

The Building & Construction Industry
Workers (Regulation of Employment
Working Conditions, Health, Safety and
Welfare, Social Security and Industrial
Relations) Bill, 1986.

An Act to consolidate and codify all existing legislation on
Employment, Working and Service Conditions, Health, Safety,
Welfare, Social Security and Industrial Relations in the Building
& Construction Industry and to make provision for certain other
related and incidental matters;

Whereas it has become expedient and necessary to consolidate and
comprehensively codify all existing legislation pertaining to
employment, working and service conditions, health, safety,
Welfare, social security and industrial relations between the
employers and the workers in the Building & Construction Industry
and to make provision for certain related and incidental matters,
it is hereby enacted by Parliament in the thirty-seventh year of
the Republic of India as follows:

CHAPTER - I

Preliminary

1. Short title, extent, commencement and application:

- 1) This Act may be called the Building & Construction Industry
Workers (Regulation of Employment, Working and Service
Conditions, Health, Safety and Welfare, Social Security and
Industrial Relations) Act, 1986.
- 2) It extends to the whole of India.
- 3) It shall come into force on such date as the Central
Government or the State Government, as the case may be,
by Notification in the Official Gazette, appoint and
different dates may be appointed for bringing into force
the different provisions of the Act in different areas.
- 4) It applies to all places of works in the Building &
Construction Industry -
 - i) Whereon twenty or more workers are working or
were working on any day of the preceding twelve

Explanation:

For computing the number of workers for the purpose of this sub-section, all the workers working under the employer, i.e. the principal employer himself, or his contractors, sub-contractors or agents, in different relays in a day shall be taken into account, whether called permanent, temporary or substitute ("badli") or casual or apprentice trainee.

2. Definitions:

In this Act, unless the context otherwise requires:

- i) "Adolescent" means a person, who has completed his fifteenth year of age but has not completed his eighteenth year of age;
- ii) "adult" means a person, who has completed his eighteenth year of age.
- iii) "Adjudicator" means any judicial member of a Central or a State Board, as the case may be, who is appointed as such by the Board, for the purposes of adjudicating and finally determining a labour dispute.
- iv) "apprentice trainee" means a person, who is undergoing training, for a specified period, in a designated trade, in pursuance of a contract of apprenticeship with his employer provided that there shall be no apprentice trainee in an unskilled designated trade;
- v) "appropriate-Government" means in respect of a place of work in the Building & Construction Industry under the control of the Central Government or a Railway Administration or in a major part, mine, oil field or plantation or in a Cantonment or in a Corporation or Company constituted under a Central Law, the Central Government, and in all other cases, the State Government;
- vi) "award" means an interim or a final decision of an industrial dispute or any question relating thereto by a judicial member of a Central or State Board, as the case may be, constituted under this Act, and includes a supplementary award;
- vii) "Building & Construction Industry" means any place where the work of construction of buildings, houses, roads, canals, dams, bridges or the work of engineering construction or the like is carried out;

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- viii) "Central Board" means the Central Building & Construction Industry Workers' Board, constituted by the Central Govt. U/S 3 of this Act;
- ix) "child" means a person, who has not completed his fifteenth year of age;
- x) "Closure" means the permanent closing down of any place of work in the Building & Construction Industry;
- xi) "contractor" in relation to any place of work in the Building & Construction Industry means the person who undertakes to produce for the employer a given result at the said place of work, other than the mere supply of goods or articles of manufacture to such place of work, through contract labour and includes a sub-contractor as well;
"contract labour" means any person engaged or employed at any place of work in the Building & Construction Industry by or through a contractor whether with or without the knowledge of the principal employer;
- xiii) "day" means a period of twenty four hours beginning at mid-night;
- xiv) "employer" means the person or the body who has the ultimate control over the affairs of a place of work in the Building & Construction Industry or the person or body to whom such powers have been delegated, whether expressly or impliedly, and includes the principal employer as well as the contractor;
- xv) "Fund" means a fund constituted U/S 92 of this Act and vested in the Central or State Board, as the case may be, set up U/S 3 or Section 4 of this Act, as the case may be;
- xvi) "inspector" means any person appointed by the Central or the State Board, as the case may be, U/S 7 of this Act.
- xvii) "judicial member" of a Central or a State Board means a person ^{who} is or who has been in the Central or State Judicial service or is qualified to be in such service.
- xviii) "labour dispute" means any dispute or difference between employer and workers or between employer and employer or between workers and workers, which is connected with the employment or non-employment or terms of employment or conditions of work of any person employed in the Building and Construction Industry and includes any such dispute in respect of an individual worker whether in the employment at any place of work in the Building & Construction Industry or not;

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xix) "lay-off" (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer, on account of shortage of power or raw materials or break-down of machinery or for any other reason to give employment to a worker, whose name is borne on the muster-rolls at any place of work in the Building & Construction Industry and who has not been retrenched.

Explanation:

Every worker whose name is borne on the muster-rolls at any place of work in the Building & Construction Industry and who presents himself for work at the place of work at the time appointed for the purpose, and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause;

Provided that if the worker, instead of being given employment at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment, then he shall be laid-off only for one half of that day;

Provided that if the worker is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off, for the second half of the shift and he shall be entitled to full wages for that part of the day.

xx) "lock-out" means the closing of a place of work or the suspension of work, or the refusal by any employer to continue to employ any number of workers employed by him in consequence of a labour dispute.

xxi) "Mediator" of a Central or a State Board means any member of such Board, who is not a judicial member of the Board, and who is appointed as such by each board for the purposes of mediating in and promoting a settlement of a labour dispute.

xxii) "Officer" means a person appointed by the Central or the State Board, as the case may be, for performing such of the duties of the Board, as may be assigned to him by the Board in respect of the areas that may be allotted to him by the Board;

- xxiii) "order" means the decision of an Adjudicator during the course of the proceedings before him on any interlocutory matter or a decision rendered in implementation, execution, recovery or penal proceedings under this Act;
- xxiv) "power" means electrical energy or any other form of energy, which is generated by using mechanical appliances or machinery and is not generated by human or animal agency;
- xxv) "prescribed" means prescribed by Rules made under this Act;
- xxvi) "remuneration" means all earnings or emoluments however desiccated or calculated, which are capable of being expressed in terms of money, through a written or implied contract of employment, which are payable by an employer to a worker for work done or to be done or for services rendered or to be rendered and includes wages allowances, payments to be made to the workers to defray expenses, commission, bonus, incentive payments, contributions, compensation and terminal benefits.

Explanations:

- a) "wages" means that part of remuneration, which is payable as a basic wage, a dearness or cost of living allowance, house rent allowance, sickness allowance, food subsidy or other monetary or non-monetary benefit regularly received by a worker, which go to defray his living expenses and which are capable of being computed in terms of money whether paid as a consolidated sum or otherwise, but does not include allowances, expenses, commission, bonus, incentive payments, contributions, unemployment compensation and terminal benefits;
- b) "allowance" means that part of remuneration, which is payable for occasional services or a fixed allowance or a commuted payment made for a specific purpose other than the allowances or payments included in the term "wages";
- c) "expenses" means all payments made to a worker to defray expenses in connection with the work or business of the employer;
- d) "commission" means payment made to any person in relation to sale of goods or for rendering any services in connection with the work or business of an employer;

- e). "bonus" means any amount payable to a worker, U/S 34 of this Act, and includes any customary, festival or other types of bonus not related to profits;
- f) "incentive payment" means the amount payable to a worker, U/S 33 of this Act;
- g) "contributions" means payments made or to be made by the employer or the worker to the fund under chapter XI;
- h) "terminal benefits" means that part of the remuneration, which is payable to a worker by an employer on his ceasing to be in employment with such employer, such as Provident Fund, retrenchment compensation, and gratuity, etc
- xxvii) "retrenchment" means the termination by the employer of the services of a worker for the reason that he is surplus to requirements of any place of work in the Building & Construction Industry;
- xxviii) "rules" means rules made under this Act;
- xxix) "scheme" means any scheme framed under any of the provisions of this Act or the Rules made thereunder;
- xxx) "settlement" means a settlement arrived at in the course of mediation proceedings & includes a written agreement arrived at between the parties, in the prescribed manner, otherwise than in the course of mediation proceedings;
- xxxi) "stoppage" means total or partial cessation of work by the workers at any place of work in the Building & Construction Industry, acting in combination or a concerted refusal under a common understanding of workers to continue to work or to accept work, whether such cessation or refusal is or is not in consequence of a labour dispute;
- xxxii) "strike" means a total or partial cessation of work by a body or group of workers employed at a place of work in the Building & Construction Industry, acting in combination or a concerted refusal or a refusal under a common understanding of the workers to work, where such refusal is in consequence of a labour dispute;
- xxxiii) "trade union" means any combination, whether temporary or permanent, formed for the purposes of regulating the relations between workers and employers or between employers and employers or between workers and workers, which is duly registered under the Trade Unions Act, 1926;

- xxxiv) "week" means a period of seven days beginning at the mid-night of Saturday night; and
- xxxv) "work" means work of building construction or work of engineering construction or both.
- xxxvi) a "worker" means any person employed at a place of work in the Building & Construction Industry, whether directly or through a contractor, for hire or reward to do any manual-whether unskilled, semi-skilled or skilled, clerical, technical, operational, supervisory or administrative work, whether the terms of employment are expressed or implied, and draws wages not exceeding Rs.2500/-pm.

CHAPTER - II

Authorities under the Act

3. Central Board:

1. The Central Government shall constitute a Central Board, comprising equal number of representatives, not exceeding eight, of the employers, workers, Central and State Judicial Services, including persons qualified for such services, and independent persons, for administering, enforcing and otherwise carrying out the purposes of this Act and the Rules and the Schemes, if any, framed thereunder in places of work in the Building & Construction Industry, in respect of which the Central Government is the appropriate Government, and also for advising the Central Government on questions arising out of the administration of the Act or the Rules and the Schemes, if any, framed thereunder. A person representing the Central Judicial Service shall be appointed as the Chairman of the Board.

2. The Central Board shall be an autonomous and a corporate body, having a common seal and perpetual succession, with power to acquire, hold and dispose of property and have power to contract and to sue and be sued in its own name;

3. The tenure of the Central Board shall be for three years.

4. State Boards

1. The State Government shall appoint State Boards, consisting of equal number of representatives, not exceeding five, of the employers workers, State Judicial Service, including persons qualified for such service, and independent persons, for administering, enforcing and

otherwise carrying out the purpose of this Act and the Rules and the Schemes, if any, framed thereunder in places of work in the Building & Construction Industry in the State, in respect of which the State Government is the appropriate Government, and also for advising the State Government on questions arising out of the administration of the Act or any Rules or Schemes, if any, framed thereunder. A person representing the State Judicial Service shall be the Chairman of the Board.

ii). The State Boards shall also be autonomous and corporate bodies, having common seals and perpetual succession and power to acquire, hold and dispose of properties and have power to contract and sue and to be sued in their own names.

iii). The tenure of the State Boards shall be of three years.

5. Functions of the Central and the State Boards

The Central and the State Boards shall, inter alia, perform the following functions;

- i) registration of places of work, employers including contractors, sub-contractors and workers in the Building & Construction Industry;
- ii) impose and collect contributions from registered employers including contractors, sub-contractors and workers under the Act, for disbursement of social security and terminal benefits to the registered workers under the Act, such as earned leave, medical leave and accidental leave and benefits, maternity leave and benefits, bonus, provident fund, gratuity etc.
- iii) maintain a fund, called the "Social Security Fund", comprising the monies collected under Clause (ii) above;
- iv) provide for the application and variation of standing orders to employers and workers at any place of work in the Building and Construction Industry;
- v) provide for the fixation of minimum wages and conditions of service of the workers employed in any place of work in the Building & Construction Industry.
- vi) provide for mediation and for adjudication services to the employers and the workers in all labour disputes, through the members representing the non-judicial and judicial services on the Boards constituted under the Act.

