

BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION
OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

Preamble 1 - 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 SERVICE) ACT, 1996

[Act, No. 27 of 1996]

[19th August, 1996]

PREAMBLE

An Act to regulate the employment and conditions of service of building
and other construction

workers and to provide for their safety, health and welfare measures and
for other matters

connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of
India as follows:--

Chapter I - PRELIMINARY

THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF
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PREAMBLE

An Act to regulate the employment and conditions of service of building
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workers and to provide for their safety, health and welfare measures and
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connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of
India as follows:--

Section 1 - Short title, extent, commencement and application

(1) This Act may be called the Building and Other Construction Workers
(Regulation of

Employment and Conditions of Service) Act, 1996.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 1st day of March,
1996.

(4) It applies to every establishment which employs, or had employed on
any day of the

preceding twelve months, ten or more building workers in any building or other construction

work.

Explanation.--For the purposes of this sub-section, the building workers employed in

different relays in a day either by the employer or the contractor shall be taken into account

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in computing the number of building workers employed in the establishment.

Section 2 - Definitions

(1) In this Act, unless the context otherwise requires,—(a) "appropriate Government"

means,—

(i) in relation to an establishment (which employs building workers either directly or

through a contractor) in respect of which the appropriate Government under the

Industrial Disputes Act, 1947 (14 of 1947), is the Central Government, the Central

Government;

(ii) in relation to any such establishment, being a public sector undertaking, as the

Central Government may by notification specify which employs building workers either

directly or through a contractor, the Central Government;

Explanation.--For the purposes of sub-clause (ii). "public sector undertaking"

means any corporation established by or under any Central, State or Provincial Act

or a Government Company as defined in section 617 of the Companies Act, 1956 (1

of 1956), which is owned, controlled or managed by the Central Government;

(iii) in relation to any other establishment which employs building workers either

directly or through a contractor, the Government of the State in which that other

establishment is situate;

(b) "beneficiary" means a building worker registered under section 12;

(c) "Board" means a Building and Other Construction Workers' Welfare Board constituted

under sub-section (1) of section 18;

(d) "building or other construction work" means the construction, alteration, repairs, maintenance or demolition, of or, in relation to, buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distribution of water), oil and gas installations, electric lines, wireless, radio, television, telephone, telegraph and overseas communications, dams, canals, reservoirs, watercourses, tunnels, bridges, viaducts, aqueducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the appropriate Government, by notification but does not include any building or other construction work to which the provisions of the Factories Act, 1948 (63 of 1948), or the Mines Act, 1952 (35 of 1952), apply;

(e) "building worker" means a person who is employed to do any skilled, semiskilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, in connection with any building or other construction work but does not include any such person--

(i) who is employed mainly in a managerial or administrative capacity; or

(ii) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature;

(f) "Chief Inspector" means the Chief Inspector of Inspection of Building and Construction appointed under sub-section (2) of section 42;

(g) "contractor" means a person who undertakes to produce a given result for any establishment, other than a mere supply of goods or articles of manufacture, by the employment of building workers or who supplies building workers for any work of the

establishment; and includes a sub-contractor;

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(h) "Director-General" means the Director-General of Inspection appointed under

sub-section (1) of section 42;

(i) "employer", in relation to an establishment, means the owner thereof, and

includes.--

(i) in relation to a building or other construction work carried on by or under the

authority of any department of the Government, directly without any contractor,

the authority specified in this behalf, or where no authority is specified, the head

of the department;

(ii) in relation to a building or other construction work carried on by or on behalf

of a local authority or other establishment, directly without any contractor, the

chief executive officer of that authority or establishment;

(iii) in relation to a building or other construction work carried on by or though a

contractor, or by the employment of building workers supplied by a contractor, the

contractor;

(j) "establishment" means any establishment belonging to, or under the control of.

Government, any body corporate or firm, an individual or association or other body of

individuals which or who employs building workers in any building or other construction

work; and includes an establishment belonging to a contractor, but does not include an

individual who employs such workers in any building or construction work in relation to

his own residence the total cost of such construction not being more than rupees ten

lakhs;

(k) "Fund" means the Building and Other Construction Workers' Welfare Fund of a Board

constituted under sub-section (1) of section 24:

(l) "notification" means a notification published in the Official Gazette;

(m) "prescribed" means prescribed by rules made under this Act by the Central

Government or, as the case may be, the State Government;

(n) "wages" shall have the same meaning as assigned to it in clause (vi) of section 2 of

the Payment of Wages Act, 1936 (4 of 1936).

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to

that area, be construed as a reference to the corresponding law, if any, in force in that area.

