

Achievement of Labour Department:-

The Labour department is charged with the responsibility of enforcement of 21 Central Labour Laws and 03 state enactments for regulating the working conditions of workers and their welfare in public/private organized sector. The department is headed by the Labour Commissioner with Deputy Labour Commissioners functioning as divisional heads. The department has its offices at Delhi and Chandigarh as well. These offices look after welfare of labourers of J&K who go to these places for work. These are functioning under the control of Deputy Labour Commissioners and Assistant Labour Commissioners respectively.

Through Implementation/Enforcement of Labour laws following physical and financial achievements have been made by the department during the period 2008-09 to 03/2016.

A) Non-Revenue Acts:-

Employee's Compensation Act, 1923

The Act provides for payment of compensation to workers in case of his/her accidental injury or to dependents in case of death while in employment. Assistant Labour Commissioner concerned is notified as commissioner under this Act. The employer deposits the amount in the court. Achievements made under this Act are given as under:-

| Year | Pending at the beginning | Cases received | Cases settled | Cases Pending | Compensation got paid (Rs. In lacs) |
|------------------|---------------------------------|-----------------------|----------------------|----------------------|--|
| 2009-10 | 835 | 253 | 255 | 833 | 437.323 |
| 2010-11 | 833 | 278 | 289 | 822 | 532.049 |
| 2011-12 | 822 | 241 | 237 | 826 | 658.19 |
| 2012-13 | 826 | 250 | 222 | 854 | 718.908 |
| 2013-14 | 854 | 223 | 400 | 677 | 727.764 |
| 2014-15 | 677 | 276 | 477 | 476 | 1166.36 |
| 2015-16 | 476 | 312 | 788 | 453 | 1094.05 |
| 2016-17(04/2016) | 453 | 38 | 19 | 470 | 111.582 |

Payment of Wages Act, 1936

The Act provides relief for a workman who is not paid wages in time or is paid less by the employer than that fixed under contract. He can lodge a claim before the authority under the Act (ALC) and get his grievances redressed. Achievements made under this Act are given as under:-

| Year | Pending at the beg | Cases received | Cases settled | Cases pending | Compensation got paid | Inspections conducted | Prosecutions launched | Prosecutions settled | Fine imposed |
|----------------------|--------------------|----------------|---------------|---------------|-----------------------|-----------------------|-----------------------|----------------------|--------------|
| 2009-10 | 397 | 175 | 154 | 418 | 54.169 | 1349 | 277 | 226 | 2.453 |
| 2010-11 | 418 | 179 | 185 | 412 | 34.794 | 972 | 80 | 220 | 2.229 |
| 2011-12 | 412 | 182 | 170 | 424 | 100.99 | 1481 | 138 | 122 | 1.405 |
| 2012-13 | 424 | 251 | 227 | 448 | 72.462 | 2391 | 225 | 138 | 1.22 |
| 2013-14 | 448 | 306 | 326 | 428 | 52.858 | 3012 | 372 | 385 | 4.241 |
| 2014-15 | 428 | 302 | 439 | 291 | 39.315 | 2819 | 342 | 309 | 4.65 |
| 2015-16 | 291 | 396 | 335 | 352 | 74.251 | 3687 | 393 | 310 | 4.10 |
| 2016-17 (04/2016) | 352 | 33 | 20 | 365 | 7.48 | 195 | 60 | 32 | 0.61 |

Payment of Gratuity Act, 1972:-

The Act provides that a workman who has put in minimum five years service in factory/ establishments is entitled to payment of gratuity at 15 days for every year of service. Achievements made under this Act are given as under:-

| Year | Cases Received | Cases Settled | Cases Pending | Compensation got paid | Inspections conducted |
|----------------------|----------------|---------------|---------------|-----------------------|-----------------------|
| 2009-10 | 72 | 98 | 93 | 34.361 | 7 |
| 2010-11 | 75 | 63 | 105 | 53.72 | 42 |
| 2011-12 | 50 | 55 | 100 | 46.97 | 107 |
| 2012-13 | 139 | 105 | 134 | 116.674 | 50 |
| 2013-14 | 203 | 141 | 196 | 50.341 | 119 |
| 2014-15 | 318 | 289 | 225 | 370.543 | 68 |
| 2015-16 | 284 | 290 | 219 | 232.26 | 377 |
| 2016-17 (04/2016) | 14 | 7 | 214 | 39.93 | 20 |

