



Government of Jammu and Kashmir
OFFICE OF THE LABOUR COMMISSIONER, J&K
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Secretary to Government
Labour & Employment Department
Civil Secretariat Jammu/Srinagar.

No: LC-ENF/68/2022-2.

Dated: 22.02.2025

Subject: - Amendment in Labour Laws-compliances of BRAP/RCB-2024.

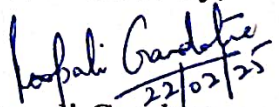
Sir,

In order to make Jammu and Kashmir an attractive destination for investment and to promote ease of doing business and in compliance to Business reforms Action Plan (BRAP 2024). The Labour department, J&K has made a comprehensive exercise through a comparative study of the best practices of Labour legislations across the country with the intentions to carry out similar changes in the labour laws in the UT.

In this context, I am directed to enclose herewith the proposed amendments under following Central Labour Laws with the request to take further necessary action in the matter so that BRAP-2024 and RCB recommendations are fully complied.

1. Payment of Gratuity Act, 1972
2. Minimum Wages Act, 1948
3. Payment of Wages Act, 1936
4. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
5. The Maternity Benefit Act, 1961

Yours faithfully,


22/02/25
Roopali Gandotra

Assistant Labour Commissioner,
Central, J&K.

Payment of Gratuity Act, 1972

[Act No. 39 of 1972]

After Section 10 the following section shall be inserted, namely:-

10A. Compounding of offences:-

An officer specially empowered by the State Government in this behalf by notification in the Official Gazette may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act with fine only committed for the first time either before or after the institution of the prosecution on realization of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence, and where the offence is so compounded—

- (i) before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;
- (ii) after the institution of the prosecution, the composition shall amount to acquittal of the offender.]

Minimum Wages Act, 1948

[Act, No. 11 of 1948]

After section 22C, insert the following section, namely:-

22CC. Compounding of offences:-

An officer specially empowered by the State Government in this behalf by notification in the Official Gazette may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act with fine only committed for the first time either before or after the institution of the prosecution on realization of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence, and where the offence is so compounded—

- (iii) before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;
- (iv) after the institution of the prosecution, the composition shall amount to acquittal of the offender.]

Payment of Wages Act, 1936

(Act, No. 4 of 1936)

After Section 20 the following section shall be inserted, namely

20-A. Compounding of offences:-

An officer specially empowered by the State Government in this behalf by notification in the Official Gazette may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act with fine only committed for the first time either before or after the institution of the prosecution on realization of such amount

of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence, and where the offence is so compounded—

- (i) before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;
- (ii) after the institution of the prosecution, the composition shall amount to acquittal of the offender.]

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

(Act No.30 of 1979)

After Section 25 the following section shall be inserted –

25A. Compounding of Offences:-

An officer specially empowered by the State Government in this behalf by notification in the Official Gazette may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act with fine only committed for the first time either before or after the institution of the prosecution on realization of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence, and where the offence is so compounded—

- (i) before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;
- (ii) after the institution of the prosecution, the composition shall amount to acquittal of the offender.]

The Maternity Benefit Act, 1961

(Act No.53 of 1961)

After Section 22 the following shall be inserted :-

22A. Compounding of Offences:-

An officer specially empowered by the State Government in this behalf by notification in the Official Gazette may, subject to any general or special order of the State Government in this behalf, compound any offence punishable under this Act with fine only committed for the first time either before or after the institution of the prosecution on realization of such amount of composition fee as he thinks fit, not exceeding the maximum amount of fine fixed for the offence, and where the offence is so compounded—

- (i) before the institution of the prosecution, the offender shall not be liable to prosecution for such offence and shall, if in custody, be set at liberty;
- (ii) after the institution of the prosecution, the composition shall amount to acquittal of the offender.]