

**THE  
CONSTRUCTION WORKERS  
(REGULATION OF EMPLOYMENT & CONDITIONS OF SERVICE)  
SCHEME, 1986**

1. Name of the Scheme
2. Objects and applications
3. Definitions
4. Constitution of the Board
5. Units of the Board
6. Administrative Body
7. Functions of the Board
8. Functions of the District Units
9. Application of Income and Property
10. Keeping of Accounts
11. Annual Report
12. Responsibilities and duties of the Board in meetings
13. Annual Estimates
14. Responsibilities and duties of the President
15. Responsibilities and duties of the Vice-President
16. Functions of State Administrative Body
17. Responsibilities of the Administrative Body
18. Branches of Administrative Body in units
19. Registration of employers and authorization of construction work
20. Record of authorization
21. Exemption to permanent workers
22. Principles of Registration of construction workers
23. Promotion and Transfer of workers
24. Employment Norms
25. Facilities for training
26. Registration Fee
27. Supply of cards

28. Service records for registered workers
29. Guaranteed minimum wage in a month
30. Attendance allowance
31. Disappointment money
32. Holidays
33. Obligations of construction workers
34. Obligations of employers
35. Restrictions on employment
36. Wages, allowances and other conditions of service
37. Disentitlement of Payment
38. Health and safety provisions
39. Social Security
40. Maternity Benefit
41. Accidents
42. Construction Workers Welfare Fund
43. Cost of operating the Board
44. Obstructions
45. Offences and Penalties
46. Enforcement
47. Procedure for Adjudication
48. Termination of employment
49. Reference by workers
50. Appeal by workers
51. Appeal by employers
52. Bar of Jurisdiction of Civil and Labour Courts

## 1. Name of the Scheme

The Scheme may be called the Construction Workers (Regulation of Employment and Conditions of Service) Scheme, 1986 (hereinafter referred to as "the Scheme").

## 2. Objects and applications

- (a) The objects of the Scheme are to ensure regulation of construction activities and employment of construction labour, to ensure greater regularity of employment for construction workers, to provide for security in the course of employment and to provide other welfare measures for construction workers.
- (b) The Scheme applies to all types of construction work as defined under Section 3(1)(f) of the Act.

## 3. Definitions

In this Scheme, unless there is anything repugnant in the subject or context—

- (a) "**The Act**" means, the Construction Workers (Regulation of Employment and Conditions of Service) Act, 1986
- (b) "**Administrative Body**" means the Administrative Body appointed under clause 6
- (c) "**Board**" means the Construction Labour Board constituted under the Construction Workers (Regulation of Employment and Conditions of Service) Act, 1986
- (d) "**President**" means the President of the Construction Labour Board
- (e) "**Vice-President**" means the Vice-President of the Construction Labour Board
- (f) "**Employer register**" means the register of employers employing or intending to employ construction workers
- (g) "**Labour Officer**" means one appointed by the Board under the Act
- (h) "**Worker's register or record**" means the register or record of construction workers maintained by the Board
- (i) "**Registered Employer**" means an employer whose name is for the time being entered in the register or record
- (j) "**Registered Pool**" means a pool of construction workers registered with the Construction Labour Board, who are available for work. This will not include temporary workers in a provisional list or monthly rated workers in permanent employment
- (k) "**Regulations**" means the Regulations framed by the State Government in exercise of its powers under section 23 of the Act
- (l) "**Rules**" means the Construction workers (Regulation of Employment and Conditions of Service) Rules, 1986
- (m) "**Work period**" means a period of 8 hours during a day inclusive of rest periods

## 4. Constitution of the Board

The Board shall be constituted in accordance with Section 8 of the Construction Workers (Regulation of Employment and Conditions of Service) Act, 1986.

## 5. Units of the Board

- (a) The Construction Labour Board will have units, (i) in every Revenue District, (ii) in every Municipal Town/city and, (iii) in centres of zones/local areas wherein not less than 1000 workers are normally engaged in construction work.

- (b) The composition of the units shall be the same as provided for in respect of the State Construction Labour Board.
- (c) The representatives of the workers of each unit shall be elected by secret ballot in a manner to be provided under the Regulations.
- (d) The representatives of employers shall be elected in a like manner.
- (e) The term of members of units shall be a period of three years.
- (f) The units shall be presided over by a presiding officer who shall supervise the functioning of various units within the District and shall send reports to the Board generally and in particular with reference to the payment of wages and welfare measures.

## **6. Administrative Body**

- (a) There shall be an administrative body with branches in all units as provided under Section 9(2)(n)
- (b) The Government may by notification in the Official Gazette, appoint the required Administrative Bodies for the purpose of carrying on the day-to-day administration of the Board.
- (c) The Administrative Body shall, subject to the supervision and control of the Board and the President, carry on the day-to-day administration of the provisions of the Act, the rules and any regulations that may be framed under the Act.