Industrial Disputes Act-1947:-

The Act provides for machinery and procedure for investigation and settlement of Industrial Disputes. Any worker who has a grievance with his employment, condition of his employment or who has been terminated from service can apply to ALC concerned who is the conciliation officer under the Act. The conciliation officer can settle the case at his level and in case of failure he can refer the case to the Labour Court/ Industrial Tribunal through failure report to the Govt. Achievements made under this Act are given as under:-

| Year | Cases Received | Cases Settled | Cases Pending |
|-------------------|-----------------------|----------------------|----------------------|
| 2009-10 | 16 | 12 | 11 |
| 2010-11 | 18 | 19 | 10 |
| 2011-12 | 19 | 17 | 12 |
| 2012-13 | 23 | 21 | 14 |
| 2013-14 | 29 | 27 | 16 |
| 2014-15 | 27 | 29 | 14 |
| 2015-16 | 28 | 29 | 13 |
| 2016-17 (04/2016) | 2 | 3 | 12 |

Minimum Wages Act-1948:-

The Act provides for fixation of minimum wages payable to skilled, semi-skilled and un-skilled workers employed in scheduled employment. The notification in this connection has been revised vide SRO 03 dated 04-01-2013. The minimum wages fixed in this SRO is Rs. 225, Rs. 175, Rs 150 and Rs 200 per day in respect of skilled, semi-skilled and un-skilled workers and ministerial/ supervisor/ Accounts workers respectively. Performance under the Act is as follows:-

| Year | Cases Received | Cases Settled | Cases Pending | Amount got paid (Rs. in lacs) | Inspections conducted | Prosecution launched | Prosecution Settled |
|-------------------|-----------------------|----------------------|----------------------|--------------------------------------|------------------------------|-----------------------------|----------------------------|
| 2009-10 | 19 | 8 | 35 | 0.725 | 1532 | 74 | 155 |
| 2010-11 | 18 | 12 | 41 | 0.050 | 1078 | 36 | 99 |
| 2011-12 | 03 | 22 | 22 | 1.28 | 1306 | 46 | 39 |
| 2012-13 | 07 | 14 | 15 | 7.95 | 1937 | 71 | 51 |
| 2013-14 | 07 | 07 | 15 | 0.84 | 2778 | 135 | 101 |
| 2014-15 | 13 | 11 | 17 | 0.00 | 2535 | 223 | 148 |
| 2015-16 | 16 | 06 | 27 | 0.00 | 3054 | 315 | 219 |
| 2016-17 (04/2016) | 0 | 1 | 26 | 0.00 | 163 | 19 | 33 |

Payment of Bonus Act 1965:-

The Act provides for payment of Bonus to the workmen from his employer minimum at 8.33% and maximum at 20% of his total yearly wages. Performance under the Act is as follows:-

| Year | Inspections Conducted | Prosecutions Launched | Prosecutions Settled | Prosecution pending at the end | Fine imposed (Rs. in Lacs) |
|----------------------|------------------------------|------------------------------|-----------------------------|---------------------------------------|-----------------------------------|
| 2009-10 | 83 | 01 | 01 | 14 | 0.005 |
| 2010-11 | 135 | 04 | 04 | 14 | 0.003 |
| 2011-12 | 239 | 10 | 02 | 22 | 0.014 |
| 2012-13 | 249 | 06 | 06 | 22 | 0.43 |
| 2013-14 | 410 | 01 | 07 | 16 | 0.002 |
| 2014-15 | 499 | 00 | 01 | 15 | 0.001 |
| 2015-16) | 534 | 09 | 08 | 16 | 0.00 |
| 2016-17 (04/2016) | 48 | 0 | 0 | 16 | 0.00 |

Child Labour (Prohibition and Regulation) Act: 1986:-

The Child Labour (P&R) Act 1986 puts total ban on engagement of child Labour below the age of 14 years in any hazardous process/occupation. The Act provides for regulation of employment of children in non-hazardous process/occupation.

The Govt. has constituted District Level Advisory Boards vide Govt. order No. 16-Lab of 1997 dated 05-03-1997 for eradication of Child Labour. A monitoring cell in Labour Department has been constituted vide Govt. order No. 18-Lab of 1997 dated 05-03-1997 and a State Level Monitoring Committee under the chairmanship of Hon'ble Minister of State for Labour & Employment vide Govt. order No. 33-Lab of 1997 dated 29-04-1997 to ensure eradication of Child Labour.

The Govt. has issued SRO 94 dated 06-03-1997 giving inspection powers to Block Development Officers, Tehsildars, Village Level Workers, Asstt. Labour Commissioners, Inspector of Factories and Labour Officers to ensure implementation of various provision of Child Labour (Prohibition and Regulation) Act 1986. The committees are headed by the Dy. Commissioner of the district.