Chapter II - THE ADVISORY COMMITTEES AND EXPERT COMMITTEES

(1) In this Act, unless the context otherwise requires,—(a) "appropriate Government"

means,—

(i) in relation to an establishment (which employs building workers either directly or

through a contractor) in respect of which the appropriate Government under the

Industrial Disputes Act, 1947 (14 of 1947), is the Central Government, the Central

Government;

(ii) in relation to any such establishment, being a public sector undertaking, as the

Central Government may by notification specify which employs building workers either

directly or through a contractor, the Central Government;

Explanation.—For the purposes of sub-clause (ii). "public sector undertaking"

means any corporation established by or under any Central, State or Provincial Act

or a Government Company as defined in section 617 of the Companies Act, 1956 (1

of 1956), which is owned, controlled or managed by the Central Government;

(iii) in relation to any other establishment which employs building workers either

directly or through a contractor, the Government of the State in which that other

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establishment is situate;

(b) "beneficiary" means a building worker registered under section 12;

(c) "Board" means a Building and Other Construction Workers' Welfare Board constituted

under sub-section (1) of section 18;

(d) "building or other construction work" means the construction, alteration, repairs,

maintenance or demolition, of or, in relation to, buildings, streets, roads, railways, tramways,

airfields, irrigation, drainage, embankment and navigation works, flood control works

(including storm water drainage works), generation, transmission and distribution of power,

water works (including channels for distribution of water), oil and gas installations, electric

lines, wireless, radio, television, telephone, telegraph and overseas communications, dams,

canals, reservoirs, watercourses, tunnels, bridges, viaducts, aqueducts, pipelines, towers,

cooling towers, transmission towers and such other work as may be specified in this behalf by

the appropriate Government, by notification but does not include any building or other

construction work to which the provisions of the Factories Act, 1948 (63 of 1948), or the

Mines Act, 1952 (35 of 1952), apply;

(e) "building worker" means a person who is employed to do any skilled, semiskilled or

unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the

terms of employment be expressed or implied, in connection with any building or other

construction work but does not include any such person--

(i) who is employed mainly in a managerial or administrative capacity; or

(ii) who, being employed in a supervisory capacity, draws wages exceeding one

thousand six hundred rupees per mensem or exercises, either by the nature of the

duties attached to the office or by reason of the powers vested in him, functions

mainly of a managerial nature;

(f) "Chief Inspector" means the Chief Inspector of Inspection of Building and Construction

appointed under sub-section (2) of section 42;

(g) "contractor" means a person who undertakes to produce a given result for any

establishment, other than a mere supply of goods or articles of manufacture, by the

employment of building workers or who supplies building workers for any work of the

establishment; and includes a sub-contractor;

(h) "Director-General" means the Director-General of Inspection appointed under

sub-section (1) of section 42;

(i) "employer", in relation to an establishment, means the owner thereof, and

includes.--

(i) in relation to a building or other construction work carried on by or under the

authority of any department of the Government, directly without any contractor,

the authority specified in this behalf, or where no authority is specified, the head

of the department;

(ii) in relation to a building or other construction work carried on by or on behalf

of a local authority or other establishment, directly without any contractor, the

chief executive officer of that authority or establishment;

(iii) in relation to a building or other construction work carried on by or through a

contractor, or by the employment of building workers supplied by a contractor, the

contractor;

(j) "establishment" means any establishment belonging to, or under the control of.

Government, any body corporate or firm, an individual or association or other body of

individuals which or who employs building workers in any building or other construction

work; and includes an establishment belonging to a contractor, but does not include an

individual who employs such workers in any building or construction work in relation to

his own residence the total cost of such construction not being more than rupees ten

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lakhs;

(k) "Fund" means the Building and Other Construction Workers' Welfare Fund of a Board

constituted under sub-section (1) of section 24:

(l) "notification" means a notification published in the Official Gazette;
(m) "prescribed" means prescribed by rules made under this Act by the Central

Government or, as the case may be, the State Government;

(n) "wages" shall have the same meaning as assigned to it in clause (vi) of section 2 of

the Payment of Wages Act, 1936 (4 of 1936).

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to

that area, be construed as a reference to the corresponding law, if any, in force in that area.

Section 3 - Central Advisory Committee

(1) The Central Government shall, as soon as may be, constitute a Committee to be called

the Central Building and Other Construction Workers' Advisory Committee (hereinafter

referred to as the Central Advisory Committee) to advise the Central Government on such

matters arising out of the administration of this Act as may be referred to it.

(2) The Central Advisory Committee shall consist of--

(a) a Chairperson to be appointed by the Central Government;

(b) three Members of Parliament of whom two shall be elected by the House of the People

and one by the Council of States—members;

(c) the Director-General--member, ex officio;

(d) such number of other members, not exceeding thirteen but not less than nine, as the

Central Government may nominate to represent the employers, building workers,

associations of architects, engineers, accident insurance institutions and any other

interests which, in the opinion of the Central Government, ought to be represented on

the Central Advisory Committee.

