

# The Jammu and Kashmir Registration of Contractors Act, 1956

JAMMU & KASHMIR

India

## The Jammu and Kashmir Registration of Contractors Act, 1956

### Act 16 of 1956

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The Jammu and Kashmir Registration of Contractors Act, 1956 Act No. 16 of 1956 [Received the assent of the Sadar-i-Riyasat on 8th October, 1956 and published in the Government Gazette dated 25th October, 1956]. An Act to provide for registration of contractors in the Civil Departments of the Jammu and Kashmir State and other connected matters. Be it enacted in the Seventh Year of the Republic of India as follows :-

#### 1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Registration of Contractors Act, 1956. (2) It shall extend to the whole of the State. (3) [ It shall come into force from such date as the Government may, by notification in the Government Gazette, appoint in this behalf.] [Enforced w.e.f. 1st day of August, 1969 by SRO-378 dated 19-7-1969. (G.G. dated 19-7-1969).]

#### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(1) "Department" means Civil Department of the Government as may be specified from time to time by the Government by a notification in the Government Gazette and includes the offices of Local Bodies and Panchayats; (2) "Head of the Department" includes a person or authority authorised by the Government to act for all or any of the purposes of this Act; (3) "Prescribed" means prescribed by rules made under this Act; (4) "Works" means construction works by a Department and includes works executed by the employment of labour by contractors or lessees including the lessees of the Forest Department.

### **3. Eligibility of registered contractor to undertake or offer to undertake to carry out a work.**

- No person shall be eligible to undertake or offer to undertake to carry out a work on behalf of a Department unless he is a registered contractor of that Department and holds a valid registration certificate as provided hereinafter.

### **4. Registration of contractors, certificate of registration.**

(1) Application for registration as contractor shall be made to the Head of the Department in writing in the prescribed form. (2) The Head of the Department or any officer authorised by the Government in this behalf may, after taking into consideration the financial position of the applicant, his capacity to undertake work and such other matters as he may deem fit, enter the name of the applicant in the register maintained for the purpose and issue certificate of registration as contractor for the Department under his control for the current financial year in such form and under such conditions and on payment of such fees as may be prescribed. (3) For the purpose of this section and section 6, the rates of fee for different classes of contractors shall be determined in accordance with the rules made under this Act.

### **5. Removal of name from Register.**

(1) The Head of the Department may, for reasons to be recorded, direct the removal altogether or for a specified period from the register of the name of any registered contractor. On the issue of such an order the certificate of registration issued in favour of the contractor shall be deemed to be cancelled. (2) An appeal shall lie to the Minister-in-Charge of the Department against an order of the Head of the Department directing the removal of the name of a registered contractor from the register. Such appeal shall be preferred within thirty days from the date of the order. (3) The Minister-in-Charge of the Department may authorise the Deputy Minister-in-Charge of the Department to hear and dispose of all or any of such appeals.

### **6. Removal, of certificate of registration.**

- A contractor who is registered and obtains a certificate of registration under section 4 may apply for renewal of his certificate on or before the expiry of the financial year for which the certificate is issued and the Head of the Department or any officer authorised by him may issue order for its renewal for the next financial year subject to such conditions and on payment of such fees as may be prescribed.

### **7. Form of tender.**

- Form of tender to undertake or offer to undertake to carry out a work shall be available from the Head of the Department or the officer authorised by him to issue certificate of registration under sub-section (2) of section 4, on payment of a prescribed fee not exceeding Rs. 30 calculated in

accordance with the estimated value of the work which may be determined by the Head of the Department.

## **8. Stamp chargeable on deed executed by contractor.**

- Notwithstanding anything contained in the Stamp Act, 1977, a deed to be executed by a contractor for carrying out works in the Department shall be chargeable with stamp duty calculated at rates not exceeding 1 p.c. as may be determined by the Government on the sum for which the work has been sanctioned by the competent authority.

## **9. Exemption.**

- The Government may, by notification in the Government Gazette, exempt any person or class of persons from the operation of this Act or from any of the provisions thereof.

## **10. Rule making power.**

(1)The Government may make rules for carrying out the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing provisions, such rules may-(a)prescribe the form of application for registration as contractor,(b)prescribe form of register to be kept for certificate of registration and renewal of such certificate and the conditions subject to which certificate of registration may be issued or renewal of such certificate may be ordered.(c)specify the scale of fee payable by different classes of contractors for obtaining certificate of registration and for renewal of such certificate,(d)specify the scale of fee payable for form of tender according to estimated value of the works to be undertaken.(e)prescribe qualifications for the eligibility of a contractor for registration,(f)prescribe conditions for the removal of a contractor from the Register under section 5.