- vii) provide for the recovery of monies and the workers under this Act;
- viii) provide for the interpretation or proper construction of any of the provisions of this Act or the Rules or any Schemes framed thereunder or any provision of a settlement, standing order or Award made thereunder; and
- ix) provide for the enforcement services under the Act, including the institution of criminal proceedings by the aggrieved party before the adjudication service under the Act, for breach or non-implementation of any provision of the Act or any Rule or Clause of any Scheme framed thereunder or of any term of any settlement or award made under the Act.

6. Officers of the Central & State Boards

The Central and the State Boards may appoint such number of Officers, having such qualifications as may be prescribed, on such terms and conditions, as it may consider to be proper and necessary, and assign to them such of the duties and functions of the Boards, for execution, in such areas as the Boards may decide, and different Officers may be appointed for execution of different duties and functions and for different areas.

7. Inspectors

1. The Central and the State Boards may appoint such number of persons, having such qualifications as may be prescribed, on such terms and conditions as it may consider proper and necessary, to be Inspectors for the purposes of this Act, and assign to them such local limits as it may think fit.

2. One of the Inspectors, so appointed by the Central and State Boards, in respect of the spheres of their respective jurisdictions, shall be nominated by the Central or the State Boards, as the case may be, to be the Chief Inspector, who shall exercise all the powers of an Inspector in all the areas where the Central or State Boards, as the case may be, has jurisdiction.

8. Chairman, Members, Officers & Inspectors and Staff of Central and State Boards to be public Servants.

Every Chairman, Member, Officer, Inspector, members of Staff of the Central and State Boards shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

9. Disqualification of Chairman, Members representing Central or State Judicial Service, other Members, Officers & Inspectors of Boards.

No person shall be appointed, or having been appointed shall continue to hold Office, as Chairman, Member representing Central or State Judicial Service, other Member or Officer or Inspector of the Central or State Boards, as the case may be, if he is or has become directly or indirectly interested in the work being carried out at any place of work in the Building & Construction Industry located within the area under the jurisdiction of the Board of which he is the Chairman, Member, Officer or Inspector or the jurisdiction assigned to him by the Board of which he is the Chairman, Member, Officer or Inspector for carrying out his duties under the Act.

10. Powers of Inspectors

1. Subject to any Rules that may be made in this behalf by the Central or the State Government, as the case may be, an Inspector may, within the local limits for which he is appointed may enter an area, which he has reason to believe to be a place of work in the Building & Construction Industry and make examination of the place, including the machinery that may be operated or located thereat, require the production of any prescribed registers, certificates or other documents and take on the spot or otherwise, statements of any persons employed or found to be working at the place, which he may consider necessary and proper for carrying out the purposes of this Act.

2) The employer and any other person in authority at the place of work shall offer all reasonable facilities to the Inspector, for entry, inspection, examination or enquiry under the Act or the Rules or any schemes framed thereunder.

3) If it appears to the Inspector that any work or part of a work or any part of a machinery at a place of work is in such a condition that it is dangerous to human life or safety, he may give the employer instructions, in writing, specifying the measures, which in his opinion, should be adopted and requiring them to be carried out before a specified date.

4) If it appears to the Inspector that continuation of a work or part of a work at a place of work or any machinery or part thereof at such place of work involves imminent danger to human life or safety, he may give the employer instructions, in writing, prohibiting the continuation of such work or part thereof or operation of such machinery or part thereof, until it has been properly repaired or altered, as directed by the Inspector.

CHAPTER - III

1. Registration of Places of Work, Employers and Workers

11. Subject to the provisions of Section 12 of this Act, no work in the Building & Construction Industry will be commenced or carried out by an employer at any place of work, unless, the place of work, the employer, including the contractors, if any, and the workers employed thereat are registered, in the prescribed manner, with the Central or the State Board, as the case may be, on payment of the prescribed fees and security deposits, which shall be based on the total value of the work involved in such work and the number of workers employed or proposed to be employed at the place of work.

12. Every employer and contractor shall, at least thirty days after the commencement of any work in the Building & Construction Industry at any place, send or cause to be sent to the Central or State Board, as the case may be, and to the Officer and the Inspector appointed by the Board, having jurisdiction in the area, where the work is to be carried out, a notice, in writing, containing the following particulars, viz.

- a) the name, if any, and the location of the work;
- b) the name and address of the employer;
- c) the name and address of the person in authority at the place of work;

- d) the names and addresses of the contractors operating at the place of work or likely to operate thereat, the number of workers employed or proposed to be employed by them and the nature of work undertaken or proposed to be undertaken by them together with the total value of such work.
- e) the appropriate duration of the work, and the number of workers employed or proposed to be employed.
- f) the address to which communications relating to the place of work may be sent; and
- g) the arrangements for storing dangerous materials or explosives, if any, to be used at the place of work.

Provided that the limit of thirty days for sending notice shall not apply in case of any work undertaken in the event of war or other emergency, endangering national safety, epidemics, natural calamities endangering human life, or urgent repairs to avoid dangers to the safety of the people.

13. Where any change occurs in any of the particulars already furnished, the employer shall intimate the change to the Central or State Boards as the case may be, within 8 days of such change, and the Board shall take note of such change.

14. A copy of the notice referred to in section (12) above shall be displayed by the employer conspicuously at the place of work. Likewise, any intimation of change to the Board, under Section (13) above, shall also be displayed conspicuously by the employer at the place of work near the notice aforesaid.

15. On receipt of the notice, under Sub-Section (12) or the intimation of change, under Sub-Section (13), the Central or the State Board, as the case may be, shall cause the correctness of the particulars stated therein to be verified, through the conduct of such enquiries by such persons, as it may deem fit, and, on being satisfied about the correctness thereof, shall enter the said particulars in a Register to be maintained by it, in a prescribed form, and then shall, subject to such conditions and payment of such fees, as may be prescribed, proceed to issue a certificate of registration to the employer, in the prescribed form, which shall be displayed conspicuously by the employer at the place of work.

16. The Certificate of Registration granted by the Central or the State Board, as the case may be, shall be valid until revoked.

Where a place of work is closed by the employer, either on the reason of completion of work or for any other reason, he shall within fifteen days of the closure in form, in writing, the Central or the State Board, as the case may be, the fact of such closure, including its date and as to whether the legal dues of the workers payable by the employer have been paid to them by the employer. The Board, on receipt of such intimation, shall cause the same to be verified, in the prescribed manner, and, if satisfied about the correctness thereof, shall proceed to pay the terminal dues, if any, of the workers employed thereat and then remove the name of the work place from the Register maintained by it under the Act.

The Board shall either suo moto or on receipt of a complaint, after making or causing to make such enquiries by such person as it considers necessary in respect thereof and, on being satisfied about the correctness of the information so collected about the complaint, give a 'show-cause' notice to the employer and after giving him an opportunity of being heard shall thereafter cancel the registration of a place of work or the employer, if it finds that the employer has violated any of the provision of this Act or the Rules or the Schemes, if any, framed thereunder or the conditions subject to which the registration was granted.

19. Every contractor and every worker, who intends to undertake any work in the Building and Construction Industry at any place, shall send or cause to be sent to the Central or the State Board, as the case may be and to the Officer and the Inspector appointed by the Board, having jurisdiction in the area, where the proposed work is to be undertaken or done, an application, in the prescribed manner, containing the required particulars.

20. Where any change occurs in any of the particulars furnished, the contractor or the worker shall intimate the change to the Central or the State Board, as the case may be, within 8 days of such change, and the Board shall take note of such change.

21. On receipt of the application from the contractor or the worker, under Section (19) or the particulars of change under Section (20), the Central Board or the State Board, as the case may be, shall cause the correctness of the particulars stated in the application or the particulars of the change to be verified, through the conduct of such enquiries by such persons, as it may deem fit, and, on being satisfied about the correctness thereof, shall enter the said particulars in the Register to be maintained by it, in the prescribed form, and then shall proceed to issue Licence to the contractor or Registration Certificate to the worker or make such changes in respect of the particulars contained therein subject to such conditions and payment of such fees and security deposit, if any, as may be prescribed.

22. The Licence of the contractor and the Registration Certificate of the worker, shall be valid until revoked.

23. Where a place of work is closed by the employer either for the reason of completion of the work or for any other reason or the termination of the contract of the contractor or the services of the worker, the employer, the contractor and the worker shall, within 8 days of the closure or termination of the contract or service, inform, in writing the Central or the State Board, as the case may be, the fact of such closure or termination, including its date and as to whether the workers have been paid the legal dues payable to them by the employer and, if so, how much and on what date. The Board, on receipt of such intimation, shall cause the same to be verified, in the prescribed manner, and if shall caused the same to be verified, in the prescribed manner, and if satisfied about the correctness thereof, shall then proceed to pay the terminal dues, if any, to the workers who were employed there at.

24. The Board, whether suo moto or on receipt of a complaint and on making or causing to make such enquiries in respect thereof, as it considers necessary and, in being satisfied about the correctness of the information so collected, shall, after giving a show cause notice to the contractor or the worker, as the case may be, and

after giving him an opportunity of being heard, cancel the licence of the contractor or the registration of the worker, if it finds that the contractor or the worker has violated any of the provisions of this Act or the Rules or the Schemes, if any, framed thereunder or the conditions subject to which the licence or the registration was granted.

25. Every employer, including a contractor, who intends to undertake work or undertakes work in the Building and Construction Industry at a particular place of work and proposes to employ workers or has employed workers, therefore, shall notify to the Board in the prescribed form, giving the relevant particulars, such as the nature, skill and categories of the workers proposed to be employed or employed, including the category wise total number thereof at the place of work, in the prescribed manner, to the Central or State Board, as the case may be, within 15 days of the commencement of operations at the place of work.

26. On receipt of such notice from the employer or the contractor, the Board shall send to the employer or the contractor, as the case may be, in the prescribed form and in the prescribed manner, the categorywise relevant particulars of the workers registered with the Board, for consideration for employment by the employer or the contractor at the place of work.

CHAPTER - IV

Standing Orders

28. Application of Standing Orders:-

The Model Standing Orders, as may be prescribed under this Act, shall initially apply to all places of work covered by this Act and the employers, including contractors, connected therewith and the workers employed there at.

23. Variation of Standing Orders:-

(i) An employer or the 'elected representatives' of the workers, who have been elected by an Officer of the Central or the

State Board, in the prescribed manner, or the trade union representing the majority of the workmen at the place of work, may apply to the nominated Officer of the Board, in the prescribed manner, for variation in the Model Standing Orders.

(ii) No variation in the Model Standing Orders shall be made unless by reason of the special characteristics of the work being done or proposed to be done at a place of work or the location of or the climate at the place of work, such a variation is found necessary.

(iii) The nominated Officer shall, after giving the parties an opportunity of being heard, in the prescribed manner, may decide the matter concerning variation in the model standing orders in such a manner as he may deem fit, and clearly indicate the alterations, variations, additions, deletions, substitution or modifications in the Model Standing Orders so made.

29. Display of Standing Orders

The Standing Orders, as finally settled by the nominated Officer, will be substituted for the Model Standing Orders and shall be displayed prominently at the concerned place of work, with a translation thereof in the Regional Language understood by the majority of the workers employed at the place of work.

CHAPTER - V.

Terms of Employment.

30. Fixation of wages

1) Every worker shall be entitled to an adequate wage for the work he does, when employed at a place of work in the Building & Construction Industry.

2) The Central or the State Board, as the case may be, shall, in the prescribed manner, fix minimum wages for the workers employed in the Building & Construction Industry and the minimum wages so fixed may be different for different places of work or a group of places of work or for different categories of workers depending on the nature and type of work, the skill and the hazards involved, etc.

