

PART I-A

Jammu & Kashmir Government-Orders

oooooooooooo

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU
(Exercising powers of Bar Council under Section 58 of the Advocates
Act, 1961).

Notification

No. 400 Dated 08-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Ms. Mushafiq Jan D/o Mohd Afzal Magrey R/o Wattoo, Magrey Mohalla, Tehsil D. H. Pora, District Kulgam 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 her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-397/2020 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.

oooooooooooo

Notification

No. 401 Dated 08-12-2020.

Provisional admission as an Advocate, granted under the Advocates Act, 1961 in favour of Ms. Sakeena Gani D/o Abdul Gani Dar R/o Maidane Chougul, Kupwara vide Notification No. 808 dated 20-09-2019 has been declared as absolute/final.

By order.

oooooooooooo

582 The J&K Official Gazette, the 4th March, 2021/13th Phal., 1942. [No. 49
Notification

No. 405 Dated 08-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Mr. Harmeet Singh S/o Tirath Singh R/o Akali Kour Singh Nagar, Digiana, Jammu 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-428/2020 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. 409 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Mr. Aamir Hussain Dar S/o Bashir Ahmad Dar R/o Naina Gund, Baba Khalil, Sangam, Tehsil Bijbehara, District Anantnag 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-343/2020 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

No. 49] The J&K Official Gazette, the 4th March, 2021/13th Phal., 1942. 587
Tehsil Khanyar, District Srinagar 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 her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-352/2020 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. 419 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Ms. Anam Mushtaq Mackay D/o Mushtaq Ahmed Mackay R/o 36, Dabag Mohalla, Dabtal, Jamalatta, Tehsil Sr Gunj, Srinagar 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 her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-353/2020 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. 420 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Mr. Abid Hussain S/o Gh. Qadir Waza R/o Trajibal, Tehsil Charar-I-Sharief, District Budgam has been admitted and enrolled as an Advocate

No. 49] The J&K Official Gazette, the 4th March, 2021/13th Phal., 1942. 589
her Provisional/LL.B Degree Certificate from the concerned University
and verification of her character and antecedents from CID. Her name
has been entered under Serial No. JK-358/2020 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.

óóóóóóóó

Notification

No. 423 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020
Mr. Arif Hussain S/o Gulzar Hussain R/o Thangdumbur, Tehsil Sankoo,
District Kargil A/P Lane No. 1, Upper Narwal, Noor Abad Bathindi,
Jammu 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-359/2020 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.

óóóóóóóó

Notification

No. 424 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020
Mr. Aijaz Bashir Wagay S/o Bashir Ahmed Wagay R/o Nowgam, Devsar,
Near Masjidpora, Ganiepora, District Kulgam 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

590 The J&K Official Gazette, the 4th March, 2021/13th Phal., 1942. [No. 49
Serial No. JK-360/2020 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. 425 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020
Mr. Bashir Ahmad Rather S/o Ali Mohammed Rather R/o Busser Bugh
Alastang, Ganderbal 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-361/2020
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. 426 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020
Ms. Bushra Rafi D/o Mohd Rafi Jan R/o Gund Dalwach, Kwarhama,
Baramulla 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 her Provisional/LL.B Degree Certificate from the
concerned University and verification of her character and antecedents
from CID. Her name has been entered under Serial No. JK-362/2020
in the Roll of Advocates maintained by this Registry.

No. 49] The J&K Official Gazette, the 4th March, 2021/13th Phal., 1942. 595
ooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

Notification

No. 435 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Mr. Gulzar Ahmad Wani S/o Gh. Ahmad Wani R/o Batapora, Kunzer, District Baramulla 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-372/2020 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.

oooooooooooo

Notification

No. 436 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Ms. Hafsa Khurshid D/o Pirzada Khurshid Ahmad R/o Friends Colony, Lane No. 2, HMT Road, Srinagar 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 her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-375/2020 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.

oooooooooooo

Notification

No. 437 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Ms. Hameem Jeelani D/o Sona Ullah Ganie R/o Banghall, Near Masjid Sharief Herpora Devsar, Kulgam 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 her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-376/2020 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.

oooooooo

Notification

No. 438 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Ms. Huzeefa Shabir D/o Shabir Ahmad Khan R/o Kalwal Mohalla, Rainawari, Khanyar, Srinagar 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 her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-377/2020 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.

oooooooo

Notification

No. 441 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Mr. Ishfaq Ahmad Yattoo S/o Mohammad Yousuf Yattoo R/o Rakhi Shilvath, Sumbal, Bandipora 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-379/2020 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.

oooooooo

Notification

No. 442 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Ms. Nafia Zahoor D/o Zahoor Ahmed Bhat R/o Ikhrajpora Rajbagh, Silk Factory Road, Srinagar 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 her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-409/2020 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.

oooooooo

602 The J&K Official Gazette, the 4th March, 2021/13th Phal., 1942. [No. 49
ooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooô ô ô ô

Notification

No. 449 Dated 09-12-2020.

It is hereby notified that vide High Court Order dated 25-11-2020 Ms. Jasia Jeelani Lanker D/o Late Ghulam Jeelani Lanker R/o Shamshipora Vehil, Shah Mohalla, Shopian 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 her Provisional/LL.B Degree Certificate from the concerned University and verification of her character and antecedents from CID. Her name has been entered under Serial No. JK-385/2020 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.

(Sd.) MOHAMMAD YASIN BEIGH,

Registrar (Adm.)



सत्यमेव जयते

THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Thu., the 4th March, 2021/13th Phal., 1942. [No. 49

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

PART I—B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR,

CIVIL SECRETARIAT & LABOUR AND EMPLOYMENT DEPARTMENT.

Subject :ô Nomination of First Appellate Authority (FAA)/Public Information Officer (PIO) in Labour and Employment Department.

Government Order No. 05-L&E of 2021

Dated 25-01-2021.

In pursuance of section 19(1) and section 5(1) of the Right to Information Act, 2005, sanction is hereby accorded to the nomination of following Officers as First Appellate Authority (FAA), and Public Information Officer (PIO), in the Department with immediate effect :ô

Name of the Officer	Designation	Office Address
1	2	3
Mr. Malikzada Sheraz-u-Haq, KAS, Additional Secretary to Govt., Mobile No.7006984270	First Appellate Authority (FAA)	Room No. 4/8 (Mini Block), 4th Floor, Civil Sectt., Jammu (Nov. to April)

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 635
 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. 537/LAC/D/19 dated 28-10-2019
 duly endorsed by the Divisional Commissioner, Jammu vide No. 502/3894/
 PMGSY/Champal/Doda/19/3083 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 Bhagli
 Champal road by PMGSY in Village Champal, Tehsil Chilly Pingal, 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
 141 Kanals, situated in Village Champal, Tehsil Chilly Pingal, District Doda,
 for construction of Bhagli Champal road under PMGSY in Village Champal.
 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
 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	Chilly Pingal	Champal	142 min	00-16
			142 min	00-092

oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

1 2 3 4 5
ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô

	K. M.
142 min	00-12
142 min	00-06
142 min	00-05
142 min	00-12
138 min	00-03
143 min	01-05
143 min	00-14
138 min	00-09
143 min	00-10
138 min	00-03
142 min	01-02
142 min	01-12
142 min	00-11
142 min	00-03
142 min	00-08
142 min	01-09
138 min	00-15
138 min	01-12
138 min	00-06
138 min	01-06
138 min	00-05
138 min	00-05
138 min	00-09
138 min	00-04
138 min	00-15
138 min	01-01

1	2	3	4	5
				K. M.
			142 min	02-15
			142 min	00-04
			142 min	00-02
			142 min	00-03
			142 min	00-04
			148/1 min	00-05
			148/1 min	00-06
			148/1 min	00-17
			142 min	00-05
			148/1 min	00-16
			148/1 min	00-17
			148/1 min	00-17
			148/1 min	00-05
			148/1 min	00-03
			148/1 min	00-03
			148/1 min	00-04
			148/1 min	01-10
			179 min	00-07
			148/1 min	00-09
			148/1 min	00-09
			148/1 min	00-19
			148/1 min	00-17
			148/1 min	01-03
			148/1 min	01-03
			146 min	02-11
			146 min	00-01

oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

1 2 3 4 5
ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô

K. M.

- 148/1 min 01-09
- 148/1 min 01-07
- 148/1 min 02-00
- 148/1 min 00-12
- 179 min 00-14
- 180 min 01-02
- 180 min 01-11
- 180 min 01-00
- 181 min 00-13
- 320 min 01-00
- 320 min 01-04
- 181 min 00-09
- 320 min 00-13
- 181 min 00-08
- 180 min 00-16
- 180 min 00-12
- 180 min 01-02
- 180 min 00-17
- 180 min 00-04
- 180 min 01-03
- 181 min 00-02
- 180 min 01-14
- 182 min 00-08
- 181 min 00-11
- 320 min 00-13
- 320 min 01-03

oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

1 2 3 4 5
ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô

	K. M.
320 min	00-14
321 min	01-01
325/1 min	00-18
325/1 min	01-02
325/1 min	00-12
321 min	01-07
320 min	01-00
320 min	00-17
320 min	00-15
181 min	01-07
184 min	00-10
181 min	00-10
172 min	00-13
173 min	00-07
173 min	00-04
173 min	01-18
171 min	00-09
169 min	00-03
169 min	00-03
169 min	00-03
169 min	00-11
169 min	00-08
169 min	00-08
169 min	00-09
190 min	00-15
166 min	00-06

1 2 3 4 5
ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô

K. M.
166 min 00-04
190 min 00-02
166 min 00-08
166 min 00-10
165 min 00-13
165 min 00-07
164 min 00-14
163 min 02-15
163 min 00-06
162 min 00-11
191 mln 00-04
191 min 00-05
191 min 00-03
191 min 00-03
191 min 00-13
191 min 00-13
188 min 01-09
188 min 00-13
188 min 00-15
187 min 02-00
195 min 00-17
195 min 00-09
195 min 00-07
181 min 00-07
181 min 00-07
181 min 00-10

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 641

oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

1 2 3 4 5

ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô

K. M.

- 196 min 00-02
- 196 min 00-03
- 208 min 00-02
- 208 min 00-02
- 228 min 00-08
- 228 min 00-03
- 228 min 00-04
- 228 min 00-07
- 228 min 00-17
- 228 min 00-13
- 228 min 00-15
- 227 min 01-01
- 227 min 00-11
- 227 min 00-01
- 226 min 01-00
- 208 min 00-04
- 196 min 00-07
- 208 min 00-03
- 198 min 00-04
- 198 min 00-04
- 198 min 00-11
- 200 min 01-00
- 200 min 00-05
- 200 min 00-01
- 203 min 00-04
- 204 min 00-04

1 2 3 4 5
ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô

K. M.

204 min	00-05
203 min	00-05
214 min	00-03
214 min	00-01
214 min	01-04
214 min	01-04
53 min	00-03
53 min	00-03
53 min	00-03
53 min	00-01
53 min	00-01
53 min	00-09
52 min	00-03
52 min	00-04
52 min	00-14
49 min	00-02
46 min	00-05
50 min	00-05
50 min	00-11
46 min	00-13
41 min	00-07
41 min	00-07
41 min	00-01
41 min	00-01
37 min	00-19
41 min	00-15
40 min	00-16
13 min	00-16

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 643

oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

1 2 3 4 5

o o o o o o o o o o o o o o o o o o o o o o o o o o o o o o o o o o o

	K. M.
37 min	01-12
36 min	00-02
27 min	00-18
27 min	00-03
27 min	00-03
27 min	00-07
27 min	00-15
25 min	00-05
27 min	00-01
25 min	00-13
25 min	00-03
25 min	00-03
25 min	00-02
25 min	00-11
25 min	00-05
25 min	00-05
25 min	00-17
220 min	00-02
220 min	00-08
220 min	00-08
220 min	00-03
220 min	00-03
220 min	00-08
217 min	00-05
222 min	00-08
222 min	00-03
222 min	00-04
222 min	00-12

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 645
 645

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area K. M.
Doda	Chiralla	Chagnoo	225	01-08
			227	01-17
			228 min	00-10
				00-08
			228	00-11
			Total	04-14

Whereas, on the basis of an indent placed by Executive Engineer, PWD (R&B), Spl. Sub-Division, Bhaderwah, a notification under section 4 (1) was issued by Collector, Land Acquisition (SDM), Thathri, vide letter No. SDM/T/LAC/332-39 dated 12-10-2019 for land measuring 04 Kanals, 14 Marlas in Village Chagnoo, Tehsil Chiralla, District Doda for construction of road from Puneja to Bhallara under PWD (R&B) ;

Whereas, the Collector, Land Acquisition (SDM), Thathri vide letter No. SDM/T/LAC/96-97 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 Land Acquisition Act ;

Whereas, the report furnished by Collector, Land Acquisition (SDM), Thathri vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Doda vide No. 544/LAC/D/19 dated 28-10-2019, Divisional Commissioner, Jammu vide No. 502/3950/PWD/Chagnoo/Doda/19/2915 dated 27-11-2019 and Financial Commissioner, Revenue, J&K Jammu vide No. FC-LS/LA-5189/2020 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 Puneja to Bhallara 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

646 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
 04 Kanals, 14 Marlas in Village Chagnoo, Tehsil Chiralla, District Doda for
 construction of road from Puneja to Bhallara under PWD (R&B). 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 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.

GOVERNMENT OF JAMMU AND KASHMIR,
 CIVIL SECRETARIAT REVENUE DEPARTMENT.

Notification No. 173-Rev (LAJ) of 2020

Dated 22-06-2020.

Whereas, the land, specifications whereof are given below is required
 for public purposes viz. for construction of 33 Meter Span Over Ancha Nallah
 situated in Village Sumber, Tehsil and District Ramban ;

Particulars of the land

District	Tehsil	Village	Kh. Nos.	Area
				K. M.
Ramban	Ramban	Sumber	1007	01-06

Whereas, on the basis of an Indent placed by the Chief Engineer,
 PW (R&B) Department, a notification under section 4 (1) was issued by
 Collector, Land Acquisition (ACR), Ramban, vide No. Acq/Gen/19/549-59
 dated 05-08-2019 for land measuring 01 Kanal and 06 Marlas in Village
 Sumber, Tehsil and District Ramban for construction of 33 Meter Span over
 Ancha Nallah ;

Whereas, the Collector, Land Acquisition (ACR), Ramban, vide
 No. Acq/Gen/19/754-56 dated 05-10-2019 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

648 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
648 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49

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/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

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 649
 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
				K. M.
Doda	Bhaderwah	Haddal	146	01-00½
			147	00-02
			148	00-12½
			145	00-01
			149	00-04
			206	00-03
			204	00-11
			203	00-10½
			202	00-19
			201	00-09
			200	00-07
			198	00-03½

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 651
oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT& REVENUE DEPARTMENT.

Notification No. 170-Rev (LAJ) of 2020

Dated 22-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A"
to this notification is required for widening of National Highway situated in
Village Neera, Tehsil and District Ramban ;

Whereas, on the basis of an indent placed by Project Director, National
Highway (PIU), a notification under section 4 (1) was issued by Collector,
Land Acquisition (ADC), Ramban, vide No. CLA/NH-44/2019/1170-80
dated 27-09-2019 for land measuring 15 Kanals and 06.5 Marlas in Village
Neera, Tehsil and District Ramban for widening of National Highway ;

Whereas, the Collector, Land Acquisition (ADC), Ramban, vide
No. CLA/NH-44/2020/1748 dated 12-02-2020 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 some objections received from land
owners showing their recession with regard to land. The matter was
discussed in the meeting with NHAI was held on 28-01-2020 and the
National Highway Authority has informed that the same land is urgently
required due to the change of alignment thereafter the objections under
section 5-A have been disposed off ;

Whereas, the report furnished by Collector, Land Acquisition (ADC),
Ramban vide letter referred to above duly endorsed by District Collector,
Land Acquisition (DC), Ramban vide No. DC/LA/Rbn/611-12 dated
19-02-2020, Divisional Commissioner, Jammu vide No. 502/4157/NH/Neera/
Rbn/20/4461 dated 24-02-2020 and Financial Commissioner, Revenue, J&K
Jammu vide No. FC-LS/LA-5173/2020 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 widening of National
Highway.

Now, therefore, in pursuance of section 6 of the J&K State Land
Acquisition Act, Samvat 1990, it is declared that the land measuring
15 Kanals and 06.5 Marlas in Village Neera, Tehsil and District Ramban,
for widening of National Highway. Further, the Collector, Land Acquisition
(ADC), Ramban is directed under section 7 of the said Act to take orders

652 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
 652 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
 for acquisition of the said land after giving prescribed notice to the interested
 person (s) as required under the Land Acquisition Act/Rules.

Further, in pursuance of section 17 of the Land Acquisition Act, Samvat 1990, it is also ordered that on expiry of fifteen days from the publication of the notification under section 9 (2) of the said Act, the Collector will take possession of the aforementioned land in Village Neera, Tehsil and District Ramban, required for public purposes, subject to fulfillment of the conditions prescribed under section 9 (2) and section 17-A of the Land Acquisition Act and Rule 63 of the Land Acquisition 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
ô ô ô ô ô ô	ô ô ô ô ô ô	ô ô ô ô ô ô	ô ô ô ô ô ô	ô ô ô ô ô ô
				K. M.
Ramban	Ramban	Neera	398	02-14
			401 min	00-16.5
			402 min	01-00
			403 min	06-02
			403 min	00-10.5
			403 min	00-08
			403 min	00-08
			404	00-07.5
			413	03-00
				6666666
			Total	15-06.5
				6666666

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 653
GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATô REVENUE DEPARTMENT.

Notification No. 163-Rev (LAJ) of 2020

Dated 16-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A" to this notification is required for construction of PWD (R&B) road from Sailu to Leundi situated at Village Bhikher, Tehsil Basholi, District Kathua ;

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 (ADC), Basholi vide letter No. ADC/BSL/2019-20/237-46 dated 15-06-2019 read with corrigendum vide letter No. ADC/BSL/2019-20/254-62 dated 19-06-2019, for land measuring 15 Kanals, 18½ Marlas situated at Village Bhikher, Tehsil Basholi, District Kathua, for construction of PWD (R&B) road from Sailu to Leundi ;

Whereas, the Collector, Land Acquisition (ADC), Basholi vide letter No. ADC/BSL/2019-20/37 dated 22-10-2019, 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), Bhandarwah vide letter referred to above duly endorsed by District Collector, Land Acquisition (DC), Kathua vide No. DCK/LA/2019-20/1799-1802 dated 30-10-2019 Divisional Commissioner, Jammu vide No. 502/4016/Bhikher/Kathua/19/4121 dated 31-12-2019 and Financial Commissioner, Revenue, J&K Jammu vide No. FC-LS/LA-5146/2020 dated 06-03-2020 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 PWD (R&B) road from Sailu to Leundi.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring

656 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
656 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
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),
Ramban, vide letter referred to above duly endorsed by District Collector,
(DC), Ramban vide letter No. DC/LA/Rbn/424-25 dated 25-10-2019,
Divisional Commissioner, Jammu vide No. 502/4021/Sincha/Ramban/19/
3097 dated 21-12-2019 and by Financial Commissioner, Revenue vide
No. FC-LS/LA/5105/2020 dated 04-03-2020 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 Seri-
Sincha road under PMGSY situated at Village Sincha, Tehsil and District
Ramban.

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 Kanala, situated in Village Sincha, Tehsil and District Ramban for
construction of Seri-Sincha road under PMGSY. Further, the Collector, Land
Acquisition (ACR), Ramban 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 ;

Further, in pursuance of section 17 of the Land Acquisition Act, Samvat
1990, it is also ordered that on expiry of fifteen days from the publication of
the notification under section 9 (2) of the said Act, the Collector will take
possession of the aforementioned land in Village Sincha, Tehsil and District
Ramban, required for public purposes, subject to fulfillment of the conditions
prescribed under section 9 (2) and section 17-A of the Land Acquisition
Act and Rule 63 of the Land Acquisition Rules.

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

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 657
 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.
Ramban	Ramban	Sincha	122	00-11
			125	01-12
			124	01-07
			133 min	02-17
			133 min	00-05½
			134	01-08
			175 min	00-17½
			175 min	02-02
			187	02-00
				00-00
			Total	13-00
				00-00

000000

GOVERNMENT OF JAMMU AND KASHMIR,
 CIVIL SECRETARIAT REVENUE DEPARTMENT.

Notification No. 208-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 Mathola-Topri via

658 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
658 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
Bhanderbagg link road under PWD (R&B) situated in Village Mathola,
Tehsil Bhaderwah, District Doda ;

Whereas, on the basis of an indent placed by Chief Engineer, PWD (R&B), Jammu, a notification under section 4 (1) was issued by Collector, Land Acquisition (ADC), Bhaderwah, vide letter No. ADC/LAC/18-19/651-57 dated 01-10-2019 for 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) ;

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.

1	2	3	4	5
ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô				K. M.
			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
			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

1	2	3	4	5
ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô ô				K. M.
			1721/1505	01-11
			1721/1505	02-11
			1723/1566	01-06
			1723/1566	00-16
			1723/1566	01-04
			1723/1566	03-03
			1723/1566	00-05
			1723/1566	00-19
			1723/1566	04-17
			1723/1566	01-10
			1723/1566	00-05
			1723/1566	02-13
			1723/1566	01-00
			1761/1567	01-17
			1761/1567	01-13
			1761/1567	03-01
			1761/1567	00-03
			1762/1567	00-14
			1762/1567	01-09
			1628 min	21-16
				oooo
			Total	71-13
				oooo

670 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
Kishtwar for construction of High School, Gurinal. Further, the Collector,
Land Acquisition (SDM), Chhatroo 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.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIATô REVENUE DEPARTMENT.

Notification No. 219-Rev (LAJ) of 2020

Dated 26-06-2020.

Whereas, the land, specifications whereof are given in Annexure-"A"
to this notification is required for construction of High School, Dumber
situated in Village Chhatroo, Tehsil Chhatroo, District Kishtwar ;

Whereas, on the basis of an indent placed by Chief Education
Officer, Kishtwar, a notification under section 4 (1) was issued by Collector,
Land Acquisition (SDM), Chhatroo, vide letter No. SDMC/LA/177-83
dated 17-04-2018 for land measuring 02 Kanals, 05 Marlas in Village
Chhatroo, Tehsil Chhatroo, District Kishtwar for construction of High School,
Dumber ;

Whereas, the Collector, Land Acquisition (SDM), Chhatroo vide letter
No. SDMC/LAC/19/191 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/

No. 49] The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. 671
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/2019/750-54 dated 22-10-2019, Divisional Commissioner, Jammu vide No. 502/3867/Acq/H. S. Dumber/Kisht /19/2593 dated 29-10-2019 and Financial Commissioner, Revenue, J&K Jammu vide No. FC-LS/LA-5165/2020 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 High School, Dumber.

Now, therefore, in pursuance of section 6 of the J&K State Land Acquisition Act, Samvat 1990, it is declared that the land measuring 02 Kanals, 05 Marlas in Village Chhatroo, Tehsil Chhatroo, District Kishtwar, for construction of High School, Dumber. Further, the Collector, Land Acquisition (SDM), Chhatroo 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 ;

Further, in pursuance of section 17 of the Land Acquisition Act, Samvat 1990, it is also ordered that on expiry of fifteen days from the publication of the notification under section 9 (2) of the said Act, the Collector will take possession of the aforementioned land in Village Chhatroo, Tehsil Chhatroo and District Kishtwar, required for public purposes, subject to fulfillment of the conditions prescribed under section 9 (2) and section 17-A of the Land Acquisition Act and Rule 63 of the Land Acquisition 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

672 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
 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	Chhatroo	Chhatroo	860 Min	02-05

92 The J&K Official Gazette, 4th March., 2021/13th Phal, 1942. [No. 49
oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

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 AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Thu., the 4th March, 2021/13th Phal., 1942. [No. 49

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 the Heads of Departments.

ô ô ô ó

GOVERNMENT OF JAMMU AND KASHMIR,
STATE TAXES DEPARTMENT,
EXCISE AND TAXATION COMPLEX,
RAIL HEAD, PANAMA CHOWK, JAMMU.

Notification No. 86

In exercise of the powers conferred by sub-section (1) of section 44 of the Jammu and Kashmir Goods and Services Tax Act, 2017 (Act No. V 2017) (hereafter in this notification referred to as the said Act), read with rule 80 of the Jammu and Kashmir Goods and Services Tax Rules, 2017 (hereafter in this notification referred to as the said rules), I, Commissioner, on the recommendations of the Council, hereby extend the time limit for furnishing of the annual return specified under section 44 of the said Act read with rule 80 of the said rules, electronically through the common portal, for the financial year 2019-20 till 28-02-2021.

This notification shall deemed to have been issued w. e. f. 30th December, 2020.

(Sd.) P. K. BHAT, KAS,
Commissioner State Taxes,
Jammu and Kashmir.

ô ô ô ô

DIRECTORATE OF FIRE AND EMERGENCY SERVICES,
J&K UT, BATAMALLOO, SRINAGAR.

Subject :ô Absconding and resorting to unauthorized absence from duties by Shri Ajay Gupta, Fireman No. 4536 Discharge from the rolls of Fire and Emergency Services Department thereof.

ô ô ô ô

Order No. 717 (DGF&ES) of 2020

Dated 16-09-2020.

Whereas, Shri Ajay Gupta, Fireman No. 453 S/o Shri Bhagwan Dass R/o House No. 78, Ward No. 11, Udhampur was appointed as Fireman in the year 1998 by Directorate of J&K Fire Services vide Order No. 321 of 1998 dated 15-09-1998 ;

Whereas, during his posting at Fire and Emergency Services Headquarters, Gandhi Nagar, Jammu had proceeded one day casual leave on 30-12-2015, and was due to report back for his duties on 31-12-2015 which he failed and resorted to unauthorizedly absence w. e. f. 31-12-2015 ;

Whereas, as per the records, the said official was served attendance notice time and again, whileas he failed to defend himself ;

Whereas, a detailed report/recommendations were received from the joint Director, Fire and Emergency Services, Jammu even dated 03-05-2017 regarding unauthrized absence of Shir Ajay Gupta (Fireman), which clearly indicates that he was not interested to serve in the department, so is liable for discharge from the rolls of the department ;

Whereas, the said official again resumed his duties on his own ôWillö at Fire and Emergency Services Headquarters, Gandhi Nagar, Jammu on 16-01-2018. Immediately after his joining he again remained unauthorized absent from duties ;

Whereas, the said official was served a charge-sheet even dated 16-03-2018 and in response, the explanation tendered by Shri Ajay Gupta, Fireman No. 453 seemed baseless and unacceptable.

