



Government of Jammu & Kashmir
Assistant Labour Commissioner Kulgam



Government of Jammu & Kashmir
ASSISTANT LABOUR COMMISSIONER KULGAM
D.C Office cum Mini-Secretariat Kulgam Room No. 89

Organisational Profile

S. No	Name of the Official	Designation	Photograph
01.	Shri. Parveez Ah Bhat (KAS)	Assistant Labour Commissioner	

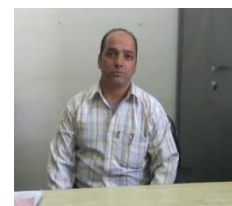
02.	Mr.Ab Rashid Beigh	Labour Inspector	
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03.	Mr. Aijaz AhamdYattoo	Junior Assistant	
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04.	Mr.Nisar Ahmad Kinnu	Orderly	
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05.	Mr.Sajad H. Bhat	D.E.O, JKBOCWBB	
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06.	Mr.Zubair Hamid Ganee	Casual Labour, MC Kulgam (attached to this office vide Additional Deputy Commissioner's Order No. ADCK/MC/Kgm/1747-48 Dt: 11-02-2014)	
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Introduction

The Department of Labour is one of the oldest and the important departments of the Government of Jammu & Kashmir. The main responsibility of the Department is to protect and safeguard the interests of the workers in general and those who constitute the poor, deprived and disadvantage sections of the society in particular, with due regard to creating a healthy work environment for higher production and productivity. The Government's attention is also focussed on promotion of welfare and providing social security to the labour force both in organised and unorganised sectors. The Government is committed to the welfare of the labour class and to the empowerment of the labourers to enable them to play their role in the institution building of the state. These objectives are sought to be achieved through implementation of various labour laws, which regulate the terms and conditions of service and employment of workers. The state government has also placed a well-knit institutional mechanism to implement these legislations through the State Labour Department, Provident Fund Organization, State Insurance Corporation (ESIC) and Jammu and Kashmir Building and Other Construction Welfare Board.

The Labour Department is charged with the responsibilities of enforcement of 23 Central Labour Laws and 3 State enactments for regulating the working conditions of the workers and their welfare in Public/private organized/un-organized Sectors. At the state level, the department is headed by the Labour commissioner with Deputy Labour commissioner and Assistant Labour commissioners respectively are functioning as divisional/districts heads of the department.

❖ *Mission /Vision Statement*

To ensure welfare of labourers

To oversee increase in prosperity

To create healthy and cordial industrial relations between the Employees and Employer

To mediate in industrial complaints/disputes and ensure industrial peace.

To enforce various labour laws, thereby ensuring welfare of the workers.

To provide relief and due benefits to labourers through judicial work.

To provide assistance to registered construction workers viz., education, marriage, disability, death and chronic disease.

To generate/collect revenue for the state by receiving registration fee/cess under different labour laws

➤ *Acts and Features:-*

01. Payment of Wages Act, 1936:

The Act provides that a workmen whose earned wages have not been paid to him on time or paid less wages than the fixed under contract of service by the employer, can institute acclain before the authorities under the payment of wages act, 1936.

02. Payment of Gratuity Act, 1972:

The Act provides that the workmen who has put in minimum five years of service in a factory or establishment is entitled to payment of gratuity @ 15-days wages for every year of service.

03. Payment of Bonus Act:

The payment of bonus Act provides for yearly bonus to the workmen employed in the factories and commercial establishments. The employer has to pay minimum bonus @8.33% of the total yearly wages of the workmen or rupees one hundred whichever is higher.

04. Maternity Benefit Act, 1961:

The maternity benefit act provides for the payment of maternity benefit to the married women employees employed in any factory/establishment. The benefit is given in the shape of leave with wages for the period not exceeding six weeks before delivery and six weeks after delivery.