## **7. Functions of the Board**

The Board may take such measures as it may consider desirable for furthering the objectives of the Act and the Scheme set out in clause 2 above including the following functions:

- (a) To regulate employment in the construction industry.
- (b) To register construction workers, allocate construction workers to the employers and to discharge from the construction worker register.
- (c) To ensure adequate supply and full and proper utilisation of construction labour for the purpose of facilitating time bound and scheduled completion of construction work.
- (d) To register employers before obtaining the sanction of construction plans and to register contractors or agents as employers before issue of licence as such and to renew the licence in accordance with and subject to the provisions of the Act.
- (e) To review the number of registered employers and construction workers and determine from time to time the number to be maintained in the register.
- (f) To keep and maintain registers of employers
- (g) To keep and maintain registers and records of construction labour, registers of workers who are temporarily not available for work and to remove from any register/record the name of the worker on his own request, or in accordance with the provisions of the Rules.
- (h) To group or regroup all registered workers into such groups as may be determined by the Board after consultation with the units of the Board and to review the grouping from time to time having regard to any alterations or changes in the nature of construction work.
- (i) To make provisions for training, imparting of skills and welfare of registered workers including provisions for housing, education, creches and leisure time activities.

- (j) To levy and recover from registered employers, contribution in respect of expenses of the Board.
- (k) To make provisions for application of the ESI, health and safety measures for construction labour.
- (l) To maintain and administer a Construction Labour Welfare Fund and to recover from all registered employers, contribution towards this fund.
- (m) To maintain and administer Provident Fund and death cum retirement Gratuity Fund, for construction Labour.
- (n) To call for an annual meeting of District units.
- (o) To determine the rate of wages for different categories of construction workers and the minimum guaranteed wages for a month.
- (p) To provide for safety and security at places of work and to take measures for promoting the health and welfare of construction workers.
- (q) To borrow or raise money for the purpose of securing any debt or obligation and to mortgage or charge, all or any part of the property of the Board.

### **8. Functions of the District Units**

The District units shall discharge the following functions:

- (a) Nominate in rotation, the members to participate in the various committees of the District units.
- (b) Supervise the functioning of units.
- (c) Prepare the annual budget for the District and submit the same to the State Board.
- (d) Administer welfare fund in consultation with and approval of the State Board.
- (e) Effect transfer of workers.
- (f) Settle complaints through Dispute Resolution Councils regarding registration, payment of wages, allocation of workers and such other grievances of workers.
- (g) Settle complaints regarding authorization for construction and such other grievances of employers.
- (h) Give consent to constructions where permanent labour are employed.

### **9. Application of Income and Property**

- (a) The income and property of the Board from whatever source derived shall be applied solely towards the objects of the Act including health, safety, training and welfare measures for construction workers including assistance by way of grant of loan or otherwise to cooperative societies formed for the exclusive benefit of construction workers.
- (b) No portion of the income or property of the Board shall be paid or transferred directly or indirectly by way of dividend, bonus, or otherwise by way of benefit to the members of the Board.
- (c) The Board may however make provisions for the payment of reasonable and proper remuneration and expenses to any officer or servant of the Board or to any member of the Board in return for any service actually rendered to the Board.

### **10. Keeping of Accounts**

The Board shall cause proper accounts to be kept of the cost of operating the Board and of all receipts and expenses under the Act.

## 11. Annual Report

- (a) As soon as may be after the first day of April in every year and not later than the thirty first day of October, the Board shall submit to the Government an annual report on the working of the Board during the preceeding year ending the thirty first day of March together with an audited balance sheet and copies of proceedings of the meetings of the Board.
- (b) The State Government may at any time call for a report from the Board in regard to satisfactory compliance with provisions of the Act.

## 12. Responsibilities and duties of the Board in meetings

The Board, in meetings shall be responsible for dealing with all matters of policy and in particular may—

- (a) Lay down guidelines to the units in regard to fixing the number of workers to be registered under various categories.
- (b) Increase or decrease the number of workers in any category on the register from time to time as may be necessary after a periodical review of the registers and anticipated requirements of workers for construction activities.
- (c) Sanction the temporary registration of a specified number of workers in any category for a specific period for purposes of specific construction work.
- (d) Sanction the temporary registration of a specified number of workers in any category.
- (e) Consider registration of new employers on the recommendation of the President.
- (f) Prescribe forms, records, registers, statements and the like required to be maintained under the Act.
- (g) Determine the wages, allowances and other conditions of service and refix the guaranteed minimum wages in a month after annual review.
- (h) Fix the rate of construction levy as per Section 9 of the Act.
- (i) Fix the rate of contribution to be made by registered employers to the Construction Workers Welfare Fund.
- (j) Appoint, abolish or reconstitute committees for ensuring compliance with the provisions of the Act.
- (k) Sanction the Annual Budget.
- (l) Sanction the creation of posts and make appointments to such posts.
- (m) Constitute Dispute Resolution Councils at such district/local area level for adjudication of any disputes (i) between employers and construction workers or (ii) between construction workers and the Board/district unit/local area units (iii) between employers and the Board/district units/local area units and (iv) between employers and their agents in respect of discharge of their obligations under the Act.
- (n) Discuss statistics of output of labour and record its observations and directions.
- (o) Constitute Dispute Resolution Councils/Appellate Authority at such district/local area levels for adjudication of disputes, as provided in clause 8(f) above.
- (p) Sanction the opening of accounts in such Scheduled Banks as it may direct and the operation of such accounts by such persons as the Board may from time to time direct.
- (q) Prescribe forms, records, registers, statements and the like required to be maintained under the scheme.

