



सत्यमेव जयते

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LABOUR WELFARE DEPARTMENT :: LABOUR (RC) BRANCH

NOTIFICATION

18th September 2017

No. GLR(RC)87/2015/143 - In exercise of the powers conferred by section 62 (l) of the Building And Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act No. 27 of 1996), hereinafter referred to as principal Act, the Governor of Assam is hereby please to make the following rules further to amend the said rules in the manner hereinafter appearing namely :-

Short title and
Commencement

1. (1) These rules may be called as the Building and Other Construction Workers' (Regulation of Employment And Conditions of Service) Assam (Amendment) Rules, 2017.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Amendment of rule 10

2. In the principal Rules, in rule 10,-
 - (i) in clause (c), for the words "The Chief Inspector", the Words "Commissioner of Labour, Assam" shall be substituted:
 - (ii) for existing clause (h), the following shall be substituted, namely :-

"(h) Three persons to be nominated by the State Government for representing one from the national level association of architects of engineers, other from an accident insurance institution and another from Life Insurance Corporation of India"

- Amendment of rule 23 3. In the principal Rules, in rule 23 for existing sub-rule (2), the following shall be substituted, namely :-
“(2) Every application referred to in sub-rule (1) shall be accompanied by the receipt copy of the fee deposited through treasury Challan or through e-payment (when it is notified and functioning). The head of account under which the fees for registration of the establishment shall be credited is “0230-Labour & Employment-101-Receipt under Labour Laws”.”.
- Amendment of rule 25 4. In the principal Rules, in rule 25, existing sub-rule (2) shall be renumbered as sub-rule (3) and the following new sub-rule (2) shall be inserted, namely :-
“(2) If any change occurs in regards to particulars of ownership or management or location of establishment etc. specified in the certificate of registration, the employer shall deposit an Amendment fee of Rs.50/- for every change. The fee shall be deposited through treasury challan or through e-payment (when it is notified and functioning). The head of account under the fees for any change shall be credited in “0230-Labour & Employment-101-Receipt under Labour Laws”.”.
- Amendment of rule 33 5. In the principal Rules, for existing rule 33, the following shall be substituted, namely :-
“33 Payment of fees.- Any requisite fee payable on account of registration, appeal, supply of copies or duplicate copies of certificate of registration shall be deposited through treasury Challan or through e-payment (when it is notified and functioning) at the headquarter of the concerned Registering Officer or Appellate Officer.
The head of account under which the requisite fees shall be credited is “0230-Labour & Employment-101-Receipt under Labour Laws”.”.
- Amendment of rule 253 6. In the principal Rules, in rule 253,-
(i) in sub-rule (1), for the existing clause (i) the following shall be substituted, namely :-
“(i) The Minister, Labour And Welfare, Assam shall be the Chairperson of the Board. The Government may also appoint an eminent person, having adequate knowledge and experience in the field of building and other construction work and who is not a Government employee, as Vice Chairperson of the Board;”

- (ii) after sub-rule (3), the following new sub-rule (4), (5), (6) and (7) shall be inserted, namely :-
 “(4) If any member fails to attend the Board meeting consecutively for three times, he/she will be automatically disqualified from continuing as a member of the Board.
 (5) If any member of the Board is convicted by a Court of Law for criminal misconduct he/ she shall cease to be a member of the Board with effect from the date of his/her conviction.
 (6) In the event, if a member is declared of unsound mind, by a competent authority, he/ she shall cease to be member of the Board.
 (7) If the Board fails to act as per aims and objectives of the Act, the Government can dissolve the Board by stating the reason(s) of such dissolution.”
- Amendment of rule 257 7. In the principal Rules, in rule 257,-
 (i) For existing sub-rule (1), the following shall be substituted, namely :-
 “(1) The Chairperson shall preside over every meeting of the Board. If for any reason the Chairperson is unable to attend the Vice Chairperson shall preside over the meeting and shall exercise the power of the Chairperson in conducting the meeting.”;
 (ii) sub-rule (2) shall be deleted and the existing sub-rule (3) shall be renumbered as sub-rule (2).
- Amendment of rule 261 8. In the principal Rules, in rule 261,-
 (i) in the sub-rule (1), for the word “hundred”, the word “one thousand” shall be substituted;
 (ii) in sub-rule (2), for the word “chairperson”, the word “Vice Chairperson” and for the figure “4000”, the figure “10,000” respectively shall be substituted.
- Amendment of rule 264 9. In the principal Rules, in rule 264, after sub-rule (2), the following new sub-rules (3) and (4) shall be inserted, namely :-
 “(3) The Board with the prior approval of the State Advisory Committee, may pay or revise, as the case may be the quantum of financial benefits / assistance under any scheme depending on the rise and fall of the Consumer Price Index and subject to the availability of Cess fund in the Board :

Provided that the revised quantum of benefits/assistance shall be communicated to the Government for information immediately :

(4) the Board may also devise necessary forms and registers for proper record keeping and implementation of any scheme as and when necessary".