(3) The number of persons to be appointed as members from each of the categories specified

in clause (d) of sub-section (2), the term of office and other conditions of service of, the

procedure to be followed in the discharge of their functions by, and the manner of filling

vacancies among, the members of the Central Advisory Committee shall be such as may be

prescribed;

Provided that the members nominated to represent the building workers shall not be less

than the number of members nominated to represent the employers.

(4) It is hereby declared that the office of member of the Central Advisory Committee shall

not disqualify its holder for being chosen as, or for being, a Member of either House of

Parliament.

Section 4 - State Advisory Committee

(1) The State Government shall constitute a committee to be called the State Building and

Other Construction Workers' Advisory Committee (hereinafter referred to as the State

Advisory Committee) to advise the State Government on such matters arising out of the

administration of this Act as may be referred to it.

(2) The State Advisory Committee shall consist of—

(a) a Chairperson to be appointed by the State Government;

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(b) two members of the State Legislature to be elected from the State Legislature--

members:

(c) a member to be nominated by the Central Government;

(d) the Chief Inspector--member, ex officio;

(e) such number of other members, not exceeding eleven, but not less than seven, as the

State Government may nominate to represent the employers, building workers,

associations of architects, engineers, accident insurance institutions and any other

interests which, in the opinion of the State Government, ought to be represented on the

State Advisory Committee.

(3) The number of persons to be appointed as members from each of the categories specified

in clause (e) of sub-section (2), the term of office and other conditions of service of, the

procedure to be followed in the discharge of their functions by and the manner of filling

vacancies among, the members of State Advisory Committee shall be such as may be

prescribed:

Provided that the number of members nominated to represent the building workers shall

not be less than the number of members nominated to represent the employers.

Section 5 - Expert Committees

(1) The appropriate Government may constitute one or more expert committees consisting of

persons specially qualified in building or other construction work for advising that

Government for making rules under this Act.

(2) The members of the expert committee shall be paid such fees and allowances for

attending the meetings of the committee as may be prescribed:

Provided that no fee or allowances shall be payable to a member who is an officer of

Government or of any body corporate established by or under any law for the time being

in force.

Chapter III - REGISTRATION OF ESTABLISHMENTS

(1) The appropriate Government may constitute one or more expert committees consisting of

persons specially qualified in building or other construction work for advising that

Government for making rules under this Act.

(2) The members of the expert committee shall be paid such fees and allowances for

attending the meetings of the committee as may be prescribed:

Provided that no fee or allowances shall be payable to a member who is an officer of

Government or of any body corporate established by or under any law for the time being

in force.

Section 6 - Appointment of registering officers

The appropriate Government may, by order notified in the Official Gazette,--

(a) appoint such persons, being Gazetted Officers of Government, as it thinks fit to be the

registering officers for the purposes of this Act; and

(b) define the limits within which a registering officer shall exercise the powers conferred

on him by or under this Act.

Section 7 - Registration of establishments

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(1) Every employer shall,--

(a) in relation to an establishment to which this Act applies on its commencement, within

a period of sixty days from such commencement; and

(b) in relation to any other establishment to which this Act may be applicable at any time

after such commencement, within a period of sixty days from the date on which this Act

becomes applicable to such establishment.

make an application to the registering officer for the registration of such establishment:

Provided that the registering officer may entertain any such application after the expiry

of the periods aforesaid, if he is satisfied that the applicant was prevented by sufficient

cause from making the application within such period.

(2) Every application under sub-section (1) shall be in such form and shall contain such

particulars and shall be accompanied by such fees as may be prescribed,

(3) After the receipt of an application under sub-section (1), the registering officer shall

register the establishment and issue a certificate of registration to the employer thereof in

such form and within such time and subject to such conditions as may be prescribed.

(4) Where, after the registration of an establishment under this section, any change occurs

in the ownership or management or other prescribed particulars in respect of such

establishment, the particulars regarding such change shall be intimated by the employer to

the registering officer within thirty days of such change in such form as may be prescribed.

Section 8 - Revocation of registration in certain cases

If the registering officer is satisfied, either on a reference made to him in this behalf or

otherwise, that the registration of any establishment has been obtained by misrepresentation

or suppression of any material fact or that the provisions of this Act are not being complied

with in relation to any work carried on by such establishment, or that for any other reason

the registration has become useless or ineffective and, therefore, requires to be revoked, he

may, after giving an opportunity to the employer of the establishment to be heard, revoke the registration.