District Level Child Labour Rehabilitation-Cum-Welfare Fund is also in place in each District created vide Govt. Order No. 17-Lab of 1997 dated 05-03-1997 to provide financial assistance to

families of children withdrawn from hazardous occupation/processes. The fund is headed by the Dy. Commissioner of the district.

There, is however, a threat from migratory Labour who come from outside states. These are poor and willingly let their children work in Dhabas, at construction places, as house hold servants etc. This is a challenge and the department has been requesting the general public through press clips in news papers/ pamphlets and other means to help stop this menace. A mechanism of weekly feedback stands already devised by the department with detailed instructions/guidelines that are periodically reviewed. The department is issuing public awareness/Add. Columns are being got published in news papers and talk shows conducted through Radio /Doordarshan. Awareness camps through pamphlet/signboards were conducted in recent past for the proper implementation of various provisions of Child Labour (Prohibition and Regulation) Act 1986.

The details of inspection/ prosecutions launched and convictions made by the court of law under this act during the last three years are as under:-

| Year | Inspection conducted | Prosecution launched | Prosecutions settled | | | Prosecution at the end |
|---------------------|----------------------|----------------------|----------------------|------|------|------------------------|
| | | | Total | Con. | Acq. | |
| 2009-10 | 3949 | 05 | 62 | 30 | 32 | 112 |
| 2010-11 | 2868 | 35 | 19 | 7 | 12 | 128 |
| 2011-12 | 4331 | 13 | 30 | 25 | 05 | 111 |
| 2012-13 | 3423 | 22 | 09 | 06 | 03 | 124 |
| 2013-14 | 3494 | 37 | 23 | 17 | 06 | 138 |
| 2014-15 | 2960 | 20 | 08 | 02 | 06 | 150 |
| 2015-16 | 3769 | 13 | 42 | 21 | 21 | 109 |
| 2016-17 (04/2016 | 702 | 7 | 3 | 3 | 0 | 113 |

B) Revenue Acts:-

Motor Transport Workers Act-1961:-

The Act provides for welfare of Motor Transport Workers and regulation of conditions of their services i.e welfare, health and hours of work etc. Achievements made under this Act are given as under:-

| Year | Transport U/T registered | Total Regd. | Revenue realized (Rs. in lacs) | Inspections conducted | Prosecution launched | Prosecution settled | Fine imposed (Rs. in Lacs) |
|-------------------|--------------------------|-------------|--------------------------------|-----------------------|----------------------|---------------------|----------------------------|
| 2009-10 | 84 | 1632 | 0.487 | 219 | 21 | 4 | 0.00 |
| 2010-11 | 41 | 1673 | 1.529 | 227 | 1 | 26 | 0.033 |
| 2011-12 | 114 | 1789 | 2.217 | 268 | 1 | 4 | 0.01 |
| 2012-13 | 193 | 1982 | 2.493 | 327 | 10 | 2 | 0.006 |
| 2013-14 | 176 | 2158 | 2.2698 | 589 | 12 | 09 | 0.033 |
| 2014-15 | 57 | 2269 | 2.223 | 514 | 07 | 06 | 0.014 |
| 2015-16 | 153 | 2422 | 2.678 | 599 | 47 | 23 | 0.068 |
| 2016-17 (04/2016) | 9 | 2431 | | 69 | 0 | 2 | 0.007 |

Trade Unions Act-1926

The Act provides for registration of Unions of employees working in Industries, organized and unorganized sector. (Except Govt. departments). Achievements made under this Act is given as under:-

| Year | Registered | Total Regd. | Membership | Revenue realized (Rs. in lacs) |
|-------------------|------------|-------------|------------|--------------------------------|
| 2009-10 | 25 | 1473 | 1346 | 0.125 |
| 2010-11 | 16 | 1489 | 560 | 0.08 |
| 2011-12 | 33 | 1522 | 1249 | 0.165 |
| 2012-13 | 30 | 1552 | 1331 | 0.145 |
| 2013-14 | 37 | 1589 | 1284 | 0.185 |
| 2014-15 | 33 | 1622 | 1105 | 0.165 |
| 2015-16 | 33 | 1655 | 1155 | 0.165 |
| 2016-17 (04/2016) | 3 | 1656 | 87 | 0.015 |

