ 2% against the defaulting firm including forfeiture of CDR.
7. This department reserves the right to accept or reject any or all tenders without assigning any reason thereof.

(Sd.)

General Manager,
Government Press, Srinagar.

رجسٹرڈ نمبر جے کے۔ 33



सत्यमेव जयते

جموں و کشمیر گورنمنٹ گزٹ

جلد نمبر 133۔ جموں۔ مورخہ 25 فروری 2021ء بمطابق 6 پھالگنا 1942۔ ویروار۔ نمبر 48

اشتہارات

از عدالت جوڈیشل مجسٹریٹ درجہ اول پٹن

سرکار بنام محمد یوسف ڈار عرف کاندرو

علت نمبر 36 سال 2018ء تھانہ پولیس پٹن

بجرائم زیر دفعات 307,212,109, RPC

7/25 Arms Act

وارنٹ گشتی عام زیر دفعہ 299 ضابطہ فوجداری

بخلاف ملزم : محمد یوسف ڈار عرف کاندرو ولد عبدل غنی ڈار ساکنہ چک کاؤسہ ماگام بڈگام

حکم بنام اہلکاران پولیس یوٹی جموں و کشمیر

معاملہ مندرجہ عنوان اُلصدر میں ملزم صدر کے خلاف چالان عدالت ہذا عدم
حاضری ملزم پیش ہوا ہے۔ ملزم مذکورہ کو اشتہاری قرار دیا جا کر ملزم کے خلاف وارنٹ
گشتی عام زیر دفعہ 299 ض ف احراء کی جاتی ہے،

اور تمام اہلکاران پولیس UT جموں و کشمیر کو اختیار تفویض کی جاتی ہیں کہ جہاں
کہیں بھی ملزم دستیاب ہو کو حراست میں لے جا کر معزز عدالت پرنسپل ڈسٹرکٹ
اینڈ سیشن کورٹ بارہمولہ پیش کریں۔ تحریر اُلصدر

دستخط : جوڈیشل مجسٹریٹ درجہ اول پٹن۔

از عدالت سیشن جج رام بن

سرکار بنام سائیل اکرم وغیرہ

علت نمبر 70 سال 2020 تھانہ پولیس گول

بجرائم زیر دفعات IPC 363/376/109/504/506

3/4 POCSO Act

وارنٹ گشتی تحت دفعہ 299 ض ف

بخلاف ملزمان / ملزمہ (1) اختر بیگم زوجہ بشیر احمد ملک (2) محمد عارف عرف مظفر
ملک ولد بشیر احمد ملک (3) شائتہ انجم دختر بشیر احمد ملک (4) روبینہ بیگم زوجہ محمد

ضمیمہ ج۔ جموں و کشمیر گورنمنٹ گزٹ نمبر 48 مورخہ 25 فروری 2021ء بمطابق 6 پھاگنا 1942-231

ابرار (5) محمد ابرار ولد عبدل مجید ملک (6) شبنم بیگم عرف شائستہ شبنم زوجہ محمد عارف عرف مظفر ملک ساکنہ چک گھراٹ موڑ جمن گول۔

ڈاکٹ بنام اہلکاران پولیس جموں و کشمیر یوٹی

مقدمہ مندرجہ عنوان اُلصدر میں ملزمان / ملزمہ بالا بعد ارتکاب جرم روپوش ہو چکے ہیں جس کی موجودگی کی نسبت SHO تھانہ پولیس گول اور تعمیلی اہلکاران پولیس متعلقہ تھانہ نے بیانات میں تحریر کروایا کہ ملزمان / ملزمہ بالا کی سردست دستیابی کی کوئی بھی امید نہ ہے۔ راقم کو بیانات اہلکاران پولیس قلمبند شدہ پراٹھمیدان ہو چکا ہے

لہذا ہر 6 کس ملزمان / ملزمہ بالا کے خلاف کاروائی زیر دفعہ 299 ص ف بعمل لائی جا کر اہلکاران پولیس جموں و کشمیر کو حکم دیا جاتا ہے کہ ملزمان بالا جب کبھی اور جہاں کہیں بھی اندر حدود UT جموں و کشمیر میں دستیاب ہو، گرفتار کر کے عدالت ہذا میں پیش کیا جائے۔ وارنٹ ہذا تا دستیابی کی ملزمان / ملزمہ زیر کار رہیں گئے۔ آج مورخہ 23 جنوری 2021 کو راقم کے دستخط اور عدالت ہذا کی مہر سے جاری ہوا۔ تحریر 23-01-2021۔

دستخط : سیشن جج رام بن۔

از عدالت تھر ڈائریشنل سیشن جج جموں

NIA بنام عبدل مومین پیروغیرہ

مثل نمبر 22/چالان تاریخ دائرہ 05-12-2020

علت نمبر RC-03/2020/NIA/JMU

جرم زیر دفعات 8 r/w, 21, 25 & 29 NDPS, 120-B IPC

17, 38, 40 UA(P) Act

وارنٹ کشتی گرفتاری عام زیر دفعہ 512 ض ف

بخلاف ملزم : سلیم اندرابی عرف سعید سلیم جہانگیر اندرابی عرف سعید سلیم جہانگیر
ولد سعید افتخار اندرابی ساکنہ لاری بال رجواڑہ اہندواڑہ جموں و کشمیر

حکم بنام اہلکاران پولیس جموں و کشمیر یوٹی

مقدمہ مندرجہ عنوان اُلصدر میں ملزم متذکرہ صدر کے خلاف بروے حکم امر وزہ
کاروائی زیر دفعہ 512 ض ف عمل میں لائی جا چکی ہے اور ملزم کے خلاف وارنٹ
جاری کرنے کا حکم ہوا ہے جو کہ جاری کیا جاتا ہے

لہذا آپ کو اصل وارنٹ کشتی گرفتاری عام زیر دفعہ 512 ض ف کی رو سے
حکم اختیار دیا جاتا ہے کہ اگر ملزم متذکرہ صدر اندر حدود یوٹی جموں و کشمیر جب کبھی اور
جہاں کہیں بھی دستیاب ہو تو اسے تحت ضابطہ گرفتار کر کے عدالت ہذا پیش کیا

جاوے۔ وارنٹ ہذا دستاویزی ملزم زیر کارر ہے گا۔ تحریر 05-12-2020

دستخط : تھرڈ ایڈیشنل سیشن جج جموں۔

No. 43-a] The J&K Official Gazette, 22nd Jan., 2021/2nd Magha, 1942. Fri.
EXTRAORDINARY REGD. NO. JK 33

PART I-B

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT DEPARTMENT OF RURAL
DEVELOPMENT AND PANCHAYATI RAJ

Notification

Jammu, the 22nd January, 2021.

S O.-24. In exercise of the powers conferred by section 80 of the J&K Panchayati Raj Act, 1989 and all other provisions enabling in this behalf, the Government hereby directs that sub-rule(3F) of rule 108-A of the Jammu and Kashmir Panchayati Raj Rules, 1996 shall be deemed to have been omitted *ab initio*.

By order of the Government of Jammu and Kashmir.

(Sd.) SHEETAL NANDA, IAS,
Secretary to Government.

No. 23-g] The J&K Official Gazette, 9th Sept., 2020/18th Bhad., 1942. Wed.
EXTRAORDINARY REGD. NO. JK 33

PART I-B

Jammu and Kashmir Government—Notifications.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT DEPARTMENT OF LAW, JUSTICE AND
PARLIAMENTARY AFFAIRS
(Judicial Administration Section)

Notification

Srinagar, the 9th of September, 2020.

SO-288. In exercise of the powers conferred by section 3 of the Prevention of Corruption Act, 1988 (Central Act), (Act No. 49 of 1988) and in partial modification of Notification SRO-407 dated 17-06-2020, the Government hereby appoints Shri Mehmood Ahmad Chowdhary, District and Sessions Judge as Special Judge, Anticorruption within the territorial jurisdiction of Court of Additional District and Sessions Judge, Doda (designated Special Court under the Prevention of Corruption Act) for trial of offences specified in section 4 of the said Act.

By order of the Government of Jammu and Kashmir.

(Sd.) ACHAL SETHI,

Secretary to Government.

EXTRAORDINARY

REGD. NO. JKô 33



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 132] Jammu, Mon., the 9th Dec., 2019/18th Agra., 1941. [No. 36-6

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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THE DADRA AND NAGAR HAVELI AND DAMAN AND DIU
(MERGER OF UNION TERRITORIES) ACT, 2019

(No. 44 of 2019)

[9th December, 2019.]

An Act to provide for merger of Union territories of Dadra and Nagar Haveli and Daman and Diu and for matters connected therewith.

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows :ô

PART I

Preliminary

1. *Short title and commencement.*—(1) This Act may be called the Dadra and Nagar Haveli and Daman and Diu (Merger of Union territories) Act, 2019.

4 The J&K Govt. Gazette, 9th Dec., 2019/18th Agra., 1941. [No. 36-6
shall continue to extend to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

PART V

Assets and Liabilities

9. *Land and goods.*—Subject to the other provisions of this Part, all land and all stores, articles and other goods held immediately before the appointed day, by the existing Union territories, shall, on and from that day, vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

Explanation. For the purposes of this section, the expression *land* includes immovable property of every kind and any rights in or over such property and the expression *goods* does not include coins, bank notes and currency notes.

10. *Cash balances.*—The total of the cash balances in all treasuries, the Reserve Bank of India, the State Bank of India and any nationalised bank, of the existing Union territories immediately before the appointed day shall be merged in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

11. *Arrears of tax.*—(1) The right to recover arrears of any tax or duty (including arrears of land revenue) on any property situated in the existing Union territories shall vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

(2) The right to recover arrears of any tax or duty, other than a tax or duty specified in sub-section (1), shall belong to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

12. *Right to recover loans and advances.*—The right to recover any loans or advances made by the existing Union territories before the appointed day to any local body, society, agriculturist or other person shall belong to the Union territory of Dadra and Nagar Haveli and Daman and Diu.

13. *Assets and liabilities of Union territory undertakings.*—The assets and liabilities relating to any commercial undertaking of the existing Union territories shall vest in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

(3) As soon as may be after the Central Government passes orders finally allotting an employee in terms of sub-section (2), the Union territory of Dadra and Nagar Haveli and Daman and Diu shall take steps to integrate the employee into the services under its control in accordance with such special or general orders or instructions as may be issued by the Central Government from time to time in this behalf.

(4) The Central Government may, by order establish one or more Advisory Committees for the purpose of assisting it in regard to ensuring of fair and equitable treatment to all persons affected by the provisions of this section and proper consideration of any representations made by such persons :

Provided that notwithstanding anything to the contrary contained in any law for the time being in force, no representation shall be against any order passed by the competent authority on matters arising out of the division and integration of services under this Act, on the expiry of three months from the date of publication or service of such order, whichever is earlier :

Provided further that, notwithstanding anything contained in the preceding proviso, the Central Government may *suo motu* or otherwise and for reasons to be recorded, reopen any matter and pass such order thereon, as may appear to it to be appropriate if it is satisfied that it is necessary so to do, in order to prevent any miscarriage of justice to any affected employee.

(5) Nothing in this section shall be deemed to affect, on or after the appointed day, the operation of the provisions of Chapter I of Part XIV of the Constitution in relation to the determination of the conditions of service of persons serving in connection with the affairs of the Union territory of Dadra and Nagar Haveli and Daman and Diu :

Provided that the conditions of service applicable immediately before the appointed day to the case of any person referred to in sub-section (1) or sub-section (2) shall not be varied to his disadvantage except with the previous approval of the Central Government.

(6) All services prior to the appointed day rendered by a person allotted under sub-section (2) in connection with the affairs of the existing Union territories shall, for the purposes of the rules regarding his conditions

8 The J&K Govt. Gazette, 9th Dec., 2019/18th Agra., 1941. [No. 36-6
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21. *Transfer of pending proceeding.*—(1) Every proceeding pending immediately before the appointed day before any court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the existing Union territories shall, stand transferred to the corresponding court, tribunal, authority or officer in the Union territory of Dadra and Nagar Haveli and Daman and Diu.

(2) In this section,ô

- (a) öproceedingö includes any suit, case or appeal; and
- (b) öcorresponding court, tribunal, authority or officerö, in the Union territory of Dadra and Nagar Haveli and Daman and Diu, meansö
 - (i) the court, tribunal, authority or officer in which, or before whom, the proceeding would have laid if the proceeding had been instituted after the appointed day, or
 - (ii) in case of doubt, such court, tribunal, authority or officer in that Union territory as may be determined after the appointed day by the Administrator of the Union territory of Dadra and Nagar Haveli and Daman and Diu, or before the appointed day by the existing Union territories, to be the corresponding court, tribunal, authority or officer.

Explanation.—For the purposes of this sub-section, öAdministratorö means the administrator appointed by the President under article 239 of the Constitution.

22. *Effect of provisions inconsistent with other laws.*—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

23. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the President may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after the expiry of three years from the appointed day.

(2) Every order made under this section shall be laid before each House of Parliament.

EXTRAORDINARY

REGD. NO. JKô 33



THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Thu., the 7th Jan., 2021/17th Pausa, 1942. [No. 41-1

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART IV

Reprints from the Government of India Gazette.

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MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 07th January, 2021/Pausa 17, 1942 (Saka)

THE JAMMU AND KASHMIR REORGANISATION
(AMENDMENT) ORDINANCE, 2021

No. 1 of 2021.

Promulgated by the President in the Seventy-first Year of the Republic of India.

An Ordinance to amend the Jammu and Kashmir Reorganisation Act, 2019.

EXTRAORDINARY

REGD. NO. JKô 33



THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Wed., the 30th Dec., 2020/9th Pausa, 1942. [No. 39-3

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART IV

Reprints from the Government of India Gazette.

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MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 30th December, 2020/Pausa 09, 1942 (Saka)

THE NATIONAL CAPITAL TERRITORY OF DELHI LAWS
(SPECIAL PROVISIONS) SECOND (AMENDMENT)
ORDINANCE, 2020

No. 15 of 2020.

Promulgated by the President in the Seventy-first Year of the Republic of India as follows :ô

An Ordinance further to amend the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2011.

AND WHEREAS, the process of conferring the ownership rights to the residents of unauthorised colonies and the finalisation of the Development Control Norms for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 is under progress and will take time ;

AND WHEREAS, based on the policy finalised by the Central Government regarding village abadi area and their extensions, the Building Regulations for Special Area, Unauthorised Regularised Colonies and Village Abadis, have been made by the Delhi Development Authority under sub-section (1) of section 57 of the Delhi Development Act, 1957 (61 of 1957) notified in the Gazette of India vide SO-97(E), dated the 17th January, 2011 ;

AND WHEREAS, more time is required for completion of action envisaged for unauthorised colonies, village abadi area and their extensions and special areas ;ö ;

(b) for eleventh paragraph, the following paragraph shall be substituted, namely :ô

öAND WHEREAS, the revised policy regarding farm houses is being prepared by the Delhi Development Authority and its finalisation is likely to take more time ;ö ;

(c) in twelfth paragraph, for the words and figures öthe Master Plan for Delhi, 2021ö, the words öthe Master Planö shall be substituted ;

(d) after thirteenth paragraph, the following paragraph shall be inserted, namely :ô

öAND WHEREAS, the policy with respect to the norms for godown clusters existing in non-conforming areas has been notified by the Central Government on 21st June, 2018 ;ö ;

(e) in twenty-first paragraph,ô

(i) for the words and figures öthe Master Plan for Delhi, 2021ö, the words öthe Master Planö shall be substituted ;

4. The J&K Official Gazette, 30th Dec., 2020/9th Pausa, 1942. [No. 39-3

- (ii) for the words, figures and letters "the 31st day of December, 2020", the words, figures and letters "the 31st day of December, 2023" shall be substituted.

