

Government of Jammu and Kashmir
Labour & Employment Department
Civil Secretariat, Srinagar/Jammu

Subject:- J&K "Self Certification Scheme"

Government Order No: 40-L&E of 2020

Dated:- 13. 07. 2020

In order to liberalize the enforcement of various labour laws and to provide option of "Self Certification Scheme" for various returns to be submitted under various labour laws sanction is hereby accorded to the notification and issuance of "Self Certification Scheme" for the industries and various establishments in the Union Territory of Jammu and Kashmir as under:-

(i) **INTRODUCTION:** This Self Certification Scheme is being introduced to streamline the functioning of the Department of Labour and Employment for effective implementation of various laws being implemented by the Labour Commissioner and also to facilitate the employers and entrepreneurs. This "Self Certification Scheme" aims at making the employer or an entrepreneur a conscious and truthful citizen and law abiding person who is willing to take care of the interests of the workers and employees by following all the laws as applicable and enable the Department of Labour and Employment to effectively protect the interest of the workers as well as the employers and entrepreneurs and create a friendly environment and relationship between the Government and the employers and entrepreneurs.

(ii) **OBJECTIVE:** The objective of this "Self Certification Scheme" is to curtail unnecessary visits of Government officials for inspection of those units who opt for this Scheme without compromising on the safety, health, social security and welfare of the workers.

(iii) **PROCEDURE:** This Scheme shall be optional and any employer or entrepreneur can opt for this Scheme after applying to the

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District/Divisional authorities of Labour and Employment Department i.e. the Assistant Labour Commissioner, Inspector of Factories, in the prescribed Performa at Annexure-I alongwith prescribed details as per Annexure-II and undertaking/affidavit as prescribed in Annexure-III. Any discrepancy in the application or enclosures shall be communicated to the applicant within 30 days from the receipt of the application in the office of the District authorities/Divisional Authorities of Labour and Employment Department. In case no discrepancy is so communicated, the applicant shall be deemed to have been enrolled under the "Self Certification Scheme".

(iv) FILING OF RETURN: After being enrolled for the Self Certification Scheme, the concerned employer/entrepreneur shall file the Self Certification Return in the prescribed Performa given at Annexure-IV along-with the required documents and information. The return can be filed between 1st of April and 30th of April every year on any working day between 10:30 A.M. to 4:30 P.M.

(v) VALIDITY OF UNDERTAKING: Factual information given in the prescribed return shall be the same as on the date of filing the return. The undertaking to abide by all the laws as applicable to the employer/entrepreneur shall be valid for a period of next one year.

(vi) VALIDITY OF SCHEME: Once opted for the Scheme, the same shall be valid for five years and the employer/entrepreneur shall file annual return as prescribed. After the successful compliance under the "Self Certification Scheme" for five years, the employer/entrepreneur shall have option either to remain covered under the "Self Certification Scheme" or opt out of the Scheme. The option must be exercised in written to make before the concerned District authorities/Divisional authorities of Labour and Employment Department. In case the employer/entrepreneur successfully completes five year under the Scheme and during any inspection, carried out, if no violations of law(s) is detected the security so deposited shall be refunded. No interest shall be payable on the security deposited.

(vii) AMOUNT OF SECURITY TO BE DEPOSITED: Any entrepreneur/employer who opts for the Scheme shall deposit a security by way of account payee bank draft in favour of Concerned District authorities/Divisional authorities of Labour

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and Employment Department. At the opening of this scheme, the security amount shall be Rs.5000/- for small scale industries, Rs. 10000/- for medium scale industries and Rs. 20000/- for large scale industries.

(viii) FORFEITURE OF SECURITY DEPOSIT: In case any entrepreneur or employer withdraws prematurely from the Scheme i.e. before 5 years or fails to follow the terms and conditions of the Self Certification Scheme or fails to file return in time under this Scheme or fails to abide by any undertaking given by him or any violation of law (s) is detected then security so deposited shall be forfeited and in case of violation of laws, further necessary action as per the law will be initiated and he/she will cease to continue under the Scheme. However, there will be no bar on fresh inclusion in the Scheme if applied afresh.