Amendment of rule 265 10.

In the principal Rules, in rule 265, after sub-rule (2) the following new sub-rule (3) shall be inserted, namely :-

"(3) The Government shall appoint an officer not below the rank of Deputy Labour Commissioner, in the Labour & Welfare Department as Deputy Chief Executive Officer of the Board if and when necessary".

Amendment of rule 269 11.

In the principal Rules, in rule 269

(i) in sub-rule (1) the figure "60" appearing inbetween the words "completed" and "years" figure "55" shall be substituted :

(ii) for existing sub-rule (3), the following shall be substituted, namely :-

"(3) Certificate from the employer or contractor that the applicant is a construction worker shall be produced alongwith the application for registration. In case, such a certificate is not available, certificate from the Executive Officer of the concerned Panchayati Raj Institutions / Urban Local Body may also be considered:

Provided that the Registering Authority may also consider a certificate issued by the registered Construction Workers Union provided he/ she is satisfied with the records maintained or produced by such union about the engagement of such workers in construction works for minimum 90 (ninety) days in a particular year".

(iii) In sub-rule (8) for the punctuation mark "." Appearing at the end, the punctuation mark "." Shall be substituted and thereafter the following proviso shall be inserted, namely :-

"Provided that the issued Identity Card shall be valid for a period of two years from the date of issue of the card and it shall be renewed every two years, by submitting the copy of the working record book

indicating 90 days of work in the preceding twelve months of each completed year. The working record book shall be maintained by the concerned registered construction worker”.

- (iv) After sub-rule (8), the following new sub-rules (9) and (10) shall be inserted, namely :-

“(9) In case of damage or loss or theft of Identity Card, a Duplicate Copy of the Identity Card shall be issued on the basis of application made in this behalf by the registered construction worker in the office of the concerned registering authority. The application shall be accompanied by the damaged copy of the Identity Card or a copy of the FIR or police report as the case may be alongwith the fees of Rs.50/- which is to be deposited in the appropriate bank account of the Board.

(10) In accordance with the provision of Section 14 of the Act, every registered construction worker shall maintain the working record book with the signature of his/her employer which shall be produced before the concerned Registering authority for his verification and certification at the time of Renewal of Identity Card.”.

Substitution of rule 274 12.

In the principal Rules, for the existing rule 274, the following shall be substituted, namely :-

“274, Maternity Benefit,- The woman workers who are registered under the Act, shall be entitled to Rs.20,000/- as maternity benefit subject to the availability of Cess fund in the Board on an Application in Form XXXIII with such other documents as may be specified :

Provided that the membership of the women worker as construction Worker is valid as on date of application as per terms laid down in Rule 269 and she has not ceased to be a construction worker under section 14 of the Act :

Provided further that this Maternity benefit shall be allowed only for the 2 (two) children of the women workers who are registered under the Act.”.

Substitution of rule 275 13.

In the principal Rules, for the existing rule 275, the following shall be substituted, namely :-

“275, Eligibility for Pension. - A registered construction worker will be eligible for pension on

completion of 60 years of age, provided that he/she possesses up to date membership as a Construction worker as per the conditions laid down in Rule 269 and he/ she has not ceased to be a construction worker under section 14 of the Act on any previous year. The pension will become payable from the first day of succeeding month in which he completes his 60 years of age :

Provided that the Pensioner shall produce necessary information in the Form No. XXXIV prescribed under this rules."

Amendment of rule 276 14. In the principal Rules, in rule 276.

(i) for the existing sub-rule (5), the following shall be substituted, namely :-

"(5) The monthly pension shall be Rs.2,000/- plus Rs.100/- for every completed years of service from the year of his/ her registration."

(ii) after sub-rule (6), the following new sub-rule (7) shall be inserted, namely :-

"(7) The sanctioning Authority shall issue a Pension Payment Order (PPO) as may be prescribed by the Board to every pensioner."

Amendment of rule 277 15.