4. *Amendment of section 1.* In the principal Act, in section 1, in sub-section (4), in the opening portion, for the words, figures and letters "It shall cease to have effect on the 31st day of December, 2020", the words, figures and letters "It shall cease to have effect on the 31st day of December, 2023" shall be substituted.

5. *Amendment of section 2.* In the principal Act, in section 2, in sub-section (1), for clause (e), the following clause shall be substituted, namely :

- (e) "Master Plan" means the Master Plan for Delhi as notified under the Delhi Development Act, 1957 (61 of 1957) ;

6. *Amendment of section 3.* In the Principal Act, in section 3,

(a) in sub-section (1),

- (i) in clause (a), for the words and figures "the Master Plan for Delhi, 2021", the words "the Master Plan" shall be substituted ;

- (ii) for clause (c), the following clause shall be substituted, namely :

(c) orderly arrangements in accordance with the provisions of the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Act, 2019 (45 of 2019) the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019 and the regulations for village abadi area (including urban villages) and their extensions as per the following cut-off dates :

- (i) for unauthorised colonies as provided in the National Capital Territory of Delhi (Recognition of

- (ii) for village abadi area (including urban villages) and their extensions as existed on the 31st day of March, 2002 and where construction took place even beyond that date and upto 1st day of June, 2014 ;
- (b) in sub-section (2), for clause (ii), the following clause shall be substituted, namely :
- (ii) in respect of unauthorised colonies identified under the National Capital Territory of Delhi (Recognition of Property Rights of Residents in Unauthorised Colonies) Regulations, 2019, in respect of village abadi area (including urban villages) and their extensions, which existed on the 31st day of March, 2002, and in aforesaid categories, where construction took place upto 1st day of June, 2014, as mentioned in sub-section (1) ;
- (c) in sub-section (3), for the words, figures and letters "till the 31st day of December, 2020", the words, figures and letters "till the 31st day of December, 2023" shall be substituted ;
- (d) in sub-section (4), for the words, figures and letters "at any time before the 31st day of December, 2020", the words, figures and letters "at any time before the 31st day of December, 2023" shall be substituted.

RAM NATH KOVIND,

President.

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(Sd.) DR. G. NARAYANARAJU,

Secretary to the Govt. of India.



**THE
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Vol. 132] Jammu, Wed., the 31st July, 2019/9th Srav., 1941. [No. 17-5
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Separate paging is given to this part in order that it may be filed as a
separate compilation.

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PART IV

Reprints from the Government of India Gazette.

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**THE BANNING OF UNREGULATED DEPOSIT SCHEMES
ACT, 2019**

(No. 21 of 2019)

[31st July, 2019.]

An Act to provide for a comprehensive mechanism to ban the
unregulated deposit schemes, other than deposits taken in the ordinary
course of business, and to protect the interest of depositors and for
matters connected therewith or incidental thereto.

2 The J&K Govt. Gazette, 31st July, 2019/9th Srav., 1941. [No. 17-5
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Be it enacted by Parliament in the Seventieth Year of the Republic
of India as follows :ô

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*ô (1) This Act may
be called the Banning of Unregulated Deposit Schemes Act, 2019.

(2) It extends to the whole of India except the State of Jammu
and Kashmir.

(3) It shall be deemed to have come into force on the 21st day
of February, 2019.

2. *Definitions.*—In this Act, unless the context otherwise
requires,ô

(1) ôappropriate Governmentö means in respect of matters relating
toô

(i) the Union territory without legislature, the Central
Government ;

(ii) the Union territory of Puducherry, the Government of that
Union territory ;

(iii) the Union territory of Delhi, the Government of that Union
territory ; and

(iv) the State, the State Government.

(2) ôcompanyö shall have the same meaning as assigned to
it in clause (20) of section 2 of the Companies Act, 2013
(18 of 2013) ;

(3) ôCompetent Authorityö means an Authority appointed by the
appropriate Government under section 7 ;

(4) ôdepositö means an amount of money received by way of an
advance or loan or in any other form, by any deposit taker
with a promise to return whether after a specified period or
otherwise, either in cash or in kind or in the form of a
specified service, with or without any benefit in the form of

4 The J&K Govt. Gazette, 31st July, 2019/9th Srav., 1941. [No. 17-5
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- (h) amounts received by an asset re-construction company which is registered with the Reserve Bank of India under section 3 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002) ;
- (i) any deposit made under section 34 or an amount accepted by a political party under section 29B of the Representation of the People Act, 1951 (43 of 1951) ;
- (j) any periodic payment made by the members of the self-help groups operating within such ceilings as may be prescribed by the State Government or Union territory Government ;
- (k) any other amount collected for such purpose and within such ceilings as may be prescribed by the State Government ;
- (l) an amount received in the course of, or for the purpose of, business and bearing a genuine connection to such business including
 - (i) payment, advance or part payment for the supply or hire of goods or provision of services and is repayable in the event the goods or services are not in fact sold, hired or otherwise provided ;
 - (ii) advance received in connection with consideration of an immovable property under an agreement or arrangement subject to the condition that such advance is adjusted against such immovable property as specified in terms of the agreement or arrangement ;
 - (iii) security or dealership deposited for the performance of the contract for supply of goods or provision of services ; or
 - (iv) an advance under the long-term projects for supply of capital goods except those specified in item (ii) :

Provided that if the amounts received under items (i) to (iv) become refundable, such amounts shall be

deemed to be deposits on the expiry of fifteen days from the date on which they become due for refund :

Provided further that where the said amounts become refundable, due to the deposit taker not obtaining necessary permission or approval under the law for the time being in force, wherever required, to deal in the goods or properties or services for which money is taken, such amounts shall be deemed to be deposits.

Explanation :ô For the purposes of this clause,ô

- (i) in respect of a company, the expression ôdepositö shall have the same meaning as assigned to it under the Companies Act, 2013 (18 of 2013) ;
- (ii) in respect of a non-banking financial company registered under the Reserve Bank of India Act, 1934 (2 of 1934) the expression ôdepositö shall have the same meaning as assigned to it in clause (bb) of section 45-I of the said Act ;
- (iii) the expressions ôpartnerö and ôfirmö shall have the meanings respectively assigned to them under the Indian Partnership Act, 1932 (9 of 1932) ;
- (iv) the expression ôpartnerö in respect of a limited liability partnership shall have the same meaning as assigned to it in clause (q) of sub-section (1) of section 2 of the Limited Liability Partnership Act, 2008 (6 of 2009) ;
- (v) the expression ôrelativeö shall have the same meaning as assigned to it in the Companies Act, 2013 (18 of 2013) ;
- (5) ôdepositorö means any person who makes a deposit under this Act ;
- (6) ôdeposit takerö meansô
 - (i) any individual or group of individuals ;
 - (ii) a proprietorship concern ;
 - (iii) a partnership firm (whether registered or not) ;

6 The J&K Govt. Gazette, 31st July, 2019/9th Srav., 1941. [No. 17-5
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- (iv) a limited liability partnership registered under the Limited Liability Partnership Act, 2008 (6 of 2009) ;
- (v) a company ;
- (vi) an association of persons ;
- (vii) a trust (being a private trust governed under the provisions of the Indian Trusts Act, 1882 (2 of 1882) or a public trust, whether registered or not) ;
- (viii) a co-operative society or a multi-state co-operative society ;
or
- (ix) any other arrangement of whatsoever nature, receiving or soliciting deposits, but does not include
 - (i) a Corporation incorporated under an Act of Parliament or a State Legislature ;
 - (ii) a banking company, a corresponding new bank, the State Bank of India, a subsidiary bank, a regional rural bank, a co-operative bank or a multi-state co-operative bank as defined in the Banking Regulation Act,1949 (10 of 1949) ;
- (7) "Designated Court" means a Designated Court constituted by the appropriate Government under section 8 ;
- (8) "insurer" shall have the same meaning as assigned to it in clause (9) of section 2 of the Insurance Act, 1938 (4 of 1938) ;
- (9) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly ;
- (10) "person" includes
 - (i) an individual ;
 - (ii) a Hindu Undivided Family ;
 - (iii) a company ;
 - (iv) a trust ;
 - (v) a partnership firm ;

- (vi) a limited liability partnership ;
- (vii) an association of persons ;
- (viii) a co-operative society registered under any law for the time being in force relating to co-operative societies ; or
- (ix) every artificial juridical person, not falling within any of the preceding sub-clauses ;
- (11) ôprescribedö means prescribed by the rules made by the Central Government or, as the case may be, the State Government under this Act ;
- (12) ôpropertyö means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible, and includes deeds and instruments evidencing title to, or interest in, such property or assets, wherever located ;
- (13) ôpublic financial institutionö shall have the same meaning as assigned to it in clause (72) of section 2 of the Companies Act, 2013 (18 of 2013) ;
- (14) ôRegulated Deposit Schemeö means the Schemes specified under column (3) of the First Schedule ;
- (15) ôRegulatorö means the Regulator specified in column (2) of the First Schedule ;
- (16) ôScheduleö means the Schedules appended to this Act ;
- (17) ôUnregulated Deposit Schemeö means a Scheme or an arrangement under which deposits are accepted or solicited by any deposit taker by way of business and which is not a Regulated Deposit Scheme, as specified under column (3) of the First Schedule.

CHAPTER II

Banning of Unregulated Deposit Schemes

3. *Banning of Unregulated Deposit Schemes.*—On and from the date of commencement of this Act,ô

- (a) the Unregulated Deposit Schemes shall be banned ; and

(b) no deposit taker shall, directly or indirectly, promote, operate, issue any advertisement soliciting participation or enrolment in or accept deposits in pursuance of an Unregulated Deposit Scheme.

4. *Fraudulent default in Regulated Deposit Schemes.*—No deposit taker, while accepting deposits pursuant to a Regulated Deposit Scheme, shall commit any fraudulent default in the repayment or return of deposit on maturity or in rendering any specified service promised against such deposit.

5. *Wrongful inducement in relation to Unregulated Deposit Schemes.*—No person by whatever name called shall knowingly make any statement, promise or forecast which is false, deceptive or misleading in material facts or deliberately conceal any material facts, to induce another person to invest in, or become a member or participant of any Unregulated Deposit Scheme.

6. *Certain scheme to be Unregulated Deposit Scheme.*—A prize chit or a money circulation scheme banned under the provisions of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 (43 of 1978) shall be deemed to be an Unregulated Deposit Scheme under this Act.

CHAPTER III

Authorities

7. *Competent Authority.*—(1) The appropriate Government shall, by notification, appoint one or more officers not below the rank of Secretary to that Government, as the Competent Authority for the purposes of this Act.

(2) The appropriate Government may, by notification, appoint such other officer or officers as it thinks fit, to assist the Competent Authority in discharging its functions under this Act.

(3) Where the Competent Authority or officers appointed under sub-section (2), for the purposes of this section, has reason to believe (the reason for such belief to be recorded in writing), on the basis of such information and particulars as may be prescribed, that any deposit taker is soliciting deposits in contravention of section 3, he may, by

an order in writing, provisionally attach the deposits held by the deposit taker and the money or other property acquired either in the name of the deposit taker or in the name of any other person on behalf of the deposit taker from the date of the order, in such manner as may be prescribed.

(4) The Competent Authority shall, for the purposes of sub-section (3), have the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while conducting investigation or inquiry in respect of the following matters, namely :ô

- (a) discovery and inspection ;
- (b) enforcing the attendance of any person, including any officer of a reporting entity and examining him on oath ;
- (c) compelling the production of records ;
- (d) receiving evidence on affidavits ;
- (e) issuing commissions for examination of witnesses and documents ; and
- (f) any other matter which may be prescribed.

(5) The Competent Authority shall have power to summon any person whose attendance he considers necessary whether to give evidence or to produce any records during the course of any investigation or proceeding under this section.

(6) All the persons so summoned shall be bound to attend in person or through authorised agents, as such officer may direct, and shall be bound to state the truth upon any subject respecting which they are examined or make statements, and produce such documents as may be required.

(7) Every proceeding under sub-sections (4) and (5) shall be deemed to be a judicial proceeding within the meaning of section 193 and section 228 (45 of 1860) of the Indian Penal Code.

(8) Subject to any rules made in this behalf by the Central Government, any officer referred to in sub-section (2) may impound

CHAPTER V

Restitution to Depositors

12. *Priority of depositors claim.*—Save as otherwise provided in the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002) or the Insolvency and Bankruptcy Code, 2016 (31 of 2016) any amount due to depositors from a deposit taker shall be paid in priority over all other debts and all revenues, taxes, cesses and other rates payable to the appropriate Government or the local authority.

13. *Precedence of attachment.*—(1) Save as otherwise provided in the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002) or the Insolvency and Bankruptcy Code, 2016 (31 of 2016) an order of provisional attachment passed by the Competent Authority, shall have precedence and priority, to the extent of the claims of the depositors, over any other attachment by any authority competent to attach property for repayment of any debts, revenues, taxes, cesses and other rates payable to the appropriate Government or the local authority.

(2) Where an order of provisional attachment has been passed by the Competent Authority

(a) such attachment shall continue until an order is passed under sub-section (3) or sub-section (5) of section 15 by the Designated Court ;

(b) all the attached money or property of the deposit taker and the persons mentioned therein shall vest in the Competent Authority and shall remain so vested till further order of the Designated Court.

(3) The Competent Authority shall open an account in a scheduled bank for the purpose of crediting and dealing with the money realised under this Act, which shall not be utilised except under the instructions of the Designated Court.

(4) The Competent Authority shall not dispose of or alienate the property or money attached, except in accordance with the order of the Designated Court under sub-section (3) or sub-section (5) of section 15.

(5) Notwithstanding anything contained in sub-section (4), the Competent Authority may, if it thinks it expedient, order the immediate sale of perishable items or assets, and the proceeds of the sale shall be utilised in the same manner as provided for other property.

14. *Application for confirmation of attachment and sale of property.*—(1) The Competent Authority shall, within a period of thirty days, which may extend up to sixty days, for reasons to be recorded in writing, from the date of the order of provisional attachment, file an application with such particulars as may be prescribed, before the Designated Court for making the provisional attachment absolute, and for permission to sell the property so attached by public auction or, if necessary, by private sale.

(2) In case where the money or property has been attached on the permission granted by a Designated Court in another State or Union territory, the application for confirmation of such attachment shall be filed in that Court.

15. *Confirmation of attachment by Designated Court.*—(1) Upon receipt of an application under section 14, the Designated Court shall issue notice to

- (a) the deposit taker ; and
- (b) any person whose property is attached under section 14, to show cause, within a period of thirty days from the date of issue of notice, as to why the order of attachment should not be made absolute and the properties so attached be sold.

(2) The Designated Court shall also issue notice to all other persons represented to it as having or being likely to claim any interest or title in the property, to appear on the same date as persons referred to in sub-section (1) to raise objections, if they so desire, to the attachment of the property.

(3) The Designated Court shall, after adopting such procedure as may be prescribed, pass an order

- (a) making the provisional order of attachment absolute ; or

- (b) varying it by releasing a portion of the property from attachment ; or
- (c) cancelling the provisional order of attachment, and in case of an order under clause (a) or clause (b), direct the Competent Authority to sell the property so attached by public auction or, if necessary, by private sale and realise the sale proceeds.

(4) The Designated Court shall not, in varying or cancelling the provisional order of attachment, release any property from attachment, unless it is satisfied thatô

- (a) the deposit taker or the person referred to in sub-section (1) has interest in such property ; and
- (b) there shall remain an amount or property sufficient for repayment to the depositors of such deposit taker.