05. Employees State Insurance Act, 1948:

The act provides for the compulsory insurance over the health of the workmen and their family members in the establishments with the threshold limit of 20 employees. Now it is being reduced to 10-Employees.

06. Trade Union Act, 1926:

The Act provides for the registration of unions of employee and that of the employers as well with a view to strengthen the idea of collective bargaining of their rights.

07. Industrial Dispute Act, 1947:

The Act provides for mechanism and procedure investigation and settlement of industrial dispute. 08. Minimum Wages Act, 1948: The Act provides for fixation minimum wages payable to the skilled, semi-skilled, unskilled and ministerial workers employed in various schedule employments. The minimum wages fixed for these categories of workers wide SRO No. 304 dated 01-10- 2009 are as under:-

- a) Skilled -----225/-
- b) Semi-Skilled ----- 175/-
- c) Unskilled ----- 150/-
- d) Ministerial/Supervisory/Accountancy----- 200/-

09. Motor Transport Workers Act, 1961:

The Act provides for welfare of motor transport workers and regulation of conditions of their service.

10. Contract Labour Act, 1970:

The Act provides for regulation of employment and conditions of services of the contract labour in commercial establishments where labour is hired through contractors.

11. Factories Act, 1948:

The Act provides for registration of factories by the Chief Inspector of Factories who is the Labour Commissioner in the State of J&K.

12. Child Labour Act:

The Child Labour Act, 1986 puts total ban on engagement of child labour who are below the age of 14 years in any hazardous process/occupation. The act provides for regulation of employment of children in non-hazardous

process or occupation. The act also provides for rehabilitation of child workers and providing support to the family on account of loss of income.

13. Working Journalists and other Newspaper Employees (Conditions of Service and Misc. Provisions) Act, 1955:

In order to regulate the working conditions such as retrenchment, payment of gratuity, nomination hours of work, leave, fixation or division of rates of wages of workers, journalists and other persons employed in newspaper establishments which are implemented by the State Labour Department.

14. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979:

This Act provides for regulating to employment of interstate workmen and their conditions of service. The act applies to every establishment in which 5 or more interstate migrant workmen are employed.

15. Industrial Employment (Standing Orders) Act, 1946:

The Act requires the employer in industrial establishment to formally define the conditions for employment of the employees.

16. Bonded Labour System (Abolition) Act, 1976:

The Act puts a total ban on any kind of bonded labour system. The act also provides for rehabilitation of the bonded labours when freed.

17. Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996:

The Government of India has enacted building and other construction worker (condition of service) Act, 1996. The Act is applicable to the state

also. The State Government in the pursuance of the Act has constituted a welfare board of building and other construction workers. The offices of the Board have been established various welfare schemes related to death, injury, medical expensed, education, marriage, funeral etc., have been

sanctioned. The Assistant Labour Commissioner has been designated as the registration officer at district level. Unfortunately, the workforce employed in building and construction workers fall in unorganized sector and could be bound to provide certain basic facilities to this labour force. The registration of workers would be a step towards bringing this unorganized workforce into an organized sector.

18. Building and Other Construction Workers Welfare Cess Act, 1996:

The Act provides for levy and collection of 1% Cess on the cost construction incurred by the employer with a view to augmenting the resources of “Building and Other Construction Workers Welfare Board” constituted under the main act.

All Government Departments, Public Undertakings and other Govt. Bodies carrying out any Building & Other Construction Workers Which are covered under Section 2(d) of the main Act shall, in case the work is carried out through a contractor deduct mandatory 1% of the amount of cost approved as per the tender notification from the bills at the time of making payment to the contractors.

19. Boiler Act:

The Act provides for health and safety of every worker in every factory where boilers are used.

20. Unorganized Workers Social Security Act, 2008:

The Act provide social security cover and make available some of the basic amenities to the workers working in the unorganized sector. The legislation has been enacted by the parliament in the year 2008 which has been extended to whole of India including J&K. The State Government is also

going to implement the Act in letter and spirit for which the rules have already been issued.