### **13. Annual Estimates**

The President shall, at a special meeting to be held before the end of February in each year, lay before the Board the annual budget for the year commencing on the first day of April. The budget shall be in such detail and form as the Board may from time to time prescribe. The Board shall consider the estimate so presented and sanction the same with or without alterations.

### **14. Responsibilities and duties of the President**

- (a) The President shall be a whole time officer of the Board during his/her tenure and shall have full administrative and executive powers to deal with all matters relating to the day-to-day administration of the Board and in particular: (i) ensure that the sanctions for temporary registration of workers are carried out without delay (ii) ensure that the decisions of the Board in regard to the maintenance of the workers registers are carried out expeditiously (iii) supervise and control the working of the units and its committees and administrative bodies and to take suitable steps if any irregularities are detected or brought to his/her notice (iv) ensure that the provisions of the Act in regard to transfer and promotion of workers is carried out (v) constitute construction workers medical units wherever required having regard to the number of registered construction workers in a local area (vi) ensure that conditions laid down in the Act for the registration of employers are complied with (vii) ensure that all forms, registers, returns and documents prescribed under the Act are properly maintained (viii) sanction the transfer of a temporary construction worker from the provisional list to the registered pool at the request of the employer or the worker, as provided for in the Act (ix) fill any casual vacancy in the post of Vice President for any period till the appointment is made by the Board in accordance with the provisions of the Act (x) discharge all other duties and responsibilities specially vested in the President under the Act.
- (b) The President may delegate in writing to the Vice-President any of the above listed functions excepting those mentioned in (iii) and (x). Such delegations, however shall not divest the President of his powers.

### **15. Responsibilities and duties of the Vice-President**

The Vice-President shall be a whole time officer of the Board and shall assist the President in the discharge of his functions and in particular shall:

- (a) Function as President of a Board to which he may be a nominated member.
- (b) Preside over the meeting of the Board in the absence of the President.

### **16. Functions of State Administrative Body**

The Administrative Body shall be responsible for the general administration of the scheme, and in particular will have the power

- (a) To authorize construction involving 500 workers and above
- (b) To effect transfer of worker or workers from one district to another.
- (c) To prepare for the entire State, proposals for better administration of the Scheme and present the same to the Board for approval.
- (d) To appoint Labour Officers for discharging the functions specified in the scheme.

### **17. Responsibilities of the Administrative Body**

Without prejudice to the powers and functions of the Board, the President and the Vice-President, the Administrative Body shall in particular be responsible for

- (a) Keeping, adjusting and maintaining the employers register, entering or re-entering therein the name of any employer and, where circumstances so require removing from the register the name of any registered employer, either at his own request or in accordance with the provisions of the Scheme.
- (b) Keeping adjusting and maintaining from time to time such registers or records as may be necessary, of construction workers, including any registers or records of workers, who are temporarily not available for construction work and whose absence has been approved by the Administrative Body and where circumstances so require, removing from any register or record the name of any registered construction worker either at his own request or in accordance with the provisions of the Scheme.
- (c) The employment and control of registered workers available for work when they are not otherwise employed in accordance with the scheme.
- (d) The grouping or re-grouping of registered workers in accordance with the instructions received from the Board in such groups as may be determined by the Board.
- (e) The allocation of registered workers in the reserve pool who are available for work to registered employers. For this purpose the Administrative Body shall—
  - (i) be deemed to act as an agent for the employer; (ii) make the fullest possible use of registered workers in reserve pool; (iii) keep the record of attendance, at call stands or pooling centres of registered workers; (iv) provide for the maintenance of the records of employment and earnings; (v) be subject to the allotment of work by rotation and allocate workers in accordance with the Act; (vi) make necessary entries in the Attendance and wage cards of workers in the reserve pool.
- (f) The collection of construction levy, contribution to the Construction Workers Welfare Fund or any other contribution from the employers as may be prescribed under the scheme; the collection of workers contribution to the Provident Fund, Insurance Fund or any other fund which may be constituted under the scheme.
- (g) Appointing, subject to budget provision, such staff from time to time as may be necessary.
- (h) The payment to each worker of all earnings properly due to the worker from the employer and the payment to such workers of all money payable by the Board in accordance with the provisions of the Act and the Rules.
- (i) The keeping of proper accounts of the costs of operating the Scheme and of all receipts and expenses under it and making and submitting to the Board an annual report and audited balance sheet.
- (j) The framing of the annual budget and submission of the same to the Board on or before the fifteenth day of February in each year and getting it approved by the Board.
- (k) Maintaining complete service records of all registered construction workers; and record sheets of all registered employers.
- (l) Such other functions as may from time to time, subject to the provisions of the scheme, be assigned to it by the Board or the President.

## **18. Branches of Administrative Body in units**

The Branches of Administrative body at each unit shall have the same responsibilities as the state Administrative Body as provided under clause 17 above.

## **19. Registration of employers and authorization of construction work**

- (a) Every principal employer shall be obliged to pay construction levy, obtain consent from the concerned unit of the Board for commencement of work. Such levy shall not be less or more than 2% of the total cost of the construction. No construction scheme shall be sanctioned by the local authority without such prior consent.
- (b) Every contractor as employer shall get an authorization from the prospective unit of the Board after paying the aforesaid and any other contribution before getting a licence and shall renew it every year subject to such terms and conditions as the Board may prescribe.
- (c) The employer if intending to employ permanent labour shall get such authorisation from the concerned units of the Board after furnishing necessary security which may be such percentage of the cost of construction from stage to stage as may be determined by the respective Board.
- (d) Sanction or authorization shall be given subject to past performance of the employer/contractor in complying with the provisions of the Act.