(5) The Designated Court shall pass such order or issue such direction as may be necessary for the equitable distribution among the depositors of the money attached or realised out of the sale.

(6) The Designated Court shall endeavour to complete the proceedings under this section within a period of one hundred and eighty days from the date of receipt of the application referred to in sub-section (1).

16. *Attachment of property of mala fide transferees.—*

(1) Where the Designated Court is satisfied that there is a reasonable cause for believing that the deposit taker has transferred any property otherwise than in good faith and not for commensurate consideration, it may, by notice, require any transferee of such property, whether or not he received the property directly from the said deposit taker, to appear on a date to be specified in the notice and show cause why so much of the transferee's property as is equivalent to the proper value of the property transferred should not be attached.

(2) Where the said transferee does not appear and show cause on the specified date or where the Designated Court is satisfied that the transfer of the property to the said transferee was not a *bona fide* transfer and not for commensurate consideration, it shall order the

attachment of so much of the said transferee's property as in its opinion is equivalent to the proper value of the property transferred.

17. *Payment in lieu of attachment.*—(1) Any deposit taker or a person referred to in sub-section (1) of section 15, or transferee referred to in section 16 whose property is about to be attached or has been provisionally attached under this Act, may, at any time before the confirmation of attachment, apply to the Designated Court for permission to deposit the fair value of the property in lieu of attachment.

(2) While allowing the deposit taker or person or transferee referred to in sub-section (1) to make the deposit under sub-section (1), the Designated Court may order such deposit taker or person or transferee to pay any sum towards costs as may be applicable.

18. *Powers of Designated Court.*—(1) The Designated Court shall exercise the following powers, namely :ô

- (a) power to approve the statement of dues of the deposit taker due from various debtors ;
- (b) power to assess the value of the assets of the deposit taker and finalise the list of the depositors and their respective dues ;
- (c) power to direct the Competent Authority to take possession of any assets belonging to or in the control of the deposit taker and to sell, transfer or realise the attached assets, either by public auction or by private sale as it deems fit depending upon the nature of assets and credit the sale proceeds thereof to its bank account ;
- (d) power to approve the necessary expenditure to be incurred by the Competent Authority for taking possession and realisation of the assets of the deposit taker ;
- (e) power to pass an order for full payment to the depositors by the Competent Authority or an order for proportionate payment to the depositors in the event, the money so realised is not sufficient to meet the entire deposit liability ;
- (f) power to direct any person, who has made profit or averted loss by indulging in any transaction or activity in

contravention of the provisions of this Act, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention ; and

- (g) power to pass any other order which the Designated Court deems fit for realisation of assets of the deposit taker and for repayment of the same to the depositors of such deposit taker or on any other matter or issue incidental thereto.

(2) On the application of any person interested in any property attached and vested in the Competent Authority under this Act and after giving such Competent Authority an opportunity of being heard, make such order as the Designated Court considers just and reasonable forô

- (a) providing from such of the property attached and vested in the Competent Authority as the applicant claims an interest in, such sums as may be reasonably necessary for the maintenance of the applicant and of his family, and for expenses connected with the defence of the applicant where criminal proceedings have been initiated against him in the Designated Court under this Act ; or
- (b) safeguarding, so far as may be practicable, the interest of any business affected by the attachment.

Explanation :—For the purposes of this section, the expression ôdeposit takerö includes the directors, promoters, managers or members of said establishment or any other person whose property or assets have been attached under this Act.

19. *Appeal to High Court*.—Any person including the Competent Authority, if aggrieved by any final order of the Designated Court under this Chapter, may appeal to the High Court, within a period of sixty days from the date of such order :

Provided that the High Court may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

Explanation :—The expression “High Court” means the High Court of a State or Union territory where the Designated Court is situated.

20. *Power of Supreme Court to transfer cases.*—(1) Whenever it is made to appear to the Supreme Court that there is a default in any deposit scheme or deposit schemes of the nature referred to in section 30, the Supreme Court may, by an order, direct that any particular case be transferred from one Designated Court to another Designated Court.

(2) The Supreme Court may act under this section only on an application filed by the Competent Authority or any interested party, and every such application shall be supported by an affidavit.

(3) Where an application for the exercise of the powers conferred by this section is dismissed, the Supreme Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application such sum not exceeding fifty thousand rupees as it may consider appropriate in the circumstances of the case.

CHAPTER VI

Offences and Punishments

21. *Punishment for contravention of section 3.*—(1) Any deposit taker who solicits deposits in contravention of section 3 shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to five years and with fine which shall not be less than two lakh rupees but which may extend to ten lakh rupees.

(2) Any deposit taker who accepts deposits in contravention of section 3 shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine which shall not be less than three lakh rupees but which may extend to ten lakh rupees.

(3) Any deposit taker who accepts deposits in contravention of section 3 and fraudulently defaults in repayment of such deposits or in rendering any specified service, shall be punishable with imprisonment

for a term which shall not be less than three years but which may extend to ten years and with fine which shall not be less than five lakh rupees but which may extend to twice the amount of aggregate funds collected from the subscribers, members or participants in the Unregulated Deposit Scheme.

Explanation :—For the purposes of this Act,ô

- (i) the expression “fraudulently” shall have the same meaning as assigned to it in section 25 (45 of 1860) of the Indian Penal Code ;
- (ii) where the terms of the Deposit Scheme are entirely impracticable or unviable, the terms shall be relevant facts showing an intention to defraud.

22. *Punishment for contravention of section 4.*—Any deposit taker who contravenes the provisions of section 4 shall be punishable with imprisonment for a term which may extend to seven years, or with fine which shall not be less than five lakh rupees but which may extend to twenty-five crore rupees or three times the amount of profits made out of the fraudulent default referred to in said section, whichever is higher, or with both.

23. *Punishment for contravention of section 5.*—Any person who contravenes the provisions of section 5 shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to five years and with fine which may extend to ten lakh rupees.

24. *Punishment for repeat offenders.*—Whoever having been previously convicted of an offence punishable under this Chapter, except the offence under section 26, is subsequently convicted of an offence shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to ten years and with fine which shall not be less than ten lakh rupees but which may extend to fifty crore rupees.

25. *Offences by deposit takers other than individuals.*—
(1) Where an offence under this Act has been committed by a deposit taker other than an individual, every person who, at the time the offence was committed, was in charge of, and was responsible to, the

deposit taker for the conduct of its business, as well as the deposit taker, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Nothing contained in sub-section (1) shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(3) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a deposit taker other than an individual, and it is proved that the offence

(a) has been committed with the consent or connivance of ; or

(b) is attributable to any neglect on the part of any director, manager, secretary, promoter, partner, employee or other officer of the deposit taker, such person shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

26. *Punishment for contravention of section 10.*—Whoever fails to give the intimation required under sub-section (1) of section 10 or fails to furnish any such statements, information or particulars as required under sub-section (2) of that section, shall be punishable with fine which may extend to five lakh rupees.

27. *Cognizance of offences.*—Notwithstanding anything contained in section 4, no Designated Court shall take cognizance of an offence punishable under that section except upon a complaint made by the Regulator :

Provided that the provisions of section 4 and this section shall not apply in relation to a deposit taker which is a company.

CHAPTER VII

Investigation, Search and Seizure

28. *Offences to be cognizable and non-bailable.*—Notwithstanding anything contained in the Code of Criminal Procedure,

possible, the thing for which the search is to be made and subject to the rules made in this behalf, authorise any officer subordinate to him,ô

- (a) to enter and search any building, conveyance or place, between sunrise and sunset, which he has reason to suspect is being used for purposes connected with the promotion or conduct of any deposit taking scheme or arrangement in contravention of the provisions of this Act ;
- (b) in case of resistance, to break open any door and remove any obstacle to such entry, if necessary by force, with such assistance as he considers necessary, for exercising the powers conferred by clause (a) ;
- (c) to seize any record or property found as a result of the search in the said building, conveyance or place, which are intended to be used, or reasonably suspected to have been used, in connection with any such deposit taking scheme or arrangement in contravention of the provisions of this Act ; and
- (d) to detain and search, and if he thinks proper, take into custody and produce before any Designated Court any such person whom he has reason to believe to have committed any offence punishable under this Act :

Provided that if such officer has reason to believe that the said written authorisation cannot be obtained without affording opportunity for the concealment of evidence or facility for the escape of an offender, he may, without the said written authorisation, enter and search such building, conveyance or place, at any time between sunset and sunrise after recording the grounds in writing.

(2) Where it is not practicable to seize the record or property, the officer authorised under sub-section (1), may make an order in writing to freeze such property, account, deposits or valuable securities maintained by any deposit taker about which a complaint has been made or credible information has been received or a reasonable suspicion exists of their having been connected with the promotion or

conduct of any deposit taking scheme or arrangement in contravention of the provisions of this Act and it shall be binding on the concerned bank or financial or market establishment to comply with the said order :

Provided that no bank or financial or market establishment shall freeze such account, deposit or valuable securities, for a period beyond thirty days unless the same is authorised by the order of the Designated Court :

Provided further that, if at any time, it becomes practicable to seize the frozen property, the officer authorised under sub-section (1) may seize such property.

Explanation :—For the purposes of this section, the expressions,ô

- (i) ôfreezing of accountö shall mean that no transaction, whether deposit or withdrawal shall be allowed in the said account ; and
- (ii) ôfreezing of propertyö shall mean that no transfer, conversion, disposition or movement of property shall be allowed.

(3) Where an officer takes down any information in writing or records grounds for his belief or makes an order in writing under sub-section (1) or sub-section (2), he shall, within a time of seventy-two hours send a copy thereof to the Designated Court in a sealed envelope and the owner or occupier of the building, conveyance or place shall, on application, be furnished, free of cost, with a copy of the same by the Designated Court.

(4) All searches, seizures and arrests under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

32. *Application of Code of Criminal Procedure, 1973 to proceedings before Designated Court.*—(1) The Designated Court may take cognizance of offences under this Act without the accused being committed to it for trial.

(2) Save as otherwise provided in section 31, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall applyô

(a) to all arrests, searches and seizures made under this Act ;

(b) to the proceedings under this Act and for the purposes of the said provisions, the Designated Court shall be deemed to be a Court of Session and the persons conducting the prosecution before the Designated Court, shall be deemed to be Public Prosecutors.

CHAPTER VIII

Miscellaneous

33. *Publication of advertisement of Unregulated Deposit Scheme.*—Where any newspaper or other publication of any nature, contains any statement, information or advertisement promoting, soliciting deposits for, or inducing any person to become a member of any Unregulated Deposit Scheme, the appropriate Government may direct such newspaper or publication to publish a full and fair retraction, free of cost, in the same manner and in the same position in such newspaper or publication as may be prescribed.

34. *Act to have overriding effect.*—Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force, including any law made by any State or Union territory.

35. *Application of other laws not barred.*—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

36. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the appropriate Government or the Competent Authority or any officer of the appropriate Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

37. *Power of Central Government to make rules.*—(1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :ô

- (a) the information and other particulars to be taken into consideration before issuing an order, and the manner of attachment, under sub-section (3) of section 7 ;
- (b) the information to be shared under sub-section (2) of section 9 ;
- (c) the form and manner in which and the time within which the intimation shall be given under sub-section (1) of section 10 ;
- (d) the particulars contained in the application to be filed by the Competent Authority before the Designated Court under sub-section (1) of section 14 ;
- (e) the procedure to be adopted by the Designated Court before issuing an order under sub-section (3) of section 15 ;
- (f) rules under sub-section (1) of section 31 ;
- (g) the manner of publication of advertisement under section 33 ; and
- (h) any other matter which is required to be, or may be, prescribed.

38. *Power of State Government, etc., to make rules.*—(1) The State Government or Union territory Government, as the case may be, in consultation with the Central Government, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :ô

- (a) ceiling for self-help groups under clause (j) of sub-section (4) of section 2 ;

- (b) purpose and ceiling under clause (k) of sub-section (4) of section 2 ;
- (c) the manner of provisional attachment of property by the Competent Authority under sub-section (3) of section 7 ;
- (d) other matters under clause (f) of sub-section (4) of section 7 ;
- (e) the rules relating to impounding and custody of records under sub-section (8) of section 7 ; and
- (f) any other matter which is required to be, or may be, prescribed.

39. *Laying of rules.*—(1) Every rule made by the Central Government under this Act 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 rule, or both Houses agree that the rule should not be made, the rule 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 rule.

(2) Every rule made by a State Government or the Union territory Government, as the case may be, shall be laid, as soon as may be after it is made, before each House of the State Legislature or the Union territory Legislature, as the case may be, where it consists of two Houses, or where such Legislature consists of one House, before that House.

40. *Power to amend First Schedule.*—(1) The Central Government may, having regard to the objects of this Act, and if it considers necessary or expedient so to do, by notification, add to, or as the case may be, omit from the First Schedule, any scheme or arrangement, and on such addition, or omission, such scheme or arrangement shall become, or cease to be, a Regulated Deposit Scheme, as the case may be.

THE FIRST SCHEDULE

[See section 2 (15)]

REGULATED DEPOSIT SCHEMES

(1) The Regulator and Regulated Deposit Scheme refers to the regulators and schemes and arrangements listed in the following Table, namely :

TABLE

Sl. No.	Regulator	Regulated	Deposit Scheme
(1)	(2)	(3)	
1.	The Securities and Exchange Board of India	(i)	(i) Any scheme or an arrangement [as defined under section 11AA of the Securities and Exchange Board of India Act, 1992 (15 of 1992)] launched, sponsored or carried out by a Collective Investment Management Company registered with the Securities and Exchange Board of India under the Securities and Exchange Board of India (Collective Investment Scheme) Regulations, 1999. (ii) Any scheme or an arrangement registered with the Securities and Exchange Board of India under the Securities and Exchange Board of India (Alternative Investment Funds) Regulations, 2012. (iii) Any scheme or an arrangement, pursuant to which funds are managed by a portfolio manager, registered under the Securities and Exchange Board of India (Portfolio Managers) Regulations, 1993. (iv) Any scheme or an arrangement regulated under the Securities and Exchange Board

- | (1) | (2) | (3) |
|---|-----|---|
| ô | | (iv) Any other scheme or an arrangement regulated under the Reserve Bank of India Act, 1934 (2 of 1934), or the guidelines or circulars of the Reserve Bank of India. |
| 3. The Insurance Regulatory and Development Authority of India | | A contract of insurance pursuant to a certificate of registration obtained in accordance with the Insurance Act, 1938 (4 of 1938). |
| 4. The State Government or Union territory Government | | (i) Any scheme or an arrangement made or offered by a co-operative society registered under the Co-operative Societies Act, 1912 (2 of 1912) or a society being a society registered or deemed to be registered under any law relating to co-operative societies for the time being in force in any State or Union territory.

(ii) Any scheme or an arrangement commenced or conducted as a chit business with the previous sanction of the State Government in accordance with the provisions of the Chit Funds Act, 1982 (40 of 1982).

(iii) Any scheme or an arrangement regulated by any enactment relating to money lending which is for the time being in force in any State or Union territory.