In the principal Rules, in rule 277, for the existing sub-rule (1), the following shall be substituted, namely :-

"(1) The Board may on application made by a registered beneficiary, sanction one time interest free refundable loan amount of Rs. 5 Lakh for purchase of flat, Rs. 2Lakh for purchase of Land and Rs. 3 Lakh for construction of house. The beneficiary shall alongwith the application in Form No. XXVIII submit such documents as may be specified by the Board. Before sanctioning the loan, the Board will examine the credit worthiness of the loanee including source of recovery in case of non-payment :

Provided that the beneficiary must complete 5 (five) years of regular service as construction workers as required under rule 269 and he/she should not cease to be a construction worker under section 14 of the Act :

Provided further that in case if death of the borrower the unpaid Loan amount shall be recovered by way of deduction from the amount payable as Death Benefit and Ex-gratia.

Amendment of rule 278

16. In the principal Rules, in rule 278.-
- (i) for the existing sub-rule (1), the following shall be substituted, namely :-
- “(1) (a) The Board may, subject to the availability of Cess fund in the Board sanction an amount of Rs.2000/- per month and Rs. 100/- per month for every completed year of service from the year of registration as disability pension to a beneficiary who is permanently disabled due to Accident in course of an out of employment as construction worker or due to paralysis, leprosy, T-B, renal failure, cancer, advance heart diseases and any other disability due to similar medical compulsion.
- (b) In addition to this pension, the Board may, subject to the availability of Cess fund in the Board also consider payment of Ex-gratia upto a maximum of Rs. 3.00 Lakh on case to case basis depending upon the extent of disability and the circumstances leading to such disability :
- Provided that the beneficiary shall along with the application in Form No. XXXVIII produce necessary documents as may be specified by the Board.”

- (ii) After sub-rule (2), the following new sub-rule (3) shall be inserted, namely :-
- “(3) The Sanctioning Authority shall issue Disability Pension Payment order which shall be recorded in a register as may be prescribed by the Board.”.

Substitution of rule 279

17. In the principal Rules, for the existing rule 279, the following shall be substituted, namely :-
- “279 (1), Loan for the Purchase of Tools.- An amount not exceeding Rs. 20,000/- subject to the availability of Cess fund in the Board will be sanctioned as one time interest free recoverable loan to those registered construction workers who have completed 3 years of membership as construction worker subject to conditions laid down in Rule 269. The loan amount shall be recovered in not more than sixty instalments. An application in Form No. XXXIX shall have to be made for this loan with such other documents as may be specified by the Board. Before sanctioning the loan, the Board will examine the credit worthiness of the loanee including source of recovery in case of non-payment :

Provided further that in case of death of the borrower the unpaid recovery Loan amount shall be recovered by way of deduction from the amount payable as Death Benefit & Ex-gratia.

(2) The Board may, subject to the availability of Cess fund in the Board provide personal safety equipment once in every three years viz one pair of hand gloves, one pair of spectacles, one pair of Gumboot, one Apron, one fiber plastic safety helmet, one umbrella or reimbursement of Rs.5000/- or the actual cost of the said safety equipment whichever is less as determined by the Board to the beneficiaries having one year continuous membership on application and conditions as prescribed by the Board."

Substitution of rule 280 18.

In the principal Rules, for the existing rule 280, the following shall be substituted, namely :-

"280. Payment of Funeral Assistance.- The Board may sanction an amount of Rs. 5000/- subject to the availability of Cess fund in the Board to the nominees/ dependents of a deceased member of the fund, towards funeral expenses. An application in form No. XI shall be submitted alongwith such documents as may be specified by the Board in this behalf."

Substitution of rule 281 19.

In the principal Rules, for the existing rule 281, the following shall be substituted, namely :-

"281. Payment of Death Benefit.- The board may, subject to the availability of Cess fund in the Board sanction an amount of Rs.50,000/- to the nominees/dependents of a deceased member from the fund towards death benefit, in case of natural death. If the death is due to an accident in course of an out of employment as construction worker, the nominees dependents of the member shall be paid Rs.3.00 Lakh towards death benefit subject to the availability of Cess fund in the Board. The beneficiary shall along with the application in Form NO.XXXVI submit such documents as may be specified by the Board.

Substitution of rule 282^{xy} 20.