## **20. Record of authorization**

Every unit shall maintain the records of authorization made to employers from time to time.

## **21. Exemption to permanent workers**

- (a) Permanent workers, working with licensed contractors or construction companies and having financial benefits and security and welfare measures not less than those provided in the Act, may be exempted from the application of the Act. Their respective employers may also be similarly exempted.
- (b) An application for this purpose shall be made on their behalf to the Board.
- (c) The Board shall after hearing both parties in regard to grant of exemption may do so subject to such terms and conditions as may be just and equitable, consistent with the provisions of the Act.
- (d) The exemption granted above shall be revoked on an application made by the workers or on their behalf if the Board is convinced, that the benefits are not at par with those available under the Act, or have ceased to be more beneficial than those available under the Act. A register of such exempted permanent workers shall be maintained at the respective units.

## **22. Principles of Registration of Construction Workers**

- (a) All bonafide construction workers who can establish their bonafides through membership of previous year in a registered union or submit certificates from employers or licensed contractors of having worked for the previous year shall be registered in the registered pool of construction workers.
- (b) Construction workers who are not able to so establish their bonafides, shall be treated as temporary workers. They shall be entered in a provisional list of temporary workers.
- (c) The provisional list of temporary workers may be reviewed by the Board and the temporary workers may be transferred to the Registered pool subject to the following conditions: (i) that the worker has to his credit a service of 360 days during the period of two years and (ii) availability of work within the unit.
- (d) Every construction worker registered in the reserve pool, after completion of one year of registration shall be entitled to the benefits guaranteed under clauses 29, 30 and 31 given below.

### **23. Promotion and Transfer of workers**

- (a) The Board shall make provisions for effecting promotions of unskilled and skilled workers to skilled or highly skilled categories. The Board shall lay down norms and qualifications for effecting such promotions.
- (b) Transfer of a monthly worker to the registered pool may be effected by the President of the district unit on an application by an employer or the worker concerned and after due enquiry into the matter.
- (c) Temporary transfers from one district to another may take place on request from the receiving unit.
- (d) Mass temporary transfers involving more than 100 workers from one unit to another within a district may take place on request from the receiving unit and on approval from the district unit.
- (e) Temporary transfers from one district to another may take place on request from the receiving district.
- (f) Mass temporary transfers involving more than 100 workers from one unit to another within a State may take place on request from receiving district and on approval from the State Construction Labour Board.
- (g) Interstate temporary transfers of construction labour shall take place only on request made by the receiving State Board and with the consent of the State Board to which such a request is made.
- (h) Permanent transfer of construction workers shall take place only on approval by the President of the district unit.
- (i) Mass permanent transfer of more than 50 construction workers shall take place only on approval by the President of the concerned unit.
- (j) On such transfers, copies of the existing register of workers shall also be sent to the transferred station/unit.

### **24. Employment Norms**

- (a) A worker in the registered pool shall be given preference over the temporary worker in the provisional list.
- (b) No worker should ordinarily be employed for more than 8 hours in a day inclusive of rest time.
- (c) Whenever workers are required to work beyond the eight hour period, they shall be paid overtime wages at the rate of twice the prevailing wages.
- (d) Workers of each category shall be allotted work by rotation.
- (e) Where work is carried on in a group, the allotment of workers by rotation shall be by groups.

### **25. Facilities for training**

The Construction Labour Board shall make provisions for training of registered construction workers in the various skills of construction, including provision of opportunities for development of appropriate construction technology suitable to different areas.

### **26. Registration Fee**

A registration fee of Rupees five shall be payable to the Board by each worker at the time of registration under this Act.

### **27. Supply of cards**

- (a) Every registered worker shall be supplied free of cost the following cards in the

forms prescribed by the Board, namely (i) Identity Card (ii) Attendance Card (iii) Wage Card.

- (b) In case of loss of a card, a fresh card will be issued but the cost thereof which will be fixed by the Board, shall be payable by the worker concerned.

## **28. Service records for registered workers**

A service record for all workers shall be maintained by the Administrative Body in a form to be prescribed by the Board which shall contain, among other things a complete record of past performance, skills displayed, efficiency, promotions, commendation for good work etc. Such details shall be supplied to the Administrative Body by the registered employers.

## **29. Guaranteed minimum wage in a month**

- (a) Whenever work is not available for twelve days in a month, a worker in the registered pool shall be paid wages for such twelve days in a month at the wage rate, inclusive of dearness allowance, as prescribed by the Board appropriate to the category to which he/she permanently belongs. The days on which work is allotted to the worker shall be counted towards the twelve days mentioned above.
- (b) The guaranteed minimum wages shall be paid subject to the following conditions: (i) that the worker reported for work on all days of the month as directed by the unit or (ii) in cases where the worker is excused from reporting for duty on all the days of the month for bonafide reasons, the worker shall be paid guaranteed minimum wages proportionate to the number of days during which the worker actually reported for work.
- (c) Subject to the provision of clause 29(a) above, the minimum number of days in a month for which wages are guaranteed may be fixed by the Board for each year on the basis of the monthly average employment obtained by the workers in the registered pool during the preceeding year until the minimum number of days reaches 21.
- (d) The minimum number of days for which wages shall be guaranteed under (a) and (b) above shall not apply to temporary workers in the provisional list.