Contract Labour (Regulation and Abolition) Act-1970

The Act provides for regulation of employment and conditions of services of the contract Labour in certain establishment in the given circumstances and the matter connected thereto. Performance under the Act is as follows:-

| Year | P/E Regd. | Total Regd. | Contractors Licensed | Inspections conducted | Revenue realized (Rs. in lacs) | Prosecution launched | Prosecution settled | Fine imposed (Rs. in lacs) |
|-------------------|-----------|-------------|----------------------|-----------------------|--------------------------------|----------------------|---------------------|----------------------------|
| 2009-10 | 14 | 632 | 129 | 406 | 0.532 | 240 | 32 | 0.101 |
| 2010-11 | 27 | 659 | 129 | 308 | 0.733 | 9 | 87 | 0.305 |
| 2011-12 | 64 | 723 | 240 | 610 | 1.118 | 21 | 15 | 0.08 |
| 2012-13 | 98 | 821 | 269 | 831 | 1.3553 | 34 | 16 | 0.03 |
| 2013-14 | 58 | 879 | 387 | 866 | 2.378 | 45 | 47 | 0.548 |
| 2014-15 | 61 | 940 | 218 | 681 | 1.436 | 45 | 30 | 0.127 |
| 2015-16) | 54 | 994 | 318 | 799 | 2.615 | 59 | 49 | 0.192 |
| 2016-17 (04/2016) | 1 | 995 | 21 | 93 | 0.0806 | 4 | 5 | 0.318 |

J&K Shops and Establishment Act-1966.

The Act provides to regulate working conditions of employees working in shops and related establishments, their leave, wages, hours of work etc. It also regulates opening, closing and weekly off days of shops etc. Labour Inspector has been declared as Inspector under this Act. Performance under the Act is given as under:-

| Year | Regd during year | Total No of shops/E stt Regd. | Employees covered during year | Total No. of employees covered | Revenue realized (Rs.in lacs) | Inspections conducted | Pros. launched | Prosecution settled | Fine imposed (Rs. in lacs) |
|------------------|------------------|-------------------------------|-------------------------------|--------------------------------|-------------------------------|-----------------------|----------------|---------------------|----------------------------|
| 2009-10 | 6253 | 198406 | 5745 | 73911 | 108.758 | 16248 | 1231 | 3069 | 4.683 |
| 2010-11 | 7459 | 205865 | 5564 | 79475 | 112.82 | 15199 | 1186 | 1511 | 5.504 |
| 2011-12 | 13790 | 219655 | 9255 | 88730 | 169.412 | 13681 | 1062 | 787 | 2.472 |
| 2012-13 | 24612 | 244267 | 12920 | 101650 | 180.129 | 13965 | 853 | 1097 | 3.8015 |
| 2013-14 | 22459 | 266726 | 17423 | 119073 | 202.71 | 17680 | 1681 | 2078 | 5.381 |
| 2014-15 | 17640 | 284366 | 13070 | 132143 | 229.91 | 17716 | 1313 | 1266 | 3.501 |
| 2015-16 | 22264 | 306630 | 25724 | 157867 | 262.346 | 19387 | 2605 | 2762 | 8.06 |
| 2016-17(04/2016) | 1712 | 306064 | 1498 | 159365 | 35.795 | 1541 | 283 | 392 | 1.037 |

Note: - In District Kupwara shops numbering to 2278 stands closed / shifted due to road widening in March 2015.

Factories Act 1948:-

It provides for registration of factories by the Chief Inspector of Factories (Labour Commissioner). Factories running on power with 10 or more workers and non power units with 20 workers are to be registered. Performance under the Act is as follows:-

| Year | Total Reg. at the beg. | Factories Regd. during the year | Total factories Regd. at the end | Inspections conducted | Revenue realized in lacs. |
|----------------------|------------------------|---------------------------------|----------------------------------|-----------------------|---------------------------|
| 2009-10 | 1297 | 27 | 1324 | 866 | 17.41 |
| 2010-11 | 1324 | 72 | 1396 | 908 | 23.088 |
| 2011-12 | 1396 | 93 | 1489 | 1287 | 26.25 |
| 2012-13 | 1489 | 102 | 1591 | 1025 | 28.823 |
| 2013-14 | 1591 | 02 | 1593 | 907 | 28.1357 |
| 2014-15 | 1593 | 05 | 1598 | 1278 | 31.061 |
| 2015-16 | 1598 | 08 | 1606 | 542 | 33.59 |
| 2016-17 (04/2016) | 0 | 0 | 0 | 0 | 0 |

Inter State Migrant Workmen's (Regulation of Employment and Conditions of Service) Act 1979.