(iv) Any scheme or an arrangement by a prize chit or money circulation scheme under section 11 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 (43 of 1978). |
| 5. The National Housing Bank | | Any scheme or an arrangement for acceptance of deposits registered under the National Housing Bank Act, 1987 (53 of 1987). |

THE SECOND SCHEDULE

(See section 42)

Amendments to Certain Enactments

PART I

Amendment to the Reserve Bank of India Act, 1934

Amendment of section 45-I of Act 2 of 1934.—In the Reserve Bank of India Act, 1934, in section 45-I, in clause (bb), after Explanation-II, the following Explanation shall be inserted, namely :ô

ô*Explanation III* :ô The amounts accepted by a co-operative society from the members or shareholders, by whatever name called, but excluding the amounts received as share capital, shall be deemed to be deposits for the purposes of this clause, if such members or shareholders are nominal or associate members, by whatever name called, who do not have full voting rights in the meetings of such co-operative society.ô

PART II

Amendments to the Securities and Exchange Board of India Act, 1992

Amendment of section 11 of Act 15 of 1992.—In the Securities and Exchange Board of India Act, 1992,ô

(i) in section 11, in sub-section (4), for clause (e), the following clause shall be substituted, namely :ô

ô(e) attach, for a period not exceeding ninety days, bank accounts or other property of any intermediary or any person associated with the securities market in any manner involved in violation of any of the provisions of this Act, or the rules or the regulations made thereunder :

ôProvided that the Board shall, within ninety days of the said attachment, obtain confirmation of the said attachment

from the Special Court, established under section 26A, having jurisdiction and on such confirmation, such attachment shall continue during the pendency of the aforesaid proceedings and on conclusion of the said proceedings, the provisions of section 28A shall apply :

Provided further that only property, bank account or accounts or any transaction entered therein, so far as it relates to the proceeds actually involved in violation of any of the provisions of this Act, or the rules or the regulations made thereunder shall be allowed to be attached.ö ;

- (ii) in section 28A, after Explanation 3, the following Explanation shall be inserted, namely :ô

“Explanation 4 :ô The interest referred to in section 220 of the Income Tax Act, 1961 (43 of 1961) shall commence from the date the amount became payable by the person.ö.

PART III

Amendment to the Multi-State Co-operative Societies Act, 2002

Amendment of section 67 of Act 39 of 2002.—In the Multi-State Co-operative Societies Act, 2002, in section 67, in subsection (1),ô

- (a) after the words ôreceive depositsö, the words ôfrom its voting membersö shall be inserted ;

- (b) the following Explanation shall be inserted, namely :ô

*ôExplanation :—*For the removal of doubts, it is hereby clarified that a multi-state co-operative society shall not be entitled to receive deposits from persons other than voting members.ö.



THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Fri., the 15th Jan., 2021/25th Pausa, 1942. [No. 42-c

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô LABOUR AND EMPLOYMENT
DEPARTMENT

Notification

Jammu, the 15th January, 2021.

SO-18.ôôThe following draft rules, which the Jammu and Kashmir Government proposes to make in exercise of the powers conferred by sections 154 and 156 of the Code on Social Security, 2020 (36 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of theô

- (i) Jammu and Kashmir Workmenô Compensation Rules, 1972 ;
- (ii) Jammu and Kashmir Payment of Gratuity Rules, 1973 ;
- (iii) Jammu and Kashmir Maternity Benefit Rules, 1974 ;
- (iv) Jammu and Kashmir Building and Other Constructions Workers (Regulation of Employment and Conditions of Service) Rules, 2006 ; and

- (s) "Nomination" means nomination made under section 55 of the Code ;
- (t) "Registered Medical Practitioner" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine ;
- (u) "Register of women employees" means a register of women employees maintained under rule 66 ;
- (v) "Schedule" means the schedule of the Code ;
- (w) "Section" means a section of the Code ;
- (x) "Specified" means specified by an order of the Central Government or the Government of Jammu and Kashmir or any officer so authorised by such Government ;
- (y) "Turnover" of an aggregator as defined under sub-section (91) of section 2 of the Companies Act, 2013 (18 of 2013), means the gross amount of revenue recognised in the profit and loss account from the sale, supply, or distribution of goods or on account of services rendered, or both, by a company during a financial year ;
- (z) "Year" shall mean the financial year, that is to say, beginning from the first of April and ending with the thirty first of March of the year following.

(2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

CHAPTER II

Social Security Boards

3. The Manner to exercise the powers conferred on and to perform the functions assign to Jammu and Kashmir Unorganized Worker's Social Security Board, the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies and time, place and rules

resignation is accepted by the Chairperson or on the expiry of thirty days from the date of receipt of resignation, whichever is earlier.

3. Change of Address.ô If a member changes his address, he shall bring it to the notice his new address to the Member-Secretary of the Board about his new address who shall thereupon enter his new address in the official records :

Provided that if a member fails to bring it to the notice of the Member-Secretary his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

4. Manner of filling vacancies.ô When the office of a Member becomes vacant by reason of death, resignation or otherwise the Chairperson shall submit a report to the Jammu and Kashmir Government and on receipt of such report, the Jammu and Kashmir Government may, by notification, fill up the vacancy and the persons so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

5. Allowance of members.ô

- (i) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary ;
- (ii) Every non-official member of the Board shall be paid by the Board a sitting fee of Rupees Two Thousand and travel allowance at the rate of Rupees One Thousand per day subject to a maximum of three days.

6. Functions of the Board.ô Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every Member for opinion, and the matter shall be disposed of in accordance with the decision of the majority :

Provided that where there is no opinion of majority on a matter and the Members of the Board are equally divided, the Chairperson shall have a second or a casting vote.

the Board without obtaining leave of absence from the Chairperson :

Provided no Member shall be removed from the office unless he has been given reasonable opportunity of being heard.

4. The manner to exercise the powers conferred on and to perform the functions assigned to Jammu and Kashmir Building and Other Construction Workers Welfare Board, the manner of nomination of Members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies and time, place and rules of procedure relating to the transaction of business as per sub-section (4), clause (c) of sub-section (5), clause (c), clause (d) and clause (e) of sub-section (6) of section 7.—

1. **Terms and Conditions of appointment of Chairperson and Members.**—The term of office of the Chairperson and the Members of the Board other than the Official Members shall be three years from the date of their appointment. Provided further that in no case the Members can continue in the office beyond the period of four years from the date of their appointment.
2. **Filling up of causal vacancies.**ô A Member nominated to fill a causal vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.
3. **Meeting of the Board.**ô The Board shall ordinarily meet once in two months. The Chairperson shall, within fifteen days of the receipt of a requisition in writing from the Secretary, call a meeting thereof.
4. **Notice of meeting and list of business.**ô Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by electronically or otherwise, to each member at least fifteen days prior to the meeting of the Board :

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 11
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every non-official member of such sub-committees shall be allowed travelling allowances and daily allowance for attending the meeting of the Sub-Committee at such rates as are admissible to a Deputy Secretary of the Jammu and Kashmir Government ;

(ii) The sub-committee(s) shall consist of the following persons, namely :ô

(a) The Chairperson of the Board ;

(b) One Member representing the employers ;

(c) One Member representing the building and other construction workers ;

(d) Two Members, not below the rank of a Deputy Secretary, to represent the Government ;

(iii) The Chairperson of the Board or an independent Member as the case may be, nominated by him shall be the Chairperson of the sub-committee(s) also and in the absence of Chairperson the members present shall elect one amongst them to preside over the meeting ;

(iv) No business shall be transacted in the meeting of a sub-committee unless at least three members of the committee are present of whom one shall be from the members representing employers and another one shall be from the members representing the building and other construction workers ;

(v) The term of the sub-committee shall be one year from the date of its constitution ;

(vi) The recommendation of the sub-committee shall be placed before the Board for its decision.

11. **Information to the Government.**ô The Board shall furnish information to Government on such matters as the Government may refer to it, from time to time.

12. **Appointment of Secretary and other officers.**ô An Officer not below the rank of Additional Secretary to the Jammu and Kashmir Government from in service Officers

- (x) M.B.B.S., B.E., B.Tech, M.Tech., Rs. 50000.00
B.D.S., B.V.Sc., B.Sc Agriculture,
B.Sc. Horticulture, B.Sc Forestry,
B.Sc Nursing, M.S., M.D. Bachelor
of Physiotherapy or any other Technical
or Medical Degree or PG Course
and Doctor of Pharmacy (Pharm. D)
- (b) The financial assistance shall also be given to the dependent brothers/sisters of the beneficiary ;
- (c) The financial assistance on account of education shall be available to the regular students, however in case of the students pursuing the study through distance mode from IGNOU, Jammu University, Kashmir University, the financial assistance may be extended on case to case basis ;
- (d) The financial assistance in this behalf shall be restricted to two children/dependents of the beneficiary irrespective of the Class/Course in a particular academic year ;
- (e) An application for grant of financial assistance under this rule shall be submitted to the officer authorised by the Board in this behalf in Form-I and Form-II up to 12th standard and higher education respectively.
- (f) The officer authorised by the Board, on detection of any fraud or wrong payment, may start proceedings of recovery of the amount paid as if these were arrears of land revenue.

(2) Sponsorship Schemes for meritorious students of beneficiaries for professional degrees/diploma based on the percentage obtained in Class 12th/Class 10th.—The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a sponsorship schemes for professional degrees/diploma based on the percentage obtained in Class 12th/Class 10th by the children of beneficiaries.

(3) Providing Tab/Bicycles to the meritorious girl students.ô
The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a schemes of providing Tab to the meritorious girl children of beneficiaries residing in hilly areas and

14 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
bicycles to the meritorious girl children of beneficiaries residing in other
areas.

(4) Providing of one time Scholarship to the meritorious students of beneficiaries for preparing UPSC Civil Services and Jammu and Kashmir Combined Competitive Exams. The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a scheme of providing one time Scholarship to the limited number of meritorious students of beneficiaries for enabling them to prepare for UPSC Civil Services and Jammu and Kashmir Combined Competitive Exams.

7. Financial Assistance for treatment of chronic disease under clause (e) of sub-section (6) of section 7. The Board may provide financial assistance up to to maximum limit of Rs. 1.00 lac to the beneficiary and or his dependent family member in a financial year suffering from life consuming/chronic disease like cancer and other specified life consuming disease notified by the Government from time to time :

Provided that Jammu and Kashmir Building and Other Construction Worker's Welfare Board with the approval of Jammu and Kashmir Government can make any amendment in any of the schemes mentioned at Rule (5), Rule (6) and Rule (7).

CHAPTER III

Employees Insurance Court

Manner and time within which second appeal may be filed to the Employees Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of section 37 of the code, the procedure to be followed by the Employees Insurance Court under sub-section (2) and the rules under sub-section (3) of section 50 and the manner of commencement of proceedings before the Employees Insurance Court, fees and procedure thereof under sub-section (1) of section 51 :

8. Constitution of the Presiding Officer of Industrial Tribunal as an Employees Insurance Court.—(1) The Jammu and Kashmir Government may constitute the Presiding Officer of the Industrial Tribunal constituted under Industrial Relations Code as an Employees Insurance Court for the Territorial Jurisdiction of Jammu and Kashmir

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 15
and such presiding officer shall thereupon discharge the functions of
the Employees Insurance Court in addition to his own duties.

(2) **Fixing of time of sitting.**

- (i) The Court shall appoint the time at which it shall sit at Srinagar and Jammu for holding proceedings under the provisions of this Code ;
- (ii) The Court shall publicize the timing so fixed well in advance for the convenience of stake holders.

(3) A Court shall be subject to the administrative control and superintendence of the High Court and shall

- (a) Keep such registers, books and accounts as the High Court may, from time to time, direct ;
- (b) Comply with such requisitions as may be made by the High Court or the Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs ; and
- (c) A Court shall keep a seal of such size, dimensions and design as the Government may direct.

9. Right to File Second Appeal. The Insured person or the Corporation may appeal to the Employees Insurance Court by presenting an application within 90 days of the date of communication of decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be :

Provided that the Employees Insurance Court may entertain an application after the period of 90 days, if it is satisfied that the appellant has sufficient reason for not presenting the application within the said period.

10. Application. (1) Every proceeding under section 49 of the Code shall be instituted by the presentation of an application to the court.

(2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

- (3) (a) the proceedings before an Employees Insurance Court shall commenced by an application ;

the permission of the court, be admissible in evidence on behalf of the party who should have produced it.

(4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form-IV

(5) Nothing in this rule shall apply to any documents which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

13. **Register of Applications.**ô All application shall be entered in a register in Form V called the Register of Proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

14. **Place of Suing.**ô In cases falling outside the area in which the insured person was working at the time the question or dispute arose, a proceeding against any person shall be instituted in the court within the local limits of whose jurisdictionô

- (a) the opposite or each of the opposite parties where there are more than one, at the time of commencement of the proceedings, actually and voluntarily resides, or carries on business, or personally works for again, or ;
- (b) any of the opposite party, where there are more than one, at the time of commencement of the proceedings, actually and voluntarily resides, or carries on business, or personally works for again, provided that in such cases, either leave of the court is given, or the opposite parties who do not reside, carry on business or personally work for again, as aforesaid, acquiesce in such institution ; or
- (c) the cause of action, wholly or in part, arose.

15. **Limitations.**ô (1) Every application to the court shall be brought within three years from the date on which the cause of action arose, or as the case may be, the claim became due :

Provided that the court may entertain an application after the said period of three years if it is satisfied that the applicant has sufficient reasons for not making the application within the said period.

18 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
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(2) Subject as aforesaid, the provisions of Part-ii & iii of the Indian Limitation Act, 1908 (Central Act-IX of 1908), shall, so far as may be apply to every such applications.

16. Applications presented to Wrong Court. (1) Where, on receiving an application, it appears to the court that it should be presented to another court, it shall return to the applicant after endorsed upon it the dates of presentation and return, the reason for returning it and the name of the court to which it should be presented.

(2) Where it appears to the court at any stage subsequently to the presentation of an application, that the application should have been presented to another court in the same state, the first mentioned court shall send the application to the court empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of application under rule-17) accordingly.

(3) The court to which an application is transferred under sub-rule (2) may continue the proceeding as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

17. Issue of Summons. (1) On receiving an application, the court shall ordinarily within three days thereof, cause to be send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party), a summon in Form-VI and Form-VII, electronically or otherwise, as the case may be, to appear and answer the application on a day, not later than fifteen days from the date of issuance of such summons :

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

(2) A copy of application shall also be send along with the summons under sub-rule (1).

18. Service of Summons or Notice. (1) A summon or notice may, on payment of the required fee, be sent by the court by which it is issued, either by registered post or in such other manner as the court thinks fit.

(2) Where the court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the court shall order summons or the notice to which served by publication in the leading newspapers or in any other mode as may court think proper.

(3) Where a summons or notice is served under sub-rule (2) the court shall fix such time for the appearance of the opposite party as the circumstances of the case may required.

19. Additions at matter at Summons. The court shall determine at the time of issuing of summons, whether it shall be for the settlement of the issues only or for the final disposal of the application, or for both and the summons shall contain a direction accordingly, the court may call upon the parties to produce upon that date any evidence which they wish to tender.

20. Written Statement. (1) The opposite party may, and, if so required by the court, shall, at or before the first hearing or within such time as the court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list thereof in Form-IV.

(2) Every such written statement shall be verified in the same manner as a pleading in a civil court and shall be accompanied by two copies thereof.

(3) In every written statement submitted under sub-rule (1), the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admitted or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised would be likely to take the applicant by surprise or would raise issues of fact not arising out of the application as for instant, fraud, undue influence or coercion, release, pained, performance or fact showing illegality of the transaction.

21. Failure to present Written Statement called for by the Court. Where any party from whom a written statement is required fails to present the same within the time prescribed by the court, the

20 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
court may pronounce judgement against it or make such order in relation
to the proceeding as it thinks fit.

22. Framing of issues. (1) At the first hearing of the application, after the summons is served, the court shall, after considering the application and written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issue upon which the right decision appears to depend.