## **Explanation**

In sub clause (a) and (b) of this section a 'day' shall mean the work period. For the purpose of this section the expression 'month' shall not include the holidays declared by the Board provided that there is no payment for such holidays.

## **30. Attendance allowance**

Subject to the other provisions of the Act, a registered worker who is available for work but for whom no work is found shall be paid attendance allowance exclusive of dearness allowance at the rate of minimum two rupees per day for the days on which during a calendar month he/she attended work as directed by the unit and no work was found for him/her, provided further that no attendance allowance shall be payable for any day for which full wages, inclusive of dearness allowance have been paid under clause 29 or for which disappointment money is paid under clause 31.

## **31. Disappointment money**

When a worker in the registered pool presents himself for work and for any reasons, the work which the worker attended cannot commence or proceed and no alternative work can be found for the worker and the worker is relieved within 2 hours of his attending for work, shall be entitled for disappointment money equal to half the time-rate inclusive of

dearness allowance appropriate to the category to which he/she belongs. A worker detained for more than 2 hours shall be paid full-time-rate wage inclusive of dearness allowance.

### **32. Holidays**

All registered workers are entitled to 15 days holidays in a year with pay at such rates as may be prescribed by the Board including National and Festival Holidays. Any payment made under this clause shall be exclusive of the payment calculated under section 36.

### **33. Obligations of construction workers**

- (a) Every registered construction worker shall be deemed to have accepted the obligations of the Act.
- (b) A construction worker in the registered pool who is available for work shall be deemed to be in the employment of the Board.
- (c) A construction worker in the registered pool who is available for work shall not engage himself for employment under a registered employer unless he is allocated to that employer by the unit.
- (d) A construction worker in the registered pool who is available for work shall carry out the directions of the unit and shall (i) report at such call, stands or control points and at such times as may be fixed by the unit and shall remain for such periods as may be specified by the Board, (ii) accept any employment in connection with construction work, whether in the category in which he has been registered or in any other category for which he is considered suitable by the unit.
- (e) Registered construction workers who are available for work when allocated by the unit for employment under registered employers shall carry out his duties in accordance with the directions of such registered employers or their authorized representatives or supervisors and the rules of the local authority of the area, in regard to norms and specifications of constructions.

### **34. Obligations of employers**

- (a) Subject to the provisions of clause 21, registered employers shall not employ workers other than construction workers who have been allocated to him/her by the unit.
- (b) A registered employer shall, in accordance with arrangements made by the Board submit all available information in respect of his/her current and future labour requirements.
- (c) A registered employer shall pay to the Construction Labour Board, (i) Construction levy payable in advance in such manner and at such times as the Board may direct, (ii) the wage bill and allowances for the month payable under clause 36, (iii) Contribution to E S I, Provident Fund, Gratuity and Maternity Benefit payable under clauses 39 and 40, (iv) Bonus and any Insurance contributions that may be fixed by the Board. (v) Cost of operating the Board under clause 43.
- (d) A registered employer shall keep such records as the Board may require, and shall produce to the Board or to such persons as may be designated by the Board upon reasonable notice all such records and any other document of any kind relating to registered construction workers and to the work upon which they have been employed and furnish such information relating thereto, as may be set out in any notice or directions issued by or on behalf of the Board.

### **35. Restrictions on employment**

- (a) No person other than a registered employer shall employ a worker on construction work;
- (b) Subject to the provisions of clause 21, no registered employer shall employ a construction worker unless that worker is a registered construction worker who has been allotted to the employer.

### **36. Wages, allowances and other conditions of service**

- (a) The rates of wages, allowances and overtime hours of work, rest interval, holidays and pay in respect thereof and other conditions of service shall be such as may be prescribed by the Board for each category of workers.
- (b) For the purpose of fixing rates of wages, allowances and overtime, hours of work, rest interval, leave with wages and other conditions of service (hereinafter collectively referred to as 'the conditions of service' of the registered worker or for revising or modifying the same, the Board shall call upon the associations of employers and trade unions of workers covered by this scheme to make such representations as they may think fit, in respect of the conditions of service which may be fixed or revised or modified under this scheme in respect of registered workers. If there are no such associations of employees and unions of workers then such representations from registered employers and workers may be invited by a notice published in such a manner as the Board may think fit.
- (c) Every such representation shall be in writing and shall be made within such period as the Board may specify and shall state the conditions of service which in the opinion of the person making the representation would be reasonable, having regard to the capacity of the employers to pay the same or comply with or to any other circumstances which may seem relevant to the person making the representation.
- (d) The Board shall take into account the representations, if any, as aforesaid, and after examining all the materials placed before it, shall fix or revise, or as the case may be, modify the relevant conditions of service in comparable employments in the local area, and any other circumstances which may seem relevant to the Board.
- (e) The conditions of service fixed, revised or modified by the Board shall take effect either prospectively or retrospectively from such date as the Board may decide. The decision of the Board shall be communicated to the registered workers and employers in such manner as the Board thinks fit. Proof of such communications or notifications shall be kept with the administrative unit of the Board.
- (f) The Board shall also make provisions in regard to the time for the making of such payment specified in clause (a) above.
- (g) The employer shall pay the monthly wage each month in advance.
- (h) The fixation of wage periods, time for payment of wages and deductions from wages shall be done having regard to the conditions of service of construction workers.