Consequent upon the above, in light of Article 128 of J&K CSR Vol-I, Shri Ajay Gupta, Fireman No. 453 is hereby terminated from the Govt. Services/rolls of the department, from the date he remained on unauthorized absence from duty.

By order.

(Sd.) MOHAMMAD YAQOOB DAR,
Administrative Officer,
Fire and Emergency Services,
Srinagar.

ô ô ô ô

GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE OF INDUSTRIES AND COMMERCE
(REGISTRAR OF SOCIETIES/FIRMS, JAMMU),
UDYOG BHAWAN, RAIL HEAD COMPLEX, JAMMU.

Notice

It is notified for the information of General Public that M/s Jan Man Enterprises located at 809/A, Gandhi Nagar, Jammu, J&K has applied for recording changes in the constitution of their firm under section 63 of The Partnership Act, 1932, whereby (1) Sh. Harnaam Singh S/o Sh. Sadhu Singh R/o Gole Gujral, Near Matadoor Stand, has expired on 12-12-2017 and his name is proposed to be deleted w. e. f. 10-11-2020. Before the changes are recorded in the posting register of the Registrar of Firms, Jammu any person/persons having any objections shall file the same within 10 days from the date of publication of this notice in the Office of Registrar of Societies/Firms, Directorate of Industries and Commerce, Udyog Bhawan, Rail Head Complex, Jammu.

(Sd.)

For Registrar of Firms,
J&K Government, Jammu.

ô ô ô ô

GOVERNMENT OF JAMMU AND KASHMIR,
Ministry under Rehabilitation Office of Deputy Custodian, Evacuee
Property, Rajouri.

Notification

In the pursuance of section 06 read with section 9A of the Jammu and Kashmir State Evacuees (Administration of Property) Act VI of 2006, the Deputy Custodian is pleased to notify for general information

the list of evacuees properties specified in the schedule annexed hereto, which have vested in him.

Schedule

S. No.	Description	Location
01	Four shops illegally constructed over the evacuee property land under the Khasra No. 430 measuring 39* x 10½* under the illegal occupation of Sh. Shokat Mohd S/o Faqir Mohd, Sh. Nain Chand S/o Kahin Chand, Sh. Jaswant Singh S/o Parveen Singh and Sh. Haq Nawaz Khan S/o Mohd Sadiq.	Village Rajal, Tehsil Nowshara, District Rajouri.

(Sd.) MOHAMMAD IQBAL HAJI,
Deputy Custodian,
Evacuee Property, Rajouri.

Notice

Date of Birth of my son has wrongly entered 20-01-2012 and fathers name has entered Jaan Mohammad Rather whileas his actual date of birth is 20-06-2012 and fathers correct name is John Mohammad Rather. Now I have applied for corrections. Anybody having any objection in this regard he may submit to Principal, G. D. Goneka Public School, Srinagar within 07 days. No Objection will be entertained after the said period.

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

John Mohammad Rather
R/o Dara, Harwan.

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 4th March, 2021/13th Phal., 1942. [No. 49

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

ADVERTISEMENTS—C

POLICE HEADQUARTERS, JAMMU AND KASHMIR,
JAMMU

(Provision Section).

Extension Notice

Due to administrative reasons, the last of date for submission of online bids and opening of Technical Bids against NIT No. 01 of 2021 dated 18-01-2021 floated by this Headquarters for supply/installation/commissioning of Big Data Repository are re-scheduled as under :

1. Last date of receipt of tenders = 01-03-2021 up to 1800 hours.
2. Date of opening of technical bids = 03-03-2021 at 1100 hours.

The other terms and conditions of the NIT shall remain the same.

(Sd.) RAYEES MOHAMMAD BHAT (IPS),
AIG (Provision and Transport)
For Director General of Police,
J&K, Jammu.

ô ô ô ô

120 The J&K Official Gazette, 4th March, 2021/13th Phal., 1942. [No. 49
oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

JAMMU AND KASHMIR POLICE HEADQUARTERS

(Provision Section).

Clarification/Amendment Notice

In pursuance to receipt of queries from various intending bidders, clarifications/amendments are hereby made as per Annexure ðA-ö to e-NIT No. 51 of 2020 dated 19-11-2020 floated by this Headquarters for the installation of CCTV Surveillance System at Raj Bhawan, Srinagar. The intending firms may visit Government e-Tender website https://jktenders.gov.in/tender id 2020_DGPJK_109603_1 for further details.

(Sd.) SOURABH PRASHAR (JKPS),

Dy. SP (Provision-Transport)
For Director General of Police,
PHQ, J&K, Jammu.

رجسٹرڈ نمبر جے کے۔ 33



सत्यमेव जयते

جموں و کشمیر گورنمنٹ گزٹ

جلد نمبر 133۔ جموں۔ مورخہ 4 مارچ 2021ء، مطابق 13 پھالگنا 1942۔ ویوار۔ نمبر 49

اشتہارات

از عدالت فارسٹ جوڈیشل مجسٹریٹ سرینگر

سرکار بنام محمد مقبول بٹ وغیرہ

علت نمبر 26 سال 2010ء تھانہ پولیس شیرگری

بجرائم زبردفاعت 420 - 120 B RPC

وارنٹ گشتی عام زبردفعہ 512 ضابطہ فوجداری

بخلاف ملزم: بشیر احمد ڈار ولد غلام احمد ڈار ساکنہ جیمانہ پورہ سرینگر

حکم بنام اہلکاران پولیس یوٹی جموں و کشمیر

مقدمہ مندرجہ عنوان اُلصدر میں ملزم متذکرہ صدر عرصہ دراز سے غیر حاضر چلا آ رہا ہے اُس کو بارہا بطریق معمول طلب کیا گیا ہے۔ اِلاتا ہنوز دستیاب نہ ہوا۔ تعمیل کنندہ نے اپنے رپورٹ میں تحریری طور اظہار کیا کہ ملزم مذکور کا کوئی اتہ پتہ نہ ہے۔ اور اُس کی دستیابی ناممکن ہے پبلک پراسیکیوٹر نے اپنے بیان میں سراجلاس اظہار کیا کہ ملزم مذکور مفروز ہے۔ اس طور عدالت ہذا کو اطمینان ہوا ہے کہ ملزم کو بطریق معمول طلب کرنا ناممکن ہے۔

لہذا حکم ہوا کہ ملزم متذکرہ صدر اندر حدود UT جموں و کشمیر جہاں کہیں بھی دستیاب ہو، اُسے گرفتار کر کے عدالت ہذا میں پیش کریں۔ درجہ رہے کہ وارنٹ ہذا تا دستیابی ملزم زیر کار رہے گا۔ تحریر اُلصدر 08-02-2021

دستخط : فارسٹ جوڈیشل مجسٹریٹ سرینگر۔

از عدالت ڈسٹرکٹ موبائل مجسٹریٹ ڈوڈہ

سرکار بنام بہادر لعل وغیرہ

علت نمبر 16 سال 2020 تھانہ پولیس عسر

بجرائم زیر دفعات IPC 366/376-D/344/386/313/109

وارنٹ گشتی بمنشاء دفعہ 512 ض ف

بجلاف ملزم : درباری لعل ولد سائیس داس عرف دھاری ساکنہ دھریال بڈیال
براہمنال تحصیل آر ایس پورہ ضلع جموں۔

بنام اہلکاران پولیس جموں و کشمیر یوٹی

مقدمہ مندرجہ عنوان اُلصدر میں ملزم متذکرہ بالا بعد ارتکاب جرم روپوش
ہو چکا ہے۔ دستیابی کی سر دست کوئی امید نظر نہ آرہی ہے اور ملزم متذکرہ بالا کی تعمیل
بطریق احسن ہونی مشکل ہی نہیں بلکہ ناممکن ہو چکی ہے۔ راقم کو بھی رپورٹ تعمیل کنندہ
کی نسبت پورہ اطمینان ہے کہ واقعی ملزم مذکور کی دستیابی بطریق احسن ہونی ناممکن ہے۔

لہذا اہلکاران پولیس یوٹی جموں و کشمیر کو حکم و اختیار دیا جاتا ہے کہ ملزم مذکور
جہاں کہیں بھی اندر حدود یوٹی جموں و کشمیر دستیاب ہو تو گرفتار کر کے عدالت ہذا میں
پیش کریں۔ وارنٹ ہذا تا دستیابی ملزم زیر کار رہے گا۔

آج مورخہ 25-01-2021 راقم کے دستخط و مہر عدالت سے
جاری ہوا۔

دستخط : ڈسٹرکٹ موبائل مجسٹریٹ (ٹریفک) ڈوڈہ۔

از عدالت سٹی جج جوڈیشل مجسٹریٹ درجہ اول جموں

سرکار بنام الیکس ویروغیرہ

مثل نمبر 25/چالان تاریخ دائرہ 02-10-2021

علت نمبر 11 سال 2020 تھانہ پولیس پیر مٹھا جموں

بجرائم زیر دفعات IPC 341,323,201,34, u/s

وارنٹ کشتی گرفتاری عام زیر دفعہ 512 ض ف

بخلاف ملزمان

- 1- Ansalam @ Singhu S/o Rafiel
R/o Christain colony Teh. & Distt. Jammu.
- 2- Jardon S/o Monu R/o Christain colony
Teh. & Distt Jammu.

حکم بنام اہلکاران پولیس جموں و کشمیر یوٹی

مقدمہ مندرجہ عنوان اُلصدر میں ملزمان متذکرہ صدر کے خلاف بروے حکم
امروزہ 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 ملزمان متذکرہ صدر اندر حدود یوٹی جموں و کشمیر جب کبھی
اور جہاں کہیں بھی دستیاب ہو تو اس کے تحت ضابطہ گرفتار کر کے عدالت ہذا پیش کیا
جاوے۔ وارنٹ ہذا دستاویزی ملزم زیر کارر ہے گا۔ تحریر

دستخط : سٹی جج جوڈیشل مجسٹریٹ درجہ اول جموں۔

EXTRAORDINARY

REGD. NO. JK—33



THE
JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Mon., the 18th Jan., 2021/28th Pausa, 1942. [No. 42-e

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.

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—LABOUR AND EMPLOYMENT
DEPARTMENT

Notification

Jammu, the 18th of January, 2021.

SO-20.—In exercise of the powers conferred by Section 29 read with Section 31 of The Indian Boilers Act, 1923, the Government of Jammu and Kashmir hereby publish the following Rules for inviting suggestions/objections from all persons likely to be effected thereby ; and

Notice is hereby given that the draft rules shall be taken into consideration after the expiry of the period of 30 days from the date on which the copies of the Official Gazette in which this notification is published are made to the public ; and

Objections and suggestion, if any, may be addressed to Administrative Secretary, L&E Department, Civil Secretariat, Room No..... Srinagar/Jammu on or by email at secylejk@gmail.com.

Any objections/suggestions received after the expiry of the said period shall not be entertained.

CHAPTER I

Preliminary

1. **Short title and extent and commencement.**—(1) These rules may be called The Jammu & Kashmir Boiler Rules, 2021 ;

(2) They shall extend to the whole of the Union Territory of Jammu & Kashmir ;

(3) They shall come into force with effect from the date of their publication in the Official Gazette.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Act” means The Indian Boilers Act, 1923 (Act V of 1923) ;
- (b) “Regulation” means a regulation framed by the Central Boiler Board under section 28 of the Act ;
- (c) “Rule” means the Jammu & Kashmir Boiler Rules, 2020 ;
- (d) “Section” means section of the Indian Boilers Act, 1923 ;
- (e) “Appellate Authority” means an appellate authority prescribed in rule 3 of the Boiler Appeal Rules, 2013 (Central Rules) ;
- (f) “Chief Inspector”, “Deputy Chief Inspector”, “Inspector”, “Inspecting Authority”, “Competent Person”, “Competent Authority”, “Owner” and “Prescribed” shall have the respective meaning as assigned in the Act and the Indian Boiler Regulations, 1950.

Words and Expressions used herein and not defined in these rules but defined in the Act and the Indian Boiler Regulations, 1950 shall have the same meaning assigned to them in the Act/Regulations respectively.

CHAPTER II

General

3. **Payment of fees.**—(1) All fees payable under the Act or any regulation or rule framed thereunder shall be deposited in a Government Treasury or through online payment gateway in the Union Territory of Jammu and Kashmir.

(2) An Application under sections 7 or 8 of the Act, to which the receipt obtained on Payment of the prescribed fee is affixed, shall be deemed to be accompanied by the prescribed fee. All fees, costs and penalties levied under the Act shall be disposed of in such manner as the Government of Jammu and Kashmir may from time to time notify.

4. **Appointment of Chief Inspector, Deputy Chief Inspector, and Inspector.**—The appointment of Chief Inspector, Deputy Chief Inspector and Inspector of Boilers shall be regulated by The Chief Inspectors, Deputy Chief Inspectors, and Inspectors, (Qualification and Experience) Rules, 2012 issued by the Central Government :

Provided that the qualification and experience of a person already working as a Chief Inspector, Deputy Chief Inspector or an Inspector shall be governed by the existing recruitment rules in the Union territory of Jammu and Kashmir.

5. **Location of Offices.**—The location of the office headquarter/s shall be as follows :—

S. No.	Area	Location	Officer-in-charge
1.	Jammu Province	Mechanical Engineering Department, Jammu	Chief Inspector
2.	Kashmir Province	Mechanical Engineering Department, Kashmir	Chief Inspector

CHAPTER III

Duties of the Chief Inspector

6. **General Control.**—The Chief Inspector shall be vested with all the powers of a Deputy Chief Inspector and Inspector under the Act. His main duty, however, shall be supervising and controlling the work of Deputy Chief Inspectors and Inspectors, and he shall actually inspect or examine boilers, steam pipes or scantlings in exceptional cases, or where he considers that the work of a Deputy Chief Inspector or Inspector or Competent Person requires a personal check.

7. **Specific Duties of Chief Inspector.**—(1) The Chief Inspector shall.—

- (a) personally check the registration particulars and measurements of all boilers inspected for registration as prescribed in Chapter IX of the Regulations and enter under his own signature the approved working pressure and all orders required by section 7 of the Act ;

Note :—He may, however, authorize a Deputy Chief Inspector to undertake the above work and to make his recommendations in this behalf, to the Chief Inspector.

- (b) enter under his own signature any subsequent entries required in the registration book ;
- (c) obtain from the registry, registration book of any boiler the transfer of which is reported under section 6(b) of the Act ;

Note :—He may, however, authorize Deputy Chief Inspector/Inspector to undertake the above work.

- (d) pass orders in all cases in which an Inspector or Deputy Chief Inspector proposes to increase or reduce the pressure allowed for any boiler or to revoke, cancel or refuse to renew the certificate of boiler under section 11, or to order important repairs, structural alterations, or renewals in a boiler ;

- (e) decide all appeals as against the orders of Deputy Chief Inspector and Inspector under section 19 ;
- (f) sanction prosecutions under the Act ;
- (g) enquire into serious accidents to boilers.

Note :—He may, however, authorize a Deputy Chief Inspector to inquire into such accidents who shall report in writing to the Chief Inspector the results of his inquiry.

- (h) approve the budget estimates for carrying out the purposes of the Act as drawn up by Deputy Chief Inspector of Boilers ;
- (i) approve all plans and drawings for boilers and steam pipes and advise boiler owners or makers regarding the requirements of the Indian Boiler Regulations, 1950, on the design, material and construction for boilers to be installed or manufactured in the Union territory of Jammu and Kashmir.

Note :—He may, however, authorize a Deputy Chief Inspector to undertake the above work and to make his recommendations in this behalf, to the Chief Inspector.

(2) As an Inspecting Authority, the Chief Inspector shall—

- (a) approve all drawings and plans for construction of boilers or parts thereof submitted under Regulations 393 or 395 ;
- (b) supervise and control the work of all Competent Persons in the construction of boilers, parts thereof, steam receivers, separators, and other like equipments ;
- (c) issue certificates in Forms II and III-A and countersign certificates in Form III of the Regulations for boilers, parts thereof, steam-pipes, steam receivers, separators, and other like equipments ;
- (e) advise the makers of boilers or of parts thereof or of steam receivers, separators and other like equipments with regard

to the provisions of the Regulations so far as they relate to their design and constructional features ;

- (f) supervise and control the working of any testing laboratory set up for the testing and examination of boilers or parts thereof under construction ;
- (g) examine and approve all reports, regarding examination of boilers, parts thereof under construction in stages as enumerated in Appendix 'J' of the Regulations.

8. **Instructions to owners.**—It shall be the duty of the Chief Inspector to advise owners regarding the maintenance, working and cleaning of boilers. He shall issue a set of instructions on the lines indicated in Form C appended to these rules and these instructions should be hung up in each boilers house.

9. **Registers to be kept.**—(1) The Chief Inspector shall keep in his office,—

- (a) a register in Form-A I of all boilers registered in the Union territory of Jammu and Kashmir, or the registry of which has been transferred from another State/UT ;
- (b) the registration book and memorandum of Inspection book of all boilers borne on his register ;
- (c) a register of appeals ;
- (d) a register of accidents ;
- (e) a register of registration and inspection fees received.

(2) As an Inspecting Authority, the Chief Inspector shall keep in his office.—

- (a) a register in Form-A II of boilers and scantlings manufactured in Union territory of Jammu and Kashmir ;
- (b) a register of all tests carried out to test specimens against the boilers under manufacture ;

- (c) a register of radiographic and non-destructive examination carried out with the result thereof against each boiler of welded construction under manufacture ;
- (d) a register of drawings and plans of boilers approved ;
- (e) a register of examination fees received in connection with construction of boilers, steam pipes or parts thereof ;
- (f) a schedule of stage examination of boilers or parts thereof in accordance with the provisions laid down under Appendix 'J' of the Regulations.

10. **Control of bills.**—The Chief Inspector shall be the controlling or countersigning authority in respect of all contingent bills and of travelling allowance bills of officers subordinate to him.

11. **Establishment under the Chief Inspector of Boilers.**—The Chief Inspector shall from time to time prepare and submit for the sanction of the Government of Jammu and Kashmir a Schedule of the establishment and salaries which he considers necessary for carrying out the purposes of the Act.

CHAPTER IV

Duties of deputy chief inspectors

12. **Subordinate to Chief Inspector.**—The Deputy Chief Inspectors shall be directly subordinate to and under the control of the Chief Inspector. They shall be vested with all the powers of Inspectors under the Act. Their main duties shall be to scrutinize the work of Inspectors and other Competent Persons in the matter of inspection, examination and certification of boilers, steam pipes, scantlings and economisers and to make their observations available to the Chief Inspector, where necessary. They shall also carry out normal inspection work to such extent as may be considered necessary by the Chief Inspector of Boilers.

13. **General duties.**—The Deputy Chief Inspector shall,—

- (a) obtain the Memorandum of Inspection or Registration Book of a boiler which has been registered in another State/

Union territory and the subsequent transfer of which to this Union territory is reported under section 6(c) when so directed by the Chief Inspector (See Regulation 388) ;

- (b) pass orders in all cases for which it is reported that after due notice the boiler has not been properly prepared for inspection ;
- (c) examine and countersign the Inspector's Memorandum of Inspection book of each boiler after each inspection ;
- (d) prepare the budget estimates for carrying out the purposes of the Act ;
- (e) dispose of all leave applications of the non-gazetted staff ;
- (f) when authorized by the Chief Inspector, enquire into serious accidents to boilers within his jurisdiction and report in writing to the Chief Inspector the results of the inquiry ;
- (g) when authorized by the Chief Inspector, check all plans and drawings for boilers, steam pipes and economisers ;
- (h) check and examine certificates in Forms III, III-A and III-B and extracts of Form IV as required under the regulations and submit these documents to the Chief Inspector of Boilers within fortnight of their receipt from makers ;
- (i) generally assist the Chief Inspector in the administration of the Act ;
- (j) may from time to time, examine boilers in commission to ascertain if they are being operated in conformity with the terms and conditions specified in the certificate and advise owners on the safety in operation, good maintenance and periodic cleaning of boilers and feed water treatment.

CHAPTER V

Duties of inspectors

14. **Subordinate to Chief Inspector.**—The Inspectors shall be directly subordinate to and under the control of the Chief Inspector.

They shall ordinarily be appointed to take charge of specific areas. The main duties of Inspectors shall be the inspection and examination of boilers, steam-pipes and economisers. Inspections shall be carried out strictly in accordance with these rules and Chapter IX of the Regulations.

15. Inspectors to see that boilers are worked according to law.—In addition to the inspection and examination of boilers, it is the duty of Inspectors to search for unregistered or uncertified boilers within their areas, and to see that certificated boilers are working in accordance with the terms of their certificates. The Inspector shall submit a report on such visits to the Chief Inspector.

16. Inspectors to advise owners.—At the time of inspection, Inspectors should advise the owner and the person in-charge of the boiler of the management and upkeep of the boiler with special reference to the amount of cleaning required in view of the quality of water use.

17. Specific duties.—(1) The Inspector shall,—

- (a) maintain a Memorandum of Inspection Book for each boiler under their charge and submit it to the Deputy Chief Inspector for examination and counter signature after each inspection ;
- (b) receive applications for registration or inspection under section 7 or 8, proposals or repairs, alterations, or renewals to boiler components under sections 12 and 13, and reports of accidents under section 18 ;
- (c) enquire into accidents to boilers and steam-pipes and report to the Chief Inspector or Deputy Chief Inspector ;
- (d) report to the Chief Inspector cases of unreported accidents discovered at the time of inspection ;
- (e) submit for the orders of the Chief Inspector—
 - (i) memorandum of Inspection Books of all boilers proposed for registration ;

- (ii) proposals for increasing or decreasing the pressure of a boiler after inspection ;
- (iii) proposals for necessary repairs, structural alteration or renewals to a boiler ;
- (iv) proposals for refusing to renew a certificate under section 8 or revoking a certificate or provisional order ;
- (v) report when boilers have not been properly prepared for inspection ;
- (vi) proposals for prosecutions under the Act.

(2) As a Competent Person, the Inspector shall,—

- (a) prepare a programme of stage examination with regard to the convenience of the makers generally and submit it to the Inspecting Authority for approval at such periods as he may fix ;
- (b) maintain a schedule of such examination of boilers or parts thereof in Form-D (See Appendix 'J' of the Regulations) ;
- (c) maintain a diary of examinations carried out for monthly submission to the Inspecting Authority, showing places visited, boilers or parts thereof examined and any other important matter ;
- (e) submit to the Inspecting Authority, reports in Form E on the results of the examinations carried out on boilers or parts thereof in accordance with the standards laid down in the regulations and with particular reference to variations therefrom ;
- (f) report the results of tests carried out to materials or scantlings in his presence ;
- (g) maintain a record of all tests-both destructive and non-destructive-carried out by him or under his supervision ;
- (h) when radiographic examinations are carried out to boilers or parts thereof give his opinion in writing to the Inspecting Authority with regard to the acceptability or otherwise of the parts examined in Form-E.

18. **Inspection at special times.**—No examination of boiler shall be made by an Inspector for the purpose of registering or issuing a certificate for a boiler or of steam feed and blow off pipes under fabrication, or of boiler mountings and fittings under manufacture or of a boiler or its component under fabrication on a Sunday or gazetted Public holiday or between the hours of sunset and sunrise without the specific orders of the Chief Inspector in each case.

19. **Attendance during hearing of appeals.**—Under orders of the Chief Inspector, the Deputy Chief Inspectors and/or Inspectors shall attend the hearing of appeals with regard to boilers under their charge before the Chief Inspector or the Appellate Authority.

20. **Registers to be kept.**—Every Inspector in charge of an office shall keep—

- (a) a register in Form-A of all registered boilers situated within his jurisdiction ;
- (b) a register of accidents ;
- (c) a register of registrations and inspection fees received.

CHAPTER VI

Administrative Instructions for Registration

21. **Importance of registration.**—Technical regulations for the registration of boilers and the scale of fees for registration are prescribed in Chapter IX of the Regulations. The details of measurement recorded at the time of registration constitute a permanent record for the boiler and determine the original pressure at which the boiler is allowed to work. It is accordingly essential that the work should be done with the greatest care and precision.

22. **Receipt of applications.**—Applications for registration shall be made under section 7(1) of the Act to the office of the Chief Inspector where the boiler is located and shall be accompanied by a receipt of fee, specified in Chapter IX. No application shall be accepted without the receipt. No boiler shall be registered if on measurement the fee is found to be deficient, until the deficit has been paid. Any excess payment will be refunded as per Rule 50 of these rules.

23. **Necessity of avoiding delay.**—It is essential that no delay should occur in registration. The measurements required for registration

under section 7(3) should ordinarily be completed and the report submitted to the Chief Inspector within 15 days of the receipt of the application complete in all respects ; in no case should the interval exceed 30 days. The Chief Inspector should issue his orders under section 7(4) without delay.

24. Register of registered boilers.—The Chief Inspector shall maintain a Register of Registered boilers in serial order in Form A in two parts ; in Part I (boilers originally registered in Jammu and Kashmir) the registered number of a boiler shall be the one immediately following the last serial number in the Register. Gap number due to boilers being broken up or transferred to other Union territories'/ States shall not be filled up. In Part II (boilers originally registered in other Union territories /states) entries shall be made as per rule 26 of these rules.