(ix) LABOUR LAWS FOR WHICH THE SCHEME IS VALID: This Self Certification Scheme shall be valid for following Acts and Rules made thereunder as applicable to the concerned employer/entrepreneur:

- (1) Minimum Wages Act, 1948 and Government of Jammu and Kashmir Rules made thereunder as amended from time to time.
- (2) Payment of Wages Act, 1936 and Government of Jammu and Kashmir Rules made thereunder as amended from time to time.
- (3) Contract Labour (Regulation and Abolition) Act, 1970 and Government of Jammu and Kashmir Rules made thereunder as amended from time to time.
- (4) Payment of Bonus Act, 1965 and Rules made thereunder as amended from time to time.
- (5) Payment of Gratuity Act, 1972 and Government of Jammu and Kashmir Rules made thereunder as amended from time to time.
- (6) Maternity Benefit Act, 1961 and Government of Jammu and Kashmir Rules made thereunder as amended from time to time.
- (7) Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Government of Jammu and Kashmir Rules made thereunder as amended from time to time.
- (8) The Jammu and Kashmir Shops and Establishment Act, 1966 and Rules made thereunder as amended from time to time.
- (9) The Inter-State Migrant Workmen (RECS) Act, 1979 and Rules thereunder.

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(10) The Equal Remuneration Act, 1976 and Government of Jammu and Kashmir Rules thereunder.

(11) Motor Transport Workers Act, 1961 and Government of Jammu and Kashmir Rules made there under.

(12) Factories Act, 1948 and rules framed thereunder.

(13) Jammu and Kashmir Industrial Establishments (National and Festival) Holiday Act, 1974 and rules made thereunder.

Note:

- a) Only the factories / establishment having valid license/Registration under the Factories Act, 1948 and JandK Shops and Establishment Act, 1966 will be eligible for this Scheme.
- b) The Major Accident Hazard Units shall not be covered under the Self Certification Scheme.
- c) All the classes of the Factories involving Hazardous Process or High Risk Industries mentioned under Section 2 (cb) of the Factories Act, 1948 shall not be covered under the Self Certification Scheme.

(x) WHOM TO APPLY: Under the Self Certification Scheme, the application for inclusion under the Self Certification Scheme as per **Annexure-I** shall be made in duplicate addressed to the Concerned District authorities/Divisional Authorities of Labour and Employment Department with a copy to Labour Commissioner Government of Jammu and Kashmir. Similarly, the return to be filed in **Annexure-IV** shall also be filed in duplicate, complete in all respects, of which one copy shall be sent to the concerned District authority/Divisional authority along with relevant documents and one copy shall be sent to the Labour Commissioner Government of Jammu and Kashmir. The return in **Annexure-IV** needs to be filed well in time as per this Scheme. The date shall mean the date on which application or return is received in the office of concerned District authorities/Divisional Authorities/Labour commissioner Government of Jammu and Kashmir.

Note:- The amount of security in the shape of account payee bank draft in the name of concerned District authority/Divisional Authority shall be attached with the application (**Annexure-I**)

(xi) INSPECTION PROCEDURE UNDER THE SCHEME: (1) Under the Self Certification Scheme not more than 20 percent of the units covered under the scheme shall be picked up randomly for inspection in a year and which shall be carried out only once regarding the implementation

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of all the laws to which this Scheme applies. Once Inspected, the same unit is not likely to be inspected in the same year or in next three years provided that no specific violation of terms, conditions, undertaking given and laws by the employer/entrepreneur is brought to notice. However, on specific complaint, accidents, dangerous occurrences only the Labour Commissioner himself/herself shall be competent to order inspection at any time.

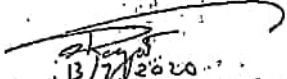
(2) A random inspection list of units shall be prepared by the concerned District Authority/ Divisional Authority and normally the inspection of those units will take place in year where specifically ordered by the Labour Commissioner.

(3) The inspection will be a joint inspection under all the labour laws which are applicable under the Scheme. Hence, it will normally be a onetime inspection.

(4) The copy of Scheme along-with all prescribed application forms and inspection procedure shall be available on Official Website of the Jammu and Kashmir Labour Commissioner viz "www.jklabour.com". Any application shall only be submitted before the concerned authority in the forms attached with the Scheme against payment of fee as shown below in the shape of demand draft pledged to the concerned authority of the department:-

- o Small Scale Industries Rs. 1000/-
- o Medium Scale Industries Rs. 2000/-
- o Large Scale Industries Rs. 5000/-

By order of the Government of Jammu and Kashmir.


13/7/2020
Commissioner/Secretary to Government
Department of Labour Employment

Copy to:-

1. Principal Secretary to Hon'ble Lieutenant Governor
2. Jt. Secretary M.H.
3. All Administrative Secretaries.
4. Addl. Secretary to Chief Secretary
5. OSD to Advisor (F)