3) The minimum wages fixed may be on the basis of a minimum time-rate or on the basis of a piece-rate, with a guaranteed minimum time-rate.

4) Such minimum wage, whether based on time-rate or a piece-rate or a combination of both, may also be so fixed so as to provide for adjustments in the variations of the Consumer Price Index Numbers for the Centre nearest to the place of work.

5) The minimum wages so fixed shall be subject to review by the Central or the State Board, as the case may be, every three years but not exceeding five years.

31. Fixation of wages above the minimum wage

Wages above the minimum wage may be fixed by agreement between the employers and the workers or their authorised representatives in the prescribed manner, failing which by mediation and/or adjudication proceedings under this Act. Such wages may be on a time-rate or on a piece rate basis, with a minimum guaranteed time-rate, whether with or without a provision for adjustment in the variations of the Consumer Price Index Numbers for the nearest Centre in respect of a place of work for which wages above the minimum wages are being fixed.

Explanation: The expression "wages" may include "Scale of wages" as well.

32. Annual Bonus.

An annual minimum bonus equivalent to 8.33% of his total annual wages or Rs.60/-, whichever is higher, shall be paid to every worker, who has been in service of an employer for not less than 30 days in an accounting year of the employer.

Provided that where such a worker has not completed his fifteenth year of service at the beginning of the accounting year, the provisions of this section shall have effect in relation to such a worker, as if for the words "Rs.60/-", the words "Rs.40/-" were substituted.

33. Payment of Remuneration

1) Every person responsible for payment of remuneration to the workers under this Act shall fix wage-periods, not exceeding one month, in respect of which such remuneration shall be payable.

2) The dates on which the wages and incentive payments will be made in respect of each group or category of workers shall be duly notified by the employer at the place of work, so, however, that wages of all the workers at the place of work are paid within the first seven days of each calendar month.

3) All amounts payable to a worker by way of annual bonus shall be paid to the worker in cash by his employer, within a period of eight months from the close of the accounting year, provided, however, that in case there is a dispute regarding the quantum of the bonus payable, the undisputed amount shall be paid within the period aforesaid and the amount in dispute, when resolved, shall be paid within a period of one month after the dispute is resolved either by agreement between the employers and the workers mediation or adjudication proceedings.

4) The employer shall also notify, as soon as practicable, the manner and periods of payment of all forms of remuneration; and

5) All payments of remuneration shall be made on a working day and during working hours and such remuneration shall be paid without any deduction, excepting such authorised deductions as may be prescribed.

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CHAPTER - VI

Conditions of Service

34. Weekly hours

Subject to the provisions of Section 37 of this Act, no worker shall be allowed or required to work at any place of work in the Building & Construction Industry for more than 48 hours in a week.

35. Daily hours

Subject to the provisions of Section 37 of this Act, no worker shall be allowed or required to work at any place of work in the Building & Construction Industry for more than 8 hours on any day, excluding the day of rest.

36. Interval of rest

No worker shall be allowed or required to work for more than five hours before he has had an interval of rest for at least half an hour.

37. Spread-over

The periods of work of a worker at any place of work in the Building & Construction Industry shall be so arranged that, inclusive of his intervals for rest, they shall not spread-over for more than 10½ hours in a day.

Provided the Central or the State Board, as the case may be, may, in writing, authorise the fixation of a spread-over for a period not exceeding 12 hours in respect of any particular place of work or cases or classes of place work for good and sufficient reasons to be recorded by the Board.

38. Extra wages for overtime

1. A worker may be allowed or required to work for a period in excess of the limits fixed under Sections 34 & 35 this Act, if such period does not exceed six hours in any week or two hours on any day.

2. Where a worker in a place of work in the Building & Construction Industry is required to work in excess of the hours of work prescribed under sections 34 & 35 of this Act, he shall be entitled in respect of the said excess overtime work to wages at a rate, which shall be double his ordinary rate of wages.

39. Shift working

1. More than one shift may be worked in any place of work or a part of the place of work in the Building & Construction Industry, in such manner and as per such procedure as may be prescribed;

2. If more than one shift is worked as aforesaid, the workers shall be liable to be periodically transferred from one shift to another, but such transfer shall normally be made after the weekly-holiday.

40. Notice of periods of work for adults

1. There shall be prominently displayed at any work place in the Building & Construction Industry a notice showing the periods of work, the periods of rest and the total spread-over.

2. A copy of the aforesaid notice shall be sent to the Central or the State Board, as the case may be, and also to the Specified officer and the Inspector for the area concerned.

41. Restriction on Employment of Women

No woman shall be employed in a place of work in the Building & Construction Industry after 7 pm and before 6 am, provided, however, for good and sufficient reasons a woman may be employed at such a work-place between 7 pm. and 10 pm. with the previous written approval of the Inspector for the area.

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42. Hours of work for a child

1) No child shall be allowed or required to work at any place of work in the Building & Construction Industry for more than 4 1/2 hours in a day and 27 hours in a week and no child shall be allowed or required to work after 10 pm and before 6 am.

2) No child shall be allowed or required to work at any place of work in the Building & Construction Industry, where dangerous or hazardous operations are being carried out or proposed to be carried out.

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43. Adolescent to work as adult

1. No adolescent shall be permitted to do the work at a place of work in the Building & Construction Industry, which is ordinarily done or required to be done by an adult, unless he has been examined by a Doctor specified by the Central or the State Board, as the case may be, and he has been granted a certificate of fitness to do the work of an adult.

*Factor
Act*

2. An adolescent, who has been granted a Certificate of fitness to work as an adult as aforesaid, shall notwithstanding his age, be deemed to be a child for the purposes of this Act.

44. Weekly-Offs

1. Every worker employed in the Building & Construction Industry shall be granted a paid week-off, after he has worked consecutively for six days.

2. Sunday shall normally be treated as a weekly-off day. Provided, however, if, for any reason, it is not possible to treat Sunday as a weekly-off day any other day during the week be so treated, in consultation with the elected representatives of the workmen or the registered Trade Union, if any, which represents the majority of the workmen employed at a place of work, for all the workers or some of the workers employed at the place of work and provided on intimation to that effect is sent to the Inspector of the area concerned.

Explanation :

Where on any day a worker has been prevented from working at a place of work by reason of tempest, fire, rain or other natural causes, that day, if the worker so desires, may be treated as his weekly-off day during that week.

45. Compensatory weekly-off

If a worker is required to work on a weekly-off day, he shall be given a substituted weekly-off for a whole day on one of the three days immediately before or after the said day.

46. Paid National and Festival Holidays

1) Paid holidays of all workers in the Building & Construction Industry shall be standardised.

2) Every worker in the Building & Construction Industry shall be allowed in a calendar year three paid National holidays, viz.

1. 26th January (Republic Day)
2. 15th August (Independence Day)
3. 1st May (Labour Day)

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(8)

and five paid festival holidays, as may be agreed to between the employer and the elected representatives of the workers at the place of work or the registered Trade Unions, if any, which represents the majority of the workmen employed at the place of work, or as may be notified by the Central or the State Board, as the case may be.

47. Compensatory holiday

If any worker is required to work on a National or Festival Holiday, fixed under Section 30 of this Act, he shall be given another paid substituted holiday, within two months from the date on which he was been deprived of the National or Festival holiday.

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48. Compensation for loss of weekly-offs, holidays, etc.

When a worker is required to work on his normal weekly-off day or any of the National or Festival holidays, he shall be paid for that day at twice his daily-rate. In the case of a worker paid on monthly-basis, his daily rate shall be calculated by dividing the monthly rate by 30.

how could this provision work?

49. Leave : The leave entitlement of every worker in the Building and Construction Industry shall be standardised, as under :

- 1) Every worker shall be allowed paid privilege-cum-casual leave of 30 days in a period of twelve months, provided no works for not less than 240 days in the said period.
2. Casual leave will be allowed for unforeseen circumstances, such as personal sickness for not more than 3 days at a time, sickness in the family for not more than three days at a time or for attending religious or social functions not exceeding three days at a time.
3. Leave beyond three days may be treated as extra-ordinary leave without pay, provided it is sanctioned by the employer.
4. A temporary or casual or 'badli' worker will be entitled to such privilege-cum-casual-leave at the rate of one day for every thirteen days of work.
5. A worker shall be entitled to accumulate his leave upto 90 days and he shall also be entitled to encash one-third of his leave, at the time of his actually taking the balance of such leave.

50. Compensation for standardisation of leave and holidays.

If as a result of standardisation of leave and holidays as aforesaid, a worker is prejudicially affected, he shall be paid adequate monetary compensation for the same, by way of permanent increase in wages.

CHAPTER - VII

Health, Safety and Welfare

*Control Valves
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51. Cleanliness

Every place of work in the Building & Construction Industry shall be kept clean and free from dirt and refuse, which shall be removed daily by sweeping or by any other effective method.

52. Disposal of Wastes and refuse.

Effective arrangements shall be made at every place of work for disposal of wastes and refuse.

53. Observance of Health & Safety Rules

At every place of work, the employer including the contractor and the workers shall observe the model rules as set out below:

MODEL RULES

54. First Aid Facilities:

(1) At every work place there shall be provided and maintained, so as to be easily accessible during working hours. First Aid boxes at the rate of not less than one box for 150 labour or part thereof ordinarily employed.

(2) The First-Aid box shall be distinctly marked with a red cross on white ground and shall contain the following equipment, as per appendices :-

- (a) For work places in which the number of labour employed does not exceed 50 (available within 1 km)
 - (i) 6 small sterilised dressings.
 - (ii) 3 medium size sterilised dressings.
 - (iii) 3 large size sterilised dressings.
 - (iv) 3 large sterilised burn dressings.
 - (v) 1 (30 ml.) bottle containing a two per cent alcoholic solution of iodine.
 - (vi) 1 (30ml) bottle containing salvolatile having the dose and mode of administration indicated on the label.
 - (vii) 1 snake-bite lancet.
 - (viii) 1 (30 gms.) bottle of potassium permanganate crystals.
 - (ix) 1 pair of scissors.
 - (x) 1 copy of the First Aid leaflet issued by the Director General Factory Advice Service and Labour Institutes, Government of India.
 - (xi) 1 bottle containing 100 tablets (each of 5 grams) of aspirin.
 - (xii) Ointment of burns.
 - (xiii) A bottle of suitable surgical antiseptic solution.
- (b) For work places in which the number labour exceed 50 -

Each First-Aid box shall contain the following equipments :-

- (i) 12 small sterilised dressings.
- (ii) 6 medium size sterilised dressings.
- (iii) 6 large size sterilised dressings.

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- (iv) 6 large size sterilised burn dressings.
 - (v) 6 (15 gms) packets sterilised cotton wool.
 - (vi) 1 (60 ml) bottle containing a two per cent alcoholic solution iodine.
 - (vii) 1 (60 ml) bottle containing salvolatilo having the dose and mode of administration indicated on the label.
 - (viii) 1 Roll of adhesive plaster.
 - (ix) 1 Snake-bite lancet.
 - (x) 1 (30 gms) bottle of potassium permanganate crystals.
 - (xi) 1 pair of scissors.
 - (xii) 1 copy of the First-aid leaflet issued by the Director General, Factory Advice Service and Labour Institutes, Government of India.
 - (xiii) A bottle containing 100 tablets (each of 5 grams) of aspirin.
 - (xiv) Ointment for burns.
 - (xv) A bottle of suitable surgical antiseptic solution.
- (3) Adequate arrangements shall be made for immediate re-employment of the equipment when necessary.
- (4) Nothing except the proscribed contents shall be kept in the first aid box.
- (5) The First-aid box shall be kept in charge of a responsible person who shall be readily available during the working hours of the work place.
- (6) A person in charge of the First aid box shall be a person trained in First-Aid treatment, in work places where the number of contract labour employed is 150 or more. Person nominated should be exhibited in a Board and easily identifiable.

