

THE

JAMMU AND KASHMIR OFFICIAL GAZETTE

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR CIVIL SECRETARIATÔ LABOUR AND EMPLOYMENT DEPARTMENT

Notification

Srinagar, the 17th July, 2020.

SO-225.66In 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 ocompetent persono, within such area

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 õcompetent personö, 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 õcompetent personö 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 õcompetent personö, shall register such application immediately and after having satisfied himself as regard to the competence and facilities

- - (4) The Chief Inspector may, after giving an opportunity to the competent person of being heard, revoke the certificate of competencyô
 - (i) If he has a reason to believe that competent person,ô
 - (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 :ô 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.

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Schedule	ub-rules (1) and (2) of r	Experience for the purpose purpose 666666666666666666666666666666666666	testing var that are cu	effect of tl natural for
	[Prescribed under su	Qualification required 566666666666666666666666666666666666		
		Section or Rule under which competency is recognised 666666666666666666666666666666666666		
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Ability to arrive at a reliable conclusion with regard to (iii)

dangerous machines.

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A minimum 7 years of (<u>i</u>)

Gauges for

expenence inô

(a) design or operation or maintenance; or

other equipment

determine the safety in the

or device to

measurement of Instruments for measurement;

speed and any

relevant machinery, their guards, safety devices (b) Testing, Examination and Inspection of and appliances.

He shallô (ii)

safety devices and their proper functioning; (a) be conversant with

defects and any other (b) be able to identify cause leading to failure; and

Textile Engineering from a recognised or its equivalent Mechanical or Degree in university. Electrical

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Rules made under Section 21 (2) õDangerous Machinesö

6 The J&K Official Gazette. ※δόδο δοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδ	, 17th July, 2020/26th Asad., 1942. [No. 16-e óóóóóóóóóóóóóóóóóóóóóóóô ô ô ô ô
όδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδο	Facilities for load testing, tensile testing Gauses Equipment/ Gadgets for measurement and any other equipment required for determining the safe working conditions of
 	 (i) A minimum experience of 7 years in ô (a) design or erection or maintenance; or (b) inspection and test procedures of lifts and hoists; (ii) He shall be ô (a) conversant with current and relevant codes of
όδόδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδο	A Degree in Electrical and/ or Mechanical Engineering or its equivalent from a recognised university.
όδόδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδο	3. Section 28- Hoists and Lifts

Hoists and Lifts.			Facilities for	load testing	tensile testing	heat treatment,	equipment/	gadgets for	measurement,	gauges and	such other	equipment required
practices and test procedures;	(b) conversant with other statutory requirementscovering the safety of Hoists and Lifts;	(c) able to identify defects and arrive at a reliable conclusion with regard to the safety of Hoists and Lifts.	(i) A minimum experience of	7 years in ô		(a) design or erection or	maintenance; or		(b) testing, examination and	inspection of lifting	machines, chains, ropes	and lifting tackles.
			<u>.</u>					m				
			Degree in	Mechanical or	Electrical or	Metallurgical	Engineering or	its equivalent from	a recognised	university.		
			Section 29-	Lifting	Machines,	Chains, Ropes	and Lifting	Tackles.				

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<i>όδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδο</i>	4	ό ό ό ό ό ό ό ό ό ό ό ό ό ό ό ό ό ό ό	He shall be ô		(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,	1000ec 200 11110 0 120 klpc .
	3	ბბინი ინი ინი ინი ინი ინი ინი ინი ინი ინ	(ii)																		
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applicable to stress bearing ropes and lifting tackles; components and parts of lifting machines, chains, relieving techniques as space treatment/stress (c) conversant with heat

defects and arriving at (d) capable of identifying

or gadgets

for

Degree in Electrical Engineering or its equivalent from a or Mechanical or Metallurgical Chemical or recognised

(a) design or erection or maintenance; or 10 years in ô

test, gauges, equipments

destructive

Facilities for

A minimum experience of

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Pressure Plant Section 31-

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carrying out

hydraulic test, non-

> (b) testing, examination and inspection of pressure plants.

> > university.

He shall be ô (ii)

test procedures relating codes of practice and to pressure vessels; current and relevant (a) conversant with the

use of pressure

vessels.

determine the

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equipment or

measurement and any other

> (b) conversant with statutory requirements concerning

10 The J&K Official \$6666\$6666666666666666666666666666666	l Gazette, 17th July, 2020/26th Asad óóóóóóóóóóóóóóóóóóóóóóóóóóóó	., 1942. [No. 16-e śćô ćóćô ô ô ô ô
δόδόδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδ		Meters, Instruments and devices duly calibrated and certified for
$\frac{2}{3}$ 2	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 to the safety of pressure plants.	(i) A minimum experience of 7 years in collection and analysis of environmental samples and calibration of monitoring equipments;
ιόδόδόδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδο		Master & Degree in Chemistry or a degree in Chemical Engineering or its equivalent
όδόδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδοδο		6. (i) Section 36- Precautions against dangerous fumes, gases;

carrying out the tests and certification of	sarety in working in confined spaces.			Facilities for testing the ventilation system,	instruments and
(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.		testing of ventilation system
(ii)				(i)	
from a recognised university.				Degree in Mechanical or Electrical Engineering or its equivalent from a	recognised university.
(ii) Rules made under Sections 41 and 112 concerning	ship building, ship repairs and ship breaking.			Ventilation system as required under	various

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persons who can come to

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as to the adequacy of the system. a reasonable conclusion

of Ravon by Viscose process; processing of asbestos; (iv) manufacture

(iii) handling and

(v) Foundry Operations.

compressed air or steam; propelled by a blast of

FORM NO. I-B

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

Form of Certificate of Competency issued to a person or an Institution in pursuance to Rule 2(A)

I	
	in exercise of the powers conferred on me under
section 2	(ca) of the Factories Act, 1948, and the rules made thereunder,
hereby re	cognise (Name of the Institution)
or Shri _	(Name of the person) employed
in	(Name of the organization) to be a
competen	at person for the purpose of carrying out tests, examinations,
inspection	ns and certification for such buildings, dangerous machinery, lift
and hoist	s, lifting machines and lifting tackles, pressure plants, confined
space, ver	ntilation system and such other process or plant and equipment as
the case i	may be used in a factory located in Jammu and Kashmir under
section _	and the rules made thereunder.
This	s certificate is valid fromtoto
Thi	s certificate is issued subject to the conditions stipulated r :ô
(i)	tests, examinations and inspections shall be carried out in accordance with the provisions of the Act and the rules made thereunder;
(ii)	tests, examinations and inspections shall be carried out under the direct supervision of the competent person or by a person so authorized by an institution recognized to be a competent person;
(iii)	the certificate of competency issued in favour of a person shall stand cancelled if the person declared competent leaves the organization mentioned in his application; and

(iv) the Institution recognized as a competent person shall keep the Chief Inspector informed of the names, designations and

Station:

Date: Official Seal Signature of the Chief Inspector.

Note: ô õA separate certificate should be issued under each relevant section. A person or an institution may be recognised competent for the purpose of more than one section of the Actö.

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/

hor objections/Secretary to Government, Labour and Employment Department, Civil Secretariat within a period of 45 days from the date of issuance of this notification.

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

By order of the Government of Jammu and Kashmir.

(Sd.) SAURABH BHAGAT, IAS,

Commissioner/Secretary to the Government.