

Bill No. XIX of 2013

THE BUILDING AND OTHER CONSTRUCTION WORKERS
RELATED LAWS (AMENDMENT) BILL, 2013

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BILL

to amend the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Building and Other Construction Workers' Welfare Cess Act, 1996.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Building and Other Construction Workers Related Laws (Amendment) Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title and commencement.

CHAPTER II

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

- Amendment
of section 2. **2.** In section 2 of the Building and Other Construction Workers (Regulation of
Employment and Conditions of Service) Act, 1996 [hereinafter in this Chapter referred to as
the Building and Other Construction Workers (Regulation of Employment and Conditions of
Service) Act], in sub-section (1),— 5 27 of 1996.
- (a) in clause (a), in sub-clause (iii), for the words “the Government of the State”,
the words “the Government of the State or Union territory, as the case may be,” shall
be substituted; 10
- (b) in clause (j), for the words “the total cost of such construction not being
more than rupees ten lakhs”, the words “the total cost of such construction being not
exceeding such amount as the Central Government may, by notification, specify in this
behalf” shall be substituted.
- Amendment
of section 12. **3.** In section 12 of the Building and Other Construction Workers (Regulation of
Employment and Conditions of Service) Act, for sub-section (1), the following sub-section 15
shall be substituted, namely:—
- “(1) Every building worker who has completed eighteen years of age and who
has been engaged in any building or other construction work shall be eligible for
registration as a beneficiary under this Act.”. 20
- Amendment
of section 18. **4.** In section 18 of the Building and Other Construction Workers (Regulation of
Employment and Conditions of Service) Act, after sub-section (1), the following sub-section
shall be inserted, namely:—
- “(1A) Until the Board is constituted in accordance with the provisions of sub-
section (1), the following persons shall constitute a Board as from the date of
commencement of the Building and Other Construction Workers Related Laws
(Amendment) Act, 2013 and such Board shall be deemed to be the Board established
and constituted for a period not exceeding one year from such commencement for the
purpose of carrying out the provisions of this Act, namely:— 25
- (a) the Secretary in charge of the Department dealing with the labour— 30
chairperson;
- (b) the Secretary in charge of the Department dealing with the finance or
his nominee— member;
- (c) the Secretary in charge of the Department dealing with the planning or
his nominee—member; 35
- (d) the Secretary in charge of the Department dealing with the social welfare
or his nominee —member.”.
- Amendment
of section 24. **5.** In section 24 of the Building and Other Construction Workers (Regulation of
Employment and Conditions of Service) Act, in sub-section (3), for the words “expenses
exceeding five per cent. of its total expenses during that financial year”, the words “expenses
exceeding such percentage of its total expenses during that financial year, as may be notified
in the Official Gazette, by the Central Government in this behalf” shall be substituted. 40
- Amendment
of section 42. **6.** In section 42 of the Building and Other Construction Workers (Regulation of
Employment and Conditions of Service) Act, in sub-section (1),— 45
- (i) for the words “a Gazetted Officer of that Government to be the Director-
General of Inspection who shall be responsible for”, the words “such number of
Gazetted Officers, not exceeding ten, of that Government to be Director-Generals for
such area as may be specified in the notification who shall coordinate with the Central
Government in carrying out its responsibility of” shall be substituted;
- (ii) for the words “throughout India”, the words “in the respective area” shall be 50
substituted.

CHAPTER III

AMENDMENTS TO THE BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE CESS ACT, 1996

- 28 of 1996. **7.** In the Building and Other Construction Workers' Welfare Cess Act, 1996 (hereinafter referred to as the Building and Other Construction Workers' Welfare Cess Act), in section 2, after clause (a), the following clause shall be inserted, namely:—
- 5 ‘(aa) “employer”, shall have the same meaning as assigned to it in clause (i) of sub-section (1) of section 2 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996;’.
- 27 of 1996.
- 10 **8.** In section 3 of the Building and Other Construction Workers' Welfare Cess Act, in sub-section (3), for the words “collecting the cess to the Board”, the words “within a period of thirty days of collecting cess, to the Board” shall be substituted.
- 9.** In section 12 of the Building and Other Construction Workers' Welfare Cess Act, in sub-section (3), for the words “the Central Government”, the words “the Central Government or, as the case may be, the State Government” shall be substituted.

Amendment of section 2.

Amendment of section 3.

Amendment of section 12.

STATEMENT OF OBJECTS AND REASONS

The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 was enacted 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 the Building and Other Construction Workers' Welfare Cess Act, 1996, provides for the levy and collection of a cess on the basis of cost of construction with a view to augmenting the resources for the welfare schemes of the Building and Other Construction Workers.

2. In view of the problems faced during the implementation of these Acts, the State Governments suggested for amending certain provisions of these Acts. The Central Advisory Committee under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 set up a Task Force to examine provisions of the Act in the context of the experience during the past decade as well as suggestions received from various stake holders.

3. On the recommendations made by the Task Force, the Central Government has, *inter alia*, proposed the following amendments in the Building and Other Construction Workers Related Laws (Amendment) Bill, 2013, namely:—

(a) to empower the Central Government to specify, by notification, the maximum cost of construction in the definition of 'establishment' under clause (j) of sub-section (1) of section 2 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 instead of rupees ten lakhs for application of the said Act;

(b) to substitute sub-section (1) of section 12 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 to amplify the scope of the Act for registration of workers;

(c) to amend sub-section (1) of section 24 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 to empower the Central Government to notify percentage of total expenditure for meeting administrative expenses incurred by the State Building and Other Construction Workers Welfare Board; and

(d) to amend sub-section (3) of section 12 of the Building and Other Construction Workers' Welfare Cess Act, 1996 so as to empower the State Governments to file complaints in the courts to take cognizance of an offence.

4. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 12th December, 2012.

MALLIKARJUN KHARGE

ANNEXURE

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

(27 OF 1996)

* * * * *

2. (1) In this Act, unless the context otherwise requires,— Definitions.

(a) “appropriate Government” means,—

* * * * *

(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;

* * * * *

(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;

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12. (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. Registration of building workers as beneficiaries.

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24. (1) * * * * * Building and Other Construction Workers’ Welfare Fund and its application.

(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.

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CHAPTER VIII

INSPECTING STAFF

42. (1) The Central Government may, by notification, appoint a Gazetted Officer of that Government to be the Director-General of Inspection who shall be responsible for laying down the standards of inspection and shall also exercise the powers of an Inspector throughout India in relation to all the establishments for which the Central Government is the appropriate Government. Appointment of Director-General, Chief Inspector and Inspectors.

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EXTRACTS FROM THE BUILDING AND OTHER CONSTRUCTION WORKERS'
WELFARE CESS ACT, 1996

(28 OF 1996)

	*	*	*	*	*
Levy and collection of cess.	3. (1)	*	*	*	*
	(3) The proceeds of the cess collected under sub-section (2) shall be paid by the local authority or the State Government collecting the cess to the Board after deducting the cost of collection of such cess not exceeding one per cent. of the amount collected.				
	*	*	*	*	*
Penalty.	12. (1)	*	*	*	*
	(3) No court shall take cognizance of an offence punishable under this section save on a complaint made by or under the authority of the Central Government.				
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RAJYA SABHA

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BILL

to amend the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Building and Other Construction Workers' Welfare Cess Act, 1996.

(Shri Mallikarjun Kharge, Minister of Labour and Employment)

GMGIPMRND—5689RS(S4)—13.03.2013.