56. Drinking Water:

- (a) In every work place, there shall be provided and maintained at suitable places, easily accessible to labour, a sufficient supply of cold water for drinking.
- (b) Where drinking water is obtained from an intermittent public water supply, each work place shall be provided with storage where such drinking water shall be stored.
- (c) Every water supply or storage shall be at a distance of not less than 50 feet from any latrine, drain or other source of pollution. Where water has to be drawn from an existing well which is within such proximity or latrine, drain or any other source of pollution, the well shall be properly chlorinated before water is drawn from it for drinking. All such wells shall be entirely closed in and be provided with a trap-door which shall be dust and waterproof.

57. Washing Facilities:

(i) In every work place adequate and suitable facilities for washing shall be provided and maintained for the use of labour employed therein.

(ii) Separate and adequate screening facilities shall be provided for the use of male and female workers.

(iii) Such facilities shall be conveniently accessible and shall be kept in clean and hygienic condition.

58. Latrines and Urinals:

(i) Latrine shall be provided in every work place on the following scale, namely :-

(a) Where females are employed there shall be at least one latrine for every 25 females.

(b) where males are employed, there shall be atleast one latrine for every 25 males.

Provided that when the number of males or females exceeds 100, it shall be sufficient if there is one latrine for 25 males or females, as the case may be, upto the first 100, and one for every 50 thereafter.

(ii) Every latrine shall be under cover and so partitioned off as to secure privacy, and shall have a proper door and fastenings.

(iii) Construction of latrines: The inside walls shall be constructed of masonry or some suitable heat resisting non-absorbent materials and shall be cement washed inside and outside at least once a year. Latrines shall be of a standard height lower than borough system.

(iv) (a) Where workers of both sexes are employed, there shall be displayed outside each block of latrine and urinal, a notice in the language understood by the majority of the workers "For Men only" or "For Women only" as the case may be.

(b) The notice shall also bear the figure of a man or of a woman, as the case may be.

(c) There shall be atleast one urinal for male workers upto 50 and one for female workers upto fifty employed at a time provided that where the number of male or female workmen, as the case may be, exceeds 500, it shall be sufficient if there is one urinal for every 50 males or females upto the first 500 and one for every 100 or part thereof, thereafter.

Who is to
be present?
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BODY PROTECTION :

1. Loose fittings sleepers when working should not be worn.
2. When welding, wear, the clothings which protects skin from hot sparks.
3. The safety hard hat must be worn at all times in construction erection and process areas and when performing mechanical work.
4. Safety goggles, safety spectacles and face shields (wherever applicable) must be used while working.
5. Shoes must completely cover the feet. If possible, use safety shoes, sandals, open toes shoes are unsafe.
6. Loose garments like dhotis and lungis must not be allowed for field work.
7. Safety belts above elevation or overhanging location outside building or structure must be used. End of rope must be tied securely to some rigid support.
8. Wooden planks after bands (packing) dismantling should be shifted to yard immediately otherwise wood can be cause fire hazard and nails in planks can cause injury.
9. Gumboots, rubber hand gloves to be given to concerned civil construction group when this type of work persists.
10. Shutters removal should be done carefully and slightly smaller size bamboos to be fixed before complete removal of actual used bamboos.
11. An excavation work should be properly cordoned with "Danger Sign Board".

WORK SAFETY : EXCAVATION WORK:

Ordinary Earth Work:

1. All excavations to be carried out after permission are cleared by Engineer-in-Charge.
2. Proper and adequate timber shoring and bracings as stipulated in the specification shall be provided to prevent sliding of loose or unstable earth, rock or other material or caving in of excavation.
3. Under cutting of banks of trenches and other excavation shall be avoided.
4. Excavated material shall be dumped sufficiently away from the edge of the excavated trench to avoid the slipping of the excavated material into the trench.

5. Deep excavation going beyond 3m depth shall be properly fenced to protect man from falling in.
6. Warning signals shall be placed near the excavation to warn the approaching traffic and men. At night, red danger light shall be displayed at a conspicuous place near the excavation.

Important Precautions, other than normal and general ones:-

Greatest care has to be taken in the use of explosives. The explosives now in use are the high pressure detonation types where the charge is required to be exploded by a detonator. In this type explosives, the detonator must be inserted in the primer cartridge of gelatine just before use to avoid an accidental explosion due to the fuse getting sparked off or the detonator exploding due to some pressure inadvertently applied during handling.

Tamping of explosives should be done with wooden sticks gently to avoid explosion of the primer cartridge. The Primer cartridge should never be the first in the hold, as it is inserted with the detonator and fired. It is, therefore, safer to have another cartridge in front of it. In case only one cartridge is required to be used, then a soft clay stick should be inserted and well rammed before the primer cartridge is inserted. This will avoid sudden explosion due to accidental excessive pressure imparted to the detonator inside the primer cartridge.

For effective blast, the charge is always covered with clay sticks so that the gases at high pressure which have to shatter the rock do not escape. Some people use sand and gritty material as a short cut but this is wrong. This can lead to sudden explosion. In fact, no gritty material should ever be allowed to come in touch with the gelatines and detonators.

Crimping of the detonator over the fuse coil with proper crimpers is essential. There is a tendency for this crimping being done with teeth. This crimping is necessary to ensure that the fuse wire will not come out of the detonators. Misfires can result if crimping is not done properly. These are minor points which have to be inculcated into the system of the persons using explosives.

The minimum length of the fuse is governed by the time interval desired between the ignition of fuse and the actual blast which should not be less than 2 minutes. As some fuses burn faster (in any case, the rate should not exceed 60 cm/min) a 120 cm minimum length has been prescribed.

Where electric detonators are used, each detonator should be tested with an ohm-meter for its rated resistance. It would thus be possible to avoid use of a defective detonator. If this is not done, the circuit will not fire when current is passed, and the tedious process of determining the hole with the defective charge would have to be gone through. After all the holes have been charged, the entire circuit may again be tested for total resistance-- As it is a series circuit, there should be no difficulty in assessing whether the entire circuit is alright.

Code of Good practice in Shot Firing:

1. Explosives and Detonators should always be separately kept or transported.
2. To deal with explosives only non-sparking materials like wood or brass should be used.
3. To check the shot holes with a scraper or stemming and before insertion of cartridges.
4. No to force a detonator to a cartridge.
5. Removal all surplus explosives, vehicles, cover or remove equipments, removal all persons from the site to a said distance.
6. Install red glaze all round at a safe distance with guards to prevent people to enter inside the Red Zone till all clearance is given by the shot fire
7. Test the exploder before use.
8. While straightening the lead wires, do not hold the electric detonator by the tube. Grip the wires about 10 cm from the detonator with one hand and smooth them out with other. This will avoid any pull on the fuse head.
9. To avoid misfires, avoid damaging the insulation on the lead wires of the electric detonator.
10. To avoid misfires the conductors should be thoroughly cleaned free of grease or dirty wires. While making connections the bare ends of the conductors should be twisted together for a length of about 3 cm.

- 11. Twin core cables have two conductors. Stand of one conductor should not touch the other. Good practice is to stagger the exposed ends in relation to each other.
- 12. To ensure good insulation and avoid short circuits in wet conditions, use insulating tapes.
- 13. All connections should be done by shot-firer only. Exploder key should never be parted by him. Key should be removed after blasting and cable connection disconnected from the exploder and cable short circuited by twisting together the bare ends of the two conductors.
- 14. Exploder should be kept in a dry place and similarly the bare conductors.
- 15. All precautions should be taken against stray currents while blasting near electrically operated machine or high voltage power line.

General:

Explosive and detonators not to be kept together in the same box or magazine. Even while carrying to the site, these should be carried separately by different persons.

Even for opening boxes, wooden or brass implements should be used. No Iron or steel implements should be brought anywhere near the explosives.

One should not insert anything (not even a match stick) but a fuse inside a detonator.

During the thunder the lightning, no one should be near explosives. Everyone should go away to a place of safety. This explains the need for effective lightning conductors on magazines.

A detonator should never be forced into a cartridge. The end should be first softened with hand a pricker used to make a hole, before the detonator is inserted. The softening of hardened cartridges however should never be done by hammering on the ground.

The exploder used should be of sufficient capacity generally 25 percent higher than required. The handle of an exploder should always remain with the blasting foreman or blaster who is in charges of the operations. In case firing is done from mains, a separate switch should be available for this purpose. This switch should be in a box which can be locked, so that the key remains

with the blasting foreman or the blaster whoever is in charge of the blasting operations. This is to avoid any accidents by the current being passed through the circuit inadvertently, before everybody has cleared.

If there is a misfire, do not return to site before 5 min. for an electric blasting and 30 minutes for a fuse coil blast.

Mis-fires: If however, a mis-fire is to be dealt with the following should be remembered :-

Misfire with fuse-coil firing:

If any fuse coil is outside the hole, which would afford sufficient time to the blaster to get away, the fuse may be lit again.

Mis-fire with electrical detonators, or if length of fuse is NOT ENOUGH:

Removal of stemming and recovery of charges: Blow-out stemming by compressed air, if possible, or flush with water through a rubber hose. Do not use any iron or steel tools or implements to dig out stemming. After the same is removed, try to put the primer and the charge gently. If this is not possible introduce a fresh primer and blast.

Relieving holes: If method under above para is not feasible a relieving hole of length 30 cms less than the length of the mis-fired hole may be drilled at least 50 cms away from the mis-fired hole and blast taken through this. After blast, we should look out in the debris for the mis-fired detonator and cartridges.

Safety in tunnels:

The following considerations have to be borne in mind:-

Where supports, temporary or permanent are provided, the space between the tunnel roof and the support is well-packed, so as to allow any large movements in case subsidence take place. Only a well packed supports can be effective in performing its function. A support which does not provide a through packing against the tunnel roof can only lead to a false sense of safety. The support must also be watched carefully for any movements due to pressure from top. It is possible to foresee signs of trouble, by way of cracked and split wooden posts (in case of temporary support) where the tunnel roof is likely to collapse. The support must be frequently inspected for any signs of distress. All support, temporary or permanent, must be adequately interconnected to give lateral support as well. Where wooden lagging is used on top of permanent supports the void on top of the lagging upto the tunnel roof must be well hand packed with rubble. This would make the support to the roof effective.

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After every blast inside a tunnel, sealing of loose rock should be performed thoroughly by experienced staff, under the direct supervision of a competent supervisor, particularly near the periphery of the heading portion, because this would be inaccessible once the benching is done and any small rocks falling from this portion can cause serious injuries. Any loose boulders which are firmly sledged, but could drop out should be rock-bolted.

The tunnels must be well-lit. No economy in this direction would be worth-while. In fact, with better lighting, efficiency of all operation would go up; thus making up for the extra cost in lighting. In addition to this, several accidents could be avoided by better lighting. A 100 watt lamp every 20 to 25 meters or so would be adequate.

When a tram track is laid, it should be maintained to proper line and level. This would not only improve efficiency of mack-ing operations, but would also avoid injuries to workers. If a tram line is laid to too steep a gradient, the tip wagon can go out of control. In any case all the people operating tip wagons should be provided with whistles, so that a blowing whistle may indicate a moving tip wagon. The tip wagons must have efficient braking system. Local improved brackets of wooden standards or poles have been found adequate. A tip wagon should not be over-loaded. In case of a double track, the up and down lines must be clearly nominated. At the dumping point, the track should be well maintained and not kept over too high trestle support, as it would lead to topping of the tip wagon. In any case, an iron clamp should be used to secure the tip wagon to the track before tipping, so that it does not overturn. A recalling ramp comes in quite handy.

A tunnel should also be well drained of seepage water. Tunnels are generally on gradients. There is generally no problem from the lower end as the gradient helps the drainage for the portion driven from the higher end. drainage is a problem, as water would accumulate near the face, till the tunnel is through. There must be adequate arrangements for dewatering the tunnel face. Pneumatic sump pumps are quite useful. It should also be ensured that no short circuiting of current takes place through such pools of water.