(2) In recording the issues, the court shall distinguish between those issues which in its opinion concern points of facts and those which concern points of law.

(3) The court may, in like manner, at any time before passing its final order at to, strike out from or in any way amend the issues on such terms as it may think fit.

23. Order where parties are not at issue. Where at any hearing of the case it appears that the parties are not at issue on any question of law or a fact, the court may at once pronounce its final order.

24. Appearance of parties and consequence of Non-Appearance. (1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the court in person or or as prescribed in sub-section (2) of section 51 of the Code.

(2). When neither party appears when the application is called on for hearing, the court may make an order that the application be dismissed.

(3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the court shall make an order that the application be dismissed. However if the opposite party admits the claim or part thereof in which case the court shall make an order against the opposite party upon such admissions and where part only of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.

(4) Where the applicant appears and the opposite party after receiving the summons fails to appear when the application is called on for hearing, the court may proceed *ex parte*.

(5) Where the application is wholly or partially dismissed under sub-rule (2) or (3) the applicant may within thirty days of such dismissal apply in Form-VIII for an order to set the dismissal aside and the court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same :

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule (3) unless notice of the application has been served in Form-IX on the opposite party.

(6) In any application in which an *ex parte* order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form-VIII to the court which passed the order to set it aside and if the court is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, it shall after servicing notice thereof to the applicant in Form-IX make an order setting aside the order upon such terms as to costs or otherwise as it thinks fits or may proceed within the hearing of the case or appoint a day for proceeding within the same.

25. Summoning of Witnesses. (1) At any time after the framing of issues, the court may call upon the parties to produce their evidence in support of the issues.

(2) The court may, on the application of either party, issue a summons in Form-X to any witness directing him to attend or to produce any document.

(3) The court may, before summoning any witness on application under sub-rule (2) require that his reasonable expenses to be incurred in attending the court, be deposited with it.

26. Grant of time and adjournment of hearing. (1) The court may, if sufficient cause is shown, at any stage of the application, grant

22 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
time to the parties or to any of them, and may, from time to time,
adjourn the hearing of the application.

(2) In every such adjournment, the court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the cost occasioned by the adjournment :

Provided that when the hearing of the evidence has once begun, the hearing of the application shall continue from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

27. Right to begin to proceeding. The applicant has the right to begin unless the opposite party admits the facts alleged by the applicant and contends that, either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

28. Statement and Production of Evidence. (1) On the day fixed for the hearing of the application or on any other day to which hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence, if any, and may then address the court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

29. Method of Recording Evidence. The evidence of each witness shall be taken down in writing in the language of the court, not ordinarily in the form of question and answer, but in that of narrating, and when completed, shall be read over or translated, where necessary, in the presence of the judge to the witness, and such judge, shall, if necessary, correct the same and sign it.

30. **Recall of witness.**ô The court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to aim as the court thinks fit.

31. **Inspection by Court.**ô The court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

32. **Pronouncement of Order.**ô The court, after the application has been heard, shall pronounce its final order in open court, either at once or on some future day, of which due notice shall be given to the parties.

33. **Signing of Order.**ô The final order shall be dated and signed in open court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.

34. **Statement of decision on each issue.**ô In cases in which issues have been framed the court shall state its finding or decision, with the reason therefore, upon each separate issue, unless the findings any one or more of the issues is sufficient for the decision of the case.

35. **Compromise of Suit.**ô Where it is proved to the satisfaction of the court that a case has been adjusted wholly or in part by any lawful agreement or compromise or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.

36. **Finality of Order.**ô Save as provided in section 52, the order of a court shall be final and binding upon the parties

37. **Costs.**ô (1) The cost of and incidental to the application shall be in the discretion of the court, and the court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose aforesaid. The fact that the court has no jurisdiction to try the case shall be no bar to the exercise of such powers.

26 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
by the court and such amount or any other sum of money payable
under these rules shall be paid in such manner and within such time
as it may specify therefor.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the court to the party by whom or whose behalf the amount was originally paid into the court.

(3) The court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

43. Fees and Costs of Pauper Person. The court may, whenever it thinks fit, receive and register proceedings instituted under this Act an applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of fees and costs mentioned in rules (41 and 42).

CHAPTER IV

Gratuity

44. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of section 53. In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the Jammu and Kashmir Bank.

45. Time, form and manner of nomination by an employee under sub-section (1), the time to make fresh nomination under sub-section (4), the form and manner of modification of a nomination under sub-section (5) and the form for fresh nomination under sub-section (6) of section 55. (1) A nomination shall be in Form-(XIII) and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer,

- (i) in the case of an employee who is already in employment for a year or more on the date of commencement of these rules but not submitted the nomination, ordinarily, within ninety days from such date ; and

- (ii) in the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily within thirty days of the completion of one year of service :

Provided that nomination in (Form-XIII) shall be accepted by the employer after the specified period, if filed and no nomination so accepted shall be invalid merely because it was filed after the specified period.

(2) Within thirty days of the receipt of nomination in Form-XIII under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in Form-XIII duly attested either by the employer or an officer authorised in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.

(3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of section 55, duplicate in Form-XIII to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in Form-XIII to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*.

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression and shall be submitted by the employee electronically or by registered post acknowledgement due.

(6) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

46. Time within which and the form in which a written application shall be made under sub-section (1) and the form of

by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision ;

- (f) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

(2) Notice for payment of gratuity.ô

- (a) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shallô
 - (i) if the claim is found admissible on verification, issue a notice in Form-XV to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof ; or
 - (ii) if the claim for gratuity is not found admissible, issue a notice in Form-XV to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible.

In the case of denial of gratuity a copy of the notice shall be endorsed to the competent authority ;

- (b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form-XV under sub-clause (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified ;
- (c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may

a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party :

Provided that the competent authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period ;

- (b) Application under clause (a) of sub-rule (4) and other documents relevant to such an application shall be presented in person to the competent authority or shall be sent by registered post acknowledgement due or electronically.

(5) Procedure for dealing with application for direction.ô

- (a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in Form-XVII, by electronically or registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any ;
- (b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The competent authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal ;
- (c) A party appearing by an authorised representative shall be bound by the acts of the representative ;
- (d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his

manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908) ;

- (b) Where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any trade union or association or are represented by an authorised person, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association, or on the authorised person shall be deemed to be service on such persons.

(10) Maintenance of records of cases by the competent authority.

- (a) The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and date the particulars so recorded ;
- (b) The competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet ;
- (c) Any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

(11) Direction for payment of gratuity. If a finding is recorded under clause (d) of sub-rule (5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form-XVIII electronically or registered post acknowledgment due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

modify his direction for payment of gratuity and issue a notice to the employer concerned in Form-XVIII specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer. A copy of the notice be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.

(13) **Application for recovery of gratuity.**ô Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (11) or sub-rule (12), as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in Form XIX for recovery thereof under section 129 of the Code.

47. The manner of registration of an establishment by the employer under sub-section (3) and the manner of composition of Board of Trustees of the approved Gratuity Fund and the manner in which the competent authority may recover the amount of the gratuity payable to an employee from the insurer under sub-section (4) of section 57ô

(1) **Obtaining Insurance for payment of Gratuity.**ô Every employer other than an employer of an establishment belonging to, or under the control of, the Central Government or a State Government, shall subject to provisions of clause (i) of sub-section (1) under section 57, obtain an insurance in the manner prescribed for his liability for payment towards the gratuity under this Act, from any Insurance Company regulated by the authority as defined under clause (b) of sub-section (1) of section 2 of the Insurance Regulatory and Development Authority Act, 1999.

(2) **Recovery of the amount of Gratuity.**ô

- (i) The Competent Authority appointed under sub-section (4) of section 57 is authorized to recover the amount of the Gratuity payable to an employee, from the insurer with

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 37
Form-XXI, provided such existing Approved Gratuity Fund covers the
entire liability of all the employees of the establishment, under the Act.

48. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58.
The Government of Jammu and Kashmir may by notification appoint an officer not below the rank of Assistant Labour Commissioner to be a competent authority for implementation of any provisions of Chapter-V of Social Security Code, 2020 for such area as may be specified in the said notification.

CHAPTER V

Maternity Benefit

49. Authority to whom an appeal may be preferred under sub-section (3) of section 72. (1) Complaint under section 72,

- (a) A complaint under sub-section (1) of section 72 shall be made in writing in Form-(XXIII) as the case may be ;
- (b) When a complaint referred to in section 72 is received by an Inspector-cum-Facilitator, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under section 63, as the case may be, immediately or within a specified period.

(2) **Appeal under section 72.**

- (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the Competent Authority ;
- (b) The aggrieved person shall prefer an appeal in writing to the Prescribed Authority in Form-(XXIV) and file other supporting documents ;

- (c) by the Employeeø, on the ground that employer, having commenced to the pay compensation, has ceased to pay the same, notwithstanding, the fact that there has been no change in the employeeø condition such as to warrant such cessation ;
- (d) either by the employer, or by the employee, on the ground that in the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means ;
- (e) either by the employer, or by the employee on the ground that in the determination of compensation there is a mistake or error apparent on the fact of the record.

(2) **Procedure on application for review.**ô If, on examining an application for review by an employer in which the reduction or discontinuation of half monthly payments is sought it appears to the Competent Authority that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance he may at any time issue an order withholding the half monthly payments in whole or in part pending his decision on the application.

52. **Procedure on application for commutation.**ô (1) Where application is made to the Competent Authority under section 80 for the redemption of a right to receive half monthly payments the payment of a lump sump, the Competent Authority shall form an estimate of the probable jurisdiction of the disablement, and shall award a sum equivalent to the total of the half monthly payments which would be payable for the period during which the estimates that the disablement will continue, less one half per cent, of the total for each month comprised in that period :

Provided that fraction of a rupee including in the sum so computed shall be disregarded.

(2) When, any case to which sub-rule (1) applies to Competent Authority is enable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

required to submit himself for medical examination save at such place.

(4) **Restriction on Number of Examinations.**ô An employee who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.

(5) **Examination after suspension of right to compensation.**ô If an employee whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 84 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or not such other places in the vicinity as may be fixed by the employer and at a time to be fixed by the employer not being save with the express consent of the employee, or more than 2 hours after the employee has so offered himself.

(6) **Examination of Women.**ô

- (a) No women shall without her consent medical examined by a male practitioner, save in the presence of another women ;
- (b) No women shall be required to be medically examined by a male practitioner if she deposited a sum sufficient to cover the expenses of examination by a female practitioner.

55. **The form of statement to be submitted by the employer under sub-section (1) of section 88.**ô The employer within 30 days from the date of receiving notice from the competent authority will furnish the statement in Form-XXVI.

56. **The manner of recording the memorandum in a register by the competent authority under sub-section (1) of section 89.**ô

(1) **Form of Memorandum.**ô Memorandum of agreement sent to the Competent Authority under sub-section (1) of section 89 shall unless the Competent Authority otherwise directs be in duplicate, and shall be in as close conformity as the circumstance of the case admitted with Form-XXVII or Form-XXVIII or Form-XXIX or as the case may be.

concerned of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded ;

- (ii) If, the parties to be informed are not present, a written notice shall be sent to them in Form-XXXII or Form-XXXIII as the case may be, and the date fixed in such notice shall be not less than 7 days after the date of the issue of the same ;
- (iii) If, on the date so fixed under clause (i) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the competent authority may if information has already be given to all the parties concerned record the agreement. If information has not been given to all such parties he shall proceed in accordance with the sub-rule (2) ;
- (iv) If, on the date so fixed the competent authority refuses to record the memorandum he shall send notice in Form-XXXI to any party who did not received information under clause (i).

(4) Procedure on refusal to recrod memorandum.ô

- (i) If, in any case the competent authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal ;
- (ii) If, the competent authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above sum specified in the agreement unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid. Where the agreement is for the redemption of half monthly payments by the payment of a lump sump, and the competent authority considers that the memorandum of agreement should not be recorded by reasons of the inadequacy of the amount of such sum has fixed in the agreement he shall record his estimates of the probable duration of the disablement of the employee.

deduction at source or the date on which the amount has been deposited with the local authority respectively as per the rules framed by the Central Government.

62. Fees for appeal under sub-section (2) of section 105.ô

An appeal preferred under sub-section (1) shall be accompanied by non-refundable fee equivalent to half per cent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal.

CHAPTER VIII

FINANCE AND ACCOUNTS

63. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realise investments under sub-section (2) terms to raise loans and take measures for discharging such loans under sub-section (3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under sub-section (4) of section 120.ô The Jammu and Kashmir Government in this regard and in consultation with Jammu and Kashmir Unorganised Social Security Board and the Jammu and Kashmir Building and Other Construction Workers Welfare Board shall frame a detailed policy.

64. Conditions and manner of writing off irrecoverable dues under section 121.ô (1) Where the Jammu and Kashmir Unorganised Social Security Board and the Jammu and Kashmir Building and Other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to these boards has become irrecoverable, the said Boards or any other officer authorised by them in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely :ô

- (i) Establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts ;

(2) **Records.** Records kept under the provisions of the Code and the rules framed thereunder shall be preserved for a period of two years from the date of their preparation.

(3) **Annual returns.**

- (a) The employer to which the provisions of Chapter V of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in Form-XXXVI online on the web portal of the Government or otherwise giving information as to the particulars specified, in respect of the preceding year :

Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

Explanation : For the purposes of this sub-rule, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000) ;

- (b) If the employer to which the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of Government a further unified return in Form-XXXVI referred to in clause (a) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

CHAPTER X

Offences and Penalties

67. Manner of compounding of offences by the authorised officer specified under sub-section (1) of section 138 and the form and manner of making application for the compounding of an offence under sub-section (4) of section 138. (1) The officer authorized by the Jammu and Kashmir Government by notification for

48 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
the purposes of compounding of offences under sub-section (1) of
section 138 shall issue electronically or otherwise a compounding notice
in Form-XXXVII for the offences which are compoundable under
section 138.

(2) The person so noticed may apply in Part-III of the
Form-XXXVII to the officer electronically and deposit the entire
compounding amount by electronic transfer or otherwise, within fifteen
days of the receipt of the notice.

(3) The Compounding Officer shall issue a composition certificate
in Part-IV of Form-XXXVII within ten days of receipt of the
composition amount, to such person from whom such amount has been
received in satisfaction of the composition notice.

(4) If a person so noticed fails to deposit the composition amount
within the prescribed time, the prosecution shall be instituted before the
Competent Court or the offence in respect of which the compounding
notice was issued, against such person.

(5) Composition after institution of prosecution.

- (a) The Court may compound any compoundable offence at any
time after filing of a complaint under section 138 of the
Code ;
- (b) The provisions of section 320 of the Code of Criminal
Procedure, 1973 shall apply to such compositions.

CHAPTER XI

Employment Information and Monitoring

**68. Manner and form of reporting vacancies and form of filing
the return by the employer, to the concerned career centre under
sub-section (2) of section 139.** (1) Reporting of Vacancies to Career
Centres

- (a) After the commencement of this Code in Jammu and
Kashmir, the employer in every establishment in public
sector shall, before filling up any vacancy in any employment
in that establishment, report that vacancy or cause to be

50 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
or more employees or such number of employees as may be notified
by the Government.

(3) Type of vacancies and respective Career Centre for reporting of vacancies.

- (a) The following vacancies, namely :
- (i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the Central Government, occurring in establishments in respect of which the Central Government is the appropriate Government under the Code ; and
 - (ii) Vacancies which an employer may desire to be circulated to the Career Centers outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre (Central) as may be specified by the Central Government by notification ;
- (b) Vacancies other than those specified in clause (a) of sub-rule (2) above, shall be reported to the Career Centre (Regional) concerned ;
- (c) Vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Government by notification.