25. Procedure on transfer of a boiler.—(1) Whenever a boiler is transferred from another State/UT's into Union territory Jammu and Kashmir the owner shall, under section 6(b) of the Act, apply to the Chief Inspector for the registration of the transfer ; the boiler cannot be used until registration has been effected. The Chief Inspector shall then obtain from the State/UT from which the boiler was transferred, the registration book and memorandum of Inspection book of the boiler before the boiler is permitted to be used.

(2) Whenever any registered boiler is transferred, the transferee shall give an intimation of the transfer to the Chief Inspector within 15 days from the date on which the transfer takes effect and no fee shall be charged for recording an entry regarding such transfer in the Register of registered boilers.

26. Entry of transferred boiler in Register.—On receipt of the Registration and Memorandum of Inspection Books, the Chief Inspector shall enter the boiler under its original number in Part II of his Register, and shall instruct Inspector of the local area in which the boiler is situated to enter it similarly in his Register. The Registration book and Memorandum of Inspection Book shall be kept in the Chief Inspector's office.

27. Note of transferred and dismantled boilers.—Whenever a boiler has been transferred to another State/UT or broken up, the fact shall be noted in the Register. In the case of a boiler that has

been permanently dismantled, the Registration Book and the Memorandum of inspection book shall be destroyed.

CHAPTER VII

Administrative Instructions for Inspection

28. **Procedure at Inspection, Internal Inspection.**—The Detailed instructions for the inspection of boilers are contained in Chapter IX of the Regulations. However, the following general procedure at inspection should be observed :—

At a thorough inspection of a boiler, the Inspector should, wherever the size and Construction of the boiler permit, go inside it and make a thorough inspection of all its internal parts. But before doing so he should satisfy himself that proper provision has been made for disconnection from any other boiler under steam.

Should he find that proper provision for disconnection has not been made or that the boiler has not been properly cleaned or scaled or that it is unreasonably hot he should decline to proceed with the inspection and should report the facts to the Chief Inspector for orders under section 14(2).

When a boiler is of such a size or its construction is such that the Inspector cannot go inside it there must be sufficient sight holes or hand holes provided enable him to see the principal internal parts. If any important part of a boiler is so constructed that the Inspector cannot examine it, he should report that facts to the Chief Inspector for orders.

29. **External inspection.**—Boilers must be examined externally as well as internally ; particular attention should be paid to the external parts of the boilers, wherein contact with seating blocks and brick work, especially when the situation is damp. Having regard to any serious defects discovered, Inspectors should take care, in order to ensure proper inspection, that boilers, of which the whole of the outside cannot be readily examined, are cleaned whenever they consider it necessary of any concealing covering, supports or fittings. Saddle tanks and engine fittings of locomotive type boilers should be removed for inspection of the parts underneath at the first inspection

and at any reasonable period afterwards if the Inspector cannot satisfy himself. If the Owners in any special case have any good reasons for not wishing to clear covered parts, the case should be submitted to the Chief Inspector for orders. The Inspector must keep in mind that he is not to certify as efficient any boiler regarding the condition of which he cannot thoroughly satisfy himself.

30. **Inspection of a battery of boilers.**—At the inspection of one boiler of a battery of boilers, the Inspector should take the opportunity of examining the other boilers under steam with special reference to the water gauges, pressure gauges, safety valves and steam piping.

31. **Proposals for reduction of pressure.**—When the Inspector decides that a boiler in one or more of its parts is no longer fit for the pressure approved for it, he should, without delay, report his proposals for reducing the pressure to the Chief Inspector and at the same time submit this calculations for the wasted parts for check and approval of pressure. With regard to fitting and wasting of shell plates, the Inspector must bear in mind that shell plates ordinarily are considerably stronger in the body of the plate, owing to being unpierced, that at the seams and consequently may become reduced in thickness to an appreciable extent in the body of the plate i.e., elsewhere than at the seams and still be stronger than the seam.

32. **Repairs to boilers.**—Under section 12 of the Act, the sanction of the Chief Inspector to all repairs proposed for boilers must be obtained before hand.

A few water tubes or smoke tubes, however, may in an emergency be renewed pending the sanction of the Chief Inspector but all such cases must be reported immediately to the Chief Inspector who may, if he deems fit, notify his sanction to the owner without verification of the renewals by the Inspector.

Generally in repairing boilers the object to be obtained is to make up for damage or wastage by suitable compensation, either by renewal

or repair of the part affected. Covering patches applied with the object of hiding defects are a source of danger and must not be passed. Welding by electric and oxy-acetylene processes may be employed in the repairs of boilers, but, as the efficiency of the welding depends largely on the skill and care of the operator each case will have to be decided on its merits.

Proper attention must be paid to the annealing of welded parts. The Inspector should, wherever possible, be present during some part at least, of the welding operations.

Extensive repairs such as renewal of furnaces, and plates, parts of shell fire-boxes, girders, etc., should be supervised, so far as other duties permit, by the Inspector and at such time when fire-boxes and smoke tubes of locomotive-type boilers are withdrawn, advantage of the opportunity should be taken to inspect the internal parts otherwise inaccessible to close inspection.

Repairs to boilers are prescribed in Chapter IX, Regulation 392 of the Regulation.

33. Entries in memorandum of inspection books.—The Inspector shall, as soon as convenient after an inspection, make the necessary entries in the Memorandum of Inspection Book for the boiler and submit the book to the Chief Inspector. Care should be taken to preserve the books and to keep them clean. Inspection notes should be taken to preserve the books and to keep them clean. Inspection notes should briefly state to what extent boilers were cleared of brick-work. Lagging or concealing parts ; the general condition of the boiler ; parts requiring attention of repair and if special preparation is required at the next inspection.

[Inspectors should also note, in the Memorandum of Inspection books all casual visits, inspections of steam pipes, visits for inspection of repairs, inquiry into accidents, etc., and so provide a useful record of the history for the boiler of the information and guidance of Inspectors at subsequent inspections].

In making inspections it is important that the Inspector should pay particular attention to entries made in the memorandum of Inspection book at previous inspection.

34. **Entries in certificates.**—In addition to the entries required to be made under Regulation-389 in a certificate for a boiler, the Inspector should state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brick-work or other concealing part for the next inspection to enable the owner to have the same properly prepared at that time. He should also state in the same place his requirements regarding the repair or renewal of any part that may be considered fit only for the period of the certificate.

In the repairs column should be entered the year of repairs and description of repairs effected. Only important repairs should be noted.

His remarks should be brief. In the absence of remarks on the condition of boiler, the boiler will be considered to be in good condition.

35. **Engraving of registry number.**—Paper slips of the proper size bearing the registry number allotted for a boiler will be supplied by the Chief Inspector. The slip should be pasted on the part of the boiler pointed out by the Inspector and the device traced through with a cutting tool. The engraving should then be completed by the removal to the prescribed depth of the metal between the traced lines.

36. **Arranging for inspections.**—In arranging for inspection particular attention should be paid to the provisions of rule 17. The notice required by sections 7 and 8 shall be sent in Form B. If a hydraulic test is necessary in addition to the ordinary inspection, ample notice must be given to the owner.

37. **Issue of certificates and provisional orders.**—(1) All certificates shall be issued after being countersigned by the Chief Inspector.

(2) A provisional order shall be issued in each case of registration after the hydraulic test of boiler and inspection of steam pipes and feed pipes connected to the boiler upon the certificate of the Inspector. The steam test may be taken at any convenient time within the period of the provisional order, after which, if the test is satisfactory, the certificate under section 7 shall be issued.

(3) A provisional order shall also be issued after each completed inspection for renewal of certificates so as to give authority for the use of the boiler pending the issue of certificate under section 8. Where he proposes to issue a provisional order, the Inspector must satisfy himself that the boiler is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of issue of a provisional order must be reported immediately to the Chief Inspector.

(4) The period specified in any certificate or provisional order shall begin on the day on which the completed hydraulic test and thorough inspection of boiler or inspection of steam and feed pipes is made.

38. Provisional orders to be issued after hydraulic test.—Provisional order should be issued in every case of registration after hydraulic test of boiler if the Inspector is satisfied. The steam test may be witnessed at any convenient time within the period of the provisional order after which if test is satisfactory, the certificate under section 7(6) is to be issued.

39. Forms of provisional orders and certificates.—Provisional orders and certificates are prescribed in Forms V and VI, respectively of the Regulations but no such certificate or Provisional order authorizing the use of a boiler shall be issued unless and until the owner of boiler or agent thereof engages a qualified boiler attendant and gets his number registered with the Inspector.

40. Duplicate certificates.—A duplicate of any certificate granted under section 7 or 8 which is at the time in force shall be granted by the Chief Inspector on the application of the owner of the boiler if the Chief Inspector is satisfied that the duplicate is required for a *bona fide* purpose and the fee prescribed under Rule 48 is paid.

CHAPTER VIII

Administrative instructions for examination of boilers, Parts thereof, steam receivers, separators etc. by a Competent person

41. Procedure at Inspection.—

- (a) The Competent Person shall carry out the examination of boilers, parts thereof, steam receivers, separators etc. in accordance with the detailed instructions and specifications

as laid down in the Regulations. Previous to an examination he shall go through the remarks made in Form-D appended to these rules.

- (b) While examining materials he shall verify the acceptability of the materials from original test reports from steel makers in accordance with the requirements of the Regulations before stamping these materials.
- (c) When steel makers certificates in Form IV of the Regulations issued by well known steel makers or a recognised Inspecting Authority are available the materials may be stamped by him for use in the construction of boilers provided they are found to be in sound condition.
- (d) When materials used in construction of boilers or parts thereof are offered for tests, he shall record the test results in Form-F.
- (e) After each stage examination of a boiler or parts thereof, or of steam receivers, separators etc. he shall advise the makers on the spot to proceed on to the next stage in their construction provided he is satisfied that the standard of construction does not fall short of the requirements of the Regulations.
- (f) In cases where he finds the standard to fall short of requirements of the Regulations, his findings shall be reported to the Inspecting Authority immediately.
- (g) When radiographic examinations are carried out to parts which require such examination under the Regulations, the Competent Person in charge of radiographic examination shall personally check up the identification of the film exposed, to the part under examination and record these in his diary and also Form-G.
- (h) He shall also maintain a record in Form-G of all rectifications and repairs carried out by the manufacturer to welded seams after radiographic examinations (see Regulation 266).
- (i) On completion of a construction of a boiler, parts thereof, steam receivers or separators etc., he shall check up all details and enter particulars in Forms II, III, III-A or III-B of the Regulations before the signature or counter-signature by the Inspecting Authority.

CHAPTER IX

Fees

42. Fees for approval of and renewal.—The fees for the approval of following firms and renewal of its approval shall be calculated on the basis of rates levied in accordance with the following scale, namely :—

S. No.	Firm Type	Amount
1	2	3
(a)	(i) For Approval of Firm for Pipe Fabrication	Rs. 5000/-
	(ii) For Renewal of Approval as Pipe Fabrication Firm.	Rs. 5000/-
(b)	(i) For Approval of Firm as Boiler Repairer Firm.	
	Special Class Repairer	Rs. 15000/-
	Class I Repairer	Rs. 10000/-
	Class II Repairer	Rs. 5000/-
	Class III Repairer	Rs. 2500/-
(ii)	For Renewal of Approval as Boiler Repairer Firm.	
	Special Class Repairer	Rs. 7500/-
	Class I Repairer	Rs. 5000/-
	Class II Repairer	Rs. 2500/-
	Class III Repairer	Rs. 1250/-
(c)	(i) For Approval of Firms for Manufacture of Boilers. Economizers, Pipes, Tubes, Pressure Vessels & Heat Exchangers.	Rs. 20000/-
	(ii) For Renewal of Approval of Firms for Manufacture of Boilers, Economizers, Pipes, Tubes, Pressure Vessels & Heat Exchangers.	Rs. 10000/-
(d)	(i) For Approval of Firms for Manufacture of Castings, Forgings, Valves, Cast, Forged & Plate flanges and such other fittings.	Rs. 5000/-
	(ii) For Renewal of Approval of Firms for Manufacture of Castings, Forgings, Valves, Cast, Forged & Plate flanges and such other fittings.	3000/-

1	2	3
(e)	(i) For Approval of Materials Testing Laboratory.	RS. 5000/-
	(ii) For Renewal of Approval of Materials Testing Laboratory .	Rs. 3000/-
(f)	(i) For Approval of Firm for Manufacture of Welding Electrode.	Rs. 5000/-
	(ii) For Renewal of Approval of Firm for Manufacture of Welding Electrode.	Rs. 3000/-

The approval of a firm as a repairer, fabricator or manufacturer shall be for a period of two years. Thereafter, the firm shall apply for renewal of its recognition atleast two months before the expiry of the said period.

43. **Fees for registration and renewal.**—(1) Fees for registration and first inspection of boilers shall be levied in accordance with the following scales, that is to say :—

For Small Industrial Boilers as per Chapter XIV of Regulations.	Rs. 1200/-
For boiler rating not exceeding 10 sq. metres.	Rs. 1800/-
For boiler rating exceeding 10 sq. metres but not exceeding 30 sq. metres.	Rs. 2400/-
For boiler rating exceeding 30 sq. metres but not exceeding 50 sq. metres.	Rs. 2700/-
For boiler rating exceeding 50 sq. metres but not exceeding 70 sq. metres.	Rs. 3300/-
For boiler rating exceeding 70 sq. metres but not exceeding 90 sq. metres.	Rs. 3900/-
For boiler rating exceeding 90 sq. metres but not exceeding 110 sq. metres.	Rs. 4500/-
For boiler rating exceeding 110 sq. metres but not exceeding 200 sq. metres.	Rs. 5100/-
For boiler rating exceeding 200 sq. metres but not exceeding 400 sq. metres.	Rs. 5700/-

For boiler rating exceeding 400 sq. metres but not exceeding 600 sq. metres.	Rs. 6600/-
For boiler rating exceeding 600 sq. metres but not exceeding 800 sq. metres.	Rs. 7200/-
For boiler rating exceeding 800 sq. metres but not exceeding 1000 sq. metres.	Rs. 8100/-
For boiler rating exceeding 1000 sq. metres but not exceeding 1200 sq. metres.	Rs. 9600/-
For boiler rating exceeding 1200 sq. metres but not exceeding 1400 sq. metres.	Rs. 10800/-
For boiler rating exceeding 1400 sq. metres but not exceeding 1600 sq. metres.	Rs. 12600/-
For boiler rating exceeding 1600 sq. metres but not exceeding 1800 sq. metres.	Rs. 13500/-
For boiler rating exceeding 1800 sq. metres but not exceeding 2000 sq. metres.	Rs. 15000/-
For boiler rating exceeding 2000 sq. metres but not exceeding 2200 sq. metres.	Rs. 16200/-
For boiler rating exceeding 2200 sq. metres but not exceeding 2400 sq. metres.	Rs. 18000/-
For boiler rating exceeding 2400 sq. metres but not exceeding 2600 sq. metres.	Rs. 18900/-
For boiler rating exceeding 2600 sq. metres but not exceeding 2800 sq. metres.	Rs. 20400/-
For boiler rating exceeding 2800 sq. metres but not exceeding 3000 sq. metres.	Rs. 21600/-

For the boiler rating exceeding 3000 sq. meters, an additional fee of Rs. 600/- for every additional 200 sq. metres or part there of shall be charged.

(2) The fees for boilers under construction/modification at site—

- (i) The inspection fee for boiler under manufacture at the works of manufacturer shall be charged at four times the inspection fee prescribed in clause (3).

- (ii) The inspection fee for the boiler under construction/modification at site shall be charged at four times the inspection fee prescribed in clause (3).

(3) **Fees for Inspection/Renewal.**—Fees for inspection for renewal of certificate of boilers shall be calculated on the basis of rating and shall be levied in accordance with the following scale, that is to say :—

For Small Industrial Boilers as per Chapter XIV of Regulations	Rs. 1000/-
For boiler rating not exceeding 10 sq. metres.	Rs. 1600/-
For boiler rating exceeding 10 sq. metres but not exceeding 30 sq. metres.	Rs. 2100/-
For boiler rating exceeding 30 sq. metres but not exceeding 50 sq. metres.	Rs. 2400/-
For boiler rating exceeding 50 sq. metres but not exceeding 70 sq. metres.	Rs. 2700/-
For boiler rating exceeding 70 sq. metres but not exceeding 90 sq. metres.	Rs. 3400/-
For boiler rating exceeding 90 sq. metres but not exceeding 110 sq. metres.	Rs. 4000/-
For boiler rating exceeding 110 sq. metres but not exceeding 200 sq. metres.	Rs. 4500/-
For boiler rating exceeding 200 sq. metres but not exceeding 400 sq. metres.	Rs. 5000/-
For boiler rating exceeding 400 sq. metres but not exceeding 600 sq. metres.	Rs. 5800/-
For boiler rating exceeding 600 sq. metres but not exceeding 800 sq. metres.	Rs. 6300/-
For boiler rating exceeding 800 sq. metres but not exceeding 1000 sq. metres.	Rs. 7100/-

For boiler rating exceeding 1000 sq. metres but not exceeding 1200 sq. metres.	Rs. 8400/-
For boiler rating exceeding 1200 sq. metres but not exceeding 1400 sq. metres.	Rs. 9500/-
For boiler rating exceeding 1400 sq. metres but not exceeding 1600 sq. metres.	Rs. 11100/-
For boiler rating exceeding 1600 sq. metres but not exceeding 1800 sq. metres.	Rs. 11900/-
For boiler rating exceeding 1800 sq. metres but not exceeding 2000 sq. metres.	Rs. 13200/-
For boiler rating exceeding 2000 sq. metres but not exceeding 2200 sq. metres.	Rs. 14300/-
For boiler rating exceeding 2200 sq. metres but not exceeding 2400 sq. metres.	Rs. 15800/-
For boiler rating exceeding 2400 sq. metres but not exceeding 2600 sq. metres.	Rs. 16600/-
For boiler rating exceeding 2600 sq. metres but not exceeding 2800 sq. metres.	Rs. 18000/-
For boiler rating exceeding 2800 sq. metres but not exceeding 3000 sq. metres.	Rs. 19000/-

For the boiler rating exceeding 3000 square meters, an additional fee of Rs.500/- for every additional 200 sq. metres or part there of shall be charged :

Provided that where any owner is willing to accept a renewed certificate for less than twelve months in order to approximate the date of annual inspection to the date on which other boilers in the locality are inspected, a certificate for such period less than twelve months, as may be necessary for such approximation of dates may be granted on payment of half of the applicable fee.

(4) Fees for testing of Pressure Gauges.—A fee of Rs. 250/- shall be charged for testing and certification of pressure Gauge with dial of not more than 150 mm and Rs. 500/- for exceeding 150 mm dial.

(5) **Fees for inspection of pipes.**—The fees for inspection of pipes shall be charged in accordance with the following scales :—

- (a) For fabricated pipes of nominal bore not exceeding 100 mm inclusive of all fittings; except fittings like steam separator, de-super heater, steam receiver, feed water heater and separately fired super heater shall be Rs. 500/- for 30 metres or part thereof.
- (b) For fabricated pipes of nominal bore exceeding 100 mm inclusive of all fittings except fitting like steam separator, de-super heater, steam receiver, feed water heater and separately fired super heater shall be Rs. 1200/- for 30 metres or part thereof.
- (c) Fee for inspection of fabricated fittings like steam separator, de-super heater, steam receiver, blow down tank, separately fired super heater and pressure reducing station during installation shall be charged at Rs. 2500/- per fitting.

(6) Fees for inspection of boiler tubes shall be Rs. 360 per metric tonne or part thereof.

(7) Fees for inspection of valves shall be charged as under :—

- (a) Upto and including 25 mm. Rs. 20/- per piece
- (b) Over 25 mm and upto and including 100 mm Rs. 60/- per piece
- (c) Over 100 mm and upto and including 100 mm. Rs. 400/- per piece
- (d) Over 250 mm. Rs. 1000/- per piece

(8) Fees for inspection of flanges shall be charged as under—

(i) for forged and cast flanges,—

- (a) Upto and including 25 mm for a batch of 50 or part thereof. Rs. 300/-
- (b) Upto and including 25 mm for a batch of 100 or part thereof. Rs. 520/-
- (c) Over 25 mm upto and including 50 mm for a batch of 50 or part thereof. Rs. 580/-

- (d) Over 50 mm upto and including 100 mm for part a batch of 25 or thereof. Rs. 580/-
 - (e) Over 100 mm upto and including 250 mm 10 or for a batch of part thereof. Rs. 620/-
 - (f) Over 250 mm for a batch of 5 or part thereof. Rs. 720/-
- (ii) Fees for inspection of plate flanges shall be charged at half the rates as specified in clause (9) (i) above.

(9) Fees for inspection of fittings.—

- (a) Fees for inspection of forged pipe fittings shall be charged at the rates specified under clause (9) for forged and cast flanges ;
- (b) Fees for inspection of pipe fittings other than forged pipe fittings shall be charged at the rate two times as specified under clause (9) for forged and cast flanges.

(10) Fees for inspection of feed water heaters.—

- (a) Fees for inspection of feed water heaters shall be charged at Rs. 10,000/- per heater.

(11) Inspection fees for all types of coils, namely, economizer coils, superheater coils, reheater coils.—The inspection fees shall be charged at four times the fee for renewal of certificate on the basis of surface area as provided in rule 43 (3).

(12) Scrutiny fees for approval of drawings.—Scrutiny fees for approval of different drawings shall be charged as under :—

- (a) Pipe lines Rs. 200 for every 30 metres or part thereof subject to a minimum of Rs. 5000/-.
- (b) Valve Rs. 300/- for each category.
- (c) Fittings Rs. 300/- for each category.
- (d) Boiler Equal to the inspection fee of the boiler as specified in clause (3).
- (e) De-super heater,
Steam receiver,
Separator Rs. 1000/- for each category.

(13) **Fees to be levied for unproductive visit.**—Wherever any visit for inspection of a boiler or part thereof under fabrication, steam feed and blow off pipes under fabrication, or boiler mountings and fittings under manufacture is rendered unproductive due to the fault or neglect of a manufacturer or fabricator of such materials, the Chief Inspector may require the manufacturer or fabricator, as the case may be, to pay in respect of such unproductive visit, the fees equal to the usual inspection fee prescribed in rule 43.

(14) **Fees for testing of welders.**—Fees for testing of welders intending to get themselves qualified in accordance with the requirements of Chapter XIII of the Indian Boiler Regulations, 1950 shall be charged as Rs. 600/-.

44. **Fee to cover inspection and tests.**—A fee paid for the inspection of a boiler shall cover thorough inspection, hydraulic test and steam test where such are necessary, subject to the provisions of section 14(2).

45. **Second fee in default.**—A second fee will be leviable for reinspection in any case where the inspection of a boiler is begun, but owing to the fault or neglect of the owner or person-in-charge, is not completed within a period of six months from the date of commencement of inspection.

46. **Sanction of Chief Inspector to second fee.**—No second fee shall be levied except with the sanction of the Chief Inspector.

47. **Fee for copy of registration book.**—The fee for a copy of Registration Book excluding inspection notes and calculations shall be Rs. 100/-.

48. **Duplicate certificate fees.**—Fees for duplicate certificates shall be charged as under :—

- | | |
|--------------------------------------------------------|----------------|
| (a) Certificate in Form No. III-A, III-B, III-C and VI | Rs. 200/- each |
| (b) Certificate in Form No. II, III and IV | Rs. 300/- each |
| (c) Certificate of qualified welders | Rs. 200/- each |
| (d) Certificate of competency or Proficiency | Rs. 200/- each |

49. **Fee for endorsement.**—Fee for endorsement shall be charged as below and shall be borne by the applicant or sponsor, as the case may be. The certificate shall be endorsed by the concerned Chief Inspector of Boilers of the union territory of Jammu and Kashmir—

(a) Special Class Boiler Repairer	Rs. 5000/-
(b) Class-I Boiler Repairer	Rs. 4000/-
(c) Class-II Boiler Repairer	Rs. 2000/-
(d) Class-III Boiler Repairer	Rs. 1000/-
(e) Welders Certificate	Rs. 200/- each.

50. **Refund of Fees.**—Fees paid in excess and fees paid for an inspection which for any reason not due to any fault or omission of the owner or person-in-charge of the boiler has not been made, shall be refunded if applied for within one year from the date of payment.

51. **Fees for any other matter.**—For any other matter which in the opinion of the Government of Jammu and Kashmir would involve time and labour as provided for in the Act but not prescribed in these rules, the fees to be charged shall be at the discretion of the Government of Jammu and Kashmir.

CHAPTER X

Accidents

52. **Investigation of accidents.**—On the receipt of a report of an accident to a boiler or steam-pipe under section 18 of the Act, the Inspector should with the least possible delay, proceed to the place to investigate the accident. If the report is received by the Chief Inspector, he should forward it at once to the Deputy Chief Inspector or Inspector within whose jurisdiction the accident has occurred for necessary action.

53. **Procedure during inquiry.**—The Deputy Chief Inspector or Inspector at his inquiry shall take a careful examination of the damaged parts and shall take such measurements and make such sketches for the purpose of his report, as he may deem necessary. He shall inquire into the circumstances, attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report should be drawn up in proper manner giving full details

of the observation and his opinion on the cause and prevention of the accident.

54. **Power to hold inquiry in writing.**—The Deputy Chief Inspector and Inspector are authorized to take the written statements of witness and all persons immediately concerned with the accident. In order to comply with the provisions of section 18(2) of the Act the Deputy Chief Inspector or the Inspector should present to the owner or person-incharge of the boiler a series of written questions on all points that are material to the inquiry.

55. **Use of boiler after accident.**—The inspector should decide, whether the use of boiler after an accident can be permitted at the same or at a lower pressure only after the completion of repairs or alterations. In no case should the Inspector issue a provisional order or renewal certificate until his orders have been carried out.

56. **Procedure in case of serious accidents.**—The report should be sent without delay to the Chief Inspector, who, if he considers that the investigation has been sufficient he will record the facts in his register of accidents and enter a brief account of the accident in the registration book, a copy being made in the memorandum of inspection book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred, the Chief Inspector should, after receipt of the report from Deputy Chief Inspector' s/Inspector' s proceed to investigate the accident personally either alone or with the assistance of assessor/s as may be appointed for this purpose by the Government. Report of such inquiries should be recorded as indicated above.