Wet Drilling:

In tunnels, wetdrilling must be resorted to. This not only gives extra life to drill rods, but also is a must to avoid health hazards due to stone dust.

Ventilation:

In short tunnels, of length upto 600 metres, general no difficulty is felt, as the fumes after the blast clear out in about 30 minutes if the tunnel is a through. Nobody should be permitted to go in during this period. After the heading is driven through, the fumes clear in less than 15 minutes, as a draught is set in. The problem of ventilation, is therefore, only till such time a tunnel is being driven from the two ends without the heading having joined. Where the tunnels are longer and it becomes necessary to drive a tunnel from one end more than 300 metres, artificial ventilation with the help of exhaust fans and blowers should be necessary. The system could, however, be designed. This distance once again depends upon whether this is on a straight or a curve. The fumes in certain cases do not clear up to more than an hour.

Scaffolds, Rigging and Hoisting.

Scaffolds should be built of sound material, accurately fastened and capable of supporting four times the combined weight of men and materials.

Guide rails and toe boards should be installed on all scaffolds which are 10' or more in height, and on all scaffolds immediately adjacent to excavation, deep water, machinery or other sources of danger. Proper cordoning of all hazards with appropriate scaffolds is a must.

Piping and Tanks:

Use wire brush to remove currings from a pipe. Do not clean pipe threads with bare hands as they are sharp.

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while fitting extra heavy pipe and flanges and other fittings above 6" use chain hoist or crane.

Do not handle pipes/fittings with hands inside.

Before assembling pipelines and connections make sure that lines/equipments is free of foreign material such as dirt, tools and masonry material etc.

Testing of pipe with air nitrogen or any other gases to be done with proper authorisation.

Use proper scaffolding for erection. Do not work in unsecured ladder.

Take care in handling, energy and grinding wheels.

Use leather hand gloves while operating drill machines or grinders.

Pumps and other equipments must be blinded at open ends angle grinder use must be restricted to trained persons only.

While working in a tank only 24 voltage transformer to be used for lighting and one stand-by person must always remain outside.

Do not use drums for erecting pipes.

All tappings to existing line blank to be opened. The job supervision to be done by process.

After work, all left junk and tools to be shifted to their respective place.

Any dangerous condition to be reported to fire and safety Department.

Fire fighting equipments must be near to work place with free access.

Safety Instructions for handling Electrical Works:

Proper grounding of all electrical equipments (stationary or portable must be done before energising).

All portable equipments like grinders, drill machines etc. must have proper plugs.

All 220v and 440v supply DB and plug points must indicate the voltage and proper instructions must be written.

All new connections from DB to be given and approved by Electrical Engineer.

Leather hand gloves to be used during use of all portable electrical appliances like drill and grinder etc.

No loose cable jointing is to be done.

The connecting cable should not fall on the way or xx movement (possible overhang). This causes hindrance in moving various equipment and cable gets damaged.

All electrical jobs to be done by qualified and licenced wireman.

Electrician should check before working on electrical equipment that circuit is dead and switch is tagged before working.

If any one comes in contact with live wires or cables and is unable to release his grip on wires; do not attempt to pull him out with bare hands, shut off the current. If it is not possible use rubber handgloves to release the victim or use dry stick to remove the wires.

Welding cables should be continuous and with proper insulation.

Use non-conduction ladders for electrical work.

Properly inspected rubber gloves must be worn when working near live wires.

Never open or close a switch without full knowledge of current.

Safety Instructions - Electrical Equipments:

Electrical equipment and lines should always be considered as live unless they are positively known to be dead.

Line clears or "Permits to work" are to be taken for working on lines or equipments which are in service but disconnected from mains or supply for the purpose of carrying out work.

No employee should get up a pole or work on apparatus in service or in proximity to a live conductor, unless the man incharge of the work has obtained the necessary permit, for work from the authority incharge of the apparatus or the lines.

Permits for works shall be taken only by authorised persons and shall be issued by the authorised persons incharge. The person, who took the permit should himself return it and this procedure should be followed, even when the issuer and receiver happen to be the same. When the clears are taken in person,

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the employee taking the line clear should follow the employee gaining the isolation, discharging etc., and satisfy himself that the equipment on which he has to work, is isolated from the mains, on either side as seen visually, and grounded before he acknowledges the lines clear.

Whenever works are to be carried out with lines clear on certain equipment, with adjacent equipment alive, a 25mm manila rope may be tied round the danger zone at a height of 5ft, 1 ft from the ground and boards painted with the words "DANGER" written both in English and in vernacular in red colour hung at convenient distance.

Arc Welding:

Frames or all electrical welding machines operated with power circuit shall be effectively grounded.

Switch 'Off' the welding whenever actual welding operation is stopped and switch it 'on' only, when the actual welding operation is to be started.

Welders and helpers shall wear overall suits, rubber shoes and gloves on both hands, so as to reduce the chances of any part of the body coming in contact with any live portions to the minimum.

Welders shall wear protective device for their eyes, and other persons nearby shall be protected from the arc rays by screens. Helpers to welders must wear safety goggles. Electric arc when viewed with naked eyes cause serious impairment to vision.

GAS WELDING:

Oxygen cylinders shall not be stored in close proximity to acetylene cylinders or other fuel gas inside the building, and in no circumstances, either oxygen or acetylene cylinders shall be stored under direct rays of sun or in places, where excessive rise of temperature is likely to occur.

Tempering with or attempting to repair safety devices or valves of gas cylinders shall be prohibited, and if trouble is experienced in any cylinder, a report shall be sent to the supplier forthwith, describing the character of the trouble and particulars of the cylinder.

The valves of cylinder shall be kept closed firmly, when cylinders are not in use.

Leaking cylinders shall be removed to the open air, as soon as possible and disposed of in such a manner so as to prevent any possibility of ignition of the leaking gas.

Oxygen cylinders and fittings shall be kept free from oil or greasy substance, and shall not be handled with oily hands or greasy gloves.

Oxygen cylinders should be handled with extra care. They should not be dropped and should not be permitted to fall even or to be struck by other objects.

Gas cylinders shall be kept upright in approved safe places where they cannot be knocked over and well separated from radiators, stoves and combustible materials.

Discharged cylinders shall be marked "EMPTY" and shall be handled with the same care as loaded cylinders. Loaded and empty cylinders shall be kept in separate places.

The hose used for the oxygen and acetylene cylinders, should be made of high pressure rubber with different distinct colours. Special care should be taken to avoid inter change of oxygen and acetylene hoses, as the mixtures of these gases are highly explosive.

ARMOUR cover or wire-wrapped hose shall never be used to connect torches and tanks.

GAS WELDING AND CUTTING:

Welders and helpers shall wear non-combustible helmets and gloves during welding operations. They should be careful to keep out of the line of sparks and hot metal, and they should wear clothing free from grease, gasoline, oil and other inflammable materials.

Suitable goggles and helmets shall be worn by welders and helpers during welding and cutting operations.

When welding and cutting processes are to be commenced, the cylinder valves shall be opened only with the special wrench provided for that purpose. This wrench must be in position on the valve stem, while the cylinder is in use, so that the gas may be turned off quickly in case of emergency.

All welding operations should be carried out in a well ventilated space.

Smoking by workmen or welders is strictly prohibited while they are handling gas cylinders.

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Closed tanks or containers shall never be welded until they are, thoroughly cleared, dried out, and ventilated and after ascertaining, that they contain no explosive or harmful _____

LIFTING TACKLES:

Keep away from cables, ropes, or chains under load.

In lifting heavy machinery, only standard safe load for ropes, cables or chains should be lifted, no overloading shall be done.

The slings should be of approved type.

Never stand under heavy loads.

Never keep the load suspended for any length or time more than that which is absolutely necessary.

No person shall climb on to any crane or other lift in machines without the knowledge of the driver operating the crane or lifting machine.

Loads must not be lifted over groups of workmen till they have been notified and allowed to clear. The load should not be kept suspended in the sling for any length of time, than what is absolutely necessary.

Hoisting and Equipments:

All ropes, hooks and chain-pully blocks to be examined for defect before putting in services.

Do not allow kinks to form in uncoiling wire rope and check for broken wires periodically.

Each person handling heavy lifts should know how to tie the rope knots properly and safely.

All slings should be protected by pads or blocks; where these are subjected to sharp edges examine them before use.

Men should not be allowed to climb on blocks, hooks or suspended load. They may be hoisted in an approved sling or chain.

Hoisting equipment operator should keep their eyes on man giving signals.

When handling heavy loads with mobile cranes having pneumatic tyres to be opened on hard time ground and good blocking to be done.

Guy lines must not be fastened to operating equipment, pipelines, tanks or other supports without proper permission.

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Detective ladders should not be used.

Place ladders at a safe angle so that they can not fall backward or slip at the bottom.

Another man will have to hold a step ladder when the work to be done involves considerable pulling, pushing or other types of activities which may cause the ladder to shift or topple over.

Never brake suddenly with a load unless in an emergency.

Never turn suddenly when travelling with a load at speed.

Always watch the overhead clearances are sufficient.

Never booms beyond capacity of cranes, work lifts etc.

Crane booms should be lowered to the ground when there is danger of high wind or idle conditions.

Extreme caution to be taken while working near high voltage lines in cranes. In case of height work, arrangement for sufficient lighting must be made.

HANDLING OF TOOLS AND PLANTS.

Always use the right tool for the work. Use a correct size spanner for tightening or loosening bolts and nuts to prevent slipping or spanner.

Test the handle of the hammer before use. Never use hammer if the handle is broken or the head is loose. Do not allow an inexperienced person to handle sledge hammer.

Proper understanding is essential between the person holding the chisel, and the person using the hammer, and never divert the attention of hammer-men while in action.

Keep the tools perfectly clean always, uncleaned tools, mostly soaked with oil, may slip from hand, resulting in an accident.

Improper using of hand tools, neglecting to keep them in safe working condition and carelessly leaving them around, where they may endanger persons, are frequent causes of accidents.

All tools shall be maintained in good working condition. Barred heads shall be promptly redressed. Broken, cracked or otherwise damaged handles shall be replaced. All tools with sharp edges should be kept in sheaths, shields, tool chests or other containers, when not in actual use, so as to protect the tool, the worker and other persons.

PERSONAL SAFETY

SAEFTY BELT

Safety belts should be inspected carefully and periodically for condition of leather, leather near bolts, rivets, switches, buckles, rings, strips etc.

Safety belts made of lather must be kept pliable, by treating them occasionally with a suitable penetrating oil like castor oil.

The safety belts must be stored in a satisfactory way in proper compartments to protect them and to prevent them from being out by tools, robbed by mice and from being caught under heavy line materials.

Each day before a belt make sure that it shows no defect.

If a belt is accidentally cut, it should be discharged immediately.

Never drive holes in a leather belt or strap. If extra holes are required, use a regular belt punch to form the holes. No two holes punched should be nearer than one inch.

Wipe the belt off, with a clean rag after work in rain, and allow it to dry at room temperature.

Never expose a safety belt to heat from coils or radiators. Keep in out of the range of blow furnaces and other sources of heat.

Belts should never be dropped, or thrown from a height to the ground.

ROPES

Fibre ropes are made principally of manila fibre, sisal fibre and hemp. Frequent inspections are required in the use of ropes to see that the interior fibres are not broken, or ground to powder, while the exterior indicates that the rope is but a little worn.

Avoid use of rope with fibre core, when the rope is subject to heat, rimes and ex extreme pressure. Choose right construction of rope suitable for the job. Corresion can be delayed by using galvanised rope.

Don't load the rope beyond its safe working load. Ensure that the rope is strongly seized before it is cut.