21. Children (Pledging of Labour) Act, 1933:

The Act provides for probation on the pledging of labour of children.

22. Sales Promotion Works Act:

The Act provides for regulation of certain conditions of service of sales promotion employees in certain establishments.

23. Labour Laws (Exemption for furnishing return) Act, 1988:

The Act provides for exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws.

24. Shops and Establishment Act, 1996:

The Act provides for weekly of hours of work, leave with wages that is 14-days casual leave and 01-month privilege leave etc. The Act also provides for Hygienic Environment to be provided to the workers in an establishment.

25. J&K Industrial Establishment (National and Festival) Holidays Act, 1947:

This Act provides for grant of National and Festival Holidays to persons employed in Industrial Establishments in the State.

26. Employees Provident Fund Act:

The Act provides provident fund and social security benefits in the shape of contributory provident fund to working class having non pensionable service. The labour department is tasked to maintain the industrial peace and harmonious working relationship between the employees and employers.

❖ Powers and Functions of Assistant Labour Commissioner under various Labour Law.

01. Additional Inspector under Factories Act.

02. Deputy Chief Inspector of Shops and Establishment Act.

03. Commissioner under Workmen's Compensation Act.

04. Authority under Payment of Wages Act.

05. Conciliation Officer under Industrial Disputes Act.

06. Registering and Licensing Authority under Contract Labour (Regulation and Abolition) Act.

07. Authority for hearing and deciding claims under Equal Remuneration Act.

08. Registering and Licensing Officer under Inter State Migrant Workman (Regulation of Employment and Conditions of Service) Act.

09. Authority under Minimum Wages Act.

10. Controlling Authority under Payment of Gratuity Act.

Jammu & Kashmir Building & Other Construction Workers Welfare Board

Introduction

With the object to regulate the employment and conditions of service and to provide safety, health and welfare measures for the building and other construction workers, which is most vulnerable segment of the second largest unorganized labour sector in India after agriculture, the central Govt. has enacted the legislations, namely-“The Building and Other Construction Workers’ (Regulation of Employment and Conditions of Service) Act, 1996”. Further, the state Government under the said Act, has also framed the rules namely, “The J&K Building and Other Construction Workers’ (Regulation of Employment and Conditions of Service) Rules, 2006” as notified vide SRO-232 of 2006. Under section 18 of above stated Act, the State Government constituted the Board, namely ,”J&K Building and Other Construction Workers Welfare Board” in 2010 under the Chairmanship of Hon’ble Minister for labour and employment and Representatives of Government and Workers in equal numbers.

Aim & Objective

In Building and other construction works more than eight million workers are engaged throughout the country. These workers are one of the most vulnerable segments of the unorganized labour in India. Their work is of temporary nature, the relationship between employer and the employee is temporary, working hours are uncertain. Basic amenities and welfare facilities provided to these workers are inadequate.

The Board may Provide immediate assistance to a beneficiary in the case of accident Make payment of Pension to the beneficiaries who have completed the age of sixty years Sanction loans and advances to a beneficiary for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed.

Welfare Schemes

❖ Education assistance	Rs. 2500 – 50000/= per annum
❖ Marriage assistance	Rs. 25000/=
❖ Chronic disease assistance	Rs. 100000/=
❖ Disability assistance	Rs. 5000 – 75000/=
❖ Death/ Funeral assistance	Rs. 205000/=