57. **Remuneration of Assessor.**—The Assessor/s appointed under Rule 56 shall be remunerated at such rate as may be determined by the Government and be allowed the traveling expenses incurred by him in attending the inquiry.

58. **Reference in Annual Report.**—A brief account of all accidents and their causes should be included in the Chief Inspector's Annual Report.

59. **Unreported accidents.**— If in the course of an inspection or at any other time the Deputy Chief Inspector or the Inspector discover damage which comes within the definition of an accident but which has not been reported, he should immediacy report the facts at once to the Chief Inspector for action.

CHAPTER XI

Appeals

60. **Filing of appeal.**—Every petition of appeal shall be made in writing either in English or in the vernacular.

61. **Presentation of appeal.**—An appeal may be presented either personally or registered post to the Chief Inspector.

62. **Form of appeal.**—The petition of appeal shall be accompanied by the original order, notice or report appealed against or by a certified copy thereof or where no such order, notice or report has been made in writing by a clear statement of the facts appealed against the grounds of appeal and the referring section of the Act.

63. **Fixing date for hearing.**—On receipt of an appeal, the Chief Inspector, shall fix a date for hearing the appeal at the earliest. It is important that there should be no delay in the decision of appeals, as the stoppage of a boiler is likely to put the owner thereof to great inconvenience. The decision should ordinarily be given within 15 days from the receipt of the petition of appeal.

64. **Procedure before hearing.**—When the date for hearing has been fixed, the Chief Inspector shall issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence, he must be present either in person or by authorized representative with his evidence on the date fixed. The notice shall be sent by registered post to such address as shall be entered in the petition of appeal.

65. **Presence of Deputy Chief Inspector/Inspector.**—In all appeals, the Chief Inspector shall decide whether the presence of the Deputy Chief Inspector or Inspector is necessary, and shall issue orders accordingly.

66. **Attendance of witnesses.**—The Chief Inspector shall have power to secure the attendance of witnesses and to make local inquiries under the provisions of the Code of Civil Procedure, 1908.

67. **Ex-parte decisions.**—If the appellant is not present on the date fixed, the appeal may be decided in ex-parte.

68. **Appellate Authority.**—The manner in which appeals shall be preferred to the Appellate Authority and the procedure to be followed shall be governed by the Boiler Appeal Rules, 2013 (Central Rules).

69. **Fees required for certificate granted on appeal.**—Any order on appeal authorizing the registering of a boiler or the grant or renewal of a certificate shall be deemed to be subject to the payment of such fees as are prescribed by rules or regulations framed under the Act.

CHAPTER XII

Boiler Operation Engineers' Rules and Boiler Attendants' rules

70. The provisions contained in the Boiler Attendants' Rules, 2011 and Boiler Operation Engineers' Rules, 2011 shall apply *mutatis and mutandis* under this Chapter.

CHAPTER XIII

Instructions For Approval and Renewal of Firms for Manufacture of Fabrication or Repairs of Boilers Etc.

71. **Approval of firms for pipe fabrication.**—(1) Application for approval of firm as Pipe Fabricator shall be accompanied by a receipted chalan for fee as prescribed in sub-clause (i) of clause (a) of Rule 42 and shall contain full information of the supervisory and operational staff employed and also the tools and plant possessed by the applicant firm as indicated in regulation 392 of the Indian Boiler Regulations, 1950.

(2) If the Chief Inspector is satisfied with the equipment and supervisory personnel and quality of work done by the Organization, approval shall be granted subject to such conditions and limitations as may be prescribed by the Chief Inspector in his order. The approval thus granted shall be valid for a period of two years from the date of order and shall be renewed every two years.

(3) Every application for renewal of approval as pipe fabricator shall be accompanied by a receipted challan for fee as prescribed in sub-clause (ii) of clause (a) of Rule 42 and shall contain full details in accordance with the provisions of sub-rule (1) for considering the renewal of approval by the Chief Inspector. The firm shall apply for renewal of their recognition at least two months before the expiry of the said period.

(4) Any change in the supervisory and operational staff during the course of validity of the approval shall be communicated to the Chief Inspector within seven days from such change.

72. **Approval of firms for Boiler Repairs.**—(1) An application for approval as boiler repairer shall be accompanied by a receipted challan

for a fee as prescribed in sub clause (i) of clause (b) of Rule 42 and shall contain full information of the supervisory and operational staff employed and also the tools and the plant possessed by the applicant firm, as indicated in regulation 392 of the Indian Regulations, 1950.

(2) If the Chief Inspector is satisfied with the equipment and supervisory personnel and quality of work done by the Organization, approval shall be granted subject to such conditions or limitations as may be prescribed by Chief Inspector in his order. The approval thus granted shall be valid for a period of two years from the date of order and shall be renewed every two years.

(3) Every application for renewal of approvals as boiler repairer shall be accompanied by a receipted challan for fee as prescribed in sub-clause (ii) of clause (b) of Rule 42 and shall contain full details in accordance with the provisions of sub rule (1) for considering the renewal of approval by the Chief Inspector. The firm shall apply for renewal of their recognition at least two months before the expiry of the said period.

(4) Any change in the supervisory operational staff during the course of validity of the approval shall be communicated to the Chief Inspector within seven days from such change.

73. Approval of firms for manufacture of Boilers or Economizers.—(1) An application for approval as manufacture of boilers or economisers shall be accompanied by a receipted challan for fee as prescribed in sub-clause (i) clause (c) of Rule 42 and shall contain full information of the supervisory and operational staff employed and also the tools and plant possessed by the applicant firm and such other information as may be called for by the Chief Inspector for considering the application.

(2) If the Chief Inspector is satisfied with the equipment and supervisory personnel and quality of work done by the Organization, approval shall be granted subject to such conditions or limitations as may be prescribed by the Chief Inspector in his order. The approval thus granted shall be valid for a period of two years from the date of order and shall be renewed every two years.

(3) Every application for renewal of approval as manufacture of boilers or economizers shall be accompanied by a receipted challan for fee as prescribed in sub clause (ii) of clause (c) of Rule 42 and shall contain full details in accordance with the provisions of sub-rule (1) for considering the renewal of approval by the Chief Inspector. The firm shall apply for renewal of their recognition at least two months before the expiry of the said period.

(4) Any change in the supervisory and operational staff during the course of validity of the approval shall be communicated to the Chief Inspector within seven days from such change.

74. Approval of Firms for Manufacture of Castings, Forgings, Valves, Cast, Forged & Plate flanges and such other fittings.—

(1) An application for registration of firm for manufacture of castings, forgings, valves, cast, forged and plate flanges and such other fittings shall be accompanied by a receipted challan for fee as prescribed in clause (d) of Rule 42 and shall contain full information of the supervisory and operational staff employed and also the tools and plant possessed by the applicant and such other information as may be called for by the Chief Inspector for considering the application.

(2) If the Chief Inspector is satisfied with the equipment and supervisory personnel and quality of work done by the Organization, approval shall be granted subject to such conditions or limitations as may be prescribed by the Chief Inspector in his order. The approval thus granted shall be valid for a period of two years from the date of order and shall be renewed every two years.

(3) Every application for renewal of approval as manufacture of castings, forgings, valves, cast, forged and plate flanges and such other fittings shall be accompanied by a receipted challan for fee as prescribed in sub-clause (ii) of clause (d) of Rule 42 and shall contain full details in accordance with the provisions of sub-rule (1) for considering the renewal of approval by the Chief Inspector. The firm shall apply for renewal of their recognition at least two months before the expiry of the said period.

(4) Any change in the supervisory and operational staff during the course of validity of the approval shall be communicated to the Chief Inspector within seven days from such change.

75. Approval of firm for manufacture of Welding Electrode.—

(1) An application for manufacture of plate flanges shall be accompanied by a receipted Challan for fee as prescribed in sub-clause (i) clause (f) of Rule 42 and shall contain full information of the supervisory and operational staff employed and also the tools and plant possessed by the applicant and such other information as may be called for by the Chief Inspector for considering the application.

(2) If the Chief Inspector is satisfied with the equipment and supervisory personnel and quality of work done by the Organization, approval

shall be granted subject to such conditions or limitations as may be prescribed by the Chief Inspector in his order. The approval thus granted shall be valid for a period of two years from the date of order and shall be renewed every two years.

(3) Every application for renewal of approval as manufacture of welding lectrode shall be accompanied by a receipted challan for fee as prescribed in sub-clause (ii) of clause (f) of Rule 42 and shall contain full details in accordance with the provisions of sub-rule (1) for considering the renewal of approval by the Chief Inspector. The firm shall apply for renewal of their recognition at least two months before the expiry of the said period.

(4) Any change in the supervisory and operational staff during the course of validity of the approval shall be communicated to the Chief Inspector within seven days from such change.

76. **Withdrawal of Approval.**—Approval granted under the pre-going rules, shall be withdrawn if—

- (i) the approval was obtained on furnishing incorrect or false information ; or
- (ii) no manufacturing activities or fabrication work or repair work was carried out for a continuous period of six months :

Provided that before any such order for withdrawal of approval is passed, the owner or person incharge of the organization shall be given due notice in writing calling upon the person concerned to show cause why an order for withdrawal of approval should not be made, the objections, if any, shall be considered and reasonable opportunity of being heard shall be given to such person by the Chief Inspector.

77. **Repeal and Savings.**—(1) The Registration of Boilers owned by Private Firms Rules, shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the rules, so repealed shall be deemed to have been done or taken under the corresponding provisions of these rules.

(Sd.)

Commissioner/Secretary to Government.

APPENDIX

FORM-A No. 1

INSPECTORATE OF BOILERS, JAMMU & KASHMIR

Register of Boilers Inspected

[Rule 9(1)(a)]

Registry Number	Type of Boiler	Boiler Rating	Name of Manufacturer	Year and Place of Construction
(1)	(2)	(3)	(4)	(5)
Date of Registration	Name of Owner	Place where in use	Remarks (Transfers, etc.)	
(6)	(7)	(8)	(9)	

Part II of the Register Column (I) should contain registry numbers and letters.

FORM-A No. 2

INSPECTORATE OF BOILERS, JAMMU & KASHMIR

Register of Boilers & Scantlings Examined Under Construction

[Rule 9(2)(a)]

Makers Number	Type of Boiler or Scantling	Boiler Rating	Name of Maker	Year of Make	Date of Certification	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM-B

INSPECTORATE OF BOILERS, JAMMU & KASHMIR

Notice for Examination of Boiler under sections 7 and 8 (Rule 36)

No. _____

Dated: _____

To

Gentlemen/Sir,

In reply to your application, dated _____ you are hereby informed that Boiler Registry No. _____ at the above named premises will be thoroughly examined/hydraulically tested by the Inspector on the _____

To enable the examination to be made, you are found—

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you :
- (b) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you :
- (c) in the case of an application for the registration of a boiler, to provide such drawings, specifications, certificates and other particulars as may be prescribed.

Voucher No.—— in acknowledgment of Bank/Treasury Receipt No.——

For Rs.—— Accompanies.

**Chief Inspector of Boilers,
Jammu and Kashmir
(See reverse for preparation required).**

REVERSE OF FORM-B

PREPARATION FOR EXAMINATION

See Chapter IX of the Regulations

(Regulation 376)

(A) Preparation for inspection

At every examination of a boiler for the grant of renewal of a certificate, the boiler shall be empty and thoroughly clean in all its parts. All doors of manholes, hand holes and sight holes and cleaning plugs and all caps in the headers and mud drums of water tube boilers, all fire bars, bearers, front plates, bridge plates, fire bridges, brick arches, oil fuel burners and mechanical stoker fittings shall be removed. All valves and cocks comprising the boiler mounting shall be opened up and taken apart and the valves or cocks ground, when necessary, before the Inspector's visit.

Provision shall, if required by the Inspector, be made for the removal of lagging or brickwork or other concealing part and for the drilling of plates and for verifying the pressure gauge and safety valve dimensions and weights. All smoke tubes, exterior of water tubes, smoke boxes and external flues shall be swept clean.

Provisions shall be made for the effective disconnection of all steam and hot water communication with any other boiler under steam, as prescribed in Chapter X of the Regulations. This shall be effected either by the removal of a length of pipe from the steam and feed piping or by the insertion or substantial blank flanges. Where blank flanges are employed, they shall be inserted between the flange of the chest and the pipe attached to it. No blank flange shall be inserted between a safety valve chest and the boiler.

In the case of forced flow and forced circulation types of boilers, provision shall be made for checking that proper circulation is maintained through all sections of the circuit by the flow of water.

Note :—These provisions to effective disconnection shall extend to every case wherein a person is sent or with the absent of the owner or person-in-charge goes into boiler for any purpose.

(See Part III of the Regulation)

(Regulation 378)

(B) Preparation for hydraulic test

The chest of all mountings subject to steam pressure shall be in place and shut tight or blind-flanged. The safety valves shall either be jammed down or removed and the chest opening blind-flanged. The attachment * for the Inspectors pressure gauge and nipple + for connecting the Inspectors test pump house shall be in order. All doors shall be properly jointed and tightened up. The boiler shall be completely filled with water, care being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the boiler be taken before the Inspector's visit to test the rightness of the joints. When a boiler is hydraulically tested for the first time, it shall be entirely cleared of lagging or brickworks; at subsequent tests the lagging or brickwork or portions thereof, shall be removed, if required by the Inspector.

*Tapped 19 mm White worth bolt and nut thread.

*Tapped 22 mm White worth bolt and nut thread.

Preparation now required (A), (B)

Note :—The last certificate for the boiler should be shown to the Inspector.

FORM-C

INSPECTORATE OF BOILERS, JAMMU & KASHMIR

GENERAL WORKING OF BOILERS INSTRUCTIONS

(See Rule 8)

Instruction to Boiler Attendants:

These instructions should be frequently and carefully studied with a view to keeping in mind the precautions to be observed and ordinary procedure to be followed in the safe working of boilers.

Precautions before starting the Fires :

Before starting the fires in a boiler the attendants should.—

- (1) see that there is sufficient water in the boiler and that the gauge cocks are working freely ;
- (2) ease safety valves, or open cock on top of boiler to allow air to escape ;
- (3) see that the blow-off cock is fully closed and tight ;
- (4) see that safety valves and feed check valve are free and workable ;
- (5) note if the pressure gauge pointer is at zero ;
- (6) see that the feed pump is in working order.

He must not rely on the supposition that the water he has previously put in it still in the boiler, as it may have run out without the knowledge through a leak or open cock, nor can he be sure that the gauge glass shows the true water level until he has tested it. This is done in the following manner; shut off the lower gauge cock and empty the glass by the drain cock; then shut the drain cock and open the gauge cock; if everything is in order, the water will then rise in the glass to the same height as before.

Raising steam.—In getting up steam in all types of boilers, the operation should be as gradual as circumstances will allow. Nothing turns a

new boiler into an old one sooner than getting up steam too quickly. Forcing the fires when starting work is liable to cause straining of the steams and tubes of the boiler. In the case of large boilers generally steam should not be got up in less than six hours. Before getting up steam the water level should be observed, to ensure that water is at the proper heights, in the glass, the pressure gauge noted and the safety valves tried to see they are free. The blow-off cock should be examined to see that it is completely shut and tight.

Pressure gauge.—The pressure or steam gauge should be kept in order and be in such a position as to be easily seen by the boiler attendant. There should be a plain mark on it showing the highest pressure allowed for the boiler and the dial should be kept clean so that the figures may easily be read.

Steam pressure.—Ordinarily, the safety valves will prevent the steam from rising much above the working pressure, but if the steam gauge shows is rapid an increase of pressure as to indicate danger of exceeding the highest limit, water should be immediately fed into the boiler, and the dampers partially closed in order to diminish the effect of the fire. If however, the water has fallen so low that there is danger of an accident from this cause, the fires should be withdrawn before feeding in water the safety valves eased and if the engine is at rest, it should be started so as to reduce the pressure. The safety valves are provided to guard against over-pressure. They should be moved by hand every day so as to prevent them from sticking. If moved only occasionally, they are liable to leak.

The valve can be tested by slowly raising it a little and when let down, it should be closed perfectly tight. It should never be opened by a sudden knock or pull. If it does not close tight, turn it on its seat, until it first, or when its construction does not permit this, rise it slowly a few times and let it down again, but on no account must the valve be screwed down further or loaded more than what has been allowed by the Inspector.

Safety valves must never be over-loaded and spring valve should have ferrules or other provisions against the valves being screwed down too far. In case of an accident resulting from willful overloading culprit might be held criminally responsible at the official inquiry or inquest.

Low water safety valves.—If there is low water safety valves, test it occasionally by lowering the water level to see that valve begins to blow at the right point. It should give warning “before” the water level has sunk

too low and before damage can be done when the boiler is open, examine the floats and lever and see that they are free and that they give the valve the full rise. With the ordinary type of high steam and low water safety valve the float should be down at its lowest position and the valve full open when the boiler is empty.

The water gauge.—These will be kept in best order by frequently blowing through. The cocks are thus kept in good working condition without leaking. Blow through the drain cock at the bottom of the gauge and shut and open the steam and water cocks every few hours. These cocks should be blown through more frequently when the water is dirty. Should either of the passage become choked, or whenever the water in the gauge glass moves sluggishly, the passage must be cleaned. This is best done with a wire. The gauge glass is so arranged that its top cock connects with the steam space and its bottom cock is below the water line. The water line will ordinarily be near the middle of the glass tube. Always test the glass water gauges thoroughly the first thing in the morning and at the commencement of every shift. This is done by first opening rain cock and then shutting the upper cock which should give water; the upper cock should then be opened and the bottom cock closed which should give steam, during this test the drain cock should be kept open.

If water and steam do not appear in proper order, the cocks are choked and the passage should be cleaned. To lessen the risk of breaking the gauge glass, the water cock should always be re-opened after the steam cock. Gauge glasses with a narrow white strip running the whole length of the glass on the side next the boiler are recommended as they show the water line more clearly specially when the water is dirty.

The boiler regulations framed by the Board require every water gauge glass to be fitted with, a guard to prevent injury to the attendants. See that it is always in place and clean when there is steam in the boiler.

Special Note.—It does not follow that there is plenty of water in the boiler because there is plenty of water in the gauge glass. The passages may be choked and empty gauge glasses are sometimes mistaken for full ones and explosions have resulted there from. Hence the importance of keeping the gauge, cocks perfectly tight and clean and of blowing through the test cocks frequently.

A large number of accidents have been due to inoperative water gauges and to negligence of the attendants is not carefully reading the water level.

The blow-off cock.—The blow-off should be used daily if the water is at all dirty or sedimentary, especially with Locomotive type and Vertical Boilers as their narrow water spaces are liable to get choked with mud, which soon hardens into a solid mass. The amount of water to be blown out depends on the size of the boiler and can be determined only from experience. When blowing out the best result is obtained if the water has been at rest for some time (say before the engine is started) thus giving the sediment time to settle, if the feed waters cleaned merely turn the cock round.

The scum cock.—When scum cocks are fitted, if the feed water is dirty, a little should be blown off daily; if the water is clean, merely turn the cock round. Before opening the scum cock, see that the water is at the height indicated by the water level pointer; otherwise the scumming will be ineffective. Water should be blown from the surface through the scum cock when steam is being drawn off, i.e. when the engine or other machinery is working.

Manhole and other door joints.—When making such joints the jointing materials should never be of round sectioned packing. Care must be taken that the spigot of the door is centrally placed in the hole, as many accidents have resulted from packing being blown out between the spigot and side of hole, even when the clearance was only 3 mm. The nuts must be carefully and evenly tightened. Further tightening should be made during the process of heating up the boiler when raising steam.

Steam-pipes.—When properly arranged should give no trouble. Frequently however, they are so designed as to contain pickets, in which, while out of use condensed steam accumulates. Such water is exceedingly, dangerous and great care should be taken to see that the pipes are properly drained before the stop-valve is opened otherwise “water hammer” will take place even with the best designed steam pipes, and disastrous explosions causing loss of life and property may occur.

Scale and grease.—Roughly speaking, scale offers a hundred times as much resistance to the passage of heat as does a similar thickness of the steel or iron. A 12 mm furnace plate covered with 2 mm. scale is as efficient a heat retarder as steel furnace 250 mm thick. Grease is about ten times worse than scale. In a boiler at work the temperature of a clean furnace plate is only slightly in excess of that of the water in the boiler; but if scale or grease is interposed between the water and the plate, the latter acquires a temperature more nearly approximately that of the flame with which it is

in contact. If the fire is fierce (artificial draught) the furnace tube may grow so hot that it elongates considerably. If in addition, cold air is admitted during each firing, a concerting action of the furnace takes place, which is one of the worst causes of boiler wear and tear.

Wear and Tear can be reduced and the life of a boiler prolonged if scale and grease are prevented from accumulating in a boiler. The combined effects of scale or grease and artificial draught are disastrous. Scale or grease also causes waste of fuel.

Grease.—A mixture of sedimentary water, soda and grease produces an adhesive scum, where this is suspected the water level should never be lowered below the furnace top unless the boiler is afterwards entered and this scum cleaned off the furnace plate before the firing again.

Scale removal.—The customary method is not a satisfactory one. The boiler is emptied and then cooled down by opening all the manholes, and the result is that the scale which would otherwise be soft, hardens through contact with the air and requires laborious chipping off.

A very effective, but slower method is to retain the water in the boiler until cool, and not to run it out until the men are ready to enter the boiler with water house brushers and scrapers. The scale will then be soft and easily removable.

If time is a consideration, the cooling can be accelerated by adding cold feed to the hot water in the boiler and slowly running off the cold water. Another method is to blow off the boiler with the lowest possible pressure (not more than 1 Kilogram per sq. cm.) and to keep it closed until cold. The scale will then be easily removed.

Treatment of feed water.—Many feed waters require soda or other chemicals to arrest corrosion or to change the nature of the scale.

There is no harmless chemical which will remove scale or sediment when it has once got into the boiler and the only effective process is to purify the feed water before it enters the boiler. By this means, the sediment, and generally too, the added chemical, can be deposited in tanks or in filters, and therefore never goes into the boiler, excepting when the water obtainable is very good, water-purifying apparatus ought to pay any boiler-owners, particularly at those works where three or more boilers are in constant work. Boiler owners wishing to have definite advice as to the best treatment

of their feed water should have it analyzed at some chemical laboratory and ascertain the best treatment in the particular circumstances.

Special attention is drawn to the not in frequent but very bad practice of allowing the waste steam from the Engine Cylinders or Pumps to be drained into the Boiler Fed Water Tanks. The waste steam from cylinders is always mixed with a certain amount of oily matter which will be deposited in the feed water tanks and ultimately be pumped into the boiler, with possible disastrous results, as it will be obvious to every careful boiler attendant that should the oil be deposited on the furnace crowns, they may become overheated and collapse.

It should be the first care of the boiler-owner, and the Boiler Attendant to see that the feed water is kept as pure as possible. Impure feed water means additional expense on the upkeep of the boiler.

Preservation of boilers when not in use.—Steam boilers when not in use are liable to deterioration from corrosion and unless well cared for and made rust-proof; they may depreciate more rapidly than when in use. They should be thoroughly drained and thoroughly dried and all valves, cocks and openings closed so as to exclude moisture. Another plan is to fill the boiler with water to which about 1/100 per cent caustic soda has been added.

Special instructions for Boiler.—Boiler should be opened up and thoroughly cleaned after a period of work which should not exceed (as indicated in certificate). A record of such clearings should be maintained and produced, when required by the Inspector.

FORM-D

INSPECTORATE OF BOILERS, JAMMU AND KASHMIR

Schedule of Stage Examination of Boilers or Scantlings under Construction

[Rule 17(b) (ii)]

Maker's Name.....

Maker's No. of Boiler/Scantling

Type of Boiler/Scantling

Description of Boiler/Scantling including Heating Surface or Dimensions
.....

Drawing No

Dates of Visit by Competent Person.
.....

Name of Competent Person.
.....

Stage of Inspection (See Appendix J of the Regulations).
.....

Remarks.
.....

Boiler/Scantling finally stamped onForm II and III
signed on

Competent Person

Date

Copy forwarded to : Inspecting Authority.

FORM-E

INSPECTORATE OF BOILERS, JAMMU AND KASHMIR

Examination Report on Materials or Boilers and Scantlings under Construction

[Rule 17(b)(iv)]

Report No.....

Description of Boilers, Scantlings or Materials.....

Maker's Name, Maker's No

Drawing No

Date of Examination

Description of Examination and/or Test.

Remarks.

Competent Person

Date

Copy forwarded to : Inspecting Authority.

FORM-F
INSPECTORATE OF BOILERS, JAMMU AND KASHMIR
Report on Mechanical Tests

[Rule 41 (d)]

Description of Material Tested at

Description of Part to which the Material relates

Date of Test.....Identification of Mark.....Test Report No

Dimensions of Test pieces	Temp. of Test °C	Tensile			Bend			Izod Section
		Dia. of section	Gauge Length	Area	Section	Dia. of former	Cold or Temper	
1	2	3	4	5	6	7	8	9

Cast No.	Plate No.	Tensile Test kg/cm ²		Elong. %age	Reduction of Area	Hardness & Type of Test kg/cm ²	Remarks
		Yield.	Ultimate.				
1	2	3	4	5	6	7	8

Specified Requirements

Cast No.	Plate No.	Test No.	Forward or Reverse Bend	Angle through which bend and if fractured	Elongation	%age	Remarks
1	2	3	4	5	6	7	8

Condition of Material :—

Hardened °C

Micro and Macro Results

Normalized °C

Tempered °C

ANALYSIS		C.	Si.	Mn.	S.	P.	Cr.	Mo.
Cast or brand	1	2	3	4	5	6	7	8

Remarks

Competent Person.

Inspecting Authority.

Copy forwarded to : Inspecting Authority.

