



**THE
JAMMU AND KASHMIR OFFICIAL GAZETTE**

Vol. 133] Jammu, Fri., the 17th July, 2020/26th Asad., 1942. [No. 16-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.

ô ô ô ô

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô LABOUR AND EMPLOYMENT
DEPARTMENT

Notification

Srinagar, the 17th July, 2020.

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

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

“Rule 2A. Competent person.ô (1) The Chief Inspector may recognize any person as a ôcompetent personö, within such area

2 The J&K Official Gazette, 17th July, 2020/26th Asad., 1942. [No. 16-e
ooô ô ô ô ô

and for such period as may be specified, for the purposes of carrying out tests, examinations, inspections and certification of such buildings, dangerous machinery, hoists and lifts, lifting machines and lifting tackles, pressure plant, confined space, ventilation system and such other processes of plant and equipments located in a factory, as stipulated in the Act and the rules, if such person possesses the qualifications, experience and other requirements as specified in the schedule appended to this rule :

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

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

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

(2) The Chief Inspector may recognize an institution of repute having persons possessing qualifications and experience as specified in the schedule referred to in sub-rule (1) of this rule for the purpose of carrying out the tests, examinations, inspections and certifications of such building, dangerous machineries, hoists and lifts, lifting machineries and lifting tackles, pressure plant, confined spaces, ventilation systems and such other processes or plant and equipment located in factory as stipulated in the Act and rules made thereunder, as a competent person within such area and for such period as may be specified.

(3) The Chief Inspector on receipt of an application in the prescribed Form No. 1 or 1-A from a person or institution respectively, intending to be recognized as a competent person, shall register such application immediately and after having satisfied himself as regard to the competence and facilities

No. 16-e] The J&K Official Gazette, 17th July, 2020/26th Asad., 1942. 3
ô ô

available at the disposal of the applicant, either recognize the applicant as a competent person and issue a certificate of competency in the prescribed Form No. 1-B within a period of sixty days from the date of receipt of the application or reject the application specifying the reasons therefore.

(4) The Chief Inspector may, after giving an opportunity to the competent person of being heard, revoke the certificate of competency

(i) If he has a reason to believe that competent person,

(a) has violated any of the conditions stipulated in the certificate of competency ; or

(b) has carried out a test, examination and inspection or has acted in a manner inconsistent with the intent or the purpose of this Act or the rules or has omitted to act as required under the Act or the rules made thereunder ; or

(ii) for any other reasons to be recorded in writing.

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

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

ô ô

Schedule

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

| S. No. | Section or Rule under which competency is recognised | Qualification required | Experience for the purpose | Facilities at his command |
|--------|---|---|---|---------------------------|
| 1 | 2 | 3 | 4 | 5 |
| 1. | Rules made under Section 6 and Section 112-Certificate of stability for buildings | Degree in Civil or Structural Engineering or its equivalent from a recognized university. | (i) A minimum of 10 years of experience in the design or construction or testing or repair of structures ; (ii) Knowledge of non-destructive testing various codes of practices that are current and the effect of the vibrations and natural forces on the stability of the buildings ; and | |
| | | | (iii) Ability to arrive at a reliable conclusion with regard to | |

| | | | | |
|----|---|--|--|--|
| 2. | Rules made under Section 21 (2) of Dangerous Machines | Degree in Electrical Mechanical or Textile Engineering or its equivalent from a recognised university. | <p>(i) A minimum 7 years of experience in</p> <p>(a) design or operation or maintenance ; or</p> <p>(b) Testing, Examination and Inspection of relevant machinery, their guards, safety devices and appliances.</p> <p>(ii) He shall</p> <p>(a) be conversant with safety devices and their proper functioning ;</p> <p>(b) be able to identify defects and any other cause leading to failure ; and</p> | <p>Gauges for measurement ; Instruments for measurement of speed and any other equipment or device to determine the safety in the use of dangerous machines.</p> |
|----|---|--|--|--|

| | | | | | |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

1 2 3 4 5 8

for determining

(ii) He shall be

- (a) conversant with current and relevant codes of practices and test procedures ;
- (b) conversant with fracture mechanics and metallurgy of the material of construction ;
- (c) conversant with heat space treatment/stress relieving techniques as applicable to stress bearing components and parts of lifting machines, chains, ropes and lifting tackles ;
- (d) capable of identifying defects and arriving at

the safe working conditions of the lifting machines, chains, ropes and lifting teckles.

| | | | | | |
|--------|---|---|--|--|---|
| 1 | 2 | 3 | 4 | 5 | |
| | | | the safety of unfired pressure vessels and equipments operating under pressure ; | | |
| | | | (c) conversant with non-destructive testing techniques as are applicable to pressure vessels ; | | |
| | | | (d) able to identify defects and arrive at a reliable conclusion with regard to the safety of pressure plants. | | |
| 6. (i) | Section 36- Precautions against dangerous fumes, gases ; | Masterø Degree in Chemistry or a degree in Chemical Engineering or its equivalent | (i) | A minimum experience of 7 years in collection and analysis of environmental samples and calibration of monitoring equipments ; | Meters, Instruments and devices duly calibrated and certified for |

| | | | |
|---|--|---|---|
| (ii) Rules made under Sections 41 and 112 concerning ship building, ship repairs and ship breaking. | from a recognised university. | (ii) He shall be : ô (a) conversant with the hazardous properties of chemicals and their permissible limit values ; (b) conversant with the current techniques of sampling and analysis of environmental contaminants ; and (c) able to arrive at a reliable conclusion as regard the safety in respect of entering and carrying out hot work. | carrying out the tests and certification of safety in working in confined spaces. |
| 7. Ventilation system as required under various | Degree in Mechanical or Electrical Engineering or its equivalent from a recognised university. | (i) A minimum experience of 7 years in Electrical Engineering or the design, fabrication, installation, or testing of ventilation system | Facilities for testing the ventilation system, instruments and |

- FORM NO. I-B**

qualification of the persons authorized by it to carry out tests, examination and inspections.

Date: _____ **Official Seal** _____ **Signature of the Chief Inspector.** _____

Now, in pursuance of sub-section (1) of section 115, of the Factories Act, 1948 (Central Act), the aforesaid amendments are hereby published for information of general public for inviting objections, suggestions. Any person who desired to object to the aforesaid amendments may submit his/ her objections/suggestions for consideration in writing to the to Commissioner/Secretary to Government, Labour and Employment Department, Civil Secretariat within a period of 45 days from the date of issuance of this notification.

By order of the Government of Jammu and Kashmir.

Commissioner/Secretary to the Government.