(4) Form and manner of reporting of vacancies.

- (a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the Jammu and Kashmir Government ;
- (b) The vacancies shall be reported in the format given at Form-XXXVIII, furnishing as many details as practicable, separately in respect of each type of vacancy ;
- (c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule (3), shall be

reported in writing or through official email or digitally as the case may be, to the specified Career Centre.

(5) Time limit in the reporting of vacancies.ô

- (a) Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported ;
- (b) Vacancies required to be reported to the Career Centre (Central) shall be reported at least forty days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

(6) Maintenance of records.ô

- (a) After commencement of this Code in any state or area thereof, the employers in every establishment in the public sector in that state or area shall maintain records manually or electronically or digitally about
 - (i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year ;
 - (ii) Persons recruited during the year ending on 31st March ;
 - (iii) Occupational details of its employees on 31st March of every year ;
 - (iv) Vacancies for which suitable candidates were not available during the year ending on 31st March ; and
 - (v) Approximate number of vacancies likely to occur during the next financial year.
- (b) The Jammu and Kashmir Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 53
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for the purpose of enforcement/implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code.

(9) Levy of penalty under the Chapter XIII of the Code.ô

The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the Jammu and Kashmir shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

(10) Issue of guidelines.ô For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII and rules thereof, the Jammu and Kashmir Government may issue detailed guidelines as per local needs.

CHAPTER XII

Miscellaneous

69. Manner of establishment and administration of the Social Security Fund under sub-section (5) of section 141.ô (1) All the following funds received shall be credited to separate account(s) and called as Jammu and Kashmir Social Security Fund and all expenses towards the scheme(s) notified under sections 109 and 114 for the Unorganised Workers, Gig Workers and Platform Workers shall be met out of this fund :ô

- (a) under sub-section (1) of section 141 of the Code on Social Security, 2020 (36 of 2020) ; and
- (b) under sub-section (1) of section 115 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).

(2) The Government shall identify the source(s) for initial funding/ replenishing the Jammu and Kashmir Social Security Fund from time to time.

(3) The fund shall be administered by the Government through an agency designated by the Jammu and Kashmir Government in the manner, as notified by the Central Government.

Pension Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time.

(2) The Board of Trustees shall consist of such equal number of representatives each of the employers and employees as may be prescribed in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(3) The employer of such exempted establishment shall be the Chairperson of the Board of Trustees. The Chairperson may exercise a casting vote in an event of equality of votes. However, armø length principles shall be maintained by the Chairperson in all meetings of the Board of Trustees.

(4) The Board of Trustees shall meet at least once in every three months and shall function in the accordance with the guidelines that may be issued from time to time by the Central Government or the Central Provident Fund Commissioner or any officer authorized by him.

(5) The terms and conditions, including the tenure of office of the Trustees, the procedure and manner for election or nomination of the representatives of the employees and of employers to the Board of Trustees, disqualification and cessation of trusteeship, re-election or re-nomination of trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all such other matters and conditions for the management of the Trust shall be as provided for in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(6) In case of any dispute or doubt on any general issues within the ambit of these terms and conditions, the matter shall be referred to the Regional Provident Fund Commissioner in whose jurisdiction the head office of the establishment is located. The decision of the Regional Provident Fund Commissioner in the matter shall be final and binding.

73. Manner of determining the misuse of any benefit by an establishment or by any other person under section 148.ô If any Establishment or any other person to which the provisions of this Code

56 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
applies, found misusing any benefit granted to it or him under this Code
or rules, regulations, schemes made or framed thereunder then, the
Government of Jammu and Kashmir may by notification deprive such
establishment or other person as the case may be from such benefit
for such time as may be specified in the notification :

Provided that no such notification shall be issued unless an
opportunity of being heard is given to such establishment or other person
as the case may be.

**74. Submission of a copy of the Form to the office of Director
General, Labour Bureau under section 156.** A copy of Form-XV
(notice for Payment/Rejecting claim of Gratuity) shall be shared
electronically with the designated authority of the Government.

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Declaration by the Applicant

I hereby declare that the particulars furnished above are correct and true to the best of my knowledge. In the event of any information given above is ultimately found to be false, I will refund the amount received as assistance and I shall be personally liable for legal implications thereof. I further declare that I have not availed any similar assistance from any other Welfare Board or Board constituted by the Government of Jammu and Kashmir or Government of India.

Dated :

Place :

Signature of the Registered
Construction Worker.

**Certificate from the Principal/Headmaster
of the concerned School**

Photograph of the
students to be
attested by the
Principal/Student

Photograph of the
students to be
attested by the
Principal/Student

I hereby certify that _____
and _____ S/o, D/o _____
R/o _____ is/are reading in the _____
class and _____ Class under Roll
No. _____ and _____ respectively
and the information furnished by the applicant at
Column A is Correct.

Further, I certify that our school is Government
recognized bearing recognition No. _____
dated _____ issued by the _____.

**Signature of Principal/
Headmaster.**

For Office Use

After thorough examination of the application of the applicant with respect to the records available with this office following observations made :ô

1. That the applicant is registered manual workers under Reg.
No. _____ dated _____.
2. That the applicant has already availed Educational Assistance for his children namely _____
and _____ for an amount of Rs. _____
for the year _____ hence he is not entitled again for the
year _____ for the same purpose.

FORM-VIII

[See Rule 24(5)]

Subject :ô Application for setting aside theí í í í í . order dated
í í í í í í í í ..

(the grounds of application should be stated)

Date

Signature of the Applicant.

Verification by the applicant

The statement of facts contained in the application is to the best
of my knowledge and belief true and correct.

Date :

Place :

Signature

oooooooo

FORM-XII

(See Rule 40)

Application for the execution of a decree

In the Court of.....

I, $\acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota}$. Decree holder, hereby apply for execution of the decree herein below set forth : \hat{o}

Number of proceeding	Name/s of party/ies	Date of decree	Whether any appeal preferred form decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed	Mode in which the assistance of the c ourt is required

Applicant:

Opposite party:

Dated:

No.

Rs $\acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota}$.. recorded on application, dated $\acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota}$.

Rs $\acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota}$ principal $\acute{\iota} \acute{\iota}$.. (interest at $\acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota}$ per cent per annum, from the date of order till payment)

As awarded in the decree subsequently incurred Total : $\acute{\iota} \acute{\iota} \acute{\iota} \acute{\iota}$..

Against the opposite party :

FORM-XIII

(See Rule 45)

Nomination/Fresh Nomination/Modification of Nomination

(Strike out the words not applicable)

Toí í í íí í í í í í í í í í í í í í í í í ..

(Give here name or description of the establishment with full address)

I, Shri/Shrimati/Kumarií í í í í í í í í í í í (Name in full here) whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/ have acquired a family within the meaning of clause (33) of section 2 of Code on Social Security, 2020 with effect from the í í í í í í í (date here) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

or

I, Shri/Shrimati/Kumarií í í í í í í í í í í í (Name in full here) whose particulars are given in the statement below, hereby give notice that the nomination filled by me on date í í í í and recorded under your reference

Noí í í í í .datedí í í í í í . shall stand modified in the following manner :ô

*Strike out unnecessary portion.

2. I hereby certify that the person(s) mentioned is/are a member(s) of my family within the meaning of clause (33) of section 2 of the Code on Social Security, 2020.
3. I hereby declare that I have no family within the meaning of clause (33) of section 2 of the said Code.
- 4 (a) My father/mother/parents is/are not dependent on me.
(b) My husbandø father/mother/parents is/are not dependent on my husband.

FORM-XVII

[See Rule 46(5) (a) (8)]

Notice for Apperance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

(Name and address of the employee/applicant)

Whereas, Shri í í í í í í í í í ..an employee under you/ a nominee(s)/legal heir(s) of Shrií í í í í í í í í í ..an employee under the above-mentioned employer, has/have filed an application under rule 46 of the Code on Social Security, Jammu and Kashmir Rules, 2020 alleging that----

(A copy of the said application is enclosed, if, summon is issued then copy of application is not required).

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at í í í í í í í ..(place) either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the í .. day of í í í í 20í .. at í í í í í .:Oø clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

Take notice that in default of your appearance on the day before-mentioned, the application will be dismissed/heard and determined in your absence.

Whereas, your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of í í í .. in the case arising out of the claim for gratuity byí í í . Formí í í í .. and referred to this Authority by an application under section 56 of the Code on Social Security, 2020, you are hereby summoned to appear personally before this Authority on the í í . day of í í ..20í í í í í .. at í í í í í .:Oøclock in the forenoon/afternoon and to bring with you for to send to this Authority) the said documents. List of documents-

- 1.
- 2.
- 3. so on

FORM-XXIV

[See Rule 49(2) (b)]

Appeal

To,

The Authority,

(Appointed under the Code on Social Security , 2020)

í í í í í í í í í í í í í í í í (Address)

Sir,

Í í í , the undersigned, woman employee of í í (name and full address of the establishment)

***Feel aggrieved by the order of Inspector-cum-Facilitator under sub-section (2) of section 72 for the reasons attached hereto, prefer this appeal under sub-section (2) of section 68 and request that the said employer be ordered to pay the above-mentioned amount to me. A copy of the order of Inspector-cum-Facilitator in this behalf is enclosed ;**

or

*Shrí í , Inspector-cum-Facilitator, having directed under sub-section (2) of section 72 to pay the maternity benefit or other amount being í í (Nature of amount) to which í í (Name of woman) is said to be entitled/to set aside my discharge or dismissal during or on account of absence from work in accordance with the provisions of this Chapter V of the Code on Social Security, 2020 (*Strike out unnecessary portion*).

I prefer this appeal under sub-section (3) of section 72. In view of the facts mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is not entitled to the maternity benefit or the said amount and hence the order of the Inspector-cum-Facilitator in the copy of which is enclosed, may be set aside.

*Strike out unnecessary portion.

Signature or thumb impression of the women/aggrieved person.

Date í í

í í í í í í í í í í í í í í í í ..

Signature of an Attester in case the woman is not able to sign and affixes thumb impression.

Full address of the nominee/legal representative.

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FORM XXVII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of _____ previous for period of _____ months. The said employee has in receipt of half-monthly payments which have continued from the _____ day of 20____ until the day 20____ amounting to Rs _____ in all. The said employee's monthly wages are estimated at Rs _____. The employee is over the age of 15 years/will reach the age of 15 years on _____

It is further submitted that _____ the employer of the said employee, has agreed to pay and the said employee has agreed to accept, the sum of Rs. _____ in full settlement of all and every claim under the Chapter VII of the Code on Social Security, 2020 in respect of all disablement of temporary nature arising out of the said accident, whether now or hereafter to become a manifest, it is, therefore requested that this memorandum be duly recorded.

Dated _____ 20 _____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

Note :—An application to register an agreement can be presented under the signature of the one party, provided that the other party has agreed to the terms. But both signature should be appended whenever possible.

Receipt (To be filled in when the money has been actually paid).

In accordance with the above agreement, I have this day received the sum of Rs. _____

Employee

Dated _____ 20 _____

The money has been paid and this receipt signed in my presence.

_____ Witness.

(Note :—This form may be varied to suit special cases, e.g. injury by occupational diseases, agreement when employee is under legal disability, etc.).

FORM –XXVIII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of 20____ personal injury was caused to ____ residing at _____ by accident arising out of and in the course of his employment in _____. The said injury has resulted in permanent disablement to the said employee of the following nature, namely :—

The said employee monthly wages are estimated at Rs. _____. The employee is over the age of 15 years/will reach the age of 15 years on _____. The said employee has prior to the date of this agreement, received the following payment, namely :—

Rs. _____ on _____ Rs. _____ on _____

Rs. _____ on _____ Rs. _____ on _____

Rs. _____ on _____ Rs. _____ on _____

It is further submitted that _____ the employers of the said employee, has agreed to pay the said employee, has agreed to accept, the sum of Rs. _____ in full settlement of all and every claim under the Chapter VII of the Code on Social Security, 2020 in respect of the disablement started above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Dated _____ 20 _____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

Note :—An application to registered and agreement can be presented under the signature of the one party, provided that the other party has agreed to the terms. But both signature should be appended whenever possible.

Receipt (To be filled in when the money has been actually paid).

In accordance with the above agreement, I have this day received the sum of Rs. _____

Employee

Dated _____ 20 _____

The money has been paid and this receipt signed in my presence.

(Note :—This form may be varied to suit special cases, e.g. injury by occupational diseases, agreement when employee is under legal disability, etc.).

FORM-XXIX

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of 20____ personal injury was caused to ____ residing at _____ by accident arising out of and in the course of his employment in _____. The said injury has resulted in temporary disablement to the said employee—

Who is at present in receipt of wages amounting to Rs. _____ on wages per month.

The said employee monthly wages prior to the accident are estimated at Rs. _____. The employee is subject to a legal disability by reason of _____.

It is further submitted that _____ the employers of the employee, has agreed to pay and _____ on the behalf of the said employee, has agreed to accept half monthly payments @ of Rs. _____ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half monthly payments may be varied in accordance with the provision of the Chapter VII of the Code on Social Security, 2020, on account of an alternation in the earning of the said employee during disablement .It is further, stipulated that all rights of communication under section 80 of the code are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded. Dated _____ 20_____

Signature of the employer _____

Signature of the employee _____

Witness _____

Note :—An application to registered and agreement can be presented under the signature of the one party, provided that the other party has agreed to the terms. But both signature should be appended whenever possible.

Receipt (To be filled in when the money has been actually paid).

In accordance with the above agreement, I have this day received the sum of Rs. _____

Employee

Dated _____ 20_____

The money has been paid and this receipt signed in my presence.

(Note :—This form may be varied to suit special cases, e.g. injury by occupational diseases, etc.).

FORM –XXX

[See Rule 56 (2) (i)]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ has /have applied for registration of the agreement under section 89 of the Code on Social Security, 2020, notice is hereby given that the said agreement will be taken into consideration on _____ 20____ and that any objection to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intension to proceed to the registration of the agreement.

Dated _____ 20 _____

Competent Authority

FORM -XXXI

[See Rule 56 (2)(iii) & (3) (iv)]

Take notice that registration of the agreement to pay compensation said to have been reached between you _____ and _____ on the _____ 20__ have been refused for the following reasons namely

Dated _____ 20__

Competent Authority

FORM (XXXII)

[See Rule 56 (3) (ii)]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ has /have applied for registration of the agreement under section 89 of the Code on Social Security, 2020 and whereas it appears to me that the said agreement ought not to be registered for following reasons, namely:-.....

_____ an opportunity will be afforded to you of showing cause on _____ 20 _____ by the said agreement should be registered. If no adequate cause as shown on that date, registration of the agreement will be refused.

Competent Authority

FORM (XXXIII)

[See Rule 56 (3) (ii)]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas ____ has /have applied for registration of the agreement under section 89 of the Code on Social Security, 2020 and whereas it appears to me that the said agreement ought not to be registered for following reasons, namely _____ an opportunity will be afforded to the said _____ of showing cause on _____ 20 _____ by the said agreement should not be registered.

Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown the agreement may be registered.

Dated _____ 20 _____

Competent Authority

FORM (XXXIV)

(See Rule 60)

Register of agreements for the year _____ 20 _____

S. No.	Date of agreement	Date of registration	employer	Employee	Initial of Competent Authority	Reference order rectifying the register
1	2	3	4	5	6	7

FORM – XXXV

[See Rule 66 (1) (a)]

REGISTER OF WOMEN EMPLOYEES

Name of establishment

1. Serial Number.
2. Name of woman and her father's (or, if married, husband's) name.
3. Date of appointment.
4. Nature of work.
5. Dates with month and year in which she is employed, laid off and not employed.