FORM-G

INSPECTORATE OF BOILERS, JAMMU AND KASHMIR

Report on Radiographic Examination of Welds

[Rule 41 (g)]

Report No..... Date.....

Maker's Name..... Maker's No.....

Details of Part under Examination.

Type of Weld..... Weld preparation.....

Radiographic Equipment..... Film.....

Duration of ExposureSetting.....Screens.....

Identification.....

Examination Results :

Rectifications, if any :

Remarks.

Competent Person
(Radiology and Testing)

Approved by

Inspecting Authority

Copy forwarded to : Inspecting Authority

FORM-H

INSPECTORATE OF BOILERS, JAMMU AND KASHMIR

Application For Welder's Qualification Tests

[Rule 43 (16)]

Dear Sir,

I am applying for test as a Qualified Welder and submit below the details as required. Testimonials of my experience supported by my employers together with one copy of each are sent herewith.

Yours faithfully,

(Applicant)

1. Full name of applicant.....
2. Father's name
3. Date of birth.....
4. Nationality.....
5. Permanent address.....
6. Details of applicant's service as welder.....
(Full details together with exact period for which the candidate was employed and capacity in which employed must be given. Each such statement must be supported by applicant's employer or employers).
7. Name of workshop where the candidate wishes to be Examined.....
8. Details of previous tests at which candidate has appeared and failed
- (Candidate must state name of Testing Authority before whom he/she appeared and on which count he/she was declared failed).

I desire to be tested in the Electric Arc/Oxy-Acetylene process of Welding on Plate/Pipe/Tube (mild steel/alloy steel).

Date.....

Signature of Applicant

Note :—

- i. Every application must be accompanied with the requisite fee paid through treasury chalan or online payment gateway.
- ii. Two copies of recent passport sized photographs of the applicant must accompany the application with applicant's signature or thumb impression on the back thereof.
- iii. Incomplete applications are liable to be rejected.
- iv. The fee does not include any charges for the supply of materials for the test pieces.
- v. Further in exercise of the powers conferred under section 31 of The Boilers Act, 1923, the aforementioned rules are hereby published in official Gazette for inviting objections/suggestions from the persons likely to be affected thereby on or before the expiry of a period of 45 days from the date of its publication which shall reach the office of Commissioner Secretary to Government, Labour and Employment Department, Civil Secretariat, Jammu.

Objections or suggestions received after the cut of date shall not be entertained.

(Sd.) SAURABH BHAGAT, IAS,

Commissioner/Secretary to Government,
Labour and Employment Department.

EXTRAORDINARY

REGD. NO. JKô 33



THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 132] Jammu, Fri., the 9th Aug., 2019/18th Srav., 1941. [No. 19-5

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.

ô ô ô ó

**MINISTRY OF LAW AND JUSTICE
(Legislative Department)**

New Delhi, the 9th August, 2019/Shravana 18, 1941 (Saka.)

The following Act of Parliament received the assent of the President on the 9th August, 2019, and is hereby published for general information :ô

THE MOTOR VEHICLES (AMENDMENT) ACT, 2019

(No. 32 of 2019)

[9th August, 2019.]

An Act further to amend the Motor Vehicles Act, 1988.

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

CHAPTER I

Preliminary

1. *Short title and commencement.*ô (1) This Act may be called the Motor Vehicles (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. *Amendment of section 2.*—In the Motor Vehicles Act, 1988 (59 of 1988) (hereinafter referred to as the principal Act), in section 2,ô

(i) for clause (1), the following clauses shall be substituted, namely :ô

=(1) ðadapted vehicleö means a motor vehicle either specially designed and constructed, or to which alterations have been made under sub-section (2) of section 52, for the use of a person suffering from any physical defect or disability, and used solely by or for such person ;

(1A) ðaggregatorö means a digital intermediary or market place for a passenger to connect with a driver for the purpose of transportation ;

(1B) ðareaö, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification in the Official Gazette ;ø ;

(ii) after clause (4), the following clause shall be inserted, namely :ô

=(4A) ðcommunity serviceö means an unpaid work which a person is required to perform as a punishment for an offence committed under this Act ;ø ;

- (ii) in sub-section (3), for the second proviso, the following proviso shall be substituted, namely :ô

ôProvided further that a driving licence for driving an adapted vehicle may be issued to the applicant, if the licensing authority is satisfied that he is fit to drive such motor vehicle.ö ;

- (iii) in sub-section (4), the words ôsuch minimum educational qualification as may be prescribed by the Central Government andö shall be omitted ;

- (iv) in sub-section (5), in the proviso, after the words ôlast such testö, the words and figures ôand such applicant shall be required to complete a remedial driver training course from any school or establishment under section 12ö shall be inserted.

6. *Amendment of section 10.*—In section 10 of the principal Act, in sub-section (2), in clause (c), for the words ôinvalid carriageö, the words ôadapted vehicleö shall be substituted.

7. *Amendment of section 11.*—In section 11 of the principal Act,ô

- (i) in sub-section (1), for the words ôthe licensing authority having jurisdiction in the areaö, the words ôany licensing authority in the Stateö shall be substituted ;

- (ii) in sub-section (2), the following proviso shall be inserted, namely :ô

ôProvided that the licensing authority may, before issuing the license verify the identity of the applicant in such manner as may be prescribed by the Central Government.ö.

8. *Amendment of section 12.*—In section 12 of the principal Act, after sub-section (4), the following sub-sections shall be inserted, namely :ô

ô(5) Notwithstanding anything contained in any other provision, where any school or establishment has been accredited by a body notified by the Central Government under any other law for the time being in force, any person who has successfully

renewal thereof, be effective until the date on which
such person attains the age of sixty years ; or

(iv) has attained the age of fifty-five years on the date of
issue or as the case may be, renewal thereof, be
effective for a period of five years from the date of
such issue or renewal.ö ;

(iii) the proviso shall be omitted.

10. *Amendment of section 15.*—In section 15 of the principal
Act,ô

(i) in sub-section (1), in the first proviso, for the words ðmore
than thirty daysö, the words ðeither one year prior to date
of its expiry or within one yearö shall be substituted ;

(ii) in sub-section (3), for the words ðthirty daysö, the words
ðone yearö shall be substituted ; and

(iii) in sub-section (4),ô

(a) for the words ðthirty daysö, the words ðone yearö
shall be substituted ; and

\ (b) in the second proviso for the words ðfive years after
the driving license has ceased to be effective, the
licensing authority mayö, the words ðone year after
the driving licence has ceased to be effective, the
licensing authority shallö shall be substituted.

11. *Amendment of section 19.*—In section 19 of the principal
Act,ô

(i) after sub-section (1), the following sub-section shall be
inserted, namely :ô

ð(1A) Where a licence has been forwarded to the licensing
authority under sub-section (4) of section 206, the licensing
authority, if satisfied after giving the holder of the driving
licence an opportunity of being heard, may either discharge
the holder of a driving licence or, it may for detailed reasons
recorded in writing, make an order disqualifying such
person from holding or obtaining any licence to drive all

or any class or description of vehicles specified in the licenceô

- (a) for a first offence, for a period of three months ;
- (b) for a second or subsequent offence, with revocation of the driving licence of such person :

Provided that where a driving licence is revoked under this section, the name of the holder of such driving licence may be placed in the public domain in such manner as may be prescribed by the Central Government.ö ;

(ii) in sub-section (2),ôô

- (a) after the word, brackets and figure ôsub-section (1)ö, the words, brackets, figure and letter ôor sub-section (1A)ö shall be inserted ;
- (b) for the proviso, the following proviso shall be substituted, namely :ô

ôProvided that the driving licence shall be returned to the holder at the end of the period of disqualification only if he successfully completes the driver refresher training course.ö ;

(iii) after sub-section (2), the following sub-sections shall be inserted, namely :ô

ô(2A) The licence holder whose licence has been suspended shall undergo the driver refresher training course from a school or establishment licenced and regulated under section 12 or such other agency, as may be notified by the Central Government.

(2B) The nature, syllabus and duration of the driver refresher training course shall be such as may be prescribed by the Central Government.ö ;

(iv) in sub-section (3), after the word, brackets and figure ôsub-section (1)ö, the words, brackets, figure and letter ôor sub-section (1A)ö shall be inserted.

(f) such other particulars as the Central Government may prescribe.

14. *Amendment of section 27.* In section 27 of the principal Act,

(i) after clause (d), the following clauses shall be inserted, namely :

(da) the form and manner in which a licensing authority may issue a learner's licence under sub-section (6) of section 8 ;

(db) the manner in which a licensing authority may verify the identity of the applicant under the third proviso to sub-section (6) of section 8 ;

(ii) after clause (j), the following clauses shall be inserted, namely :

(ja) the curriculum of training modules and the regulation of schools and establishments under sub-section (6) of section 12 ;

(jb) the conditions for the renewal of licence to drive transport vehicles carrying goods of dangerous or hazardous nature and other motor vehicles under clause (a) and clause (b) of sub-section (2) of section 14 ;

(jc) the manner in which a licensing authority may verify the identity of the applicant under the third proviso to sub-section (2) of section 11 ;

(iii) after clause (n), the following clauses shall be inserted, namely :

(na) the manner of placing in the public domain of the name of the licence holder as referred to in sub-section (1A) of section 19 ;

(nb) providing for the nature, syllabus and duration of the driver refresher training course as referred to in sub-section (2B) of section 19 ;

(iv) after clause (o), the following clause shall be inserted, namely :

“(oa) all or any of the matters referred to in section 25A ;

(v) in clause (p), the words, brackets and figure “sub-section (1)” shall be omitted.

15. *Amendment of section 28.* In section 28 of the principal Act, in sub-section (2), clause (j) shall be omitted.

16. *Amendment of section 40.* In section 40 of the principal Act, for the words “a registering authority”, the words “any registering authority in the State” shall be substituted.

17. *Amendment of section 41.* In section 41 of the principal Act,

(i) in sub-section (1), after the proviso, the following proviso shall be inserted, namely :

“Provided further that in the case of a new motor vehicle, the application for registration in the State shall be made by the dealer of such motor vehicle, if the new motor vehicle is being registered in the same State in which the dealer is situated.”

(ii) in sub-section (3),

(a) for the words “to the owner of a motor vehicle registered by it a certificate of registration”, the words “a certificate of registration in the name of the owner” shall be substituted ;

(iii) in sub-section (6), the following proviso shall be inserted, namely :

“Provided that in case of a new motor vehicle, the application for the registration of which is made under the second proviso to sub-section (1), such motor vehicle shall not be delivered to the owner until such registration mark is displayed on the motor vehicle in such form and manner as may prescribed by the Central Government.”

(iv) after sub-section (5), the following sub-sections shall be inserted, namely :ô

õ(6) All transport vehicles with a valid certificate of fitness issued under this section shall carry, on their bodies, in a clear and visible manner such distinguishing mark as may be prescribed by the Central Government.

(7) Subject to such conditions as the Central Government may prescribe, the provisions of this section may be extended to non-transport vehicles.ö.

24. *Amendment of section 59.*—In section 59 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :ô

õ(4) The Central Government may, having regard to the public safety, convenience, protection of the environment and the objects of this Act, make rules prescribing the manner of recycling of motor vehicles and parts thereof which have exceeded their life.ö.

25. *Insertion of new sections 62A and 62B.*—After section 62 in the principal Act, the following sections shall be inserted, namely :ô

õ62A. *Prohibition of registration and issuance of certificate of fitness to oversized vehicles.*—(1) No registering authority shall register any motor vehicle that contravenes any rule made under clause (a) of sub-section (1) of section 110.

(2) No prescribed authority or authorised testing station shall issue a certificate of fitness under section 56 to any motor vehicle that contravenes any rule made under section 110.

62B. *National Register of Motor Vehicles.*—(1) The Central Government shall maintain a National Register of Motor Vehicles in such form and manner as may be prescribed by it :

Provided that all State Registers of Motor Vehicles shall be subsumed under the National Register of Motor Vehicles by such date as may be notified in the Official Gazette by the Central Government.

(2) No certificate of registration issued, or renewed, under this Act shall be valid unless it has been issued a unique registration number under the National Register of Motor Vehicles.

(3) In order to maintain the National Register of Motor Vehicles, all State Governments and registering authorities under this Act shall transmit all information and data in the State Register of Motor Vehicles to the Central Government in such form and manner as may be prescribed by the Central Government.

(4) State Governments shall be able to access the National Register of Motor Vehicles and update records in accordance with the provisions of this Act and the rules made by the Central Government thereunder.ö.

26. *Substitution of new section for section 63.*—For section 63 of the principal Act, the following section shall be substituted, namely :ô

ô63. *Maintenance of State Registers of motor vehicles.*—Each State Government shall maintain in such form as may be prescribed by the Central Government a register to be known as the State Register of Motor Vehicles, in respect of the motor vehicles in that State, containing the particulars includingô

- (a) registration numbers ;
- (b) years of manufacture ;
- (c) classes and types ;
- (d) names and addresses of registered owners ; and
- (e) such other particulars as may be prescribed by the Central Government.ö.

27. *Amendment of section 64.*—In section 64 of the principal Act,ô

(i) after clause (d), the following clause shall be inserted, namely :ô

ô(da) providing for the period of validity of a certificate of registration under sub-section (7) of section 41 ;ö ;

(ii) after clause (e), the following clause shall be inserted, namely :ô

õ(ea) the period of renewal of certificate of registration of different types of motor vehicles under sub-section (10) of section 41 ;ö ;

(iii) after clause (f), the following clauses shall be inserted, namely :ô

õ(fa) the issue of temporary certificate of registration and temporary registration mark under section 43 ;

(fb) the terms and conditions under which a motor vehicle sold by an authorised dealer shall not require production before a registering authority under sub-section (1) of section 44 ;ö ;

(iv) after clause (j), the following clause shall be inserted, namely :ô

õ(ja) the form and manner for the electronic submission of the intimation of change of address, documents to be submitted along with such intimation including proof of authentication under sub-section (1A) of section 49 ;ö ;

(v) after clause (l), the following clauses shall be inserted, namely :ô

õ(la) specifications, conditions for approval, retrofitment and other related matters for the alteration of motor vehicles under sub-section (1) of section 52 ;

(lb) the conditions for the alteration of any motor vehicle into an adapted vehicle under sub-section (2) of section 52 ;ö ;

(vi) after clause (n), the following clauses shall be inserted, namely :ô

õ(na) the distinguishing mark to be carried on the body of transport vehicles under sub-section (6) of section 56 ;

(nb) the conditions under which the application of section 56 may be extended to non-transport vehicles under sub-section (7) of section 56 ;\

(nc) the recycling of motor vehicles and parts thereof which have exceeded their life under sub-section (4) of section 59 ;ö ;

(vii) after clause (o), the following clauses shall be inserted, namely :ô

õ(oa) all or any of the matters under sub-section (1) of section 62B ;

(ob) all or any of the matters under sub-section (1) and sub-section (2) of section 63 ;ö.

28. *Amendment of section 65.*—In section 65 of the principal Act, in sub-section (2),ô

(i) in clause (f), after the word õmarksö, the words and figures õunder the proviso to section 43ö shall be inserted ;

(ii) clause (o) shall be omitted.

29. *Amendment of section 66.*—In section 66 of the principal Act,óó

(i) in sub-section (1), after the third proviso, the following proviso shall be inserted, namely :ô

õProvided also that where a transport vehicle has been issued any permit or permits, as well as a licence under this Act, such vehicle may be used either under the permit, or permits, so issued to it, or under such licence, at the discretion of the vehicle owner.ö ;

(ii) in sub-section (3), after clause (p), the following clause shall be inserted, namely :ô

õ(q) to any transport vehicle having been issued a licence under a scheme, under sub-section (3) of section 67 or sub-section (1) of section 88A, or plying under such orders

37. *Amendment of section 94.*—In section 94 of the principal Act, after the word ‘permit’ occurring at both the places the words ‘or licence issued under any scheme’ shall be inserted.

38. *Amendment of section 96.*—In section 96 of the principal Act, in sub-section (2), after clause (xxxii), the following clauses shall be inserted, namely :—

‘(xxxia) framing of schemes under sub-section (3) of section 67 ;

(xxxib) the promotion of effective competition, passenger convenience and safety, competitive fares and prevention of overcrowding ;’.

39. *Amendment of section 110.*—In section 110 of the principal Act,—

(i) in sub-section (1), in clause (k), after the words ‘standards of the components’, the words ‘, including software,’ shall be inserted ;

(ii) in sub-section (2), after the words ‘in particular circumstances’, the words ‘and such rules may lay down the procedure for investigation, the officers empowered to conduct such investigations, the procedure for hearing of such matters and the penalties to be levied thereunder’ shall be inserted ;

(iii) after sub-section (2), the following sub-section shall be inserted, namely :—

‘(2A) Persons empowered under sub-section (2) to conduct investigations referred to in sub-section (2) shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of any document ;

complies with the standards specified under this Act or repair it ; and

(c) pay such fines and other dues in accordance with sub-section (6).

(4) Where a manufacturer notices a defect in a motor vehicle manufactured by him, he shall inform the Central Government of the defect and initiate recall proceedings and in such case the manufacturer shall not be liable to pay fine under sub-section (3).

(5) The Central Government may authorise any officer to conduct investigation under this section who shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely :ô

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of any document ;

(c) receiving evidence on affidavit ; and

(d) any other matter as may be prescribed.

(6) The Central Government may make rules for regulating the recall of motor vehicles, of a particular type or its variants, for any defect which in the opinion of the Central Government, may cause harm to the environment or to the driver or occupants of such motor vehicle or to other road users.

110B. *Type-approval certificate and testing agencies.*—(1) No motor vehicle, including a trailer or semi-trailer or modular hydraulic trailer or side car shall be sold or delivered or offered for sale or delivery or used in a public place in India unless a type-approval certificate referred to in sub-section (2) has been issued in respect of such vehicle :

Provided that the Central Government may, by notification in the Official Gazette, extend the requirement of type-approval

42. *Amendment of section 116.*—In section 116 of the principal Act,ô

(i) after sub-section (1), the following sub-section shall be inserted, namely :ô

ô(1A) Notwithstanding anything contained in sub-section (1), the National Highways Authority of India constituted under the National Highways Authority of India Act, 1988 (68 of 1988) or any other agency authorised by the Central Government, may cause or permit traffic signs, as provided in the First Schedule, to be placed or erected or removed on national highways for the purpose of regulating motor vehicle traffic and may order the removal of any sign or advertisement which in its opinion is so placed as to obscure any traffic sign from view or is so similar in appearance to a traffic sign as to mislead or is likely to distract the attention or concentration of the driver :

Provided that for the purposes of this sub-section, the National Highway Authority of India or any other agency authorised by the Central Government may seek assistance from the authorities of the State Government and the said State Government shall provide such assistance.ö ;

(ii) in sub-section (3), after the words, brackets and figure ôprovided by sub-section (1)ö, the words, brackets, figure and letter ôor sub-section (1A)ö shall be inserted.

43. *Amendment of section 117.*—In section 117 of the principal Act, the following provisos shall be inserted, namely :ô

ôProvided that the State Government or the authorised authority shall, give primacy to the safety of road users and the free flow of traffic in determining such places :

Provided further that for the purpose of this section the National Highways Authority of India, constituted under the National Highways Authority of India Act, 1988 (68 of 1988) or any other agency authorised by the Central Government, may also determine such places.ö.

Explanation.—For the purposes of this section, “Good Samaritan” means a person, who in good faith, voluntarily and without expectation of any reward or compensation renders emergency medical or non-medical care or assistance at the scene of an accident to the victim or transports such victim to the hospital.”.

46. *Amendment of section 135.*—In section 135 of the principal Act,ô

(i) in sub-section (1),ô

(a) in clause (c), the word “and” shall be omitted ;

(b) in clause (d), for the word “highways”, the words “highways ; and” shall be substituted ; and

(ii) after clause (d), the following clause shall be inserted, namely :ô

“(e) any other amenities in the interests of the safety and the convenience of the public.” ;

(iii) after sub-section (2), the following sub-section shall be inserted, namely :ô

“(3) The Central Government may, by notification in the Official Gazette, make one or more schemes to conduct in-depth studies on the causes and analysis of road accidents.”.

47. *Insertion of new section 136A.*—After section 136 of the principal Act, the following section shall be inserted, namely :ô

“136A. *Electronic monitoring and enforcement of road safety.*—(1) The State Government shall ensure electronic monitoring and enforcement of road safety in the manner provided under sub-section (2) on national highways, state highways, roads or in any urban city within a State which has a population up to such limits as may be prescribed by the Central Government.

34 The J&K Official Gazette, 9th Aug., 2019/18th Srav., 1941. [No. 19-5
ooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooô ô ô ô ô

50. *Omission of Chapter X.*—Chapter X in the principal Act shall be omitted.

51. *Substitution of new Chapter XI for Chapter X.*—For Chapter XI of the principal Act, the following Chapter shall be substituted, namely :ô

=CHAPTER XI

Insurance of Motor Vehicles Against Third Party Risks

145. *Definitions.*—In this Chapter,ô

- (a) ôauthorised insurerö means an insurer for the time being carrying on general insurance business in India and granted a certificate of registration by the Insurance Regulatory and Development Authority of India established under section 3 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999) and any Government insurance fund authorised to do general insurance business under the General Insurance Business (Nationalisation) Act, 1972 (57 of 1972) ;
- (b) ôcertificate of insuranceö means a certificate issued by an authorised insurer in pursuance of section 147 and includes a cover note complying with such requirements as may be prescribed, and where more than one certificate has been issued in connection with a policy, or where a copy of a certificate has been issued, all those certificates or that copy, as the case may be ;
- (c) ôgrievous hurtö shall have the same meaning as assigned to it in section 320 of the Indian Penal Code (45 of 1860) ;
- (d) ôhit and run motor accidentö means an accident arising out of the use of a motor vehicle or motor vehicles the identity whereof cannot be ascertained in spite of reasonable efforts for the purpose ;
- (e) ôInsurance Regulatory and Development Authorityö means the Insurance Regulatory and Development Authority established under section 3 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999) ;

- (f) ôpolicy of insuranceö includes certificate of insurance ;
- (g) ôpropertyö includes roads, bridges, culverts, causeways, trees, posts, milestones and baggage of passengers and goods carried in any motor vehicle ;
- (h) ôreciprocating countryö means any such country as may on the basis of reciprocity be notified by the Central Government in the Official Gazette to be a reciprocating country for the purposes of this Act ;
- (i) ôthird partyö includes the Government, the driver and any other co-worker on a transport vehicle.

146. *Necessity for insurance against third party risks.*—(1) No person shall use, except as a passenger, or cause or allow any other person to use, a motor vehicle in a public place, unless there is in force, in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with the requirements of this Chapter :

Provided that in the case of a vehicle carrying, or meant to carry, dangerous or hazardous goods, there shall also be a policy of insurance under the Public Liability Insurance Act, 1991 (6 of 1991).

Explanation.—For the purposes of this sub-section, a person driving a motor vehicle merely as a paid employee, while there is in relation to the use of the vehicle no such policy in force as is required by this sub-section, shall not be deemed to act in contravention of the sub-section unless he knows or has reason to believe that there is no such policy in force.

(2) The provisions of sub-section (1) shall not apply to any vehicle owned by the Central Government or a State Government and used for purposes not connected with any commercial enterprise.

(3) The appropriate Government may, by order, exempt from the operation of sub-section (1), any vehicle owned by any of the following authorities, namely :ô

- (a) the Central Government or a State Government, if the vehicle is used for purposes connected with any commercial enterprise ;

(b) any local authority ;

(c) any State Transport Undertaking :

Provided that no such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in such manner as may be prescribed by appropriate Government.

Explanation.—For the purposes of this sub-section, “appropriate Government” means the Central Government or a State Government, as the case may be, and

(i) in relation to any corporation or company owned by the Central Government or any State Government, means the Central Government or that State Government ;

(ii) in relation to any corporation or company owned by the Central Government and one or more State Governments, means the Central Government ;

(iii) in relation to any other State Transport Undertaking or any local authority, means that Government which has control over that undertaking or authority.

147. *Requirement of policies and limits of liability.*—(1) In order to comply with the requirements of this Chapter, a policy of insurance must be a policy which

(a) is issued by a person who is an authorised insurer ; and

(b) insures the person or classes of persons specified in the policy to the extent specified in sub-section (2)

(i) against any liability which may be incurred by him in respect of the death of or bodily injury to any person including owner of the goods or his authorised representative carried in the motor vehicle or damage to any property of a third party caused by or arising out of the use of the motor vehicle in a public place ;

(ii) against the death of or bodily injury to any passenger of a transport vehicle, except gratuitous passengers of a goods

vehicle, caused by or arising out of the use of the motor vehicle in a public place.

Explanation.—For the removal of doubts, it is hereby clarified that the death of or bodily injury to any person or damage to any property of a third party shall be deemed to have been caused by or to have arisen out of, the use of a vehicle in a public place, notwithstanding that the person who is dead or injured or the property which is damaged was not in a public place at the time of the accident, if the act or omission which led to the accident occurred in a public place.

(2) Notwithstanding anything contained under any other law for the time being in force, for the purposes of third party insurance related to either death of a person or grievous hurt to a person, the Central Government shall prescribe a base premium and the liability of an insurer in relation to such premium for an insurance policy under sub-section (1) in consultation with the Insurance Regulatory and Development Authority.

(3) A policy shall be of no effect for the purposes of this Chapter unless and until there is issued by the insurer in favour of the person by whom the policy is effected, a certificate of insurance in the prescribed form and containing the prescribed particulars of any condition subject to which the policy is issued and of any other prescribed matters ; and different forms, particulars and matters may be prescribed in different cases.

(4) Notwithstanding anything contained in this Act, a policy of Insurance issued before the commencement of the Motor Vehicles (Amendment) Act, 2019 shall be continued on the existing terms under the contract and the provisions of this Act shall apply as if this Act had not been amended by the said Act.

(5) Where a cover note issued by the insurer under the provisions of this Chapter or the rules or regulations made thereunder is not followed by a policy of insurance within the specified time, the insurer shall, within seven days of the expiry of the period of the validity of the cover note, notify the fact to the registering authority or to such other authority as the State Government may prescribe.