### **37. Disentitlement of Payment**

- (a) If a registered construction worker while in employment to which he/she has been allocated by the unit, fails without any adequate cause to comply with the provisions of clause 33(d) above, unreasonably refuses to comply with any lawful orders given to him/her by his employer, then he/she may have his/her engagement terminated by the unit and may be returned to the registered pool, on a report from the Labour Officer.

- (b) Such termination of employment with the employer shall not take place by the unit without considering the said report in writing and also the explanations to be called for from the construction worker.
- (c) When a registered construction worker is so returned to the registered pool, the unit shall endorse his attendance and wage cards accordingly.
- (d) The registered construction worker whose engagement is terminated under clause 37(a) above shall not be entitled to any payment, or to such part of any payment as the unit thinks fit in respect of the wage period in which such failure occurred or continues to occur.

### 38. Health and Safety provisions

- (a) *Drinking water:* (i) In every construction site, effective arrangements shall be made by the employer to provide and maintain at convenient places in the site a sufficient supply of drinking water for all workers. (ii) The Board shall ensure the making of such arrangements and shall call for reports from its Administrative units or receive reports from construction workers or their representatives, in regard to compliance with such arrangements.
- (b) *Conservancy:* (i) In every site/land there shall be provided, by the employer separately for males and females, a sufficient number of latrines and urinals of prescribed types so situated as to be convenient and accessible to workers employed therein. (ii) All latrines and urinals provided under sub section (b)(i) shall be maintained in clean and sanitary condition, with adequate supply of water.
- (c) *Medical Facilities:* In every construction site there shall be provided and maintained so as to be readily available such medical facilities, such as a first-aid-box, for the workers, as may be prescribed by the Board.
- (d) *Safety provisions:* (i) Wherever the worker is required to work at heights of more than ten feet, effective and safety measures should be provided for working at such heights, by providing the worker with metal or wooden scaffolding and wooden ladders with rubber shoes and supports which will not give in under weight. (ii) Construction workers who are required to handle cement lime, tar, paint, and such other materials should be provided with adequate protection for hands, feet, nose and eyes as would be necessary to prevent injury or harm to health. (iii) To prevent injuries on the head, every construction worker shall be provided with a safety helmet as may be prescribed by the Board. (iv) The Board shall make regulations regarding safety measures to be provided by the employers in order to prevent any occupational hazards. (v) The Board shall constitute safety committees, at every unit level to enforce the safety regulations that may be framed by the Board.
- (e) *Creches:* (i) Creches shall be provided and administered by the Board in appropriate locations at work sites and residential areas in order to cater to the needs of the babies of women construction workers. The Board may involve organisations of workers and voluntary organisations towards discharging this obligation. (ii) The Board shall make rules in respect of providing buildings, facilities and staff required.

### 39. Social Security

- (a) The Board shall frame and operate rules providing for contributory provident fund. The rules shall provide for the rate of contribution from the workers and the employers, the manner and method of payment and such other matters as may be considered necessary.

- (b) The Board shall frame rules in respect of payment and disbursement of gratuity to registered construction workers.
- (c) The benefits of E S I shall be applied to construction workers and in cases of difficulties in applying such benefits, the Board shall itself take steps for provision of medical facilities to the construction workers.
- (d) The Board shall make provisions for group accident insurance to construction workers.

#### **40. Maternity Benefit**

In cases where the benefits of ESI are not capable of application, the women construction workers shall be provided with Maternity Benefits by the Board in accordance with the Maternity Benefit Act, 1962.

#### **41. Accidents**

Notice to be given of Accidents:

- (a) Where there occurs in or about a site/land where construction activity is being carried out (i) an accident causing loss of life or serious bodily injury, or (ii) an accidental explosion, ignition, spontaneous heating, out-break of fire or eruption of water, or (iii) premature collapse of any part of the scaffolding and the building or part thereof, (iv) an accidental breakage of scaffolding ropes, chains or other gear by which workers are lowered or raised, the employer including those exempted under clause 21 of the Scheme shall give immediate notice of the occurrence to the units of the Board. Details of all such accidents shall be maintained in a register called the Accident Register.
- (b) Where a notice given under clause (a) relates to an accident causing loss of life, the concerned administrative branch of the Board shall make an inquiry into the occurrence immediately within 24 hours of the receipt of the information and the result of such enquiry shall be sent to the unit of the Board. The Board shall within fourteen days thereof make due payments to the dependents entitled for such payment.
- (c) Accidents other than those resulting in the enforced absence from work of the person injured for a period exceeding forty eight hours shall be entered in a register in the prescribed form and shall be dealt with in the same manner as under 41(a)(i).
- (d) The regulations shall also provide for the rates of compensation to be paid in respect of different category of accidents.
- (e) A copy of the entries in the register referred to in sub clause (c) above shall be sent by the employer within fourteen days after the 30th day of December, in each year, to the Board.
- (f) The Board shall compulsorily insure the Registered workers as well as those on a temporary list under accident insurance.