Flexibility of rope should be suitable to the size of drums and pulleys, diameter of rope, to grooves.

Rope must be uncoiled so as to avoid 'kinking' since even a moderate strain on a rope, in which there is a kink may over-stress the fibres at the kink. After the work, neatly coil the ropes.

Wet rope deteriorates rapidly unless dried properly. It should be hung up in loose coils, so that dry air can circulate through them. Heat should never be applied, as it dries out the oil and thus shortens the life of the rope. Wet rope has a tendency to form kinks. No load should be applied until all kinks removed.

All ropes are easily damaged by acids or alkalis any rope known to have been exposed to acids or alkalis (sometimes indicate by discoloration or strains) should be used with caution.

When rope is running over a sheave or pulley, internal wear is caused by friction. The life of rope is greatly prolonged, by using blocks with sheaves of large diameter.

Fibre rope should always be clean, before being placed in storage and should be stored in a dry, airy place. It should never be stored in the same room with acid or caustics.

SAFETY INSTRUCTIONS FOR OPERATIONS OF GRINDING MACHINES

GENERAL INSTRUCTIONS

GUARDS:

The bursting or revolving abrasive wheels frequently results in serious injuries. To obviate this risk it is imperative that the GUARDS SHOULD ALWAYS BE IN POSITION WHEN THE WHEELS ARE RUNNING.

On certain types of internal grinders the fixing of Guards is no practicable operators of these machines should take care that UNDER NO CIRCUMSTANCES SHOULD THE SCHEDULE SPEED BE EXCEEDED.

Note:- Guards should be constructed of brought-iron or steel. The use of cast iron should be avoided as this will not resist the effects of a burst and considerable danger will arise from the flying pieces.

Goggles

WHERE GOGGLES ARE PROVIDED? THESE SHOULD ALWAYS BE WORN.

Eye injuries are a prolific form of accident and are due in nearly all cases to the operator not wearing the goggles provided.

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SHOCK TREATMENT AND FIRST AID

All employees must be capable of giving first aid to the injured, and conversant with all the methods of artificial respiration.

In case of accident suspected due to electric shock proceed as below :

Switch off supply as quickly as possible, if that would involve more time than putting the patient away, do the later.

Standing on a dry, insulated surface like a wooden chair, rubber or coil matting, separate from the electrical contact using a dry stick, dry rope, dry cloth paper or other non conductors. On no account, should bare hands be used.

Where accident is on H.T. line or equipments, special care has to be exercised. Inform the nearest medical centre. Arrange for quick transport to be centre. The names, addresses and telephone Nos. of doctors, hospitals, within easy reach of the station/works should be maintained.

If the affected person is apparently not breathing, proceed to give artificial respiration without delay. Every moment of delay is serious.

Any foreign body (tabacco, Flase teeth, Chewing gum etc.) should be removed from the victim's mouth and throat carefully.

Reassure the casualty if he is conscious.

- ALWAYS
- ALERT
- AVOID
- ACCIDENTS

GENERAL SAFETY RULES

It is the responsibility of Construction Manager/Engineer to ensure that copies of these rules applicable to their own sites

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are prominently displayed in English and vernacular in the department and are readily available to workers at all times.

Whenever any unsafe and dangerous condition is noted it should be reported immediately to the Engineer in charge and/or the Safety Officer.

Any ~~injury~~ injury, no matter how slight, must be reported to the Engineer in charge immediately who will arrange for your treatment. Drums or other make-shifts should not be used in place of ladders or as work benches or supports for any job.

Excavations inside the compound or department must be properly fenced and marked with suitable warning sign boards at all times. This also applies to any trench or drain which has a cover removed. If ladders or handrails are removed, safety ropes must be placed around to eliminate the danger of falls.

Goggles or face shields must be used when working on emery wheels of chipping metal etc. Or any other job where there are possible eye hazards.

Gloves must never be worn while grinding materials on an emery wheel. Gloves should not be used when operating machinery except with the permission of the Departmental Head.

Ladders with broken or missing rungs or split side rails or otherwise defective or without safety shoes or hooks must not be used. Ladders when erected must be tied at the top with a rope.

Before any person is allowed to work on a roof or in an enclosed place or in a manhole, or any hazardous place permission for doing such job there must be obtained from the management who will ask the safety department or the departmental Head concerned to take such precautions as he may deem fit.

When working on ~~xxxx~~ asbestos covered roofs, proper boards like crawling boards or cat ladder must be used to support your weight.

Before any work is commenced in an enclosed space or in a manhole, such a place must be kept open for at least hours.

When working in an enclosed place or in a manhole, or belt around the waist or belt with one and outside the manhole by one or were stand-by personnel why will keep a watch in order to pull out the worker should be in difficult or overcome by gas.

Defective tools e.g. chisels with mushroom heads, spanners with worn jaws, broken file handles, hammers with broken shaft, etc. must be brought to the notice of the supervisor in charge immediately.

Rules for material handling

Materials of any kind must not be thrown from or to any height. If such a procedure is necessary, the particular area must be fenced to keep off others from this area.

The unloading and loading of gas cylinders, drums, carboys etc. must be carried out with care. These should not be allowed to be dropped or come into violent contact with one another.

Materials should be stacked carefully, tidily and upto a safe height and should be properly secured.

Rules for preventing machine hazards.

All guards on the machines and rollers must be in position before starting any machine.

See that everybody and everything is clear before starting up machine. Make sure no one is in a position to be injured as a result of your act.

Stop machine before oiling, adjusting, inspecting or cleaning it.

When working in grinding wheels; (i) check that the safety shield is correctly set (ii) ensure that the wheel is running true (iii) see that the tools rest is fixed within one inch from the wheel.

When repairing a machine, keep all small trays and not on the floor.

Use goggles or face shields provided machining etc. to protect your eyes.

Do not tamper or interfere with any machinery that you are not operating or repairing.

Do not attempt to operate or set in motion any machine or equipment to which you are not assigned.

Use machines, guards and other equipment with care. Report at once to your supervisor any damage or fault in any sound.

RULES FOR ELECTRIC HAZARDS PREVENTION

Unskilled men must never be allowed to attempt to repair electrical apparatus.

Only authorised persons may operate any switch gear apart from routine stopping and starting of motors and lighting.

When electrically driving machines and apparatus are shut down for repairs, the electric circuit must be isolated before commence.

Rules for chemical hazards prevention

Any leakage observed from drums, jars, packages, caryboys or cylinders etc. must be reported immediately to the Departmental Head or his Assistants. If leaks are from packages containing acid, caustic soda or other arrosives, steps must be taken to stop other persons approaching the location.

Should you be splashed with acid, caustic or other chemicals, wash yourself with water, flooding the affected part of the body and immediately report to the dispensary for attention.

General Safety Recommendations

Good house keeping will save you from many avoidable injuries.

i) Keep your tools and surroundings clean, free from oil and grease and your equipment in its proper place (ii) be careful to clean up a job after finishing it. All theft over junk is to be removed to the proper place.

Be sure, you know how to do a job before you start it or if in doubt, consult your superior.

Never look directly into the area produced during welding without proper eye protection.

Producing nails should be pulled out or bent over or knocked down before you throw anything out for scrap or pass materials on. Look out for sharp edges and splinters.

Do not ever reach when working on a ladder.

When ascending or descending a ladder, face the ladder and obtain a firm grip with both hands, Carry tools or materials in such a way so as to provide free use of your hands.

Use your tools with care. Do not put them to use they are not meant for e.g. using spanner as a hammer or a knife as a screw driver.

Do not throw tools from one man to another. Instead, hand them over.

Recommendations for electric hazards prevention

Knowledge of how to give artificial respiration is very useful to all. Instructions and practice in artificial respiration must be given to all workers, supervisors and engineers.

Never use water for extinguishing electrical fires. Use always CO2 type of CVC type of fire extinguisher for extinguishing electric fires.

Do not use any grade of petrol or turpentine oil or any other inflammable liquid or corrosive chemical for cleaning purpose.

Report all skin irritations to be dispensary immediately.

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Rules for the prevention of fire hazards.

Smoking is not allowed in the prohibited areas.

Fire fighting equipment is not to be put to other uses. Except fire fighting. Fire buckets are not to be misused.

The safety officer must be informed early when any fire equipment has been used or misused so that replacement could be effected early.

Deposit all oily.

Complete precautions against fire must be taken before doing any welding or cutting works.

57. Excessive weights.

No person shall be employed in any place of work to lift, carry or move any load, so heavy as to be likely to cause him injury.

2. The Central or the State Boards, as the case may be, may make Rules prescribing the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescents and children employed in place of work or in any class or description of places of work or in any class or description of places of work or in carrying on any specified process.

58. Safety of Buildings & Construction's

1) If it appears to the Inspector that any building or part of a building or any part of the ways or machine at a place of work is in such a condition that it is dangerous to human life or safety, he may give to the employer, at the place of work, instructions, in writing, specifying the measures, which, in his opinion, should be adopted, and requiring them to be carried out before a date to be specified in the instructions.

2) If it appears to the Inspector that the use of any building or part of a building or any part of the ways or machines in place of work involves imminent danger to human life or safety, he may give to the employer, in writing, at the place of work, instructions prohibiting its use, until it has been properly repaired or altered.

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59. Notice to be given of accidents

- 1) Where at any place of work, an accident occurs
 - a) causing death or bodily injury, by reason of which the person injured is prevented from working for a period of 48 hours or more immediately following the accident, or
 - b) an explosion, ignition, spontaneous heating, out-break of fire or irruption or inrush of water or other liquid matter, or
 - c) an influx of inflammable or noxious gases, or
 - d) a breakage of ropes, chains or other gear by which persons or materials are lowered or raised in a shaft or an incline, or
 - e) an overwinding of cages or other means of conveyance in any shaft, while persons or materials are being lowered or raised, or
 - f) a premature collapse of any part of the working or
 - g) any other accident which may be prescribed.

The employer at the place of work shall send notice of the accident or occurrence to the Inspector of the area concerned in such form and within such time, as may be prescribed, and he shall also simultaneously paste one copy of the notice on a special Notice Board, in the prescribed manner, at a place where it may be inspected by trade unions officials and the workers employed at the place of work and shall ensure that the notice is kept on the Board for not less than fourteen days from the date of such pasting.

2) Where a Notice given under Sub-Clause (1) above relates to an accident causing loss of life, the Inspector or authority shall make an enquiry into the occurrence, within two months of the receipt of the Notice.

3) Every person shall be bound to answer truly to the best of his knowledge and ability every question put to him, in writing, by the Inspector as to the cause, nature or extent of the accident.

60. Advice of certain diseases

1) Where any worker at a place of work contracts any disease specified in this behalf by the appropriate Board, the employer shall send notice thereof to appropriate Board,

in such form and within such time, as may be prescribed.

2) If any medical practitioner attends on a worker employed at the place of work who is, or is believed by the medical practitioner, to be suffering from any disease mentioned in sub-clause (1), the medical practitioner, shall without delay, send a report in writing to the appropriate Board sitting :

- a) the name and address of the patient;
- b) the disease from which the patient is believed to be suffering; and
- c) the name and address of the place of work at which the patient is or was last employed.

61. Power to direct enquiry into cases of accident or disease

1) The appropriate Board may appoint a person or persons as a Court of Enquiry to enquire into the causes of any accident occurring at a place of work or where a disease referred to in Section 50 of this Act has been or is suspected to have been contracted and it may also appoint one or more persons possessing legal or special knowledge to act as assessors in such enquiry.

2) The person appointed to hold any such enquiry shall have all the powers of an Adjudicator, ~~and~~ for the purposes of enforcing the attendance of witnesses and compelling the production of documents and material objects.

3) Any person holding an enquiry under this Section may exercise such of the powers of an Inspector under this Act as he may think it necessary or expedient to exercise for the purpose of the enquiry.