(6) Notwithstanding anything contained in any other law for the time being in force, an insurer issuing a policy of insurance under this section shall be liable to indemnify the person or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of that person or those classes of persons.

148. *Validity of policies of insurance issued in reciprocating countries.*—Where, in pursuance of an arrangement between India and any reciprocating country, the motor vehicle registered in the reciprocating country operates on any route or within any area common to the two countries and there is in force in relation to the use of the vehicle in the reciprocating country, a policy of insurance complying with the requirements of the law of insurance for the time being in force in that country, then, notwithstanding anything contained in section 147 but subject to any rules which may be made under section 164B such policy of insurance shall be effective throughout the route or area in respect of which the arrangement has been made, as if the policy of insurance had complied with the requirements of this Chapter.

149. *Settlement by insurance company and procedure therefor.*—(1) The insurance company shall, upon receiving information of the accident, either from claimant or through accident information report or otherwise, designate an officer to settle the claims relating to such accident.

(2) An officer designated by the insurance company for processing the settlement of claim of compensation may make an offer to the claimant for settlement before the Claims Tribunal giving such details, within thirty days and after following such procedure as may be prescribed by the Central Government.

(3) If, the claimant to whom the offer is made under sub-section (2),ô

(a) accepts such offer,ô

(i) the Claims Tribunal shall make a record of such settlement, and such claim shall be deemed to be settled by consent ; and

(ii) the payment shall be made by the insurance company within a maximum period of thirty days from the date of receipt of such record of settlement ;

- (b) rejects such offer, a date of hearing shall be fixed by the Claims Tribunal to adjudicate such claim on merits.

150. *Duty of insurers to satisfy judgments and awards against persons insured in respect of third party risks.*—(1) If, after a certificate of insurance has been issued under sub-section (3) of section 147 in favour of the person by whom a policy has been effected, judgment or award in respect of any such liability as is required to be covered by a policy under clause (b) of sub-section (1) of section 147 (being a liability covered by the terms of the policy) or under the provisions of section 164 is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the insurer shall, subject to the provisions of this section, pay to the person entitled to the benefit of the award any sum not exceeding the sum assured payable thereunder, as if that person were the decree holder, in respect of the liability, together with any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

(2) No sum shall be payable by an insurer under sub-section (1) in respect of any judgment or award unless, before the commencement of the proceedings in which the judgment or award is given the insurer had notice through the court or, as the case may be, the Claims Tribunal of the bringing of the proceedings, or in respect of such judgment or award so long as its execution is stayed pending an appeal ; and an insurer to whom notice of the bringing of any such proceedings is so given shall be entitled to be made a party thereto, and to defend the action on any of the following grounds, namely :ô

- (a) that there has been a breach of a specified condition of the policy, being one of the following conditions, namely :ôô

(i) a condition excluding the use of the vehicleô

(A) for hire or reward, where the vehicle is on the date of the contract of insurance a vehicle not covered by a permit to ply for hire or reward ; or

(B) for organised racing and speed testing ; or

(C) for a purpose not allowed by the permit under which the vehicle is used, where the vehicle is a transport vehicle ; or

(D) without side-car being attached where the vehicle is a two-wheeled vehicle ; or

(ii) a condition excluding driving by a named person or by any person who is not duly licenced or by any person who has been disqualified for holding or obtaining a driving licence during the period of disqualification or driving under the influence of alcohol or drugs as laid down in section 185 ; or

(iii) a condition excluding liability for injury caused or contributed to by conditions of war, civil war, riot or civil commotion ; or

(b) that the policy is void on the ground that it was obtained by non-disclosure of any material fact or by representation of any fact which was false in some material particular ; or

(c) that there is non-receipt of premium as required under section 64VB of the Insurance Act, 1938 (4 of 1938).

(3) Where any such judgment or award as is referred to in sub-section (1) is obtained from a court in a reciprocating country and in the case of a foreign judgment is, by virtue of the provisions of section 13 of the Code of Civil Procedure, 1908 (5 of 1908) conclusive as to any matter adjudicated upon by it, the insurer (being an insurer registered under the Insurance Act, 1938 (4 of 1938) and whether or not that person is registered under the corresponding law of the reciprocating country) shall be liable to the person entitled to the benefit of the decree in the manner and to the extent specified in sub-section (1), as if the judgment or award were given by a court in India :

Provided that no sum shall be payable by the insurer in respect of any such judgment or award unless, before the commencement of the proceedings in which the judgment or award is given, the insurer had notice through the court concerned of the bringing of the proceedings and the insurer to whom notice is so given is entitled under the corresponding law of the reciprocating country, to be made a party to the proceedings and to defend the action on grounds similar to those specified in sub-section (2).

(4) Where a certificate of insurance has been issued under sub-section (3) of section 147 to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby, by reference to any condition other than those in sub-section (2) shall, as respects such liabilities as are required to be covered by a policy under clause (b) of sub-section (1) of section 147, be of no effect.

(5) No insurer to whom the notice referred to in sub-section (2) or sub-section (3) has been given shall be entitled to avoid his liability to any person entitled to the benefit of any such judgment or award as is referred to in sub-section (1) or in such judgment as is referred to in sub-section (3) otherwise than in the manner provided for in sub-section (2) or in the corresponding law of the reciprocating country, as the case may be.

(6) If on the date of filing of any claim, the claimant is not aware of the insurance company with which the vehicle had been insured, it shall be the duty of the owner of the vehicle to furnish to the tribunal or court the information as to whether the vehicle had been insured on the date of the accident, and if so, the name of the insurance company with which it is insured.

Explanation.—For the purposes of this section, ö

- (a) öawardö means an award made by the Claims Tribunal under section 168 ;
- (b) öClaims Tribunalö means a Claims Tribunal constituted under section 165 ;
- (c) öliability covered by the terms of the policyö means the liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel or has avoided or cancelled the policy ;
and
- (d) ömaterial factö and ömaterial particularö mean, respectively, a fact or particular of such a nature as to influence the judgment of a prudent insurer in determining whether he shall take the risk and, if so, at what premium and on what conditions.

of enforcing such rights, if any, and any such contract of insurance as purports whether directly or indirectly to avoid the contract or to alter the rights of the parties thereunder upon the giving of such information in the events aforesaid, or otherwise to prohibit or prevent the giving thereof in the said events, shall be of no effect.

(3) If, from the information given to any person in pursuance of sub-section (2) or otherwise, he has reasonable ground for supporting that there have or may have been transferred to him under this Chapter rights against any particular insurer, that insurer shall be subject to the same duty as is imposed by the said sub-section on the persons therein mentioned.

(4) The duty to give the information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums, and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

153. *Settlement between insurers and insured persons.*—(1) No settlement made by an insurer in respect of any claim which might be made by a third party in respect of any liability of the nature referred to in clause (b) of sub-section (1) of section 147 shall be valid unless such third party is a party to the settlement.

(2) The Claims Tribunal shall ensure that the settlement is *bona fide* and was not made under undue influence and the compensation is made in accordance with the payment schedule referred to in sub-section (1) of section 164.

(3) Where a person who is insured under a policy issued for the purpose of this Chapter has become insolvent, or where, if such insured person is a company, a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the insured person after the liability has been incurred to a third party and after the commencement of the insolvency or winding-up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured person after the commencement aforesaid, shall be effective to defeat the rights transferred to the third party under this Chapter ; but those rights shall be the same as if no such agreement, waiver, assignment or disposition or payment has been made.

accordance with the provisions of this Chapter, transfers to another person the ownership of the motor vehicle in respect of which such insurance was taken together with the policy of insurance relating thereto, the certificate of insurance and the policy described in the certificate shall be deemed to have been transferred in favour of the person to whom the motor vehicle is transferred with effect from the date of its transfer.

Explanation.—For the removal of doubts, it is hereby clarified that such deemed transfer shall include transfer of rights and liabilities of the said certificate of insurance and policy of insurance.

(2) The transferee shall apply within fourteen days from the date of transfer in the prescribed form to the insurer for making necessary changes in regard to the fact of transfer in the certificate of insurance and the policy described in the certificate in his favour, and the insurer shall make the necessary changes in the certificate and the policy of insurance in regard to the transfer of insurance.

158. *Production of certain certificates, licence and permit in certain cases.*—(1) Any person driving a motor vehicle in any public place shall, on being so required by a police officer in uniform authorised in this behalf by the State Government, produceô

- (a) the certificate of insurance ;
- (b) the certificate of registration ;
- (c) the pollution under control certificate ;
- (d) the driving licence ;
- (e) in the case of a transport vehicle, also the certificate of fitness referred to in section 56, and the permit ; and
- (f) any certificate or authorisation of exemption that has been granted under this Act, relating to the use of the vehicle.

(2) Where, owing to the presence of a motor vehicle in a public place, an accident occurs involving death or bodily injury to another person, if the driver of the vehicle does not at that time produce the required certificate, driving licence and permit referred to in

sub-section (1) to a police officer, he or the owner shall produce the said certificates, licence and permit at the police station at which the driver makes the report required by section 134.

(3) No person shall be liable to conviction for offences under sub-section (1) or sub-section (2) by reason of the failure to produce the required certificate if, within seven days from the date on which its production was required under sub-section (1), or as the case may be, from the date of occurrence of the accident, he produces the certificate at such police station as may have been specified by him to the police officer who required its production or, as the case may be, to the police officer at the site of the accident or to the officer-in-charge of the police station at which he reported the accident :

Provided that except to such extent and with such modifications as may be prescribed, the provisions of this sub-section shall not apply to the driver of a transport vehicle.

(4) The owner of a motor vehicle shall give such information as he may be required by or on behalf of a police officer empowered in this behalf by the State Government for the purpose of determining whether the vehicle was or was not being driven in contravention of section 146 and on any occasion when the driver was required under this section to produce the certificate of insurance.

(5) In this section, the expression "produce the certificate of insurance" means production for examination the relevant certificate of insurance or such other evidence as may be prescribed to prove that the vehicle was not being driven in contravention of section 146.

159. *Information to be given regarding accident.*—The police officer shall, during the investigation, prepare an accident information report to facilitate the settlement of claim in such form and manner, within three months and containing such particulars and submit the same to the Claims Tribunal and such other agency as may be prescribed.

160. *Duty to furnish particulars of vehicle involved in accident.*—A registering authority or the officer-in-charge of a police station shall, if so required by a person who alleges that he is entitled to claim compensation in respect of an accident arising out of the use of a motor vehicle, or if so required by an insurer against whom a claim has been made in respect of any motor vehicle, furnish to that

person or to that insurer, as the case may be, on payment of the prescribed fee, any information at the disposal of the said authority or the said police officer relating to the identification marks and other particulars of the vehicle and the name and address of the person who was using the vehicle at the time of the accident or was injured by it and the property, if any, damaged in such form and within such time as the Central Government may prescribe.

161. *Special provisions as to compensation in case of hit and run motor accident.*—(1) Notwithstanding anything contained in any other law for the time being in force or any instrument having the force of law, the Central Government shall provide for paying in accordance with the provisions of this Act and the scheme made under sub-section (3), compensation in respect of the death of, or grievous hurt to, persons resulting from hit and run motor accidents.

(2) Subject to the provisions of this Act and the scheme made under sub-section (3), there shall be paid as compensation,ô

- (a) in respect of the death of any person resulting from a hit and run motor accident, a fixed sum of two lakh rupees or such higher amount as may be prescribed by the Central Government ;
- (b) in respect of grievous hurt to any person resulting from a hit and run motor accident, a fixed sum of fifty thousand rupees or such higher amount as may be prescribed by the Central Government.

(3) The Central Government may, by notification in the Official Gazette, make a scheme specifying the manner in which the scheme shall be administered by the Central Government or General Insurance Council, the form, manner and the time within which applications for compensation may be made, the officers or authorities to whom such applications may be made, the procedure to be followed by such officers or authorities for considering and passing orders on such applications, and all other matters connected with, or incidental to, the administration of the scheme and the payment of compensation under this section.

(4) A scheme made under sub-section (3) may provide that,ô

- (a) a payment of such sum as may be prescribed by the Central Government as interim relief to any claimant under such scheme ;

for payment of compensation is pending under that section, and such Tribunal, court or other authority shallô

- (a) if compensation has already been paid under section 161, direct the person liable to pay the compensation awarded by it to refund to the insurer, so much thereof as is required to be refunded in accordance with the provisions of sub-section (1) ;
- (b) if an application for payment of compensation is pending under section 161 forward the particulars as to the compensation awarded by it to the insurer.

Explanation.—For the purpose of this sub-section, an application for compensation under section 161 shall be deemed to be pendingô

- (i) if such application has been rejected, till the date of the rejection of the application ; and
- (ii) in any other case, till the date of payment of compensation in pursuance of the application.

164. *Payment of compensation in case of death or grievous hurt, etc.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or grievous hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.

(2) In any claim for compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or grievous hurt in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or of the vehicle concerned or of any other person.

(3) Where, in respect of death or grievous hurt due to an accident arising out of the use of motor vehicle, compensation has been paid under any other law for the time being in force, such amount of

compensation shall be reduced from the amount of compensation payable under this section.

164A. *Scheme for interim relief for claimants.*—(1) The Central Government, may make schemes for the provision of interim relief to claimants praying for compensation under this Chapter.

(2) A scheme made under sub-section (1) shall also provide for procedure to recover funds disbursed under such scheme from the owner of the motor vehicle, where the claim arises out of the use of such motor vehicle or other sources as may be prescribed by the Central Government.

164B. *Motor Vehicle Accident Fund.*—(1) The Central Government shall constitute a Fund to be called the Motor Vehicle Accident Fund and thereto shall be creditedô

- (a) payment of a nature notified and approved by the Central Government ;
- (b) any grant or loan made to the Fund by the Central Government ;
- (c) the balance of the Fund created under scheme framed under section 163, as it stood immediately before the commencement of the Motor Vehicles (Amendment) Act, 2019 ; and
- (d) any other source of income as may be prescribed by the Central Government.

(2) The Fund shall be constituted for the purpose of providing compulsory insurance cover to all road users in the territory of India.

(3) The Fund shall be utilised for the following, namely :ô

- (a) treatment of the persons injured in road accidents in accordance with the scheme framed by the Central Government under section 162 ;
- (b) compensation to representatives of a person who died in hit and run motor accident in accordance with schemes framed under section 161 ;

(c) compensation to a person grievously hurt in a hit and run motor accident in accordance with schemes framed under section 161 ; and

(d) compensation to such persons as may be prescribed by the Central Government.

(4) The maximum liability amount that shall be paid in each case shall be such as may be prescribed by the Central Government.

(5) In all cases specified in clause (a) of sub-section (3), when the claim of such person becomes payable, where amount has been paid out of this Fund to any person, the same amount shall be deductible from the claim received by such person from the insurance company.

(6) The Fund shall be managed by such authority or agency as the Central Government may specify having regard to the following :

(a) knowledge of insurance business of the agency ;

(b) capability of the agency to manage funds ; and

(c) any other criteria as may be prescribed by the Central Government.

(7) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(8) The accounts of the Fund shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him.

(9) The Comptroller and Auditor General of India or any person appointed by him in connection with the audit of the accounts of the Fund under this Act shall have the same rights, privileges and authority in connection with such audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

- (c) the issue of duplicates to replace certificates of insurance lost, destroyed or mutilated ;
- (d) the custody, production, cancellation and surrender of certificates of insurance ;
- (e) the records to be maintained by insurers of policies of insurance issued under this Chapter ;
- (f) the identification by certificates or otherwise of persons or vehicles exempted from the provisions of this Chapter ;
- (g) the furnishing of information respecting policies of insurance by insurers ;
- (h) adopting the provisions of this Chapter to vehicles brought into India by persons making only a temporary stay therein or to vehicles registered in a reciprocating country and operating on any route or within any area in India by applying those provisions with prescribed modifications ;
- (i) the requirements which a certificate of insurance is required to comply with as referred to in clause (b) of section 145 ;
- (j) administration of the Fund established under sub-section (3) of section 146 ;
- (k) the minimum premium and the maximum liability of an insurer under sub-section (2) of section 147 ;
- (l) the conditions subject to which an insurance policy shall be issued and other matters related thereto as referred to in sub-section (3) of section 147 ;
- (m) the details of settlement, the time limit for such settlement and the procedure thereof under sub-section (2) of section 149 ;
- (n) the extent of exemptions and the modifications under the proviso to sub-section (3) of section 158 ;
- (o) the other evidence under sub-section (5) of section 158 ;

- (p) such other agency to which the accident information report as referred to in section 159 may be submitted ;
- (q) the time limit and fee for furnishing information under section 160 ;
- (r) the higher amount of compensation in respect of death under clause (a) of sub-section (2) of section 161 ;
- (s) a sum to be paid as interim relief as referred to in clause (a) of sub-section (4) of section 161 ;
- (t) the procedure for payment of compensation under sub-section (1) of section 164 ;
- (u) such other sources from which funds may be recovered for the scheme as referred to in sub-section (2) of section 164A ;
- (v) any other source of income that may be credited into the Motor Vehicle Accident Fund under sub-section (1) of section 164B ;
- (w) the persons to whom compensation may be paid under clause (d) of sub-section (3) of section 164B ;
- (x) the maximum liability amount under sub-section (4) of section 164B ;
- (y) the other criteria under clause (c) of sub-section (6) of section 164B ;
- (z) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by rules.

164D. *Power of State Government to make rules.*—(1) The State Government may make rules for the purposes of carrying into effect, the provisions of this Chapter other than the matters specified in section 164C.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for

(a) the other authority under sub-section (5) of section 147 ;
and

(b) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

52. *Amendment of section 165.*—In section 165 of the principal Act, in the Explanation, for the words, figures and letter section 140 and section 163A, the word and figures section 164 shall be substituted.

53. *Amendment of section 166.*—In section 166 of the principal Act,

(i) in sub-section (1), after the proviso, the following proviso shall be inserted, namely :

Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under section 149, his claims petition before the Claims Tribunal shall lapse.

(ii) in sub-section (2), the proviso shall be omitted ;

(iii) after sub-section (2), the following sub-section shall be inserted, namely :

(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.

(iv) in sub-section (4), for the words, brackets and figures sub-section (6) of section 158, the word and figures section 159 shall be substituted ;

(v) after sub-section (4), the following sub-section shall be inserted, namely :

(5) Notwithstanding anything in this Act or any other law for the time being in force, the right of a person to claim compensation for injury in an accident shall, upon the death of the person injured, survive to his legal

representatives, irrespective of whether the cause of death is relatable to or had any nexus with the injury or not.ö.

54. *Amendment of section 168.*—In section 168 of the principal Act, in sub-section (1),ö

- (i) for the word and figures ösection 162ö, the word and figures ösection 163ö shall be substituted ;
- (ii) the proviso shall be omitted.

55. *Amendment of section 169.*— In section 169 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely :ö

ö(4) For the purpose of enforcement of its award, the Claims Tribunal shall also have all the powers of a Civil Court in the execution of a decree under the Code of Civil Procedure, 1908, (5 of 1908) as if the award were a decree for the payment of money passed by such court in a civil suit.ö.

56. *Amendment of section 170.*—In section 170 of the principal Act, for the word and figures ösection 149ö the word and figures ösection 150ö shall be substituted.

57. *Amendment of section 173.*—In section 173 of the principal Act, in sub-section (2), for the words öten thousandö, the words öone lakhö shall be substituted.

58. *Amendment of section 177.*—In section 177 of the principal Act, for the words öone hundred rupeesö and öthree hundred rupeesö, the words öfive hundred rupeesö and öone thousand and five hundred rupeesö shall respectively be substituted.

59. *Insertion of section 177A.*—After section 177 of the principal Act, the following section shall be inserted, namely :ö

ö177A. *Penalty for contravention of regulations under section 118.*—Whoever contravenes the regulations made under section 118, shall be punishable with fine which shall not be less than five hundred rupees, but may extend to one thousand rupees.ö.

term which may extend to one year, or with fine of one lakh rupees per such motor vehicle or with both :

Provided that no person shall be convicted under this section if he proves that, at the time of sale or delivery or alteration or offer of sale or delivery or alteration of such motor vehicle, he had disclosed to the other party the manner in which such motor vehicle was in contravention of the provisions of Chapter VII or the rules and regulations made thereunder.

(2) Whoever, being a manufacturer of motor vehicles, fails to comply with the provisions of Chapter VII or the rules and regulations made thereunder, shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one hundred crore rupees or with both.

(3) Whoever, sells or offers to sell, or permits the sale of any component of a motor vehicle which has been notified as a critical safety component by the Central Government and which does not comply with Chapter VII or the rules and regulations made thereunder shall be punishable with imprisonment for a term which may extend to one year or with fine of one lakh rupees per such component or with both.

(4) Whoever, being the owner of a motor vehicle, alters a motor vehicle, including by way of retrofitting of motor vehicle parts, in a manner not permitted under the Act or the rules and regulations made thereunder shall be punishable with imprisonment for a term which may extend to six months, or with fine of five thousand rupees per such alteration or with both.

182B. *Punishment for contravention of section 62A.*—Whoever contravenes the provisions of section 62A, shall be punishable with fine which shall not be less than five thousand rupees, but may extend to ten thousand rupees.ö.

66. *Amendment of section 183.*—In section 183 of the principal Act,ô

(i) in sub-section (1),ô

(a) after the words "Whoever drives", the words "or causes any person who is employed by him or subjects someone under his control to drive" shall be inserted ;

- (iv) for the words "which may extend to three thousand rupees", the words "of fifteen thousand rupees" shall be substituted ;
- (v) for the Explanation, the following Explanation shall be substituted, namely :
:ô

Explanation.—For the purposes of this section, the expression "drug" means any intoxicant other than alcohol, natural or synthetic, or any natural material or any salt, or preparation of such substance or material as may be notified by the Central Government under this Act and includes a narcotic drug and psychotropic substance as defined in clause (xiv) and clause (xxiii) of section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985).
.

69. *Amendment of section 186.*—In section 186 in the principal Act, for the words "two hundred rupees" and "five hundred rupees", the words "one thousand rupees" and "two thousand rupees" shall respectively be substituted.

70. *Amendment of section 187.*—In section 187 of the principal Act,
.

- (i) for the brackets and letter "(c)" the brackets and letter "(a)" shall be substituted ;
- (ii) for the words "three months", the words "six months" shall be substituted ;
- (iii) for the words "which may extend to five hundred rupees", the words "of five thousand rupees" shall be substituted ;
- (iv) for the words "six months", the words "one year" shall be substituted ; and
- (v) for the words "which may extend to one thousand rupees", the words "of ten thousand rupees" shall be substituted.

71. *Amendment of section 189.*—In section 189 of the principal Act,
.

- (i) for the words "one month", the words "three months" shall be substituted ;
- (ii) for the words "which may extend to five hundred rupees", the words "of five thousand rupees" shall be substituted ;

and he shall be disqualified for holding licence for a period of three monthsö shall be substituted ; and

(b) for the words öwhich may extend to five thousand rupeesö, the words öof twenty thousand rupeesö shall be substituted.

73. *Omission of section 191.*—Section 191 of the principal Act shall be omitted.

74. *Amendment of section 192.*—In section 192 of the principal Act, the following Explanation shall be inserted, namely :ô

öExplanation.ö Use of a motor vehicle in contravention of the provisions of section 56 shall be deemed to be a contravention of the provisions of section 39 and shall be punishable in the same manner as provided in sub-section (1).ö.

75. *Amendment of section 192A.*—In section 192A of the principal Act, in sub-section (1),ô

(i) after the words öfor the first offence withö, the words öimprisonment for a term which may extend to six months andö shall be inserted ;

(ii) for the words öwhich may extend to five thousand rupees but shall not be less than two thousand rupeesö, the words öof ten thousand rupeesö shall be substituted ;

(iii) for the words öthree monthsö, the words ösix monthsö shall be substituted ;

(iv) for the words öwhich may extend to ten thousand rupees but shall not be less than five thousand rupeesö, the words öof ten thousand rupeesö shall be substituted.

76. *Insertion of new section 192B.*—After section 192A of the principal Act, the following section shall be inserted, namely :ô

ö192B. *Offences relating to registration.*—(1) Whoever, being the owner of a motor vehicle, fails to make an application for

caused or allowed to be removed by the person in control of such motor vehicle.ö ;

- (ii) after sub-section (1), the following sub-section shall be inserted, namely :ô

õ(1A) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven when such motor vehicle is loaded in such a manner that the load or any part thereof or anything extends laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit shall be punishable with a fine of twenty thousand rupees, together with the liability to pay charges for off-loading of such load :

Provided that such motor vehicle shall not be allowed to move before such load is arranged in a manner such that there is no extension of the load laterally beyond the side of the body or to the front or to the rear or in height beyond the permissible limit :

Provided further that nothing in this sub-section shall apply when such motor vehicle has been given an exemption by the competent authority authorised in this behalf, by the State Government or the Central Government, allowing the carriage of a particular load.ö ;

- (iii) in sub-section (2), for the words, õwhich may extend to three thousand rupeesö, the words õof forty thousand rupeesö shall be substituted.

79. *Insertion of new sections 194A, 194B, 194C, 194D, 194E and 194F.*—After section 194 of the principal Act, the following sections shall be inserted, namely :ô

õ194A. *Carriage of excess passengers.*—Whoever drives a transport vehicle or causes or allows a transport vehicle to be driven while carrying more passengers than is authorised in the registration certificate of such transport vehicle or the permit conditions applicable to such transport vehicle shall be punishable with a fine of two hundred rupees per excess passenger :

Provided that such transport vehicle shall not be allowed to move before the excess passengers are off-loaded and an alternative transport is arranged for such passengers.

194B. *Use of safety belts and the seating of children.*—(1) Whoever drives a motor vehicle without wearing a safety belt or carries passengers not wearing seat belts shall be punishable with a fine of one thousand rupees :

Provided that the State Government, may by notification in the Official Gazette, exclude the application of this sub-section to transport vehicles to carry standing passengers or other specified classes of transport vehicles.