Section 9 - Appeal

(1) Any person aggrieved by an order made under section 8 may, within thirty days from the

date on which the order is communicated to him, prefer an appeal to the appellate officer

who shall be a person nominated in this behalf by the appropriate Government:

Provided that the appellate officer may entertain the appeal after the expiry of the said

period of thirty days if he is satisfied that the appellant was prevented by sufficient cause

from tiling the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving the

appellant an opportunity of being heard, confirm, modify or reverse the order of revocation

as expeditiously as possible.

Section 10 - Effect of non-registration

No employer of an establishment to which this Act applies, shall,--

(a) in the case of an establishment required to be registered under section 7, but which

has not been registered under that section;

(b) in the case of an establishment the registration in respect of which has been revoked

under section 8 and no appeal has been preferred against such order of revocation under

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section 9 within the period prescribed for the preferring of such appeal or where an

appeal has been so preferred, such appeal has been dismissed,

employ building workers in the establishment after the expiry of the period referred to in

clause (a) or clause (b) of sub-section (1) of section 7, or after the revocation of registration

under section 8 or after the expiry of the period for preferring an appeal under section 9 or

after the dismissal of the appeal, as the case may be.

Chapter IV - REGISTRATION OF BUILDING WORKERS AS BENEFICIARIES

No employer of an establishment to which this Act applies, shall,--

(a) in the case of an establishment required to be registered under section 7, but which has not been registered under that section;

(b) in the case of an establishment the registration in respect of which has been revoked under section 8 and no appeal has been preferred against such order of revocation under section 9 within the period prescribed for the preferring of such appeal or where an appeal has been so preferred, such appeal has been dismissed, employ building workers in the establishment after the expiry of the period referred to in clause (a) or clause (b) of sub-section (1) of section 7, or after the revocation of registration under section 8 or after the expiry of the period for preferring an appeal under section 9 or after the dismissal of the appeal, as the case may be.

Section 11 - Beneficiaries of the Fund

Subject to the provisions of this Act, every building worker registered as a beneficiary under

this Act shall be entitled to the benefits provided by the Board from its Fund under this Act.

Section 12 - Registration of building workers as beneficiaries

(1) Every building worker who has completed eighteen years of age, but has not completed

sixty years of age, and 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.

(2) An application for registration shall be made in such form, as may be prescribed, to the

officer authorised by the Board in this behalf.

(3) Every application under sub-section (2) shall be accompanied by such documents

together with such fee not exceeding fifty rupees as may be prescribed.

(4) If the officer authorised by the Board under sub-section (2) is satisfied that the applicant

has complied with the provisions of this Act and the rules made thereunder, he shall register

the name of the building worker as a beneficiary under this Act:

Provided that an application for registration shall not be rejected without giving the

applicant an opportunity of being heard.

(5) Any person aggrieved by the decision under sub-section (4) may, within thirty days from the date of such decision, prefer an appeal to the Secretary of the Board or any other officer specified by the Board in this behalf and the decision of the Secretary or such other officer on such appeal shall be final: Provided that the Secretary or any other officer specified by the Board in this behalf may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the building worker was prevented by sufficient cause from filing the appeal in time.

(6) The Secretary of the Board shall cause to maintain such registers as may be prescribed.

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Section 13 - Identity cards

(1) The Board shall give to every beneficiary an identity card with his photograph duly affixed thereon and with enough space for entering the details of the building or other construction work done by him.

(2) Every employer shall enter in the identity card the details of the building or other construction work done by the beneficiary and authenticate the same and return it to the beneficiary.

(3) A beneficiary who has been issued an identity card under this Act shall produce the same whenever demanded by any officer of Government or the Board, any inspector or any other authority for inspection.

Section 14 - Cessation as a beneficiary

(1) A building worker who has been registered as a beneficiary under this Act shall cease to be as such when he attains the age of sixty-years or when he is not engaged in building or other construction work for not less than ninety days in a year: Provided that in computing the period of ninety days under this sub-section, there shall be excluded any period of absence from the building or other construction work due to

any personal injury caused to the building worker by accident arising out of and in the course of his employment.

(2) Notwithstanding anything contained in sub-section (1), if a person had been a beneficiary

for at least three years continuously immediately before attaining the age of sixty years, he

shall be eligible to get such benefits as may be prescribed.

Explanation.--For computing the period of three years as a beneficiary with a Board under

this sub-section, there shall be added any period for which a person had been a beneficiary

with any other Board immediately before his registration.

Section 15 - Register of beneficiaries

Every employer shall maintain a register in such form as may be prescribed showing the

details of employment of beneficiaries employed in the building or other construction work

undertaken by him and the same may be inspected without any prior notice by the Secretary

of the Board or any other officer duly authorised by the Board in this behalf.