Month	No. of days employed	No. of days laid off	No. of days not employed	Remark
a	b	c	d	e

6. Date on which the woman gives notice under section 62.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under section 62.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/tubectomy operation/death/adoption of child.
11. Date of production of proof of illness referred to in section 65.

12. Date with the amount of maternity benefit paid in advance of expected delivery.
 13. Date with the amount of subsequent payment of maternity benefit.
 14. Date with the amount of bonus, if paid, under section 64.
 15. Date with the amount of wages paid on account of leave under section 65(1) and 65(3).
 16. Date with the amount of wages paid on account of leave under section 65(2) and period of leave granted.
 17. Name of the person nominated by the woman under section 62.
 18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
 19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
 20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
 21. Remarks column for the use of the Inspector-cum-Facilitator.
-

FORM XXXVI

[See Rule 66 (3) (a) & (b)]

Unified Annual Return A. General Part :

(a) Name of the establishment.....
 Address of the establishment: House No./Flat No.
 Street No./Plot No.t4321.....
 Town.....District.....State.....PIN code.....

(b) Name of the employer.....
 Address of the employer :
 House No./Flat No.Street No./Plot No.
 Town.....District.....State.....PIN code.....
 E-mail ID.....Telephone Number.....Mobile number....

(c) Name of the manager or person responsible for supervision and control
 of establishment.....
 Address:
 House No./Flat No.....Street No./Plot No.....
 Town.....District.....State.....PIN code.....
 E-mail ID.....Telephone Number.....Mobile number....

B. Employer’s Registration/Licence number under the Codes mentioned in column (2) of the table below:

S. No.	Name	Registrar	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Code on Occupational Safety Health and working condition code 2020.		
02.	The Code on Social Security 2020.		
03.	Any other Law for the time being in force.		

C. Details of Employer, Contractor and Contract Labour:

01.	Name of the employer in the case of a contractor’s establishment.	
02.	Date of commencement of the establishment.	
03.	Number of Contractors engaged in the establishment during the year.	
04.	Total Number of days during the year on which Contract Labour was employed.	
05.	Total number of man-days worked by Contract Labour during the year.	
06.	Name of the Manager or Agent (in case of mines).	
07.	Address House No./Flat No. Street/Plot No. Town District State PIN Code E-mail ID Telephone Number Moblle Number	

D. Working hours and weekly rest day:

01.	Number of days worked during the year.	
02.	Number of mandays worked during the year.	
03.	Daily hours of work.	
04.	Weekly day of rest.	

E. Maximum number of persons employed in any day during the year:

Sl. No.	Males	Females	Adolescents (between the age of 14 to 18 years.)	Children (below 14 years of age.)	Total

Wage rates (Category-Wise):

Category	Rates of Wages	No. of workers							
		Regular				Contract			
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly Skilled									
Skilled									
Semiskilled									
Unskilled									

F. (a) Details of Payments:

Gross wages paid		Deductions			Net wages paid	
In cash	In kind	Fines	Deductions for damage or loss	Others	In cash	In kind

(b) Number of workers who were granted leave with wages during the year:

Sl. No.	During the year	Number of workers	Granted leave with wages

H. Details of various welfare amenities provided under the statutory schemes:

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)

I. Maternity Benefit under the Code on Social Security, 2020:

(a) Details of establishment, medical and para-medical staff:

01.	Date of opening of establishment	
02.	Date of closing, if closed	
03.	Name of Medical Officer	
03(i)	Qualification of Medical Officer	
03(ii)	Is Medical Officer at (the mines or circus) ?	
03(iii)	If a part time, how often does he/she pay visit to establishment ?	
03(iv)	Is there any Hospital?	
03(v)	If so, how many beds are provided?	
03(vi)	Is there a lady Doctor?	
03(vii)	If so, what is her qualification?	
03(viii)	Is there a qualified mid-wife?	
03(ix)	Has any crèche been provided?	

(b) Leave Granted under the Code on Social Security, 2020

01.	Total number of female employees in the establishment	
02.	Total number days of leave granted	
03.	Number of employees granted maternity leave/benefited by ESI	

Declaration

It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment.

Place

Date

Sign. Here

FORM-XXXVII

(See Rule 67)

Notice to the Employer who committed an offence for the first time for compounding of offence under subsection (1) of section 138 of the Code on Social Security, 2020

Notice No.....

Date:

On the basis of records and documents produced before me, the undersigned has reasons to believe that you, being the employer of the establishment..... (Registration No.....), have committed offence for the violation of provision of the Code or the Schemes or the Rules or the Regulations framed thereunder as per the details given below:-

PART – I

1.	Name of the Person:	
2.	Name and Address of the Establishment :	
3.	Registration No of the Establishment:	
4.	Particulars of the offence:	
5.	Provisions of the Code/Scheme/Rules/Regulations under which the offence is committed:	
6.	Compounding amount required to be paid towards composition of the offence:	
7.	Name and Details of Account for depositing the Amount specified in Column 6:	

PART –II

In view of the above, you have an option to pay the above-mentioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part–III of this notice. In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

(Signature of the Compounding Officer)

Date:

Place:

PART – III

**Application under sub-section (4) of section 138 for
compounding of offence**

Ref: Notice No.....

Date:

The undersigned has deposited the entire amount as specified in Column 6 of Part-I and the details of payment are given below with a request to compound the offences mentioned in Part-I :—

1. Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):
2. Details of the prosecution, if filed for the violation of above-mentioned offences may be given:
3. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence:
4. Any other information which the applicant desires to provide.

Signature of the applicant

(Name and Designation)

Dated:

Place:

PART – IV

Composition Certificate

Ref: Notice No.....

Date:

This is to certify that the offence under sub-section of section 133 of the Code in respect of which Notice No. Dated: _____ was issued to Sh..... (Applicant), the employer of (name and Registration Number of establishment) has been compounded on account of remission of full amount of Rs (Rupees _____) towards the composition of offences to the satisfaction of the said Notice.

(Signature)

Name and Designation of the Officer

Date:

Place:

FORM-XXXVIII

[See Rule 68 (4) (b)]

Form for Reporting Vacancies to Career Centres

(Separate forms to be used for each type of posts)

1	<p>Particulars of the employer:</p> <p>Name:</p> <p>Address with pin code:</p> <p>Telephone No. :</p> <p>Mobile No.:</p> <p>Email address :</p> <p>Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc)</p> <p>Registration No of establishment under Code:</p> <p>Economic activity details:</p>	
2.	<p>Particulars of the indenting Officer:</p> <p>Name:</p> <p>Designation:</p> <p>Telephone No. :</p> <p>Mobile No.:</p> <p>Email address :</p>	
3.	<p>Particulars of vacancy(ies):</p> <p>(a) Designation/nomenclature of the vacancy(ies) to be filled</p> <p>(b) Description of duties of the post (job role/functional role)</p>	

	(c) Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/Preferable
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience		
	(d) Age Limits, if any (Age as on last date of application)		
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc.) if any		
	(f) duration of employment (i) 3-6 months	Number of posts	
	(ii) 6-12 months (iii) 12 months and more		
4.	Whether there is any obligation for arrangement for giving reservation/preference to any category of persons such as Scheduled Caste(SC), ScheduledTribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC),Ex-serviceman and persons with disabilities (pwd) , etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others (specify)	Total	*By Priority candidates *(Applicable for Jammu and Kashmir Government vacancies)

6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details, if any For others: Mention minimum total emoluments per month with other details, if any.	
7.	Place of work (Name of the town/village and district, pin code ,etc. in which it is situated)	
8.	Mode of Application(email, online, in writing, etc) and Last date for receipt of applications.	
9.	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address , telephone No., website address in case of online)	
10	Mode of Recruitment {Through Career Centre, Placement Agency , self management, any other mode(specify) }	
11	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No
12	Any other relevant information	

Signature, Name and Designation of Authorised Signatory of establishment/
employer with seal and date

(For Official Use- to be filled by Career Centre)

13.	Name, address, email id of the Career Centre	
14.	Date of receipt of Vacancies	
15.	NIC Code of the establishment/	
16.	NCO Code of the post	
17.	Unique Vacancy ID (number)	

Signature, Name and Designation of
 Authorised Signatory of Career
 Centre with seal and date

NOTE:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.
2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.
3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official email or digitally (including through a portal) as the case may be, to the appropriate Career Centre.

FORM-XXXIX

[See Rule 68 (7)]

Form EIR (Employment Information Return)

Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....

The following information is required to be submitted under the Code on Social Security (Chapter XIII – Employment Information and Monitoring) 2020.

Name and Address of the Employer		
Whether – Head Office		
Branch Office Type of Establishment (Public /Private Sector)		
Nature of business/Principal activity		
Establishment Registration No. under the Code		
<p>1. (a) EMPLOYMENT</p> <p>Total number of <i>manpower of establishment</i> including working <i>proprietors/partners//contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary <i>is paid</i>).</p>		
Category	On the last working day of the previous Year	On the last working day of the Year under report
MEN		
WOMEN		
Other (Transgender)		
TOTAL :		
PWD (persons with disabilities) out of above total		

EIR-continued

2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year				
Occurred	Reported		Filled	Source (Career Centre/NCS Portal/Govt. Recruiting Agencies/Private Placement Organisations/other
	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

*As per provisions of Code on Social Security, 2020 (Chapter XIII) and Rules made thereunder,

3. MANPOWER SHORTAGES:

Vacancies/posts remained unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	Number of unfilled vacancies/posts		
	Skill/qualifications (educational /technical/ experience) prescribed	Essential	Desirable
1	2	3	4

(Please list any other occupations also for which this establishment had any difficulty in obtaining suitable applicants recently.)

4. Estimated Manpower Requirement by Occupational Classification during the next calendar year (Please give below the number of employees in each occupation separately).

Occupation	Number of employees
	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/ expansion or re-organisation.

Description	Men	Women	Others (transgender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
*					
Total :					

* In the column (description) -Use exact terms such as Engineer (Mechanical), Assistant Director (Metallurgist); Research Officer (Economist); Supervisor (Tailoring), Inspector (Sanitary), Superintendent (Office), Manager (Sales), Manager (Accounts), Executive (Marketing), Data Entry Operator.....so on.

Signature, Name & Designation of Authorised Signatory
of establishment/ employer with seal & date

To

The Career Centre,
.....

Note :—

1. This return is to be rendered to the Career Centre (Regional) within 30 days after the end of the *financial year* concerned by establishments/ employers vide their obligation under the Code on Social Security, 2020 (Chapter XIII-Employment Information and Monitoring).
2. The main purpose in obtaining the information from employers is to know—
 - (i) the vacancies/employment opportunities available;
 - (ii) type of personnel who are in short supply ; and
 - (iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.

EXTRAORDINARY

REGD. NO. JK 33



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 133] Jammu, Wed., the 30th Sept., 2020/8th Asv., 1942. [No. 26-5
Separate paging is given to this part in order that it may be filed
as a separate compilation.

Part II—B

Notifications, Notices and Orders by Heads of Departments.

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**GOVERNMENT OF JAMMU AND KASHMIR
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
SRINAGAR/JAMMU**

File No. 254/ITLC
D. o. I. : 18-02-2013
D. o. D. : 17-08-2020

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Sh. Shamsheer Singh
S/o Krishan Chand
R/o Village Sumbian Jattan,
Tehsil Bishnah, District Jammu.

Petitioner Through Zoya Bhardwaj, Advocate.

Versus

Management of M/s Sudhir Gen. Set. Ltd.,
Bari Brahamana, Jammu

Respondents

Through R. K. Koul, Advocate

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No. 26-5] The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. 3
ô on the fixed date and whereas respondent appeared on 07-01-2014 through
Arvind Samnotra who sought the time to file authority letter.

On 24-12-2014 issue referred to this court were treated as issued in
the petition which areô

1. Whether termination of the service of petitioner Shamsher Singh is legally justified ?
2. If the Issue 1 is decided in favour of petitioner to what relief he is entitled to, and petitioner was directed to lead the evidence first.

Briefly the facts of the petition as stated before ALC are. Applicant filed an application raising a dispute regarding the termination of his service by management. He stated that he worked as workman in the factory of non-applicant up to Feb., 2009 at Bari Brahmana. The worker of non-applicant factory formed a union and he has been elected as president of the union. The non-applicant was informed regarding formation of the union. The management did not want that he should take part in the activities of union as such started harassing office bearers by issuing verbal threat to involve them in fabricated cases and finally charge sheet the petitioner and conducted domestic enquiry without allowing his representative to take part in proceedings. The non-applicant terminated his service. Neither he nor his witnesses were allowed to attend enquiry proceedings. Workers of factory agitated his termination and the management verbally promised to take him back in service but till date non-applicant neither paid the wages nor taken him back in service. Applicant/petitioner further submitted that he joined the service of respondent in 2006 as helper and was getting Rs. 2500/- PM as wages. The workers formed a union in the name and style of Sudhir Get Set Workers Union in April, 2007 with head office at Bari Brahmana and applicant was elected as president. The respondent got stayed the registration of union therefore they joined Industrial Estate Workers Union which is duly registered. Shamsher Singh was elected as President and union was not recognized by management. Management started harassing the office bearer. The non-applicant/respondent constituted domestic enquiry by enquiry officer who always acted on their advice. Enquiry officer always directed petitioner to sign blank papers.

No. 26-5] The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. 5
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- (iii) Gratuity (15 days wages drawn on each Rs.18812.00/-
year of service)
- (iv) Bonus for 2 years Rs. 19000.00/-
- (v) Leave encashment (90 days wages) Rs. 26250.00/-
- Total Amount Rs. 273437.00/-

Grand Total (A+B) Rs. 413350+273437=Rs. 686787.00 (Six lac
eighty six thousand, seven hundred eighty seven only).

Petitioner also filed the rejoinder to objection of the respondent which
is similar to his petition.

A brief resume of objection filed by respondent in court is
as under. :ô

That on the basis of disobedience, misbehavior, insubordination etc.
number of complains with organization of respondent were received against
the claimant and behaviour of claimant was watched over the period and
his act of insubordination were found detrimental to good working of
respondent organization. That no clarification was furnished to various
show cause issued. That a domestic enquiry was proposed and initiated
against claimant. Accordingly, as many as 7 charges/allegations were framed
against the claimant, like threatening superior colleagues, threatening to
damage assets of company, absenteeism, creating uncongenial atmosphere
and illegal unionism. That N. Kumar, Advocate was appointed as enquiry
officer on 7th June, 2008 to enquire the matter thoroughly and transparently
and on 27.11.2008 enquiry report was submitted by enquiry officer.

That taking objective view of the report of enquiry officer and after
due deliberation the claimant/petitioner was terminated on 14th Feb., 2009
and requisite amount by way of final settlement amounting to Rs. 3704/-
was released in favour of claimant. Therefore reference is before court is
unwarranted and liable to be answered in negative that nothing is
outstanding toward the claimant as all dues have been paid by respondent.
That prayer be dismissed and reference be answered in negative.

Evidence adduced by petitioner is as under :ô

Petitioner examined himself and his witness and one Nem Kumar
through affidavit.

8 The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. [No. 26-5
Evidence of respondent is as under :ô

Respondent examined Shami Sharma and N. Kumar, Advocate, the enquiry officer.