#### **42. Construction Workers Welfare Fund**

- (a) The cost of amenities, welfare and health measures and recreation facilities including activities for children of registered construction workers shall be met from a separate fund called Construction Workers Welfare Fund which shall be administered by the Board.
- (b) Contributions to this fund shall be made by all registered employers at such rates specified under clause 19.

- (c) The Board shall frame regulations in respect of contributions and administration of the Fund.

#### **43. Cost of operating the Board**

- (a) The cost of operating the Board shall be met by payments made by registered employers to the Board and grants from the State Government.
- (b) Every registered employer shall pay to the Board along with the wages payable under clause 36 such amount as may be prescribed by the Board from time to time with reference to the annual estimates of wages payable to registered construction workers specified in clause 34(c) above.
- (c) While determining payments to be made by registered employers under sub clause (b) above the Board may fix different rates of levy for different categories of work, provided that the uniform rates of levy shall apply to all employers who are in like circumstances.
- (d) A registered employer shall on demand make a payment to the Board by way of deposit or provide such other security for the due payment of the amount referred to in sub clause (b) as the Board may consider necessary.

#### **44. Obstructions**

- (a) Whoever obstructs a Labour Officer or a person appointed under this Act, (hereinafter referred to as the authorized person) in the discharge of his/her duties under this Act, or refuses or wilfully neglects to afford the Labour Officer or authorized person any reasonable facility for making any inspection, examination, inquiry or investigation, authorized by or under this Act in relation to an establishment shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees or with both.
- (b) Whoever wilfully refuses to produce on the demand of any Labour Officer or authorised person any register or other documents kept in pursuance of this Act or prevents or attempts to prevent or does anything which he/she has reason to believe is likely to prevent any person from appearing before or being examined by any Labour Officer or authorised person in pursuance of his duties under the Act, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees or with both.
- (c) Such obstruction or wilful refusal shall at once be reported to the respective unit of the Board within whose jurisdiction such obstruction/wilful refusal takes place as well as the State Board which may also take appropriate action in accordance with the Act.

#### **45. Offences and Penalties**

- (a) Any commencement of construction work, without getting the consent of the Board as required under clause 19 of the Scheme shall be an offence, punishable by way of imprisonment for a term which may extend upto 3 months and a fine of five thousand rupees.
- (b) Any undertaking of, or proceeding with the construction work in contravention of clause 41 above shall be an offence punishable with six months imprisonment and a fine of five thousand rupees.
- (c) Any contractor or employer attempting to contravene the provisions of clause 12 shall be held, tried and punished with imprisonment for 3 months or a fine of five thousand rupees or both.

- (d) Every offence punishable under this Act, shall be cognizable only by the Chief Judicial Magistrate of the area concerned.
- (e) The Labour Officer shall or any other person may, in writing complain to the Chief Judicial Magistrate for trying the offences under this Act.
- (f) Whenever the Labour Officer for reasons not excusable or for any other extraneous considerations, refuses or fails to complain against such offences, the Board on a report from the aggrieved person shall proceed against the Labour Officer for abetment of any of the offences involved.
- (g) Amounts so collected as fines shall be caused to be credited to the welfare fund of the Board.

#### 46. Enforcement

- (a) If a registered employer fails to make any payment due from him the Board shall serve a notice on the employer to the effect that, unless the employer pays his dues within three days from the date of receipt of the notice, the supply of registered construction workers to the employer shall be suspended. On the expiry of the notice period the Administrative Body shall suspend the supply of registered construction workers to a defaulting employer until he pays his dues.
- (b) No proceedings involving payment of dues or compensation or any other amount pending before a Dispute Resolution Council or the Appellate Authority shall lapse merely by reasons of the death of any of the parties to the dispute and the Council or Appellate Authority shall complete such proceedings and pass an award which shall be binding on the parties to the dispute.

#### 47. Procedure for Adjudication

- (a) The President of the District Unit or of the local units on receipt of information whether on a complaint or otherwise, that a registered employer, contractor or their agents have failed to carry out the provisions of the Act or orders passed under this Act shall cause the immediate investigation of the matter through the Dispute Resolution Council of the respective unit.
- b) The Dispute Resolution Council may after investigation into their matter referred to it, pass the following orders, appropriate to the matter: (i) Cessation of construction work, till the employer, contractor or their agents remove the defect which constitutes non-compliance with the relevant provisions of the Act. (ii) imposition of fines not exceeding a certain percentage of the monthly wage bill to be fixed by the Board from time to time, which amount will be credited to the Workers Welfare Fund. (iii) removal from the employers register for such period as may be determined by the Board, or permanently in case of grave offences or recurring non-compliance with the provisions of the Act.
- (c) (i) Where, in a case reported to the President, the President is of the opinion that the act of indiscipline or misconduct is so serious that the worker disintitiled himself for work the President may, pending investigation of the matter, suspend the worker and report immediately to the Dispute Resolution Council which after preliminary investigation of the matter shall pass orders thereon as to whether the worker, pending final orders, should remain suspended or not. (ii) Where a worker has been suspended by an order under c(i) above the worker shall be paid for the first fifteen days from the date of suspension, a subsistence allowance of one half of the basic wages, dearness and other allowances to which he would have been entitled if he were on leave with wages, and thereafter the President, in exceptional cases, grant higher subsistence allowances not exceeding three fourths of such basic wages, dearness allowances, and