Section 16 - Contribution of building workers

(1) A building worker who has been registered as a beneficiary under this Act shall, until he

attains the age of sixty years, contribute to the Fund at such rate per mensem, as may be

specified by the State Government, by notification in the Official Gazette and different rates

of contribution may be specified for different classes of building workers:

Provided that the Board may, if satisfied that a beneficiary is unable to pay his

contribution due to any financial hardship, waive the payment of contribution for a period

not exceeding three months at a time.

(2) A beneficiary may authorise his employer to deduct his contribution from his monthly

wages and to remit the same, within fifteen days from such deduction, to the Board.

Section 17 - Effect of non-payment of contribution

When a beneficiary has not paid his contribution under sub-section (1) of section 16 for a

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continuous period of not less than one year, he shall cease to be a beneficiary:

Provided that if the Secretary of the Board is satisfied that the non-payment of

contribution was for a reasonable ground and that the building worker is willing to deposit

the arrears, he may allow the building worker to deposit the contribution in arrears and

on such deposit being made, the registration of building worker shall stand restored.

Chapter V - BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE BOARDS

When a beneficiary has not paid his contribution under sub-section (1) of section 16 for a

continuous period of not less than one year, he shall cease to be a beneficiary:

Provided that if the Secretary of the Board is satisfied that the non-payment of

contribution was for a reasonable ground and that the building worker is willing to deposit

the arrears, he may allow the building worker to deposit the contribution in arrears and

on such deposit being made, the registration of building worker shall stand restored.

Section 18 - Constitution of State Welfare Boards

(1) Every State Government shall, with effect from such date as it may, by notification,

appoint, constitute a Board to be known as the (name of the State) Building and

Other Construction Workers' Welfare Board to exercise the powers conferred on, and perform

the functions assigned to, it under this Act.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession

and a common seal and shall by the said name sue and be sued.

(3) The Board shall consist of a chairperson, a person to be nominated by the Central Government

and such number of other members, not exceeding fifteen, as may be appointed to it by the

State Government:

Provided that the Board shall include an equal number of members representing the

State Government, the employers and the building workers and that at least one member

of the Board shall be a woman.

(4) The terms and conditions of appointment and the salaries and other allowances payable to

the chairperson and the other members of the Board, and the manner of filling of casual

vacancies of the members of the Board, shall be such as may be prescribed.

Section 19 - Secretary and other officers of Boards

(1) The Board shall appoint a Secretary and such other officers and employees as it considers

necessary for the efficient discharge of its functions under this Act.

(2) The Secretary of the Board shall be its chief executive officer.

(3) The terms and conditions of appointment and the salary and allowances payable to the

Secretary and the other officers and employees of the Board shall be such as may be

prescribed.

Section 20 - Meetings of Board

(1) The Board shall meet at such time and place and

observe such rules of procedure in regard to the transaction of business at its meetings

(including the quorum at such meetings) as may be prescribed.

(2) The chairperson or, if for any reason he is unable to attend a meeting of the Board, any

member nominated by the chairperson in this behalf and in the absence of such nomination,

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any other member elected by the members present from amongst themselves at the

meeting, shall preside at the meeting.

(3) All questions which come up before any meeting of the Board shall be decided by a

majority of votes of the members present and voting, and in the event of equality of votes,

the chairperson, or in his absence, the person presiding, shall have a second or a casting

vote.

Section 21 - Vacancies, etc., not to invalidate proceedings of the Boards

No act or proceedings of a Board shall be invalid merely by reason of--

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

Section 22 - Functions of the Boards

(1) The Board may--

(a) provide immediate assistance to a beneficiary in case of accident;

(b) make payment of pension to the beneficiaries who have completed the age of sixty

years;

(c) sanction loans and advances to a beneficiary for construction of a house not exceeding

such amount and on such terms and conditions as may be prescribed;

(d) pay such amount in connection with premia for Group Insurance Scheme of the

beneficiaries as it may deem fit;

(e) give such financial assistance for the education of children of the beneficiaries as may

be prescribed;

(f) meet such medical expenses for treatment of major ailments of a beneficiary or, such

dependant, as may be prescribed;

(g) make payment of maternity benefit to the female beneficiaries; and

(h) make provision and improvement of such other welfare measures and facilities as may

be prescribed.

(2) The Board may grant loan or subsidy to a local authority or an employer in aid of any

scheme approved by the State Government for the purpose connected with the welfare of

building workers in any establishment.

(3) The Board may pay annually grants-in-aid to a local authority or to an employer who

provides to the satisfaction of the Board welfare measures and facilities of the standard

specified by the Board for the benefit of the building workers and the members of their

family, so, however, that the amount payable as grants-in-aid to any local authority or

employer shall not exceed--

(a) the amount spent in providing welfare measures and facilities as determined by the

State Government or any person specified by it in this behalf, or

(b) such amount as may be prescribed,

whichever is less:

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Provided that no grant-in-aid shall be payable in respect of any such welfare measures

and facilities where the amount spent thereon determined as aforesaid is less than the

amount prescribed in this behalf.