4) The person holding an enquiry under this Section shall make a report to the appropriate Board, stating the cause of the accident or disease and its circumstances and adding any observations which he or any of the assessors may think fit to make.

5) The appropriate Board may, if it thinks fit to cause to be published any report made under this Section or any extracts therefrom.

6) The appropriate Board may make Rules for regulating the procedure at enquiries under this section.

CHAPTER- VIII

63. Settlement of labour disputes

The labour disputes shall be resolved by resorting to following methods, in order of preference :

- (a) By negotiations between the Multi Union and the workers' representatives.
- (b) By intervention of the Mediator, either suo motu or at the instance of either or both the parties to the dispute; and
- (c) By reference of the dispute by either or both the parties or the appropriate Board to the Adjudicator.

64. Negotiations

- (1) Upon receipt of the demand or demands by the employer from the workers, he shall carry on negotiations with the workers or their representatives determined in the prescribed manner, and shall hold discussions with them, from time to time, with a view to exploring possibilities of a settlement of the labour dispute.
- (2) If the labour dispute or a part of the labour dispute is settled, the employer and the representatives of the workers shall draw up a memorandum of settlement, in the prescribed manner, and send a copy thereof to the Mediator for the area and the appropriate Board. The Mediator shall register the same in a prescribed register kept separately for the purpose and intimate the fact of registration to the parties.

65. Mediation proceedings

(1) If the labour dispute as aforesaid is not settled within a period of six weeks from the time of service of the demand or demands on the employer, the employer and the workers or their representatives in the prescribed manner shall intimate the Mediator for the area their inability to settle the labour dispute.

(2) On receipt of intimation the Mediator shall initiate mediation proceedings in the labour dispute, within a week of receipt of such notice.

(3) The Mediator shall carry on negotiations with the parties, either jointly or severally, and try to bring about a settlement of the labour dispute, and where necessary shall call a conference, which the parties should be bound to attend.

(4) If the labour dispute or part thereof is settled, a memorandum of the settlement shall be drawn, in the prescribed manner and the settlement shall be registered with the specified Officer of the Board.

(5) If no settlement is possible, the Mediator shall make a report to the Board and intimate the parties accordingly.

66. Adjudication proceedings

On the failure of the mediation proceedings, either of the parties, i.e. the employer and the workers or their representatives jointly or the appropriate Board in the prescribed manner may refer the labour dispute for adjudication to a Member of the Board representing Judicial service.

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67. Notice of change by the employer

- (1) (i) When an employer desires to effect any change in the terms of employment or conditions of service, the employer shall give a notice of change to the workers or their representatives in the prescribed manner, and invite them for negotiations and discussion, with a view to exploring the possibilities of settlement of the labour dispute concerning the desired change;
- (ii) If the aforesaid labour dispute or a part of the labour dispute is settled, a memorandum of settlement shall be drawn up in the prescribed manner;
- (iii) If the labour dispute as aforesaid is not settled, the provisions of Sections 65 and 66 of this Act shall apply in respect of the mediation proceedings or adjudication proceedings, as the case may be.

(2) In respect of matters where the change is not likely to prejudicially affect the existing terms of employment and conditions of service of a worker, the employer shall make such a change only after giving three weeks notice of the proposed change to the workers concerned and their representatives, if any, in the prescribed manner, provided, however, that such notice of change will not in any way prejudicially affect the right of the workers concerned to initiate a dispute after placing a charter of demands on the employer.

68. Individual disputes or claims to Labour Court.

(1) A worker or his representative, in the prescribed manner on his behalf, may send an approach letter to the employer, claiming any reliefs or benefits or redressal of grievances relating thereto.

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(2) Upon receipt of the letter, the employer shall make effort to settle the claim or the grievance with the worker.

(3) If the claim or the grievance of the worker is not settled within three weeks from the date of receipt of the approach letter, the labour dispute pertaining thereto may be referred by the worker or his representatives, in the prescribed manner to the Adjudicator for the area.

69. Compulsory reference by the Board. 9D Acc

(1) Where the appropriate Board is of the opinion that any labour dispute existing or apprehended is not likely to be settled between the parties either through bilateral negotiations or through mediation or the parties are un-willing to refer the labour dispute to Adjudication and the Board is satisfied that :-

- (i) by reason of the continuance of the dispute -
 - (a) an outbreak of disorder or a breach of the public peace is likely to occur; or
 - (b) hardship to a large section of the community is likely to be caused ; or
 - (c) the industry is likely to be seriously affected or the prospects and scope for employment therein appreciably curtailed; or
- (ii) the labour dispute is not likely to be settled by any other means; or
- (iii) it is necessary in the public interest to do so; the appropriate Board may refer the labour dispute to the adjudication of Member of the Board representing the Judicial service.

70. Powers of the Adjudicator.

The Adjudicator, when deciding any labour dispute shall have the powers :

- (a) to enforce the attendance of any person and require him to depose or be examined on oath;
- (b) to compel the production of documents;
- (c) to issue commissions for the examination of witnesses;
- (d) to authorise any Officer or Inspector of the Board to conduct an enquiry and collect such material or statistics and to report to it;
- (e) to appoint an assessor or assessors for making such enquiry as he may direct and require such assessor or assessors to advise him in the proceedings before him;
- (f) to issue temporary injunctions; and
- (g) to grant appropriate relief in connection with an unfair labour practice.

71. Decision on merits and jurisdiction of the Adjudicator

(1) It shall be the duty of the Adjudicator to decide all matters brought before him in a reference by the parties or the Board, on merits, and to make an interim, final or supplementary award in respect of such matters.

(2) Where, however, any party challenges the jurisdiction of the Adjudicator to entertain any matter referred to it, the Adjudicator may refer the question for the opinion of the Board and he shall then answer the question in accordance with the decision of the Board.

72. Award

(1) Subject to the provisions of Section 70, where a labour dispute has been referred to the Adjudicator, he shall hold adjudication proceedings expeditiously and make his award, as soon as possible.

(2) The award of the Adjudicator shall be, in writing, and shall be signed by him and shall be published by the Board, in such a manner, as may be prescribed.

73. Operation and termination of award or settlement

(1) An award or a settlement shall become enforceable from the date mentioned therein and where no date is mentioned it shall become enforceable on the expiry of 30 days from the date of the award or the settlement.

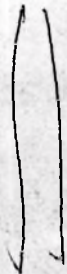
(2) The award or the settlement shall remain in force for such period as may be indicated in the award or the settlement. If no period is mentioned therein, the award or the settlement shall remain in ~~operation~~ operation for a period of three years.

(3) After a period of three years, the award of settlement can be terminated by either party by giving a notice in writing of two months, to the other party, in the prescribed manner.

(4) Although the award or settlement shall stand terminated at the end of two months after giving the notice as aforesaid, under sub-section (3) above the benefits granted or obligations created under the award of the settlement shall continue to flow until the said benefits or obligations are altered or modified by subsequent award or settlement.

74. Implementation of the award or order or settlement.

(1) If there is no implementation of the award or order or settlement of the Adjudicator, for a period of three months after the award or order or settlement becomes enforceable, the aggrieved party or the Inspector, may move the Adjudicator for its implementation.



(2) The Adjudicator shall then issue notice to the other side and after hearing the parties, shall make further order and give directions as regards implomentation of the award or order or settlement.

75. Binding effect of the award or order or a settlement

The award or order of the Adjudicator shall be binding on the employer/s or worker/s, who were parties to the award or order or settlement and their successor/s in business or employment, and the workers subsequently, employed in the place of work, as the case may be.

76. Regulations for the Adjudicator.

The Board may frame regulations prescribing the practices and procedures that may be required to be followed by the Adjudicators in adjudication proceedings.

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77. Illegal Strikes and Lock-outs

A strike or a stoppage or a lock-out or a closure shall be illegal, if it is declared or commenced in breach of contract

- i) without a notice of 14 (fourteen) days to the employer and Inspector and the Officer specified for the area by the appropriate Board and after six weeks from the expiry of such notice,
- ii) during the course of any mediation or adjudication proceedings in respect of a matter covered by the said proceedings,
- iii) during the currency of any agreement, settlement, award or order and,
- iv) in defiance of an injunction issued by an Adjudicator prohibiting the strike or stoppage or closure or lock-out, as the case may be.

78. Declaration of a strike or stoppage as illegal

- 1. The employer shall have the right to make an application to the Adjudicator for declaring a strike or stoppage as illegal.
- 2. The adjudicator, after hearing the parties concerned may pass such interim or final order declaring the strike or stoppage as illegal and calling upon the workers to call off the strike or stoppage, within a stated period.

79. Declaration of a lock-out or a closure as illegal.

- 1. The workers or their authorised representatives shall have the right to make an application to the Adjudicator for declaring a lockout or a closure as illegal.
- 2. The Adjudicator, after hearing the parties concerned may pass such interim or final order, declaring the lockout or closure as illegal and calling upon the employer concerned to lift the lockout or closure, within a stated period.

80. Prohibition or continuance of a strike stoppage or lockout as closure.

When any labour dispute is referred for adjudication to the Adjudicator, the continuance of any strike, stoppage or lockout or closure would be illegal and the Adjudicator shall have the power to issue in junction to the party committing the offence, prohibiting the continuance of the strike, stoppage or lockout or closure, as the case may be.

81. Appearance before Judicial Authorities:-

In every proceeding before the Adjudicator, the parties will be entitled to be represented either in person or (1) by a legal practitioner, or (2) by an Officer of a registered union or the Officer of an employers' association, as the case may be, or (3) by a duly authorised representative of employer or worker, as the case may be.

CHAPTER IX

Terminal and Unemployment Benefits.

82. Compulsory Gratuity Scheme:-

Every worker shall be entitled to receive from his employer gratuity as, hereinafter explained:-

(1) On death of the worker while in the service of the employer - thirteen days basic wages and dearness allowance, for each completed year of service, subject to a maximum of 20 months' basic wages and dearness allowance, to be paid to his heirs, executors, assignees or nominees provided the deceased worker has put in minimum two years Service.

which employee
by whom

(2) On a worker becoming, at any time, physically or mentally disabled to continue further in service or on reaching the age of retirement or leaving the employment, ^{fifteen days} basic wages and dearness allowance for each completed year of service, subject to a maximum 20 months basic wages and dearness allowance to be paid to his heirs executors assigns or nominees, provided the concerned worker has put in minimum two years Service.

CHAPTER X

RETRACEMENTS AND LAY-OFFS

83. Retrenchment of workers:- No permanent worker, whose name is borne on the master-roll at any place or work, for a period of more than twelve months immediately prior to the worker having put in 240 days of actual work (inclusive of paid permitted absences) during the said period, shall be retrenched by the employer, until-

(a) the worker has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the worker has been paid in lieu of such notices, wages for the period of the notice;

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service:

(b) the worker has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days average pay (or the last three months of service) for every completed year of service or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Board the Inspector and the Officer concerned of the said Board.

84. Compensation to workers in case of transfer or ownership or management of work.

Where the ownership or management of a place of work is transferred, whether by agreement or by operation of law, from the employer in relation to that place of work to a new employer, every worker in that place of work immediately before such transfer shall be entitled to notice and compensation in accordance with and subject to the provisions of section 92 as the worker had been retrenched;

85. Compensation to workers in case of closing down of place of work.-

(1) Where a place of work is permanently closed down for any reason whatsoever, every worker employed in that place of work immediately before such closure shall, subject to the provisions of sub-section (2) below, be entitled to

notice and compensation in accordance with and subject to the provisions of section 92, as if the worker had been retrenched;

Provided that where the place of work is permanently closed down on account of unavoidable circumstances beyond the control of the employer, the compensation to be paid to the worker under clause (b) of section shall not exceed his average pay for three months.

Explanation:- A place of work which is closed down by reason merely of financial difficulties (including financial losses) or the expiry of the period of the lease or the licence or the registration granted to it, shall not be deemed to have been closed down on account of unavoidable circumstances beyond the control of the employer, within the meaning of the proviso to this sub-section.