Registration as Beneficiary

Every Building Worker who has completed 18 years of age, but has not completed 60 years of age, and who has been engaged in any building or other construction work for not less than 90 days during the preceding 12 months shall be eligible for registration as a beneficiary under this Act. An application for registration shall be made in such form, as may be prescribed, to the officer authorized by the Board in this behalf Every application under this sub-section(2) shall be accompanied by such documents together with such fee not exceeding Rs. 10 may be prescribed. If the officer authorized by the Board under sub-section(2) is satisfied that the applicant has complied with the provisions of this Act and the rules made there under, he shall register the name of the building worker as beneficiary under this Act. Provided that an application for registration shall not be rejected without giving the applicant an opportunity of being heard Any person aggrieved by the decision under sub-section (4) may, within 30 days from the date of such decision, prefer an appeal to the Secretary of the Board or any other officer specified by the Board in this behalf and the decision of the Secretary or such other officer on such appeal shall be final Provided that the secretary or any other officer specified by the Board in this behalf may entertain the appeal after the expiry of the said period of 30 days if he is satisfied that the building worker was prevented by sufficient cause from filling the appeal in time. The Secretary of the Board shall cause to maintain such registers as may be prescribed.

Achievements:-

Disbursement under various welfare schemes (in Rs.)								
Year	Education	No. of Benef	Marriage	No. of Benef	Chr. Disease/ Disability	No. of Benef	Death/ Funeral	No. of Benef
2011-12	788000	254	450000	18	0	0	0	0
2012-13	12056000	1914	4275000	165	0	0	420000	4
2013-14	16035613	1914	2850000	105	639621	9	625000	5
2014-15	14264000	1494	4175000	160	422451	10	880000	5
2015-16	28539000	2804	8850000	319	60000	2	0	0
2016-17	567000	21	550000	19	1496528	21	6050000	30

Total number of registered construction workers till date: **10936.**

website: www.sgboc.somee.com

❖ Registration & Renewal under Shops & Establishment Act 1966

Year	Shops		Commercial establishment		Hotels/Restaurants	
	No.	Emp.	No.	Emp.	No.	Emp.
2013-14	2602	50	186	1540	90	9
2014-15	2736	94	208	1605	94	14
2015-16	3049	164	257	1881	99	19

❖ Ownership/Employment in Shops:-

Year	Shop run by		Total
	Owners	Others	
2013-14	2557	45	2602
2014-15	2665	71	2736
2015-16	2885	164	3049

Details of Court Cases received/disposed under various Acts.

Name of Act/Year	No. of cases already pending	No. of cases received	Total	No. of cases disposed off	No. of cases pending	Amount got paid (Rs. in lakhs)
<u>Workmen's Compensation Act</u>						
2013-14	00	02	02	00	02	00
2014-15	02	00	02	00	02	00
2015-16	02	01	03	00	03	00
<u>Payment of wages Act</u>						
2013-14	00	05	05	04	01	0.43
2014-15	01	12	13	07	06	1.16
2015-16	06	13	19	15	04	1.53
<u>Payment of Gratuity Act</u>						
2013-14	01	01	02	02	00	0.40
2014-15	00	01	01	00	01	00
2015-16	01	00	01	00	01	00

Details of Revenue (Registration/Revenue):-

<i>Name of Act</i>	<i>2013-14</i>	<i>2014-15</i>	<i>2015-16</i>
<i>Shops & Establishment Act</i>	2.598	3.21	3.50868
<i>Contract Labour Act</i>	0.053	0.05	0.018
<i>Motor Transport Act</i>	0.202	0.16	0.117
<i>Building & other Construction</i>	0.024	0.05	0.012
B O C Workers Welfare Cess Act, 1996	6.037	5.892	6.708

S. No	Name of the Officer/ Official	Designation	Phone No.
01.	Shr. Parveez Ah. Bhat (KAS)	Asstt. Labour Commissioner	94190090049
02.	Mr.Ab Rashid Beigh	Labour Inspector	7006351651
03.	Mr.AijazAhamdYattoo	Junior Assistant	9858884606
04.	Mr.Nisar Ahmad Kinah	Orderly	9469152760
05.	Sajad H. Bhat	D.E.O, JKBOCWWB	7006009924
06.	Zubair Hamid Ganee	Casual Labour, MC Kulgam	9622640499