(2) Whoever drives a motor vehicle or causes or allows a motor vehicle to be driven with a child who, not having attained the age of fourteen years, is not secured by a safety belt or a child restraint system shall be punishable with a fine of one thousand rupees.

194C. *Penalty for violation of safety measures for motor cycle drivers and pillion riders.*—Whoever drives a motor cycle or causes or allows a motor cycle to be driven in contravention of the provisions of section 128 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding licence for a period of three months.

194D. *Penalty for not wearing protective headgear.*—Whoever drives a motor cycle or causes or allows a motor cycle to be driven in contravention of the provisions of section 129 or the rules or regulations made thereunder shall be punishable with a fine of one thousand rupees and he shall be disqualified for holding licence for a period of three months.

194E. *Failure to allow free passage to emergency vehicles.*—Whoever while driving a motor vehicle fails to draw to the side of the road, on the approach of a fire service vehicle or of an ambulance or other emergency vehicle as may be specified by the State Government, shall be punishable with imprisonment for a term which may extend to six months, or with a fine of ten thousand rupees or with both.

194F. *Use of horns and silence zones.*—Whoeverô

- (a) while driving a motor vehicleô
 - (i) sounds the horn needlessly or continuously or more than necessary to ensure safety, or

84. *Insertion of new section 198A.*—After section 198 of the principal Act, the following section shall be inserted, namely :ô

198A. Failure to comply with standards for road design, construction and maintenance.—(1) Any designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time.

(2) Where failure on the part of the designated authority, contractor, consultant or concessionaire responsible under sub-section (1) to comply with standards for road design, construction and maintenance, results in death or disability, such authority or contractor or concessionaire shall be punishable with a fine which may extend to one lakh rupees and the same shall be paid to the Fund constituted under section 164B.

(3) For the purposes of sub-section (2), the court shall in particular have regard to the following matters, namely :ô

- (a) the characteristics of the road, and the nature and type of traffic which was reasonably expected to use it as per the design of road ;
- (b) the standard of maintenance norms applicable for a road of that character and use by such traffic ;
- (c) the state of repair in which road users would have expected to find the road ;
- (d) whether the designated authority responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to the road users ;
- (e) whether the designated authority responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose ;

(4) Where an offence under this Act has been committed by a juvenile, the registration of the motor vehicle used in the commission of the offence shall be cancelled for a period of twelve months.

(5) Where an offence under this Act has been committed by a juvenile, then, notwithstanding section 4 or section 7, such juvenile shall not be eligible to be granted a driving licence under section 9 or a learner's licence under section 8 until such juvenile has attained the age of twenty-five years.

(6) Where an offence under this Act has been committed by a juvenile, then such juvenile shall be punishable with such fines as provided in the Act while any custodial sentence may be modified as per the provisions of the Juvenile Justice Act, 2000 (56 of 2000).

199B. *Revision of fines.*—The fines as provided in this Act shall be increased by such amount not exceeding ten per cent in value of the existing fines, on an annual basis on 1st day of April of each year from the date of commencement of the Motor Vehicles (Amendment) Act, 2019, as may be notified by the Central Government.

86. *Amendment of section 200.*—In section 200 of the principal Act,

(i) in sub-section (1),

(a) for the words, figures and brackets 'punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (2) of section 183, section 184, section 186, section 189, sub-section (2) of section 190, section 191, section 192, section 194, section 196, or section 198,' the words, brackets, figures and letters 'punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (3) or sub-section (4) of section 182A, section 182B, sub-section (1) or sub-section (2) of section 183, section 184 only to the extent of use of handheld

Government, shall, by notification in the Official Gazette, specify a multiplier, not less than one and not greater than ten, to be applied to each fine under this Act and such modified fine, shall be in force in such State and different multipliers may be applied to different classes of motor vehicles as may be classified by the State Government for the purpose of this section.

210B. *Penalty for offence committed by an enforcing authority.*—Any authority that is empowered to enforce the provisions of this Act shall, if such authority commits an offence under this Act, shall be liable for twice the penalty corresponding to that offence under this Act.

210C. *Power of Central Government to make rules.*—The Central Government may make rules forô

- (a) design, construction and maintenance standards for national highways ;
- (b) such other factors as may be taken into account by the Court under sub-section (3) of section 198A ;
- (c) any other matter which is, or has to be, prescribed by the Central Government.

210D. *Power of State Government to make rules.*—The State Government may make rules for design, construction and maintenance standards for roads other than national highways, and for any other matter which is, or may be, prescribed by the State Government.ô.

90. *Insertion of new section 211A.*—After section 211 of the principal Act, the following section shall be inserted, namely :ô

ô211A. *Use of electronic forms and documents.*—(1) Where any provision of this Act or the rules and regulations made thereunder provide forô

- (a) the filing of any form, application or any other document with any office, authority, body or agency owned or

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, the House agrees or both Houses agree, as the case may be, in making any modification in the notification or the House agrees or both Houses agree, as the case may be, that the notification should not be issued, the notification 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 notification.ô.

92. *Insertion of new sections 215A, 215B, 215C and 215D.*—After section 215 of the principal Act, the following sections shall be inserted, namely :ô

ô215A. *Power of Central Government and State Government to delegate.*—Notwithstanding anything contained in this Act,ô

- (a) the Central Government shall have the power to delegate any power or functions that have been conferred upon it by the Act to any public servant or public authority and authorise such public servant or public authority to discharge any of its powers, functions and duties under this Act ;
- (b) the State Government shall have the power to delegate any power or functions that have been conferred upon it by the Act to any public servant or public authority and authorise such public servant or public authority to discharge any of its powers, functions and duties under this Act.

215B. *National Road Safety Board.*—(1) The Central Government shall, by notification in the Official Gazette, constitute a National Road Safety Board consisting of a Chairman, such number of representatives from the State Governments, and such other members as it may consider necessary and on such terms and conditions as may be prescribed by the Central Government.

(2) The National Board shall render advice to the Central Government or State Government, as the case may be, on all aspects pertaining to road safety and traffic management including, but not limited to,ô

- (a) the standards of design, weight, construction, manufacturing process, operation and maintenance of motor vehicles and of safety equipment ;
- (b) the registration and licensing of motor vehicles ;
- (c) the formulation of standards for road safety, road infrastructure and control of traffic ;
- (d) the facilitation of safe and sustainable utilisation of road transport ecosystem ;
- (e) the promotion of new vehicle technology ;
- (f) the safety of vulnerable road users ;
- (g) programmes for educating and sensitising drivers and other road users ; and
- (h) such other functions as may be prescribed by the Central Government from time to time.

215C. *Power of Central Government to make rules.*—(1) The Central Government may make rules for the purposes of carrying into effect the provisions of this Chapter.

(2) Without prejudice to the generality of the foregoing power, such rules may provide forô

- (a) the use of electronic forms and means for the filing of documents, issue or grant of licence, permit, sanction, approval or endorsements and the receipt or payment of money as referred to in section 211A ;
- (b) the minimum qualifications which the Motor Vehicles Department officers or any class thereof shall be required to possess for appointment as such, as referred to in sub-section (4) of section 213 ;
- (c) the terms and conditions of appointment of Chairman and Members of the National Road Safety Board under sub-section (1) of section 215B ;



THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

Vol. 132] Jammu, Thu., the 8th Aug., 2019/17th Srav., 1941. [No. 19-2

oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

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

oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

PART III

Laws, Regulations and Rules passed thereunder.

ô ô ô ó

THE CODE ON WAGES ACT, 2019

(Act No. 29 of 2019)

[8th August, 2019.]

An Act to amend and consolidate the laws relating to wages and
bonus and matters connected therewith or incidental thereto.

- (h) "co-operative society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912, (2 of 1912) or any other law for the time being in force relating to co-operative societies in any State ;
- (i) "corporation" means any body corporate established by or under any Central Act, or State Act, but does not include a company or a co-operative society ;
- (j) "direct tax" means
 - (i) any tax chargeable under the
 - (A) Income-tax Act, 1961 (43 of 1961) ;
 - (B) Companies (Profits) Surtax Act, 1964 (7 of 1964) ;
 - (C) Agricultural income tax law ; and
 - (ii) any other tax which, having regard to its nature or incidence, may be declared by the Central Government, by notification, to be a direct tax for the purposes of this Code ;
- (k) "employee" means, any person (other than an apprentice engaged under the Apprentices Act, 1961) (52 of 1961) employed on wages by an establishment to do any skilled, semi-skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied, and also includes a person declared to be an employee by the appropriate Government, but does not include any member of the Armed Forces of the Union ;
- (l) "employer" means a person who employs, whether directly or through any person, or on his behalf or on behalf of any person, one or more employees in his establishment and where the establishment is carried on by any department of the Central Government or the State Government, the authority specified, by the head of such department, in this behalf or where no authority, is so specified the head of the department and in relation to an establishment carried

fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes,ô

- (i) basic pay ;
- (ii) dearness allowance ; and
- (iii) retaining allowance, if any, but does not includeóó
 - (a) any bonus payable under any law for the time being in force, which does not form part of the remuneration payable under the terms of employment ;
 - (b) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the appropriate Government ;
 - (c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon ;
 - (d) any conveyance allowance or the value of any travelling concession ;
 - (e) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment ;
 - (f) house rent allowance ;
 - (g) remuneration payable under any award or settlement between the parties or order of a court or Tribunal ;
 - (h) any overtime allowance ;
 - (i) any commission payable to the employee ;
 - (j) any gratuity payable on the termination of employment ;

- (k) any retrenchment compensation or other retirement benefit payable to the employee or any *ex gratia* payment made to him on the termination of employment :

Provided that, for calculating the wages under this clause, if payments made by the employer to the employee under clauses (a) to (i) exceeds one-half, or such other per cent, as may be notified by the Central Government, of the all remuneration calculated under this clause, the amount which exceeds such one-half, or the per cent so notified, shall be deemed as remuneration and shall be accordingly added in wages under this clause :

Provided further that for the purpose of equal wages to all genders and for the purpose of payment of wages, the emoluments specified in clauses (d), (f), (g) and (h) shall be taken for computation of wage.

*Explanation.*ôôWhere an employee is given in lieu of the whole or part of the wages payable to him, any remuneration in kind by his employer, the value of such remuneration in kind which does not exceed fifteen per cent of the total wages payable to him, shall be deemed to form part of the wages of such employee ;

- (z) öworkerö means any person (except an apprentice as defined under clause (aa) of section 2 of the Apprentices Act, 1961) (52 of 1961) employed in any industry to do an manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and includesô

- (i) working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) ; and

- (ii) make any discrimination on the ground of sex while recruiting any employee for the same work or work of similar nature and in the conditions of employment, except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force.

4. *Decision as to disputes with regard to same or similar nature of work.*—Where there is any dispute as to whether a work is of same or similar nature for the purposes of section 3, the dispute shall be decided by such authority as may be notified by the appropriate Government.

CHAPTER II

Minimum Wages

5. *Payment of minimum rate of wages.*—No employer shall pay to any employee wages less than the minimum rate of wages notified by the appropriate Government.

6. *Fixation of minimum wages.*—(1) Subject to the provisions of section 9, the appropriate Government shall fix the minimum rate of wages payable to employees in accordance with the provisions of section 8.

(2) For the purposes of sub-section (1), the appropriate Government shall fix a minimum rate of wages óó

(a) for time work ; or

(b) for piece work.

(3) Where employees are employed on piece work, for the purpose of sub-section (1), the appropriate Government shall fix a minimum rate of wages for securing such employees a minimum rate of wages on a time work basis.

(4) The minimum rate of wages on time work basis may be fixed in accordance with any one or more of the following wage periods, namely:óó

(i) by the hour ; or

of supplies of essential commodities at concession rates, where so authorised ; or

- (c) an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.

(2) The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concession rate shall be computed by such authority, as the appropriate Government may by notification, appoint, at such intervals and in accordance with such directions as may be specified or given by the appropriate Government from time to time.

8. *Procedure for fixing and revising minimum wages.*—(1) In fixing minimum rates of wages for the first time or in revising minimum rates of wages under this Code, the appropriate Government shall eitherô

- (a) appoint as many committees as it considers necessary to hold enquiries and recommend in respect of such fixation or revision, as the case may be ; or
- (b) by notification publish its proposals for the information of persons likely to be affected thereby and specify a date not less than two months from the date of the notification on which the proposals shall be taken into consideration.

(2) Every committee appointed by the appropriate Government under clause (a) of sub-section (1) shall consist of personsôô

- (a) representing employers ;
- (b) representing employees which shall be equal in number of the members specified in clause (a) ; and
- (c) independent persons, not exceeding one-third of the total members of the committee.

(3) After considering the recommendation of the committee appointed under clause (a) of sub-section (1) or, as the case may be, all representations received by it before the date specified in the notification under clause (b) of that sub-section, the appropriate

Government shall by notification fix, or as the case may be, revise the minimum rates of wages and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue :

Provided that where the appropriate Government proposes to revise the minimum rates of wages in the manner specified in clause (b) of sub-section (1), it shall also consult concerned Advisory Board constituted under section 42.

(4) The appropriate Government shall review or revise minimum rates of wages ordinarily at an interval not exceeding five years.

9. *Power of Central Government to fix floor wage.*—(1) The Central Government shall fix floor wage taking into account minimum living standards of a worker in such manner as may be prescribed :

Provided that different floor wage may be fixed for different geographical areas.

(2) The minimum rates of wages fixed by the appropriate Government under section 6 shall not be less than the floor wage and if the minimum rates of wages fixed by the appropriate Government earlier is more than the floor wage, then, the appropriate Government shall not reduce such minimum rates of wages fixed by it earlier.

(3) The Central Government may, before fixing the floor wage under sub-section (1), obtain the advice of the Central Advisory Board constituted under sub-section (1) of section 42 and consult State Governments in such manner as may be prescribed.

10. *Wages of employee who works for less than normal working day.*—If an employee whose minimum rate of wages has been fixed under this Code by the day works on any day on which he was employed for a period of less than the requisite number of hours constituting a normal working day, he shall, save as otherwise hereinafter provided, be entitled to receive wages in respect of work done on that day, as if he had worked for a full normal working day:

Provided that he shall not be entitled to receive wages for a full normal working day,ô

- (i) in any case where his failure to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work ; and

- (ii) in such other cases and circumstances, as may be prescribed.

11. *Wages for two or more classes of work.*—Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work, wages at not less than the minimum rate in force in respect of each such class.

12. *Minimum time rate wages for piece work.*—Where a person is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed under this Code, the employer shall pay to such person wages at not less than the minimum time rate.

13. *Fixing hours of work for normal working day.*—(1) Where the minimum rates of wages have been fixed under this Code, the appropriate Government mayô

- (a) fix the number of hours of work which shall constitute a normal working day inclusive of one or more specified intervals ;
- (b) provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest ;
- (c) provide for payment for work on a day of rest at a rate not less than the overtime rate.

(2) The provisions of sub-section (1) shall, in relation to the following classes of employees apply, only to such extent and subject to such conditions as may be prescribed, namely :ô

- (a) employees engaged in any emergency which could not have been foreseen or prevented ;
- (b) employees engaged in work of the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned ;

subject to the condition that no wage period in respect of any employee shall be more than a month :

Provided that different wage periods may be fixed for different establishments.

17. *Time limit for payment of wages.*—(1) The employer shall pay or cause to be paid wages to the employees, engaged onô

- (i) daily basis, at the end of the shift ;
- (ii) weekly basis, on the last working day of the week, that is to say, before the weekly holiday ;
- (iii) fortnightly basis, before the end of the second day after the end of the fortnight ;
- (iv) monthly basis, before the expiry of the seventh day of the succeeding month.

(2) Where an employee has beenô

- (i) removed or dismissed from service ; or
- (ii) retrenched or has resigned from service, or became unemployed due to closure of the establishment, the wages payable to him shall be paid within two working days of his removal, dismissal, retrenchment or, as the case may be, his resignation.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the appropriate Government may, provide any other time limit for payment of wages where it considers reasonable having regard to the circumstances under which the wages are to be paid.

(4) Nothing contained in sub-section (1) or sub-section (2) shall affect any time limit for payment of wages provided in any other law for the time being in force.

18. *Deductions which may be made from wages.*—(1) Notwithstanding anything contained in any other law for the time being in force, there shall be no deductions from the wages of the employee, except those as are authorised under this Code.

the provisions of the law for the time being in force, such employee shall not be held responsible for such default of the employer.

19. *Fines.*—(1) No fine shall be imposed on any employee save in respect of those acts and omissions on his part as the employer, with the previous approval of the appropriate Government or of such authority as may be prescribed, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in such manner as may be prescribed, on the premises in which the employment is carried on.

(3) No fine shall be imposed on any employee until such employee has been given an opportunity of showing cause against the fine or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage-period on any employee shall not exceed an amount equal to three per cent of the wages payable to him in respect of that wage-period.

(5) No fine shall be imposed on any employee who is under the age of fifteen years.

(6) No fine imposed on any employee shall be recovered from him by instalments or after the expiry of ninety days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realisations thereof shall be recorded in a register to be kept in such manner and form as may be prescribed ; and all such realisations shall be applied only to such purposes beneficial to the persons employed in the establishment as are approved by the prescribed authority.

20. *Deductions for absence from duty.*—(1) Deductions may be made under clause (b) of sub-section (2) of section 18 only on account of the absence of an employee from the place or places where by the terms of his employment, he is required to work, such absence being

or otherwise and such deduction shall not exceed an amount equivalent to the value of the house-accommodation amenity or service supplied and shall be subject to such conditions as the appropriate Government may impose.

23. *Deductions for recovery of advances.*—Deductions under clause (f) of sub-section (2) of section 18 for recovery of advances given to an employee shall be subject to the following conditions, namely :ôô

- (a) recovery of advance of money given to an employee before the employment began shall be made from the first payment of wages to him in respect of a complete wage-period but no recovery shall be made of such advances given for travelling expenses ;
- (b) recovery of advance of money given to an employee after the employment began shall be subject to such conditions as may be prescribed ;
- (c) recovery of advances of wages to an employee not already earned shall be subject to such conditions as may be prescribed.

24. *Deductions for recovery of loans.*—Deductions under clause (g) of sub-section (2) of section 18 for recovery of loans granted to an employee, regulating the extent to which such loans may be granted and the rate of interest payable thereon, shall be such as may be prescribed.

25. *Chapter not to apply to Government establishments.*—The provisions of this Chapter shall not apply to the Government establishments unless the appropriate Government, by notification, applies such provisions to the Government establishments specified in the said notification.

CHAPTER IV

Payment of Bonus

26. *Eligibility for bonus, etc.*—(1) There shall be paid to every employee, drawing wages not exceeding such amount per mensem, as

determined by notification, by the appropriate Government, by his employer, who has put in at least thirty days work in an accounting year, an annual minimum bonus calculated at the rate of eight and one-third per cent. of the wages earned by the employee or one hundred rupees, whichever is higher whether or not the employer has any allocable surplus during the previous accounting year.

(2) For the purpose of calculation of the bonus where the wages of the employee exceeds such amount per mensem, as determined by notification by the appropriate Government, the bonus payable to such employee under sub-sections (1) and (3) shall be calculated as if his wage were such amount, so determined by the appropriate Government or the minimum wage fixed by the appropriate Government, whichever is higher.

(3) Where in respect of any accounting year referred to in sub-section (1), the allocable surplus exceeds the amount of minimum bonus payable to the employees under that subsection, the employer shall, in lieu of such minimum bonus, be bound to pay to every employee in respect of that accounting year, bonus which shall be an amount in proportion to the wages earned by the employee during the accounting year, subject to a maximum of twenty per cent of such wages.

(4) In computing the allocable surplus under this section, the amount set on or the amount set off under the provisions of section 36 shall be taken into account in accordance with the provisions of that section.

(5) Any demand for bonus in excess of the bonus referred to in sub-section (1), either on the basis of production or productivity in an accounting year for which the bonus is payable shall be determined by an agreement or settlement between the employer and the employees, subject to the condition that the total bonus including the annual minimum bonus referred to in sub-section (1) shall not exceed twenty per cent of the wages earned by the employee in the accounting year.

(6) In the first five accounting years following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, bonus shall be payable only in respect of the accounting year in which

the employer derives profit from such establishment and such bonus shall be calculated in accordance with the provisions of this Code in relation to that year, but without applying the provisions of section 36.

(7) For the sixth and seventh accounting years following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, the provisions of section 36 shall apply subject to the following modifications, namely :ô

- (i) for the sixth accounting year set on or set off, as the case may be, shall be made, in the manner as may be prescribed by the Central Government, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth and sixth accounting years ;
- (ii) for the seventh accounting year set on or set off, as the case may be, shall be made, in the manner as may be prescribed by the Central Government, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth, sixth and seventh accounting years.

(8) From the eighth accounting year following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, the provisions of section 36 shall apply in relation to such establishment as they apply in relation to any other establishment.

*Explanation 1.*ô–For the purpose of sub-section (6), an employer shall not be deemed to have derived profit in any accounting year, unlessôô

- (a) he has made provision for depreciation of that year to which he is entitled under the Income-tax Act or, as the case may be, under the agricultural income tax law ; and
- (b) the arrears of such depreciation and losses incurred by him in respect of the establishment for the previous

accounting years have been fully set off against his profits.

Explanation 2. For the purposes of sub-sections (6), (7) and (8), sale of the goods produced or manufactured during the course of the trial running of any factory or of the prospecting stage of any mine or an oil-field shall not be taken into consideration and where any question arises with regard to such production or manufacture, the appropriate Government may, after giving the parties a reasonable opportunity of representing the case, decide upon the issue.

(9) The provisions of sub-sections (6), (7) and (8) shall, so far as may be, apply to new departments or undertakings or branches set up by existing establishments.

27. *Proportionate reduction in bonus in certain cases.*—Where an employee has not worked for all the working days in an accounting year, the minimum bonus under sub-section (1) of section 26, if such bonus is higher than eight and one third per cent of the salary or wage of the days such employee has worked in that accounting year, shall be proportionately reduced.

28. *Computation of number of working days.*—For the purposes of section 27, an employee shall be deemed to have worked in an establishment in any accounting year also on the days on which,

- (a) he has been laid off under an agreement or as permitted by standing orders under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946) or under the Industrial Disputes Act, 1947 (14 of 1947) or under any other law applicable to the establishment ;
- (b) he has been on leave with salary or wages ;
- (c) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment ; and
- (d) the employee has been on maternity leave with salary or wages, during the accounting year.

may call upon the employer to produce the balance sheet before it, but the authority shall not disclose any information contained in the balance sheet unless agreed to by the employer.

32. *Computation of gross profits.*—The gross profits derived by an employer from an establishment in respect of the accounting year shall,ôô

- (a) in the case of a banking company, be calculated in the manner as may be prescribed by the Central Government ;
- (b) in any other case, be calculated in the manner as may be prescribed by the Central Government.

33. *Computation of available surplus.*—The available surplus in respect of any accounting year shall be the gross profits for that year after deducting therefrom the sums referred to in section 34 :

Provided that the available surplus in respect of the accounting year commencing on any day in a year after the commencement of this Code and in respect of every subsequent accounting year shall be the aggregate ofô

- (a) the gross profits for that accounting year after deducting therefrom the sums referred to in section 34 ; and
- (b) an amount equal to the difference betweenôô
 - (i) the direct tax, calculated in accordance with the provisions of section 35, in respect of an amount equal to the gross profits of the employer for the immediately preceding accounting year ; and
 - (ii) the direct tax, calculated in accordance with provisions of section 35, in respect of an amount equal to the gross profits of the employer for such preceding accounting year after deducting there from the amount of bonus which the employer has paid or is liable to pay to his employees in accordance with the provisions of this Code for that year.

34. *Sums deductible from gross profits.*—The following sums shall be deducted from the gross profits as prior charges, namely :ô

- (a) any amount by way of depreciation admissible in accordance with the provisions of sub-section (1) of section 32 of the Income-tax Act or in accordance with the provisions of the agricultural income-tax law, for the time being in force, as the case may be ;
- (b) subject to the provisions of section 35, any direct tax which the employer is liable to pay for the accounting year in respect of his income, profits and gains during that year ;
- (c) such further sums in respect of the employer as may be prescribed by the Central Government.

35. *Calculation of direct tax payable by the employer.*—For the purposes of this Code, any direct tax payable by the employer for any accounting year shall, subject to the following provisions, be calculated at the rates applicable to the income of the employer for that year, namely :ô

- (a) in calculating such tax no account shall be taken of,ôô
 - (i) any loss incurred by the employer in respect of any previous accounting year and carried forward under any law for the time being in force relating to direct taxes ;
 - (ii) any arrears of depreciation which the employer is entitled to add to the amount of the allowance for depreciation for any succeeding accounting year or years under sub-section (2) of section 32 of the Income-tax Act ;
- (b) where the employer is a religious or a charitable institution to which the provisions of section 41 do not apply and the whole or any part of its income is exempt from the tax under the Income-tax Act, then, with respect to the income so exempted, such institution shall be treated as if it were a company in which the public are substantially interested within the meaning of that Act ;

(2) Notwithstanding anything contained in sub-section (1), where there is a dispute regarding payment of bonus pending before any authority, such bonus shall be paid, within a period of one month from the date on which the award becomes enforceable or the settlement comes into operation, in respect of such dispute :

Provided that if, there is a dispute for payment at the higher rate, the employer shall pay eight and one-third per cent of the wages earned by the employee as per the provisions of this Code within a period of eight months from the close of the accounting year.

40. Application of this Chapter to establishments in public sector in certain cases.—(1) If in any accounting year an establishment in public sector sells any goods produced or manufactured by it or renders any services, in competition with an establishment in private sector, and the income from such sale or services or both, is not less than twenty per cent of the gross income of the establishment in public sector for that year, then, the provisions of this Chapter shall apply in relation to such establishment in public sector as they apply in relation to a like establishment in private sector.

(2) Save as otherwise provided in sub-section (1), nothing in this Chapter shall apply to the employees employed by any establishment in public sector.

