

(4)

प्रेषक,

श्रीराम सिंह

शैलेश कृष्ण,
प्रमुख सचिव,
उत्तर प्रदेश शासन,
लखनऊ।

5/8/13

सेवा में,

श्रीराम सिंह

आपर श्रम आयुक्त, उ०प्र०

1-

समस्त मण्डलायुक्त/जिलाधिकारी, (उ०प्र०) उत्तर प्रदेश।

2-

समस्त क्षेत्रीय अपर/उप श्रमायुक्त, (उ०प्र०) उत्तर प्रदेश।

1357

DLC(Boc) श्रम अनुभाग-2

लखनऊ: दिनांक: 01 जुलाई, 2013

विषय:-

उ०प्र० भवन एवं अन्य सन्निर्माण कर्मकार कल्याण बोर्ड में श्रमिकों के पंजीकरण के संबंध में भारत सरकार के दिशा निर्देश।

अनुपालन के लिए पत्रिका में put up with file

महोदय,

माला श्रीवास्तव

उपरोक्त विषय के सम्बन्ध में अदगत कराना है कि भारत सरकार के रोजगार मंत्रालय के महानिदेशक द्वारा पत्र संख्या-20-20011/05/2010-BL दिनांक 12 जुलाई, 2013 (प्रतिलिपि संलग्न) द्वारा बी०ओ०सी०डब्लू (आर०ई०सी०एस०) एक्ट, 1996 के अन्तर्गत निर्देश जारी किये गये हैं, जिनका अनुपालन अनिवार्य है। इसमें निम्नलिखित निर्णय महत्वपूर्ण हैं:-

5/8/2013

अपर श्रमायुक्त, उ०प्र० एवं

1. मनरेगा में पंजीकृत ऐसे निर्माण श्रमिक जिनके द्वारा एक वर्ष में 50 दिवस कार्य किया गया हो उन्हें बी०ओ०सी०डब्लू० में पंजीकृत कर लिया जाय। साथ ही साथ इसमें श्रमिक का स्वयं का प्रमाण-पत्र अथवा ग्राम पंचायत का प्रमाण-पत्र मान्य होगा। इस हेतु युद्ध स्तर पर कार्यवाही की आवश्यकता है।

2. समस्त ग्राम पंचायत और नागर निकाय को उ०प्र० भवन एवं अन्य सन्निर्माण कर्मकार कल्याण बोर्ड के अन्तर्गत निर्माण श्रमिकों के पंजीयन हेतु अधिकृत किया जाता है।

कृपया तदनुसार तत्काल समुचित कार्यवाही की जाय।

0-5-(Boc)

अनुपालन के लिए पत्रिका में put up with file

05-08-13

अपर श्रमायुक्त, उ०प्र०

616

श्रीराम सिंह
5/8/2013

भवदीय,

(शैलेश कृष्ण)
प्रमुख सचिव।

संख्या - 680 (1)/36-2/2013 दिनांक तदैव

प्रतिलिपि श्रम आयुक्त, उ०प्र० कानपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

आज्ञा से,

(शैलेश कृष्ण)
प्रमुख सचिव।



No. Z-20011/05/2010-BL

Government of India
Ministry of Labour & Employment

Jaisalmer House, Mansingh Road
New Delhi - 110011

Dated the 12th July, 2013

To,

Principal Secretary/ Secretary
Department of Labour
All State /UT Governments
Chairman/Secretary
State Building and Other Construction Workers Welfare' Board
All State /UT Governments

4927/PSU/13

सचिव

5
(शैलेश कुमार)
२२/७/१३

अम विभाग, २० प्र० श

Subject:- Implementation of provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Building and Other Construction Workers' Welfare Cess Act, 1996 – regarding.

Sir/Madam,

The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act and Building and Other Construction Workers' Welfare Cess Act were enacted in 1996 to regulate the employment and conditions of service and to provide for safety, health and welfare measures of building and other construction workers.

2. The State Governments have been mandated to constitute Building and Other Construction Workers Welfare Boards. The functions of the Board, inter-alia, include providing immediate assistance to a beneficiary in case of accident, making payment of pension, sanctioning loans and advances for construction of house, giving financial assistance for the education of children, meeting medical expenses for major ailments etc. The implementation of various provisions of these Acts specially those relating to registration of workers as beneficiaries, collection of cess and its utilization for welfare of building and other construction

workers is the responsibility of the State Government and State Building and Other Construction Worker Welfare Board.

3. It has however been noticed that the percentage of construction workers registered continues to be very low in large number of States and only about one crore construction workers have been registered with the State Building and Other Construction Workers Welfare Boards against the total estimated number of around 4.50 crore. Similarly percentage utilization of fund for welfare of construction workers has also been very low in large number of States despite rapid growth in collection of cess.

4. This Ministry has been requesting States at various levels in the past to improve the situation. Secretary, Labour & Employment through his D.O. letter dated 29th June, 2012 to the Chief Secretaries requested States to take steps for accelerating registration of workers, drawing strategy for implementing model schemes of the Central government and utilizing of funds for vocational training and skill development of construction workers and their children. The Hon'ble Supreme Court in the Writ Petition (C) No. 318 of 2006 has given very clear and specific directions for improving implementation of the provisions of the Act. In addition, the good practices adopted by some of the States have been shared with the States not been able to perform well through various workshops, meetings etc. from time to time.