Section 23 - Grants and loans by the Central Government

The Central Government may, after due appropriation made by Parliament by law in this

behalf, make to a Board grants and loans of such sums of money as the Government may

consider necessary.

Section 24 - Building and Other Construction Workers' Welfare Fund and its application

(1) There shall be constituted by a Board a fund to be called the Building and other

Construction Workers' Welfare Fund and there shall be credited thereto--

(a) any grants and loans made to the Board by the Central Government under section

23;

(b) all contributions made by the beneficiaries;

(c) all sums received by the Board from such other sources as may be decided by the

Central Government.

(2) The Fund shall be applied for meeting--

(a) expenses of the Board in the discharge of its functions under section 22; and

(b) salaries, allowances and other remuneration of the members, officers and other

employees for the Board;

(c) expenses on objects and for purposes authorised by this Act.

(3) No Board shall, in any financial year, incur expenses towards salaries, allowances and

other remuneration to its members, officers and other employees and for meeting the other

administrative expenses exceeding five per cent, of its total expenses during that financial

year.

Section 25 - Budget

The Board shall prepare, in such form and at such time each financial year, as may be

prescribed, its budget for the next financial year, showing the estimated receipts and

expenditure of the Board and forward the same to the State Government and the Central

Government.

Section 26 - Annual report

The Board shall prepare, in such form and at such time each financial year as may be

prescribed, its annual report, giving a full account of its activities during the previous

financial year, and submit a copy thereof to the State Government and the Central

Government.

Section 27 - Accounts and audit

(1) The Board shall maintain proper accounts and other relevant records and prepare an

annual statement of accounts in such form as may be prescribed in consultation with the

Comptroller and Auditor-General of India.

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(2) The Comptroller and Auditor-General of India or any other person appointed by him in

connection with the auditing of the accounts of the Board under this Act shall have the same

rights and privileges and the authority in connection with such audit as the Comptroller and

Auditor-General of India has in connection with the auditing of the Government accounts and

in particular shall have the right to demand the production of books, accounts, connected

vouchers and other documents and papers and to inspect any of the officers of the Board

under this Act.

(3) The accounts of the Board shall be audited by the Comptroller and Auditor-General of

India annually and any expenditure incurred in connection with such audit shall be payable

by the Board to the Comptroller and Auditor-General of India.

(4) The board shall furnish to the State Government before such date as may be prescribed

its audited copy of accounts together with the auditor's report.

(5) The State Government shall cause the annual report and auditor's report to be laid, as

soon as may be after they are received, before the State Legislature.

Chapter VI - HOURS OF WORK, WELFARE MEASURES AND OTHER CONDITIONS OF

SERVICE OF BUILDING WORKERS

(1) The Board shall maintain proper accounts and other relevant records and prepare an

annual statement of accounts in such form as may be prescribed in consultation with the

Comptroller and Auditor-General of India.

(2) The Comptroller and Auditor-General of India or any other person appointed by him in

connection with the auditing of the accounts of the Board under this Act shall have the same

rights and privileges and the authority in connection with such audit as the Comptroller and

Auditor-General of India has in connection with the auditing of the Government accounts and

in particular shall have the right to demand the production of books, accounts, connected

vouchers and other documents and papers and to inspect any of the officers of the Board

under this Act.

(3) The accounts of the Board shall be audited by the Comptroller and Auditor-General of

India annually and any expenditure incurred in connection with such audit shall be payable

by the Board to the Comptroller and Auditor-General of India.

(4) The board shall furnish to the State Government before such date as may be prescribed

its audited copy of accounts together with the auditor's report.

(5) The State Government shall cause the annual report and auditor's report to be laid, as

soon as may be after they are received, before the State Legislature.

Section 28 - Fixing hours for normal working day, etc.

(1) The appropriate Government may, by rules. --

(a) fix the number of hours of work which shall constitute a normal working day for a

building worker, inclusive of one or more specified intervals;

(b) provide for a day of rest in every period of seven days which shall be allowed to all

building workers and for the payment of remuneration in respect of such days of rest;

(c) provide for payment of work on a day of rest at a rate not less than the overtime rate

specified in section 29.

(2) The provisions of sub-section (1) shall, in relation to the following classes of building

workers, apply only to such extent, and subject to such conditions, as may be prescribed, namely:

--

(a) persons engaged on urgent work, or in any emergency which could not have been

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foreseen or prevented;

(b) persons engaged in a work in the nature of preparatory or complementary work which

must necessarily be carried on outside the normal hours of work laid down in the rules;

(c) persons engaged in any work which for technical reasons has to be completed before the

day is over;

(d) persons engaged in a work which could not be carried on except at times dependant on

the irregular action of natural forces.