41. Non-applicability of this Chapter.—(1) Nothing in this Chapter shall apply toôô

- (a) employees employed by the Life Insurance Corporation of India ;
- (b) seamen as defined in clause (42) of section 3 of the Merchant Shipping Act, 1958 (44 of 1958) ;
- (c) employees registered or listed under any scheme made under the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) and employed by registered or listed employers ;
- (d) employees employed by an establishment under the authority of any department of the Central Government or a State Government or a local authority ;

- (e) employees employed by
 - (i) the Indian Red Cross Society or any other institution of a like nature including its branches ;
 - (ii) universities and other educational institutions ;
 - (iii) institutions including hospitals, chamber of commerce and social welfare institutions established not for purposes of profit ;
- (f) employees employed by the Reserve Bank of India ;
- (g) employees employed by public sector financial institution other than a banking company, which the Central Government may, by notification, specify, having regard to
 - (i) its capital structure ;
 - (ii) its objectives and the nature of its activities ;
 - (iii) the nature and extent of financial assistance or any concession given to it by the Government ; and
 - (iv) any other relevant factor ;
- (h) employees employed by inland water transport establishments operating on routes passing through any other country ; and
 - (i) employees of any other establishment which the appropriate Government may, by notification, exempt having regard to the overall benefits under any other scheme of profit sharing available in such establishments to the employees.

(2) Subject to the provisions of sub-section (1) and notwithstanding anything contained in any other provisions of this Chapter, the provisions of this Chapter shall apply to such establishment in which twenty or more persons are employed or were employed on any day during an accounting year.

Magistrate of the district where the establishment is located who shall recover the same as arrears of land revenue and remit the same to the authority for payment to the concerned employee.

(4) Any application before the authority for claim referred to in sub-section (1) may be filed by,ôô

- (a) the employee concerned ; or
- (b) any Trade Union registered under the Trade Unions Act, 1926 (16 of 1926) of which the employee is a member ; or
- (c) the Inspector-cum-Facilitator.

(5) Subject to such rules as may be made, a single application may be filed under this section on behalf or in respect of any number of employees employed in an establishment.

(6) The application under sub-section (4) may be filed within a period of three years from the date on which claims referred to in sub-section (1) arises :

Provided that the authority referred to in sub-section (1) may, entertain the application after three years on sufficient cause being shown by the applicant for such delay.

(7) The authority appointed under sub-section (1) and the appellate authority appointed under sub-section (1) of section 49, shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority or appellate authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

46. *Reference of disputes under this code.*—Notwithstanding anything contained in this Code, where any dispute arises between an employer and his employees with respect toô

- (a) fixation of bonus or eligibility for payment of bonus under the provisions of this Code ; or

- (b) the application of this Code, in respect of bonus, to an establishment in public sector, then, such dispute shall be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947 (14 of 1947).

47. *Presumption about accuracy of balance sheet and profit and loss account of corporations and companies.*—(1) Where, during the course of proceedings beforeô

- (a) the authority under section 45 ; or
- (b) the appellate authority under section 49 ; or
- (c) a Tribunal ; or
- (d) an arbitrator referred to in clause (aa) of section 2 of the Industrial Dispute Act, 1947 (14 of 1947),

in respect of any dispute of the nature specified in sections 45 and 46 or in respect of an appeal under section 49, the balance sheet and the profit and loss account of an employer, being a corporation or a company (other than a banking company), duly audited by the Comptroller and Auditor General of India or by auditors duly qualified to act as auditors of companies under section 141 of the Companies Act, 2013 (18 of 2013) are produced before it, then, the said authority, appellate authority, Tribunal or arbitrator, as the case may be, may presume the statements and particulars contained in such balance sheet and profit and loss account to be accurate and it shall not be necessary for the corporation or the company to prove the accuracy of such statements and particulars by the filing of an affidavit or by any other mode :

Provided that where the said authority, appellate authority, Tribunal or arbitrator, as the case may be, is satisfied that the statements and particulars contained in the balance sheet or the profit and loss account of the corporation or the company are not accurate, it may take such steps as it thinks necessary to find out the accuracy of such statements and particulars.

(2) When an application is made to the authority, appellate authority, Tribunal or arbitrator, as the case may be, referred to in

sub-section (1), by any Trade Union being a party to the dispute or as the case may be, an appeal, and where there is no Trade Union, by the employees being a party to the dispute, or as the case may be, an appeal, requiring any clarification relating to any item in the balance sheet or the profit and loss account, then such authority, appellate authority, Tribunal or arbitrator, may, after satisfying itself that such clarification is necessary, by order, direct the corporation or, as the case may be, the company, to furnish to the Trade Union or the employees such clarification within such time as may be specified in the direction and the corporation or, as the case may be, the company, shall comply with such direction.

48. *Audit of account of employers not being coporations or companies.*—(1) Where any claim, dispute or appeal with respect to bonus payable under this Code between an employer, not being a corporation or a company, and his employees is pending before any authority, appellate authority, Tribunal or arbitrator, as the case may be, as referred to in sub-section (1) of section 47 and the accounts of such employer audited by any auditor duly qualified to act as auditor of companies under the provisions of section 141 of the Companies Act, 2013 (18 of 2013) are produced before such authority, appellate authority, Tribunal or arbitrator, then the provisions of section 47 shall, so far as may be, apply to the accounts so audited.

(2) When the authority, appellate authority, Tribunal or arbitrator, referred to in sub-section (1), as the case may be, finds that the accounts of such employer have not been audited by any such auditor and it is of opinion that an audit of the accounts of such employer is necessary for deciding the question referred to it, then, such authority, appellate authority, Tribunal or arbitrator, may, by order, direct the employer to get his accounts audited within such time as may be specified in the direction or within such further time as it may allow by such auditor or auditors as it thinks fit and thereupon the employer shall comply with such direction.

(3) Where an employer fails to get the accounts audited under sub-section (2), the authority, appellate authority, Tribunal or arbitrator, referred to in sub-section (1), as the case may be, may, without prejudice to the provisions of section 54, get the accounts audited by such auditor or auditors as it thinks fit.

(4) When the accounts are audited under sub-section (2) or sub-section (3), the provisions of section 47 shall, so far as may be, apply to the accounts so audited.

(5) The expenses of, and incidental to, any audit under sub-section (3) including the remuneration of the auditor or auditors shall be determined by the authority, appellate authority, Tribunal or arbitrator, referred to in sub-section (1), as the case may be, and paid by the employer and in default of such payment shall be recoverable by the authority referred to in sub-section (3) of section 45 from the employer in the manner provided in that sub-section.

49. *Appeal.*—(1) Any person aggrieved by an order passed by the authority under sub-section (2) of section 45 may prefer an appeal, to the appellate authority having jurisdiction appointed by the appropriate Government, by notification, for such purpose, within ninety days from the date of such order, in such form and manner as may be prescribed :

Provided that the appellate authority may entertain the appeal after ninety days if it satisfied that the delay in filing the appeal has occurred due to sufficient cause.

(2) The appellate authority shall be appointed from the officers of the appropriate Government holding the post at least one rank higher than the authority referred under sub-section (1) of section 45.

(3) The appellate authority shall, after hearing the parties in the appeal, dispose of the appeal and endeavour shall be made to dispose of the appeal within a period of three months.

(4) The outstanding dues under the orders of the appellate authority shall be recovered by the authority referred to in section 45, by issuing the certificate of recovery in the manner specified in sub-section (3) of that section.

50. *Records, returns and notices.*—(1) Every employer of an establishment to which this Code applies shall maintain a register containing the details with regard to persons employed, muster roll, wages and such other details in such manner as may be prescribed.

(2) Every employer shall display a notice on the notice board at a prominent place of the establishment containing the abstract of this Code, category-wise wage rates of employees, wage period, day or date and time of payment of wages, and the name and address of the Inspector-cum-Facilitator having jurisdiction.

(3) Every employer shall issue wage slips to the employees in such form and manner as may be prescribed.

(4) The provisions of sub-sections (1) to (3) shall not apply in respect of the employer to the extent he employs not more than five persons for agriculture or domestic purpose :

Provided that such employer, when demanded, shall produce before the Inspector-cum-Facilitator, the reasonable proof of the payment of wages to the persons so employed.

*Explanation.*ô For the purposes of this sub-section, the expression òdomestic purposeö means the purpose exclusively relating to the home or family affairs of the employer and does not include any affair relating to any establishment, industry, trade, business, manufacture or occupation.

CHAPTER VII

Inspector-cum-Facilitator

51. *Appointment of Inspector-cum-Facilitators and their powers.*—(1) The appropriate Government may, by notification, appoint Inspector-cum-Facilitators for the purposes of this Code who shall exercise the powers conferred on them under sub-section (4) throughout the State or such geographical limits assigned in relation to one or more establishments situated in such State or geographical limits or in one or more establishments, irrespective of geographical limits, assigned to him by the appropriate Government, as the case may be.

(2) The appropriate Government may, by notification, lay down an inspection scheme which may also provide for generation of a web-based inspection and calling of information relating to the inspection under this Code electronically.

(3) Without prejudice to the provisions of sub-section (2), the appropriate Government may, by notification, confer such jurisdiction of randomised selection of inspection for the purposes of this Code to the Inspector-cum-Facilitator as may be specified in such notification.

(4) Every Inspector-cum-Facilitator appointed under sub-section (1) shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

(5) The Inspector-cum-Facilitator may

- (a) advice to employers and workers relating to compliance with the provisions of this Code ;
- (b) inspect the establishments as assigned to him by the appropriate Government, subject to the instructions or guidelines issued by the appropriate Government from time to time.

(6) Subject to the provisions of sub-section (4), the Inspector-cum-Facilitator may

- (a) examine any person who is found in any premises of the establishment, whom the Inspector-cum-Facilitator has reasonable cause to believe, is a worker of the establishment ;
- (b) require any person to give any information, which is in his power to give with respect to the names and addresses of the persons ;
- (c) search, seize or take copies of such register, record of wages or notices or portions thereof as the Inspector-cum-Facilitator may consider relevant in respect of an offence under this Code and which the Inspector-cum-Facilitator has reason to believe has been committed by the employer ;
- (d) bring to the notice of the appropriate Government defects or abuses not covered by any law for the time being in force ; and
- (e) exercise such other powers as may be prescribed.

committed any offence under the provisions referred to in sub-section (1), he may impose such penalty as he thinks fit in accordance with such provisions.

54. *Penalties for offences.*—(1) Any employer whoô

- (a) pays to any employee less than the amount due to such employee under the provisions of this Code shall be punishable with fine which may extend to fifty thousand rupees ;
- (b) having been convicted of an offence under clause (a) is again found guilty of similar offence under this clause, within five years from the date of the commission of the first or subsequent offence, he shall, on the second and the subsequent commission of the offence, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, or with both ;
- (c) contravenes any other provision of this Code or any rule made or order made or issued thereunder shall be punishable with fine which may extend to twenty thousand rupees ;
- (d) having been convicted of an offence under clause (c) is again found guilty of similar offence under this clause, within five years from the date of the commission of the first or subsequent offence, he shall, on the second and the subsequent commission of the offence under this clause, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to forty thousand rupees, or with both.

(2) Notwithstanding anything contained in sub-section (1), for the offences of non-maintenance or improper maintenance of records in the establishment, the employer shall be punishable with fine which may extend to ten thousand rupees.

(3) Notwithstanding anything contained in clause (c) of sub-section (1) or sub-section (2), the Inspector-cum-Facilitator shall, before initiation of prosecution proceeding for the offences under the said clause or sub-section, give an opportunity to the employer to comply

56. *Composition of offences.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) any offence punishable under this Code, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer, as the appropriate Government may, by notification, specify, for a sum of fifty per cent of the maximum fine provided for such offence, in the manner as may be prescribed.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date (i) of commission of a similar offence which was earlier compounded ; (ii) of commission of similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the appropriate Government.

(4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with a sum equivalent to twenty per cent of the maximum fine provided for the offence, in addition to such fine.

(8) No offence punishable under the provisions of this Code shall be compounded except under and in accordance with the provisions of this section.

CHAPTER IX

Miscellaneous

57. *Bar of suits.*—No court shall entertain any suit for the recovery of minimum wages, any deduction from wages, discrimination in wages and payment of bonus, in so far as the sum so claimedô

- (a) forms the subject of claims under section 45 ;
- (b) has formed the subject of a direction under this Code ;
- (c) has been adjudged in any proceeding under this Code ;
- (d) could have been recovered under this Code.

58. *Protection of action taken in good faith.*—No suit, prosecution or any other legal proceeding shall lie against the appropriate Government or any officer of that Government for anything which is in good faith done or intended to be done under this Code.

59. *Burden of proof.*—Where a claim has been filed on account of non-payment of remuneration or bonus or less payment of wages or bonus or on account of making deductions not authorised by this Code from the wages of an employee, the burden to prove that the said dues have been paid shall be on the employer.

60. *Contracting out.*—Any contract or agreement whereby an employee relinquishes the right to any amount or the right to bonus due to him under this Code shall be null and void in so far as it purports to remove or reduce the liability of any person to pay such amount under this Code.

61. *Effect of laws agreements, etc. inconsistent with this Code.*—The provisions of this Code shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award, agreement, settlement or contract of service.

62. *Delegation of powers.*—The appropriate Government may, by notification, direct that any power exercisable by it under this Code

liability incurred by the employer other than any debt or liability incurred by the employer towards any employee employed in connection with the contract aforesaid.

65. *Power of Central Government to give directions.*—The Central Government may, for carrying into execution of the provisions of this Code in the State give directions to the State Government, and the State Government shall abide by such directions.

66. *Saving.*—Nothing contained in this Code shall be deemed to affect the provisions of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (42 of 2005) and the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948 (46 of 1948) or of any scheme made thereunder.

67. *Power of appropriate Government to make rules.*—(1) The appropriate Government may, subject to the condition of previous publication, make rules for carrying out the provisions of this Code.

(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 :

- (a) the manner of calculating the wages under sub-section (4) of section 6 ;
- (b) the arduousness of work to be taken into account in addition to minimum rate of wages for certain category of workers under clause (b) of sub-section (6) of section 6 ;
- (c) the norms under clause (c) of sub-section (6) of section 6 ;
- (d) the cases and circumstances in which an employee employed for a period of less than the requisite number of hours shall not be entitled to receive wages for a full normal working day, under section 10 ;
- (e) the extent and conditions, which shall apply in relation to certain classes of employees under sub-section (2) of section 13 ;

- (s) the manner of regulating the procedure by the Central Advisory Board and the State Advisory Board, including that of the committees and sub-committees constituted by the State Advisory Board, under sub-section (10) of section 42 ;
 - (t) the terms of office of members of the Central Advisory Board, the State Advisory Board, including that of the committees and sub-committees constituted by the State Advisory Board, under sub-section (11) of section 42 ;
 - (u) the authority and manner of depositing with such authority, various undisbursed dues under clause (b) of sub-section (1) of section 44 ;
 - (v) the form of single application in respect of a number of employees under sub-section (5) of section 45 ;
 - (w) the form for making an appeal to the appellate authority under sub-section (1) of section 49 ;
 - (x) the manner of maintenance of a register by the employer under sub-section (1) of section 50 ;
 - (y) the form and manner of issuing wage slips under sub-section (3) of section 50 ;
 - (z) the other powers to be exercised by the Inspector-cum-Facilitator under sub-section (5) of section 51 ;
 - (za) the manner of imposing fine under sub-section (1) of section 56 ;
 - (zb) the manner of composition of offence by a Gazetted Officer specified under sub-section (4) of section 56 ;
 - (zc) any other matter which is required to be, or may be, prescribed under the provisions of this Code.
- (3) The Central Government may, subject to the condition of previous publication, make rules for,ô
- (a) the manner of fixing floor wage under sub-section (1) of section 9 ;

- (b) the manner of consultation with State Government under sub-section (3) of section 9 ;
- (c) the manner of making set on or set off for the sixth accounting year under clause (i) of sub-section (7) of section 26 ;
- (d) the manner of making set on or set off for the seventh accounting year under clause (ii) of sub-section (7) of section 26 ;
- (e) the manner of calculating gross profit under clauses (a) and (b) of section 32 ;
- (f) such further sums in respect of employer under clause (c) of section 34 ;
- (g) the manner of utilising the excess of allocable surplus to be carried forward for being set on in the succeeding accounting year and so on up to and inclusive of the fourth accounting year under sub-section (1) of section 36 ;
- (h) the manner of utilising the minimum amount or the deficiency to be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year under sub-section (2) of section 36 ; and
- (i) the manner of holding an enquiry under sub-section (1) of section 53.

(4) Every rule made by the Central Government under this section 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 as aforesaid, both Houses agree in making any modification in the rule or both Houses agree that 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 amendment shall be without prejudice to the validity of anything previously done under that rule.



THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

Vol. 133] Jammu, Thu., the 14th Jan., 2021/24th Pausa, 1942. [No. 42-1

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 the Heads of Departments.

ô ô ô ó

DEPARTMENT OF URBAN LOCAL BODIES, KASHMIR,
OFFICE OF THE CHIEF EXECUTIVE OFFICER,
MUNICIPAL COUNCIL, BUDGAM.

Notification

Whereas, in exercise of the powers conferred under section 66 of the J&K Municipal Act, 2000, Municipal Council, Budgam hereby notifies to impose and recover tax for the items classified under clause (1) of section 66 of the Act, as per the schedule annexed with the notification ;

Whereas, under section 70 (02) the council is supposed to publish a notice for the information of the inhabitants of the Budgam Town ; and

Whereas, the inhabitants of Budgam Town have a right to file objections, if any, in writing within the 30 days from the date of publication of this notice under section 70 (3) of J&K Municipal Act, 2000.

2 The J&K Official Gazette, 14th Jan., 2021/24th Pausa, 1942. [No. 42-1
oooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooooo

Now, this notification is issued under the seal and signature of undersigned along with proposed schedule of tax inviting objections from the inhabitants of the Town to be filed in writing in the Office of the Municipal Council, Budgam, within the 30 days from the date of publication of this Notification.

In case no such objection is received within the above specified period, the schedule of taxes shall be affected after one week from the date of expiry of time limit.

(Approved by the Council)

(Sd.) N. A. DAR,

Executive Officer,
Municipal Council, Budgam.

oooooooo

Revised Tax Schedule of Municipal Council, Budgam

Annexure-A

S. No.	Name of the Trade/Business	Proposed Trade Tax/ Fee per year
1	2	3
1	Advertisement Hoardings/Boards per sft.	200
2	Aluminium Utensil Seller/Aluminium Works	1000
3	Aluminium Utensil Shop	800
4	Architecture	5000
5	Arts Emporium Permanent Shop	1500
6	Arts Emporium/Sales Centre (Per Exbb)	1500
7	Ayurvedic Practitioner/Medicine Seller	1000
8	Ayurvedic Medical Shop	1100
9	Audio Cassette/Video Shop	1500
10	Attache/Trunk Shop	1500
11	Automobile Workshop (A) Class	1500
12	(B) Class	1000
13	Agriculture equipments/Tools Seller/ Agerbati Seller	1000
14	Bajri Quarry/Extract in Town	100 per truck
15	Baker	1100
16	Bakery/Confectionery Shop	1500
17	Bike Showroom	2000
18	Bike Mechanic/Service Station of two wheeler	1000
19	Barber with Hamam	1800
20	Barbed without Hamam	1500
21	Barbed Wire Fabrications	1000
22	Basmati Factories	1500

1	2	3
99	Gabba Maker	1000
100	Glass Dealer	1500
101	Goldsmith Shop (A)	6000
102	Govt. Woolen Mills Sale Shop	2000
103	Granite Stone Shop/Marble	1500
104	Granite Stone Work/Marble Stone Work	1200
105	Grass/Fodder Mechanized Centre	1000
106	Gun Makers/Dealers	5000
107	Gym Centre	2000
108	Halwai/Sweets Shop	1000
109	Handloom Poshish Shop	1500
110	Hardware Shop	1500
111	Hopes Dry Kiln	5000
112	Hosiery Agent Outside the State Temporary	200 per day
113	Hosiery Shop (A)	1100
114	Hosiery Shop (B)	600
115	Hotels and Restaurant	2000
116	Hotel A Class	10000
117	Hotel B Class	7500
118	Hospital up to 40 beds	5000
119	Hospital up to 200 beds	20000
120	Hawker/Raida per day	25 per day
121	Ice Cream Shop	1500
122	Ice Cream Handy Cart	25 per day
123	Ice Cream Factory	3500
124	Iron Shop	1000
125	Insurance Agents	1000

1	2	3
00000000000000000000000000000000000000000000000000000000000000000000		
153	Oil Mill	2500
154	Opitation Centre/Shop	1000
155	Old Garments Dealer	1000
156	A. Painters (who make Hoarding, Signboards etc.)	2500
157	Selling 2nd Hand Vehicle Dealer	3000
158	Cow/Horse Traders	5000
159	C. House Painters	1000
160	D. Vehicle Spray Painters	1000
161	1. Painters who makes Hoardings, Signboards etc.)	1000
	2. Painter who paints advertisement on walls and house etc.)	1000
	3. House Painters	1000
	4. Vehicle Spray Painters	1000
162	Pan Shop	1000
163	Paper Mache Maker	500
164	Pesticide, Fungicide, Insecticide Dealer	2000
165	Pesticide, Fungicide, Insecticide Shop	1500
166	Pharmaceutical Agency	3000
167	Fertilizers/Cattle Feed Shop	1600
168	Plywood Shop	1500
169	Plywood Dealer	1500
170	Pollution Checking Centre	1500
171	Photographer	1000
172	Photostat	1800
173	Pickle Maker/Seller	500

1	2	3
200	Shoe Dealer	1500
201	Shoe Maker	500
202	Silversmith	1000
203	Soda Factory	2000
204	Spice Grinding Mills	3000
205	Service Station/Ramp	1500
206	Schools Primary Standard	4000
207	Middle Standard	7000
208	High Standard	10000
209	Higher Secondary	15000
210	Sports Goods Shop	1000
211	Steel Metal Fabrication (Welding and Grill Makers etc.)/Stair Makers	3000
212	Steel Utensil Seller	1000
213	Steel/Iron Dealer	3000
214	Stone Crusher	3000
215	Stone Quarry/Minor Minerals, Bajri and Sand	1500
216	Snuff/Tobacco Dealer	2000
217	Sweet Shop	1000
218	TV Commercial Shooting (per day)	per day 200
219	Tailor, (A Class, B-Class and C-Class	1500, (1000 each)
220	Tea and Other Provision Dealer (A-class, B-class)	2000
221	Tea Stall	1000
222	Temporary Shop in Festival	200.00 PD
223	Tent/Shamiyana Dealer	3000
224	Tillers	2000

No. 42-1] The J&K Official Gazette, 14th Jan., 2021/24th Pausa, 1942. 13

1	2	3
251	Wholesale Provision Dealer	4500
252	Wholesale Rice Flour, Wheat, Oil Dealer	3000
253	Wood Carving	1000
254	Wool Spinning	1000
255	Wool Weaving, Cotton Textiles	1000
256	Financial Institutions	500 per month
257	Construction Fee, Building Permission Fee	
	A-Commercial (Per SFT) :	
258	1. Ground Floor	25
259	2. First Floor	20
260	3. Second Floor	20
261	4. Third Floor	15
262	B. Residential (Per SFT)	15
263	1. Ground Floor	12
264	2. First Floor	6
265	3. Compound Walls	25
266	4. Third Floor	3
267	C-Govt. Buildings (Per SFT)	10

(Sd.) N. A. DAR,

Executive Officer,
Municipal Council, Budgam.

2 The J&K Official Gazette, 1st Feb., 2021/12th Magha, 1942. [No. 44-1
The Election Authority, Jammu and Kashmir in exercise of the powers
under Rule 2(a) is required to issue an order for such reservation to the
offices of Chairpersons of the District Development Councils in accordance
with the provisions of the said rules.

In this regard, a draft order of the proposed reservation was issued,
vide Notification No. EA/Pyt/2021/15 dated 25-01-2021 with the objective
of calling for objections to the reservation, of offices of the Chairpersons of
the District Development Councils, under categories given under the rules.
Objections were permitted to be filed on or before 30-01-2021.

The draft notification for reservation dated 25-01-2021, was published
in leading Newspapers of the Union Territory for information of the general
public. Some objections/representations were received by the Election
Authority within the stipulated time period. These objections/representations
have been examined in context of the rules and the facts on record.

It was found that none of the objections/representations so received
had any merit. No infirmity, leave alone irregularity was brought out in the
draft notification for reservation dated 25th January, 2021.

The Election Authority, therefore, in terms of the provisions of the
Jammu and Kashmir District Development Council (Reservation of Offices
of Chairpersons) Rules, 2021, and *subject to outcome of any writ petition
pending before the Hon'ble High Court*, hereby reserves/allots the seats of
Chairpersons of District Development Councils for Scheduled Castes,
Scheduled Tribes and Women in the Districts of the Union Territory of
Jammu and Kashmir as per the details given in the enclosed statement
forming Annexure-A to this Order.

(Sd.) K. K. SHARMA, IAS (Retd.),
State Election Commissioner
(Election Authority).

Secretary,

(Sd.)
Secretary,
State Election Commission.

Secretary,

No. 44-1] The J&K Official Gazette, 1st Feb., 2021/12th Magha, 1942. 3
Annexure-A to the Election Authority 'Order' dated 01-02-2021.

District Development Council	Reservation Status
Anantnag	Scheduled Tribe
Bandipora	Open
Baramulla	Women
Budgam	Open
Doda	Open
Ganderbal	Women
Jammu	Scheduled Caste
Kathua	Open
Kishtwar	Women
Kulgam	Open
Kupwara	Open
Poonch	Scheduled Tribe Women
Pulwama	Open
Rajouri	Scheduled Tribe
Ramban	Women
Reasi	Open
Samba	Open
Shopian	Women
Srinagar	Open
Udhampur	Scheduled Caste

(Sd.)

Secretary,
State Election Commission.