R.W. Shami Sharma deposed that applicant was engaged with respondent as workman and on account of his acts of misconduct, disobedience, insubordination etc. He was proceeded against in departmental enquiry wherein Sh. N. Kumar, Advocate was appointed as enquiry officer vide Communication dated 7th June, 2008. That after calling applicant to participate in proceedings and after affording reasonable opportunity of hearing EO. Submitted report on 27-11-2008 EO found charges proved against applicant and some of the allegation were not proved against petitioner on 14-02-2009 respondent terminated the service of applicant and paid all dues amounting to Rs. 3704 to applicant.

That claim raised by applicant is not maintainable nor amount is payable. That it is denied that due to union activities applicant was victimized. That respondent proceeded against applicant in accordance with law. The petitioner first appeared before EO and later on absented himself as such allegation that he was not heard by EO is not true. As such plea of applicant be rejected.

In cross-examination stated that whether charge sheet was give to petitioner is not known and as per this letter no room of the hotel was mentioned. He further stated that earlier enquiry was conducted in Hotel Asia and then in Hotel Samrat. He can't say what happened during enquiry proceeding.

RW Mr. N. Kumar deposed that respondent management vide communication dated 7th of June, 2008 appointed him as enquiry officer to conduct domestic enquiry into allegation/charges leveled against applicant charge sheet/documents were handed over to him. Notice for appearance in enquiry was served. Workman appeared along with some fellow workmen. AR of management also appeared. After conducting enquiry report was submitted on 27th of Nov., 2008. On the basis of enquiry charges except one were proved against applicant. Applicant initially appeared and later on absented himself. He was provided ample opportunity but applicant failed to avail and later on he proceeded ex parte.

No. 26-5] The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. 9
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In cross-examination stated that enquiry was earlier held in Hotel Asia and then in Hotel Samrat with regard to a question put by counsel for applicant that charge sheet was given to workman the witness responded that report is self-explanatory. Again with regard to a question by counsel whether charge was in detail he again stated that the report is self-explanatory. With regard to another question that how service of workman was affected, the witness again replied the report is self-explanatory. Through whom the workman was informed the witness stated that he doesn't remember the name. With regard to another question that whether any affidavit from the management was taken on record that workman was informed for 14th Sept., 2008, the witness replied that statement of AR of management in this regard was taken during the course of proceedings. The witness deposed that next date from Hotel Asia to Hotel Samrat was fixed in presence of party. But notice was given to workman. He further deposed in cross-examination that he don't know how educated the workman was nor is knowing that whether the workman is from proper Jammu or from periphery.

It is apt to state here that both the parties argued the matter and also submitted the written arguments, as that of in case Ganesh Kumar V/s. Management Sudhir Gen Set Ltd. The evidence of the petitioner and that of respondent is also similar except the petitioner in the instant petition joined the respondent company in March, 2006 and the amount claimed in the claim petition by the petitioner amounting to Rs. 686787.00 which is less than the amount claimed by petitioner in above stated case i. e. Ganesh Kumar V/s. Sudhir Gen Set as such appreciation of evidence is also the similar that of in the above stated case.

I have heard the counsel for parties and have gone through record meticulously. Ld. Counsel for petitioner submitted that petitioner was working in the company of respondent on the post of fitter from March, 2006 till the year 2009 after enquiry report he was terminated in the year 2009 and was getting/drawing Rs. 7100 PM as wages. After dispute reference was sent to this court for adjudication. Counsel for the petitioner further submitted that workers of respondent formed a union under the name and style of Sudhir Gen Set Worker Union in April, 2007 and petitioner was selected as President. That respondent got stayed the registration of

No. 26-5] The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. 11
ô notice board. Neither he knows the address nor place of residence of worker.
All this reflects that due process has not been followed by enquiry officer.
That petitioner was not having knowledge of place and date. That enquiry
officer in response to many question stated that report is self-explanatory
then what is the fun and purpose of cross-examination. That enquiry officer
has never visited the company of respondent. Ld. Counsel further submitted
that enquiry officer does not know the address and place of residence and
qualification of workman. All this reflects that enquiry has been conducted
in mechanical manner without following due process of law and principle
of natural justice. That no second notice was served by respondent before
terminating the workman. That on these grounds submitted that dismissal
be set aside. Petitioner joined and workers trade union on this respondent
started harassing him and using unfair labour practice terminated him.

On the other hand counsel for respondent submitted petitioner raised
an industrial dispute with respondent after a thorough enquiry by N. Kumar,
Advocate form Delhi. The charges against the petitioner were threatening
superiors, threatening to damage the property of respondent and
insubordination. Petitioner caused his appearance before enquiry officer
in an adamant attitude. That EO showed all fairness and despite remaining
absent he was informed through registered post about next proceedings.
That in the light of statement of the witnesses of petitioner the charge
stood proved against petitioner. That on the basis of report petitioner was
terminated on 14.02.2009. That petitioner and his witness both stated that
petitioner was harassed because of trade union activities but no document
was placed before enquiry officer or before this court that he was harassed
due to formation of trade union. That termination order is based on enquiry
report and on objective assessment. Counsel for respondent further
submitted that report of EO with stood the test of cross-examination and
had to be accepted. It is submitted that petitioner is not entitled to any
relief. He further submitted that section 2 of IDA defines the retrenchment
as retrenchment means termination of workman by whatsoever, otherwise
than as punishment by way of disciplinary action which is not retrenchment
that petitioner cannot challenge the report of enquiry officer and is stopped
at this stage. Finally prayed that claim petition be dismissed.

The following issues were framed by this court :ô

1. Whether the termination of the services of petitioner is legally justified ?

No. 26-5] The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. 13
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RW Shami Kumar in response to question put by counsel for petitioner, the witness replied that he does not know which charge sheet was served to petitioner. The witness also stated that no room number of Hotel was specified. He further stated that enquiry was earlier conducted in Hotel Asia and thereafter in Hotel Samrat, Jammu. N. Kumar advocate enquiry officer when asked whether charge sheet was given to workman he replied in his statement that every detail of the proceeding is mentioned in his enquiry report which means he stated nothing whether charge sheet was given to petitioner (Workman).

Perusal of the enquiry report page 3 last para enquiry officer stated that petitioner have received the charge sheet. But none of the witnesses of respondent have stated that charge sheet has been served by him or his presence. As such it appears that it has not been proved by the respondent that charge sheet was served upon the petitioner. With regard to the argument of petitioner that petitioner along with workers of respondent formed the union under style of Sudhir Gen Set Workers Union in April, 2007 and the petitioner was elected as President of the Union which the respondent got stayed. Thereafter petitioner joined the Industrial Estates Workers Union which was duly registered and petitioner was again elected as President of the union and information was given to Respondent Company. Thereafter respondent started harassing the petitioner through oral and written complaints. Respondent controverted this argument stated that various complaints against petitioner were received regarding misbehaviour, disobedience and insubordination and illegal absenteeism and on this enquiry was initiated and N. Kumar was assigned to conduct the enquiry after enquiry report, petitioner was terminated on 14-02-2009, stated nothing regarding formation of union. Record file at page 49, there is letter of DGM dated nil and does not reflect whom it has been addressed and whether received regarding absenteeism calling explanation within 24 hours. The record reflects that all the complaints were stated after the formation of the union under the name and style Sudhir Gen Set Workers Union in April, 2007 and after the petitioner joined the Industrial Estates Workers Union domestic enquiry was constituted. Perusal of the record of ALC page 51 reflects that letter dated 07-06-2008 written by respondentø DGM to petitioner reflects that with regard to insubordination, misbehaviour, indiscipline and absenteeism of petitioner domestic enquiry has been

14 The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. [No. 26-5
constituted wherein N. Kumar, Advocate has been appointed as enquiry
officer. Which has to be conducted in Hotel Asia on 11-06-2008 at 3.00
PM. Again letter dated 18-06-2008 written by DGM Shamim Hyder to
petitioner also reflect that respondent was aware of the petitioner's joining
of Industrial Estates Workers Union affiliated with Centre of Indian Trade
Union relevant para of the letter is reproduced

We do not recognize/know any union by the name of Industrial
Estates Workers Union affiliation with Centre of Indian Trade
Unions whose letter head issued by you for writing letter dated
16.06.2008 which was received in our office on 16-06-2008.

From the perusal of enquiry report in the first para the enquiry officer
stated that he was appointed to conduct the enquiry against the petitioner
into allegation of charges of misbehavior, disobedience, insubordination,
deliberate absenteeism and illegal unionism. Similarly in last para he stated
that during enquiry other charges have been confirmed against petitioner
Shamshar Singh but as regards the charge relating to spreading objectionable
views among co-workers against management and superior and to cause
uncongenial atmosphere at work place could not be proved as management
could not give any cogent evidence. Record reflects as is stated in the
enquiry report para I(a) to (i) that all the complaint have been made after
the formation of worker union of Sudhir Gen Set in April, 2007 and joining
of Industrial Estate Union. This reflects there was no complaint against the
petitioner from joining the service in 2006 to 2007 but when he along with
others formed the union Sudhir Gen Set Worker Union and in 2008 after
joining of petitioner to Industrial Estates Workers Union, domestic enquiry
was started against the petitioner.

Section 2(ra) of IDA, 1947 defines unfair labour practice in schedule
5 and some of the relevant unfair labour practice activities are stated as
under :

On the part of employers and trade unions of employers

1. To interfere with restrain from or coerce, workman in exercise
of their right to organize, form, join or assist a Trade Union or

ô to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection this is to sayô

- a.. Threatening workman with discharge or dismissal if they join a trade union.
 - b. To encourage or discourage membership in any trade union by discriminating against any workman.
2. To discharge or dismiss workmanô
- a. By way of victimization.
 - b. Not in good faith but in colourable exercise of the employer's rights.
 - c. By falsely implicating a workman in criminal case on false evidence or on concocted evidence.
 - d. For patently false reasons.
 - e. On untrue or trumped up allegation of absence without leave.
 - f. In utter disregard of principles of natural justice in the conduct of domestic enquiry or with undue haste.

For misconduct of a minor or technical character without having regard to the nature of particular misconduct or past record or service of the workman thereby leading to a disproportionate punishment.

In *Biecco Lawrie Ltd. Vs. State of West Bengal* 2010 AIR SC 142 Para (13).

ôIt is fundamental to fair procedure that both sides should be heard-audi alteram partem, i. e. hear the other side and it is often considered that it is broad enough to include the rule against bias since a fair hearing must be unbiased hearing. One of the essential ingredients of fair hearing is that a person should be served with a proper notice, i. e. a person has a right to notice. Notice should be clear and precise so as to give the other party adequate information of the case he has to meet and make an effective defence. Denial of notice and opportunity to respond result in making the administrative decision as vitiated. The adequacy of notice is a relative term and must be decided with

16 The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. [No. 26-5
reference to each case. But generally a notice to be adequate
must contain the following, [a] time, place and nature of
hearing ; (b) legal authority under which hearing is to be held ;
(c) statement of specific charges which a person has to meet.
However in the State of Karnataka & Anr. Vs. Mangalore
University Non-Teaching Employees Association and or, 2002
3 SCC 302 the requirement of notice will not be insisted upon
as a mere technical formality when the party concerned clearly
knows the case against him and is not thereby prejudiced in any
manner in putting up an effective defence, then violation of the
principle of natural justice cannot be insisted upon. In the present
case, the materials on record show that the respondent had been
furnished with proper notices intimating him the date, time and
place of hearing well before time and the respondent has also
received notices as indicated from the postal acknowledgements
made by him in his own letters addressed to the management.

In Vinod Pralhadrao Farkade Vs. M/s Ceekay Daikin Limited 2017,
322 Bom (HC) held that enquiry officer instead of proceeding ex parte
should have fixed next date if the workman boycotted the enquiry and also
held that enquiry officer must act patiently on the principles of natural
justice.

Again in DEM Engineering Products V/s. Presiding Officer, Industrial
Tribunal, Jallander 2017 LLR(SN) 1005 ; 2017 II CLR 719 (P&H HC)
held that non-granting of an opportunity to the workman by way of second
show cause notice for making his comments in violative of principle of
natural justice.

In Anil Kumar Garg Vs. State of UP through Principal Secretary, Lok
Nirman Vibhag, Lucknow 2017 LLR 439 (Allahabad HC). It has been
observed that for a valid enquiry, generally the following principles would
emerge:

- (1) The enquiries must be conducted bona fide and case must be taken to be that enquiries do not become empty formalities.
- (2) On receipt of enquiry report before proceeding further, it is incumbent on the part of the disciplinary/punishing authority to supply a copy of the enquiry report.

20 The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. [No. 26-5
possible to work for the petitioner as well in the company of respondent. It
is also clear from the record that petitioner is contesting the petition since
2009 till today which is long period and service of petitioner with respondent
is not denied.

In 2016 LLR 899 Honøble Delhi High Court observed in para 11ô

öPara 11. On a specific query by the Court. whether the reply
of the petitioner at page 121 and 122 of the paper book, has
been proved before the Industrial Adjudicator, the answer was
in the negative. The Learned Counsel would submit, even
though, reply was produced before the Industrial Adjudicator,
but the same was not exhibited. If that be so, it is as good as, the
said document has not proved. Even otherwise, it is to be noted,
no such offer was given by the petitioner during the pendency
of the proceedings before the Industrial Adjudicator. Rather,
the management witness has deposed that the petitioner does
not want to take the respondent back on duty as the respondent
was involved the criminal matter pending in Kullu Court,
Himachal Pradesh. The reliance placed by the Learned Counsel
for the petitioner on the reply dated January 29, 2009 even
though not proved, would not help the case of the petitioner
that the petitioner had offered the respondent to join back his
duties. The factum of the respondent being in the employment
of the petitioner, is not denied/disproved. It is also proved that
the petitioner could not prove abandonment of duties by the
respondent. The Industrial Adjudicator has rightly drawn a
presumption that the services of the respondent were illegally
terminated. On a finding of loss of confidence in the respondent,
the Industrial Adjudicator having awarded an amount of
Rs. I lakh to the respondent, it is not a fit case where this Court,
in exercise of its power under Article 226 of the Constitution
need to be interfere with the impugned Award.ö

öin another case of Delhi Transport Corporation Vs.
Krishan Lal Mason 2018 LLR Del HC Honøble Delhi High
Court held that termination of service of a workman daily wager
who was in continuous service for about 10 years by an oral

No. 26-5] The J&K Govt. Gazette, 30th Sept., 2020/8th Asv., 1942. 21
ô order without making compliance of provision of section 25-F
of ID Act, 1947 would attract reinstatement with consequential
benefits and full back wages illegal termination of service of a
workman who have put unblemished service for 10 years is
unfair labour practice and directing the respondent to regularize
the service of workman is justified.ö

öSection 25-F of Industrial Dispute Act provides makes it clear
that requirement prescribed by it is a condition precedent for
the retrenchment of the workman and non-compliance of the
said condition renders the impugned retrenchment invalid and
inoperative.ö

From the discussion and law cited above, I am of the opinion that
petitioner deserves to be awarded a lump-sum compensation amount of
Rs. 3.50 lac without the reinstatement of service would suffice the ends of
justice. As such termination of the petitioner is hereby set aside with a
direction to respondent to pay petitioner a total lump-sum compensation
amount of Rs 3.50 lacs (Rupees three lacs and fifty thousands) along with
an interest @ 7% p. a. from the date of institution till realization of the
awarded amount.

Accordingly an award is passed in favour of the petitioner and against
the respondent Management. Copy of the award be sent to the Government
of J&K through its Commissioner/Secretary, Labour Department for
publication in the Government Gazettee. File shall be consigned to records
after is due completion.

Announced :

17-08-2020.

Sd.) MOHAMMAD ALI KHAN,
District and Session's Judge
(Presiding Officer),
Industrial Tribunal/Labour Court,
J&K, Srinagar./Jammu.
JO Code :ô JK00034.