Section 29 - Wages for overtime work

(1) Where any building worker is required to work on any day in excess of the number of hours

constituting a normal working day, he shall be entitled to wages at the rate of twice his

ordinary rate of wages.

(2) For the purposes of this section, "ordinary rates of wages" means the basic wages plus such

allowances as the worker is for the time being entitled to but does not include any bonus.

Section 30 - Maintenance of registers and records

(1) Every employer shall maintain such registers and records giving such particulars of

building workers employed by him, the work performed by them, the number of hours of work

which shall constitute a normal working day for them, a day of rest in every period of seven

days which shall be allowed to them, the wages paid to them, the receipts given by them and

such other particulars in such form as may be prescribed.

(2) Even, employer shall keep exhibited, in such manner as may be prescribed, in the place

where such workers may be employed, notices in the prescribed form containing the prescribed particulars.

(3) The appropriate Government may, by rules, provide for the issue of wage books or wage

slips to building workers employed in an establishment and prescribe the manner in which

entries shall be made and authenticated in such wage books or wage slips by the employer or his

agent.

Section 31 - Prohibition of employment of certain persons in certain building or other

construction work

No person about whom the employer knows or has reason to believe that he is a deaf or he

has a defective vision or he has a tendency to giddiness shall be required or allowed to work in

any such operation of building or other construction work which is likely to involve a risk of

any accident either to the building worker himself or to any other person.

Section 32 - Drinking water

(1) The employer shall make in every place where building or other construction work is in

progress, effective arrangements to provide and maintain at suitable points conveniently situated

for all persons employed therein, a sufficient supply of wholesome drinking water.

(2) All such points shall be legibly marked "Drinking Water" in a language understood by a

majority of the persons employed in such place and no such point shall be situated within six

metres of any washing place, urinal or latrine.

Section 33 - Latrines and urinals

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In every place where building or other construction work is carried on, the employer shall

provide sufficient latrine and urinal accommodation of such types as may be prescribed and they

shall be so conveniently situated as may be accessible to the building workers at all times while

they are in such place:

Provided that it shall not be necessary to provide separate urinals in any place where less

than fifty persons are employed or where the latrines are connected to a water-borne sewage system.

Section 34 - Accommodation

(1) The employer shall provide, free of charges and within the work site or as near to it as

may be possible, temporary living accommodation to all building workers employed by him

for such period as the building or other construction work is in progress.

(2) The temporary accommodation provided under sub-section (1) shall have separate

cooking place, bathing, washing and lavatory facilities.

(3) As soon as may be, after the building or other construction work is over, the employer

shall, at his own cost, cause removal or demolition of the temporary structures erected by

him for the purpose of providing living accommodation, cooking place or other facilities to the

building workers as required under sub-section (1) and restore the ground in good level and

clean condition.

(4) In case an employer is given any land by a Municipal Board or any other local authority

for the purposes of providing temporary accommodation for the building workers under this

section, he shall, as soon as may be after the construction work is over, return the

possession of such land in the same condition in which he received the same.

Section 35 - Creches

(1) In every place wherein, more than fifty female building workers are ordinarily

employed, there shall be provided and maintained a suitable room or rooms for the use of

children under the age of six years of such female workers.

(2) Such rooms shall--

(a) provide adequate accommodation;

(b) be adequately lighted and ventilated;

(c) be maintained in a clean and sanitary condition;

(d) be under the charge of women trained in the care of children and infants.

Section 36 - First-aid

Every employer shall provide in all the places where building or other construction work is

carried on such first-aid facilities as may be prescribed.

Section 37 - Canteens, etc.

The appropriate Government may, by rules, require the employer--

(a) to provide and maintain in every place wherein not less than two hundred and fifty

building workers are ordinarily employed, a canteen for the use of the workers;

(b) to provide such other welfare measures for the benefit of building workers as may be

prescribed.

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Chapter VII - SAFETY AND HEALTH MEASURES

The appropriate Government may, by rules, require the employer--

(a) to provide and maintain in every place wherein not less than two hundred and fifty

building workers are ordinarily employed, a canteen for the use of the workers;

(b) to provide such other welfare measures for the benefit of building workers as may be

prescribed.

Section 38 - Safety Committee and safety officers

(1) In every establishment wherein five hundred or more building workers are ordinarily

employed, the employer shall constitute a Safety Committee consisting of such number of

representatives of the employer and the building workers as may be prescribed by the State

Government:

Provided that the number of persons representing the workers, shall, in no case, be less

than the persons representing the employer.

(2) In even, establishment referred to in sub-section (1), the employer shall also appoint a

safety officer who shall possess such qualifications and perform such duties as may be

prescribed.