5. The progress of registration of construction workers vis-a-vis potential as well as percent utilization of cess, however, continues to remain very poor in very large number of States. Given the objective for which Act was enacted and States were allowed to collect the cess, the existing state of affairs in large number of States cannot be allowed to continue indefinitely. Central Government has been empowered under section 60 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 to issue directions to the States and Boards for carrying into execution any of the provisions of the Act. Hon'ble Supreme Court, vide his order dated 7th February, 2012 in the Writ Petition (Civil No.318 of 2006 and Contempt Petitions numbering 41, 42, 43 & 44 related to this Writ has issued specific direction asking Central Government to issue appropriate directions under Section 60 of the BOCW (RECS) Act, 1996 as well as Cess Act.

6. After careful consideration of existing state of affairs and all other aspects in this regard, Central Government hereby issues following directions under section 60 of the Building and Other Construction Workers (RECS) Act, 1996:

- (a) As per Section 12(1) of the Act, every building worker who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months shall be eligible for registration as a beneficiary under this Act. A very large number of workers are working every year under Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA). Most of the works taken up under MNREGA, barring few related to forestry, horticulture etc., clearly fall under the category of 'Building and Other Construction Work' defined under section 2(1)(d) of the Act. To facilitate easy registration of the people who have largely worked under MNREGA works falling under the category of building and construction work, States should carry out a special drive for registration of such people under the BOCW(RECS) Act and shall allow registration of such workers who have completed 50 days of work in a year under MNREGA under BOCW (RECS) Act on the basis of simpler process like self-certification by the applicants or certification by Panchayats, etc.
- (b) As per section 12(2) of the Act, an application for registration has to be made in the prescribed form to the officer authorized by the Board in this behalf. Since, it is very difficult for building and other construction worker to approach offices situated away from their usual place of residence and work, States shall authorize all Gram Panchayats and Municipalities also to register construction workers under the Act. In addition, Assistant/Junior Engineers of the various Engineering Departments like PWD, Irrigation, Water Supply, Power etc. shall also be given power to register workers under BOCW (RECS) Act.

- (c) Large number of States today have practice of registration of the workers for one year which requires renewal every year. A large number of genuine workers find it very difficult to keep track of date of renewal and are not able to ensure renewal leading to loss of registration and consequent benefits. The States shall therefore allow registration of workers for periods of at least 3 years in one go to reduce the burden of renewal.
- (d) The 'Building and Other Construction Work' is defined under section 2(1)(d) of the Act. The States under this section have been authorized to notify works other than those listed in this section as 'Building and Other Construction Work'. Since, a large number of States have yet not notified additional works which fall under the category of Building and Other Construction Work and are not specifically mentioned in section 2(1)(d) of the Act, the State shall notify the works listed at Annexure-I of this letter as Building and Other Construction Work at the earliest as it will enable not only additional collection of cess from such works but also would facilitate easy registration and welfare of workers engaged in such works.
- (e) Section 22 of the Act prescribes functions of the Boards. Section 22(h) of the Act gives wide scope to the State Boards to take up schemes and make provisions of variety of welfare measures for the workers registered under the Act and their dependents. India stands at the verge of reaping demographic dividend by appropriate skilling of its young population. A clarification was issued vide this Ministry's letter of even number dated 21st May, 2012 (Annexure II) stating that States may use the cess collected for skill development of the registered workers and their dependents for skilling in all sectors including construction. Many Central Ministries have already started emphasizing on use of higher proportion of fund available under various schemes for skill development. Ministry of Social Justice and Empowerment, Ministry of Home Affairs etc. have recently issued such instructions. Given this background, State Boards shall spend every year at

Annexure I

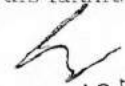
1. Cutting, breaking and crushing of stone
2. Cutting and polishing of slabs/tiles
3. Woodwork including painting, varnishing etc
4. Sewerage and plumbing work
5. Electrical works including wiring, distribution, panel fixing etc
6. Installation and repair of fire fighting systems
7. Installation and repair of cooling and heating systems
8. Installation of lifts, escalators etc
9. Installation of security gates, devices etc
10. Fabrication and installation of iron/metal grills, windows, doors
11. Construction of water harvesting structures
12. Interior work including carpeting, false ceiling, lighting, plaster of paris
13. Cutting, glazing and installation of glass panels
14. Making of bricks, roofing tiles etc not covered under Factories Act, 1948
15. Installation of energy efficient equipment like solar panels etc
16. Installation of modular units for use in places such as kitchens
17. Making and installation of pre-fabricated concrete modules etc
18. Construction of sports/ recreation facilities including swimming pools, golf courses etc
19. Construction, erection of signage, road furniture, bus shelters/depots/stands, signaling systems etc
20. Construction of rotaries, installation of fountains etc
21. Construction of public parks, walking tracks, landscaping etc

least 20% of the balance cess amount at the beginning of the financial year, on activities related to skill development of registered workers and their dependents. Model schemes attached at Annexure III of this letter may be adopted by State Welfare Boards with suitable variations, as considered necessary at the earliest.

7. An early action in the matter maybe taken and action taken may please be informed to us at the earliest.

Encl: As stated:

Yours faithfully,



12/7/2013

(Shikhar Agrawal)

Director General

Tel.: 011 - 2338 3684