In the principal Rules, for the existing rule 282, the following shall be substituted, namely :-

"282. Cash Award.- The Board may, subject to the availability of Cess fund in the Board institute cash award as incentive for pursuing higher education for the children of registered construction worker @

- Rs.5000/-, Rs.4000/- and Rs.3500/- to those children who score 75% or above, 65% or less than 75% and 55% or less than 65% respectively in H.S.L.C.. Assam High Madrasah (AHM) and H.S. (Arts. Science & Commerce) examination of that particular year. The beneficiary shall alongwith the application in Form No.XLI submit such documents as may be specified by the Board.
21. Substitution of rule 283 21. In the principal Rules, for the existing rule 283, the following shall be substituted, namely :-
 "283. Education Institution.- The Board may, subject to the availability of Cess fund in the Board establish Educational Institute with a view to provide job oriented technical and vocational education to the children of the beneficiaries and to impart Skill Development Training to the Construction Workers. In case of non availability of Board's own Technical Institution, the Board may decide to impart such training to the construction workers and their children either in the Government ITI's or through any training provider approved by the Government or any other Competent Authority".
22. Substitution of Rule 284 22. In the principal Rules, for the existing rule 284, the following shall be substituted, namely:-
 "284. Medical Assistance to Beneficiaries-
 (a) The Board may be, subject to the availability of Cess fund in the Board sanction financial assistance to the registered beneficiaries who have been working as construction workers for minimum 90 days in the preceding twelve months including his/her spouse, parent and two dependent children who are hospitalized in a hospital due to accident or any disease. The financial assistance shall be Rs. 1000/- per day for the first 5 days and Rs. 200/- per day for the remaining days subject to a maximum Rs. 20,000/-. The Board may also consider payment of such assistance to the registered beneficiary who is not hospitalized but is orthopaedically handicapped.
 (b) If disability results due to an accident in course of and out of employment, the beneficiary shall be eligible for financial assistance as partial disability benefit at the rate of Rs. 25,000/-, Rs.50,000/-, Rs.75,000/- & Rs. 1,50,000/- subject to the availability of Cess fund in the Board on the percentage of disability upto 25%, upto 50%, upto 80% and more than 80% respectively. The percentage of disability is to be determined by the competent authority of the respective district.

(c) The Board may, subject to the availability of Cess fund in the Board sanction upto an amount of Rs. 1.50 lakh as financial assistance to the registered beneficiaries for his/her treatment of critical disease like Cancer, Cardiac problem leading to requirement of pace maker or heart surgery, failure of kidney (kidney transplantation), Liver cirrhosis, Leprosy as well as for any other critical disease determined and specified by the Board from time to time. The beneficiary shall alongwith the application in Form No. XLII submit such documents as may be specified by the Board.

(d) The Board may, subject to the availability of Cess fund in the Board sanction financial assistance to every registered beneficiaries having continuous membership of the fund upto maximum of an amount of Rs. 5,000/- once in a year for his/her annual health check up in any Hospital."

Substitution of rule 286 23.

In the principal Rules, for the existing rule 286, the following shall be substituted, namely:-

"286. Financial Assistance for Marriage.-

(1) The registered construction worker having continuous membership for 5 years shall be eligible to get one time financial assistance of Rs. 25,000/- subject to the availability of Cess fund in the Board each up to two children for the marriage of the their children.

(2) An unmarried male or female registered beneficiary is also eligible for one time assistance for his/her own marriage. An application in Form No. XLIV shall be submitted alongwith such documents as prescribed by the Board."

Substitution of rule 287 24.

In the principal Rules, for the existing rule 287, the following shall be substituted, namely:-

"287. Family Pension. - In the event of date of a pensioner (normal pensioner or disable pensioner as the case may be) family pension shall be given to the surviving spouse. The amount of pension will be subject to the availability of Cess fund in the Board 50% of the pension received by the deceased pensioner. An application in Form No. XLV shall be submitted by the spouse with such documents as may be specified by the Board within 3 months from the date of death of the pensioner. Notwithstanding that the occurrence of death of pensioner shall be informed before the concerned Registering Officer within 2 (two) months from the date of death. Soon after receiving such information the Registering Officer shall report immediately to the Board for record and follow up action for family pension as applicable."

Amendment of rule 289

25.

In the principal Rules, in rule 289, the for the existing Sub-rule (2), the following shall be substituted, namely :-

“(2). All financial benefits under these rules other than Death Benefit, Funeral Assistance, Medical Assistance, Disability Pension, Cash Award, Technical, Vocational & Skill Development Training and Educational Assistance shall become payable only after three years of person becoming a registered construction worker with upto date registration unless otherwise specified.”.

K. V. EAPEN,

Addl. Chief Secretary to the Govt. of Assam,
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