Section 39 - Notice of certain accidents

(1) Where in any establishment an accident occurs which causes death or which causes any

bodily injury by reason of which the person injured is prevented from working for a period of

forty-eight hours or more immediately following the accident, or which is of such a nature as

may be prescribed, the employer shall give notice thereof to such authority, in such form and

within such time as may be prescribed.

(2) On receipt of a notice under sub-section (1) the authority referred to in that sub-section

may make such investigation or inquiry as it considers necessary.

(3) Where a notice given under sub-section (1) relates to an accident causing death of five or

more persons, the authority shall make an inquiry into such accident within one month of

the receipt of the notice.

Section 40 - Power of appropriate Government to make rules for the safety and health of

building workers

(1) The appropriate Government may, by notification, make rules regarding the measures to

be taken for the safety and health of building workers in the course of their employment and

the equipment and appliances necessary to be provided to them for ensuring their safety,

health and protection, during such employment.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules

may provide for all or any of the following matters, namely:--

(a) the safe means of access to and the safety of, any working place, including the

provision of suitable and sufficient scaffolding at various stages when work cannot be

safely done from the ground or from any part of a building or from a ladder or such other

means of support;

(b) the precautions to be taken in connection with the demolition of the whole or any

substantial part of a building or other structure under the supervision of a competent

person and the avoidance of danger from collapse of any building or other structure while

removing any part of the framed building or other structure by shoring or otherwise;

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(c) the handling or use of explosive under the control of competent persons so that there is no exposure to the risk of injury from explosion or from flying material;

(d) the erection, installation, use and maintenance of transporting equipment, such as locomotives, trucks, wagons and other vehicles and trailers and appointment of competent persons to drive or operate such equipment;

(e) the erection, installation, use and maintenance of hoists, lifting appliances and lifting gear including periodical testing and examination and heat treatment, where necessary, precautions to be taken while raising or lowering loads, restrictions on carriage of persons and appointment of competent persons on hoists or other lifting appliances;

(f) the adequate and suitable lighting of every workplace and approach thereto, of even, place where raising or lowering operations with the use of hoists, lifting appliances or lifting gears are in progress and of all openings dangerous to building workers employed;

(g) the precautions to be taken to prevent inhalation of dust, fumes, gases or vapours during any grinding, cleaning, spraying or manipulation of any material and steps to be taken to secure and maintain adequate ventilation of every working place or confined space;

(h) the measures to be taken during stacking or unstacking, stowing or unstowing of materials or goods or handling in connection therewith;

(i) the safeguarding of machinery including the fencing of every fly-wheel and every moving part of a prime mover and every part of transmission or other machinery, unless it is in such a position or of such construction as to be safe to every worker working on any of the operations and as if it were security fenced;

(j) the safe handling and use of plant, including tools and equipment operated by compressed air;

(k) the precaution to be taken in case of fire;

(l) the limits of weight to be lifted or moved by workers;

(m) the safe transport of workers to or from any workplace by water and provision of means for rescue from drowning;

(n) the steps to be taken to prevent danger to workers from live electric wires or apparatus including electrical machinery and tools and from overhead wires;

(o) the keeping of safety nets, safety sheets and safety belts where the special nature or the circumstances of work render them necessary for the safety of the workers;

(p) the standards to be complied with regard to scaffolding, ladders and stairs, lifting appliances, ropes, chains and accessories, earth moving equipments and floating operational equipments;

(q) the precautions to be taken with regard to pile driving, concrete work, work with hot asphalt, tar or other similar things, insulation work, demolition operations, excavation, underground construction and handling materials;

(r) the safety policy, that is to say, a policy relating to steps to be taken to ensure the safety and health of the building workers, the administrative arrangements therefor and the matters connected therewith, to be framed by the employers and contractors for the operations to be carried on in a building or other construction work;

(s) the information to be furnished to the Bureau of Indian Standards established under the Bureau of Indian Standards Act, 1986 (63 of 1986), regarding the use of any article or process covered under that Act in a building or other construction work;

(t) the provision and maintenance of medical facilities for building workers:

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(u) any other matter concerning the safety and health of workers working in any of the operations being carried on in a building or other construction work.

Section 41 - Framing of model rules for safety measures

The Central Government may, after considering the recommendation of the expert

committee constituted under section 5, frame model rules in respect of all or any of the

matters specified in section 40 and where any such model rules have been framed in respect

of any such matter, the appropriate Government shall, while making any rules in respect of

that matter under section 40, so far as is practicable, conform to such model rules.

Chapter VIII - INSPECTING STAFF

The Central Government may, after considering the recommendation of the expert

committee constituted under section 5, frame model rules in respect of all or any of the

matters specified in section 40 and where any such model rules have been framed in respect

of any such matter, the appropriate Government shall, while making any rules in respect of

that matter under section 40, so far as is practicable, conform to such model rules.

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