The Act applies to every establishment in which 5 or more Inter State Workmen are employed. Performance under the Act is as follows:-

| Year | Total Regd at the beg | P/E Regd | Total P/E Regd | Revenue realized in lacs | Inspections conducted | Fine imposed (Rs. in lacs) |
|----------------------|-----------------------|----------|----------------|--------------------------|-----------------------|----------------------------|
| 2009-10 | 202 | 19 | 221 | 0.060 | 123 | 0.061 |
| 2010-11 | 221 | 15 | 236 | 0.108 | 86 | 0.005 |
| 2011-12 | 236 | 62 | 298 | 0.539 | 136 | 0.015 |
| 2012-13 | 298 | 36 | 334 | 0.323 | 205 | 0.00 |
| 2013-14 | 334 | 98 | 432 | 0.7105 | 287 | 0.112 |
| 2014-15 | 432 | 16 | 448 | 0.35 | 209 | 0.056 |
| 2014-15 | 448 | 13 | 461 | 0.164 | 378 | 0.03 |
| 2016-17 (04/2016) | 458 | 0 | 461 | 0.01 | 20 | 0.00 |

Note: - As reported by DLC Kashmir that due to clerical mistake, there is only one principal employer instead of four.

Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act-1996:-

The Building and Other Construction Workers (Regulation of employment and conditions of services Act 1996 provides for registration of building workers and ensuring them fixed hours for normal working, their safety, health care, fixing responsibility of employers, penalties on violation etc. Performance under the Act is as follows:-

| S.No. | Year | Indu./Units regd. | Total Indu./Units regd. | Revenue Realized(Rs. in lacs) |
|-------|------------------|-------------------|-------------------------|-------------------------------|
| 1. | 2009-1010 | 26 | 128 | 0.16 |
| 2. | 2010-2011 | 41 | 169 | 0.148 |
| 3. | 2011-2012 | 415 | 584 | 1.272 |
| 4. | 2012-2013 | 365 | 949 | 1.9295 |
| 5. | 2013-14 | 394 | 1343 | 1.226 |
| 6. | 2014-15 | 222 | 1565 | 1.614 |
| 7. | 2015-16 | 239 | 1804 | 1.338 |
| 8 | 2016-17 (04/2016 | 08 | 1761 | 0.007 |

REVENUE REALIZED DURING LAST FIVE YEARS

(Rs. in lacs)

| S.No | Name of the Act | Targets 2012-13 | Ach. 2012-13 | Targets 2013-14 | Ach. 2013-14 | Targets 2014-15 | Ach. 2014-15 | Targets 2015-16 | Ach. 2015-16 (up to 03/2016) | Targets 2016-17 | Ach. 2016-17 (ending April) |
|------|---|-----------------|---------------|-----------------|---------------|-----------------|---------------|-----------------|------------------------------|-----------------|-----------------------------|
| 1 | Shops & Establishment Act | 170.00 | 180.13 | 212.00 | 202.71 | 220.00 | 229.91 | 242.00 | 262.35 | 242.00 | 35.80 |
| 2 | Building & Other Construction Workers Act | 1.00 | 1.93 | 3.00 | 1.23 | 12.00 | 1.61 | 13.20 | 1.34 | 13.20 | 0.01 |
| 3 | Interstate Migrant Workers Act | 0.50 | 0.32 | 2.00 | 0.71 | 1.00 | 0.35 | 1.10 | 0.16 | 1.10 | 0.01 |
| 4 | Contract Labour Act | 1.00 | 1.36 | 2.00 | 2.38 | 2.50 | 1.44 | 2.75 | 2.62 | 2.75 | 0.08 |
| 5 | Motor Transport Workers Act | 1.70 | 2.49 | 4.70 | 2.27 | 3.00 | 2.22 | 3.30 | 2.68 | 3.30 | 0.25 |
| 6 | Factory Act | 23.50 | 28.82 | 33.00 | 28.14 | 35.00 | 31.06 | 38.50 | 33.60 | 38.50 | 0.00 |
| 7 | Rent of Labour Sarai | 1.50 | 0.23 | 3.00 | 0.00 | 1.00 | 0.34 | 1.10 | 0.11 | 1.10 | 0.02 |
| 8 | Trade Union Act | 0.15 | 0.15 | 0.30 | 0.19 | 0.30 | 0.17 | 0.33 | 0.17 | 0.33 | 0.00 |
| | Total:- | 199.35 | 215.43 | 260.00 | 237.62 | 274.80 | 267.10 | 302.28 | 303.02 | 302.28 | 36.15 |