other allowances. (iii) where such enquiry is prolonged beyond a period of fifteen days for reasons directly attributable to the worker the subsistence allowance shall, for the period exceeding the said period, be reduced to one fourth of the basic wages, dearness allowance and other allowances. (iv) The subsistence allowance so paid shall not be recoverable or liable to forfeiture in any case whatsoever. (v) Where a worker is found not guilty, the worker shall, be entitled to such payments as the Council certifies that the worker would have received if the worker had not been placed under suspension. (vi) The amounts so payable shall be reduced by the amount of subsistence allowance payable or already paid during a particular period.

- (d) Where a construction worker has failed to comply with any of the provisions of the Act wilfully and recklessly or has committed a serious act of indiscipline or misconduct, or has consistently failed to produce the standard output or has been inefficient in any other manner, the President may make or cause to make such further investigations as he/she may deem fit, and after due enquiry pass any of the following orders (i) give the worker a warning in writing, or (ii) determine that, for such period as it thinks proper, the worker shall not be entitled to any payment or part payments (iii) suspend the worker without pay for a period not exceeding 3 days. (iv) suspend the worker without pay for a period not exceeding 3 months; (v) remove the worker from the registers of the Board.
- (e) Before any action is taken under this section the person shall be given an opportunity to show cause why disciplinary action should not be taken against the worker and the worker may give explanation and adduce evidence in defence.

#### **48. Termination of employment**

- (a) The employment of a registered construction worker in the reserve pool shall not be terminated except in accordance with the provisions of the Act.
- (b) Construction worker in the registered pool shall not leave his/her employment with the Board except by giving fifteen days notice in writing to the Board.
- (c) When the employment of a registered construction worker with the Board, has been terminated under clauses shown above, his/her name shall forthwith be removed from the register or record by the Administrative Body.

#### **49. Reference by workers**

- (a) Any registered construction worker, who is aggrieved by any order passed under clause 47, may seek a reference to the Dispute Resolution Council.
- (b) On application made to the Board, by or on behalf of the aggrieved construction worker, the Board shall refer the matter to the Dispute Resolution Council.
- (c) The Council after due enquiry and after giving an opportunity to the construction worker to be heard, may confirm, alter, modify or aver the orders under reference.

#### **50. Appeal by workers**

- (a) A registered worker or a temporary worker in the provisional list who is aggrieved by an order passed by the Dispute Resolution Council may refer an appeal against such an order to the Appellate Authority.
- (b) A worker who is aggrieved by an order regarding (i) Placement in a particular group in the register or record (ii) refusal of registration under clause 22 (iii) requiring the worker under clause 33(d)(ii) to undertake any work which is not of the same category to which he belongs, may refer any appeal to the President of the District or the local unit as the case may be.
- (c) Every appeal referred to in 50 (a) and (b) above shall be in writing and referred

within 15 days of the date of receipt of the order appealed against provided that the Appellate Authority may for reasons to be recorded in writing condone the delay and admit an appeal referred after the expiry of 15 days.

- (d) The Appellate Authority may after giving an opportunity to the appellant to be heard, if he/she so desires, and with reasons to be recorded in writing, pass such orders it thinks fit, and the order so passed shall be final and conclusive.
- (e) Every order passed under sub clause (d) above shall be communicated to the appellant.
- (f) The worker shall not be ordinarily entitled to be represented by a legal practitioner before the Dispute Resolution Council or the Appellate Authority but he/she shall be entitled to be represented by a representative of the registered trade union of which he/she is a member or by a registered construction worker, wherever an application or request is made to this effect and the Council or the Appellate Authority considers the request reasonable having regard to the nature of the dispute.
- (g) Where the employer is sought to be represented by a person qualified in law or as a company secretary, the worker shall have the right to be represented by a legal practitioner of his choice or a counsel from the panel of legal aid and advice board or committees, or by a representative of the registered trade union of which he/she is a member.

#### **51. Appeal by employers**

- (a) A registered employer who is aggrieved by an order of the Dispute Resolution Council under clause 45 or under clause 47(b)(i) may also appeal to the Appellate Authority, whose orders shall be final and conclusive and there shall be no appeal against it.
- (b) An employer who has been refused registration under clause 19(a) may appeal to the Board through the President. The order of the Board shall be final and conclusive and there shall be no appeal against it.
- (c) Every appeal referred to above shall be in writing and referred within 15 days of the receipt of the order appealed against.
- (d) An employer shall not be entitled to be represented by a legal practitioner before the Council or the Appellate Authority but he/she shall be entitled to be represented by a representative of the Association of Registered Employers of which he/she is a member.

#### **52. Bar of Jurisdiction of Civil and Labour Courts**

- (a) No civil or labour court shall entertain any suit or application in respect of any matters or disputes arising under the Act or the Scheme.
- (b) No suit or other proceedings shall be in a Civil Court on the grounds of non-Jurisdiction of the Dispute. Resolution Bodies to adjudicate and determine any dispute as aforesaid.