(2) Where any place of work is closed down on account of the completion of work, within two years from the date on which the place of work had been set up, no worker employed thereat shall be entitled to any compensation under clause (b) of section but if the construction work is not so completed within two years, he shall be entitled to notice and compensation under that section for every completed year of continuous service or any part thereof in excess of six months.

86. Retrenchment compensation in case of discharge? -

Notwithstanding any other remedy that a worker may have in this behalf, in case of discharge from service otherwise than as punishment inflicted by way of disciplinary action, he shall be entitled to retrenchment compensation as prescribed in the Act as if he were retrenched.

87. Procedure for retrenchment.-

(1) Where a worker at a place of work, who is a citizen of India, is to be retrenched and he belongs to a particular category of workers at that place of work, in the absence of any agreement between employer and the worker then in this behalf, the employer shall ordinarily retrench the worker who was the last person to be employed in that category, unless for reason to be recorded the employer retrenches any other worker.

(2) The employer shall prepare a list of all workers in the particular category from which retrenchment is contemplated, arranged according to seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place at the place of work at least seven days before the actual date of retrenchment.

88. Nomination by a worker.-

(1) Notwithstanding anything contained in any law for the time being in force, or in any disposition, testimony otherwise in respect of any amounts payable to a worker under this chapter, where a nomination has been made by a worker in the prescribed manner, purports to confer on any person the right to receive payment of the said amounts, for the time being due to the worker, the nominee shall on the death of the worker, become entitled to the said

amounts and to be paid the sum due in respect thereof to the exclusion of all other persons, unless the nomination is varied or cancelled by the worker in the prescribed manner.

(2) Any nomination referred to in sub-section (1) shall become void, if the nominee predeceases, or where there are two or more nominees, all the nominees predecease, the worker making the nomination.

(3) Where the nominee is a minor, it shall be lawful for the worker making the nomination to appoint any person, in the prescribed manner, to receive the amounts due in the event of his death during the minority of the nominee, on behalf of the said minor.

(4) A nomination made under sub-section (1), may, at any time, be modified by the worker, after giving a written notice of his intention to do so. If the nominee predeceases the worker, the latter may make a fresh nomination in accordance with these provisions.

(5) A nomination or its modification shall take effect, to the extent it is valid, on the date on which it is received by the employer.

89. Payment of amounts-.

The amounts due under this chapter shall be paid to a worker or, in the case of his death, to his nominee or nominees or, if there is no nomination, in force at the time of the death of the worker, to his family, as soon as possible, after it becomes due and in any case, not later than three months after the death of the worker.

Explanation:- For the purpose of this section 'family' means the widow, children, whether married or unmarried of a worker and his dependent parents and the widow and children of his

deceased son; Provided that a widow shall not be deemed to be a member of the family of the worker if, at the time of his death, she was not legally entitled to be maintained by him.

Deductions.-

The amounts due under this chapter, other than lay-off compensation, will be subject to deductions on account of over-payments made to an employee by the employer liable to pay such amounts and mon-ys borrowed by the worker from such employer.

CHAPTER - XI

Social Security.

Establishment of social Security Corporation.-

(1) A fund to be known as the "Social Security Fund" will be established by the Board, within one year of it being set up, by the appropriate Board, which shall be regularly contributed to by the employer, including the contractor, and the workers at such rates as may be prescribed by the Board, provided that the total rate of the employer's contribution shall not exceed 1.5% of the value of money received from the client,

(2) All social security benefits to the workers employer, at any place or work in the Building and Construction industry shall be administered from this Board and it shall, in addition, function as a custodian of such social security benefits, as hereinafter specified.

(3) All contributions required to be paid under this chapter shall be paid into this fund.

(a) The contribution from the employers shall not exceed 1.5% of the total value of money received by them from

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client for work undertaken in industry at each place of work in Building and construction.

(4) The fund shall be earmarked separately for each of the following:

- (a) health, employment and injury benefits;
- (b) provident fund;
- (c) labour welfare fund.

(5) Every branch of social security specified under sub-section (4) shall constitute an independent division within the Fund.

(6) The appropriate Board may accept grants, donations and gifts from the Central or any State Government, local authority or any individual or body, whether incorporated or not for all or any of the purposes of this Chapter.

(7) Subject to the other provisions contained in this Act and to the provisions of any Rules or Schemes, made in this behalf, all moneys accruing or payable to the said Fund shall be paid into the Reserve Bank of India or such other bank as may be approved by the Board and credited to the account of the Fund.

(8) Such account shall be operated on by such Officers as may be authorised by the appropriate Board.

92. Investment of funds.-

The appropriate Board shall invest its funds in securities recognised under section 20 of the Indian Trust Act, 1882 or in other authorised investments.

93. Benefits to workers and dependents:-

(1) All workers insured with the Board shall, subject to the provisions of this Act, be entitled to the following payments and benefits, namely:

(i) Sickness (cash) benefit, i.e. a periodical payment in case of sickness of the worker certified as such by a duly appointed medical practitioner, at such rates as may be prescribed by the appropriate Board.

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(ii) Maternity benefit, i.e. a periodical payment in case of confinement, sickness arising out of pregnancy, premature birth, or miscarriage of a woman worker certified to be eligible for such payment by a duly appointed medical practitioner at such rates as may be prescribed by the appropriate Board.

(iii) Disablement benefit, i.e. a monetary compensation or periodical payment or lump sum payment, to a worker suffering from temporary disablement, permanent total disablement, or permanent partial disablement, as a result of employment injury or accident or occupational disease arising out of and in the course of employment, according to such rates as may be prescribed by the appropriate Board.

Explanation:-

(a) "Temporary Disablement" means a condition resulting from an employment injury, accident or occupational disease which requires medical treatment and renders a worker as a result of such injury, temporarily incapable of doing the work, which he was doing prior to or at the time of injury, accident or the contracting of an occupational disease.

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(b) "Permanent total disablement" means such disablement of a permanent nature as incapacitates a worker for all work which he was capable of performing at the time of the injury, accident or the contracting of occupational disease;

Provided that permanent total disablement shall be deemed to result from every injury or from any combination of injuries where the aggregate percentage of the loss of earning capacity, amounts to one hundred percent, or more.

(c) "permanent partial disablement" means such disablement of a permanent nature, as reduces the earning capacity of an employee in every employment, which he was capable of undertaking at the time of the injury, accident or contracting of an occupational disease by less than one hundred percent.

(d) "Employment Injury" means a personal injury to a worker caused by accident or occupational disease arising out of and in the course of his employment, in building and construction industry, insurable employment.

(IV) "Dependent's i.e. Benefit" a periodical payment or lump sum payment to the dependents of a worker who dies as a result of employment injury or accident or occupational disease, at such rates as may be prescribed by the appropriate Board.

(V) Funeral benefit, i.e. payment to the oldest surviving member of the family of an insured person, who has died as a result of natural death, accident or employment injury or occupational disease towards the expenditure on funeral of the deceased insured person, or where the deceased person did not have a family or was not living with his family at the time of his death, to the person who actually incurs the expenditure on the funeral of the deceased person;

Provided that the amount of such payment shall not exceed one hundred rupees and the claim for such payment is made within three months of the death of the worker or within such extended period as the appropriate Board or any authorised Office thereof may allow.

(vi) Medical benefit, i.e. medical treatment for and attendance on worker and the hospitalisation of such worker or his dependents, at such rate as may be prescribed.

(vii) Authorised absence. A worker will be entitled to such period of authorised absence not exceeding 56 days in a year as may be recommended by the authorised medical practitioner.

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94. Compulsory Provident Fund Scheme:-

A compulsory contributory provident fund scheme shall be established by the appropriate Board, within one year of its commencement for the benefit of the workers as set out below:

- (i) The scheme shall be called the workers' Provident Fund Scheme;
- (ii) Contributions to the scheme shall be compulsory from both the employers and the workers;
- (iii) The contribution shall be 6.25% of the wages payable to each worker employed at a place of work-whether directly by the principal employer or through a Contractor;
- (iv) The employers' and the workers' contributions payable to the Board shall be equal;
- (v) The contributions at the credit of the worker shall be payable to him or his legal heirs by the Board, with simple interest, on his death, retirement, resignation or termination of services by the employer; and
- (vi) The Board may after seeking for suggestions and objections from all persons affected by or interested

in the Workers' Provident Fund Scheme and considering them, modify, add to amend or vary such scheme.

A. Disbursement of Benefits :

Every benefit under this chapter shall be disbursed from the Fund.

B. Extension of medical Benefits to Dependents

The appropriate Board may, subject to such conditions as may be laid down in the Rules or any Schemes framed under this Act, regulations, extend the medical benefits to the dependents of an registered workers.

The details relating to and the manner in which the aforesaid benefits are to be accorded will be prescribed by the appropriate Board under any Schemes to be formulated under this Act.

C. Reporting of Accidents And Employment Injuries

Every accident or employment injury, arising out of or in the course of employment, which results in the death of a worker, at the place of work ~~xxxx~~ or down here shall be reported by the employer to (1) the Inspector and (2) the authorized Officer of the appropriate Board, within 48 hours of the death on the premises and in any other case within 7 days from the receipt of intimation by the employer of the death of the worker.

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95. Choice of Benefits:-

Where a person is entitled to more than one of the benefits mentioned in section 92 he shall be entitled to choose which benefits he shall receive.

96. Employer not to Discontinue or reduce wages, etc.

No employer by reason only of his liability for any contribution payable under this Act shall, directly or indirectly reduce the wages of any worker or except as may be provided by the provisions of any Scheme framed under this Act of discontinuing or reduce benefits payable to him under the conditions of his service.

97. Employer not to dismiss or punish, etc.

(1) No employer shall dismiss, discharge or reduce or otherwise punish a worker during the period the worker is in receipt of sickness benefit or maternity benefit, nor shall he, except as provided under the provisions of any scheme framed under this Act, dismiss, discharge or reduce or otherwise punish a worker during the period he is in receipt of disablement benefit for temporary disablement or is under medical treatment for sickness or is absent from work as a result of illness duly certified, in accordance with the provisions of the aforesaid scheme, to arise out of any pregnancy or confinement rendering the worker unfit for work.

(2) No notice of dismissal or discharge or reduction given to a worker during the period specified in sub-section (1) shall be valid or operative.

98. Health and Employment Injury Insurance. -

(1) All workers at every place of work shall be covered by a health and employment injury insurance under this Act.

(2) The cost of health and employment injury insurance shall be borne by employers and workers through the payment of contribution as may be prescribed by the board in pursuance of the provisions of this chapter.

(3) Contribution payable under this chapter shall comprise of contributions payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the worker (hereinafter referred to as the workers contribution) and shall be paid to the Board,

(4) Contribution payable under this chapter may be prescribed by the Board and a month shall be the unit in respect of which all contributions shall be payable under this Act. The contribution shall be payable in each month and shall ordinarily fall due on the last day of the week and where a worker is employed for a part of the week or is employed under two or more employers during the same month, the contribution shall fall due on such days, as may be specified in the scheme to be prescribed under the Act.

99. Principal employer/s to pay contribution in the first instance.

(1) The principal employer shall pay in respect of every worker whether directly employed by him or through any contractor, both the employer's contribution and the worker's contribution.

(2) Subject to the provisions of this Act and the Rules and schemes, if any, made thereunder, the principal employer shall, in the case of a worker directly employed by him be entitled to recover from the worker the workers' contribution by deduction from his wages and not otherwise.

Provided that no such deduction shall be made from any wages other than such as relate to the period or part of the period in respect of which the contribution is payable, or in excess of the same representing the workers' contribution for the period.

(3) Notwithstanding any contract to the contrary, neither the principal employer nor the contractor shall be entitled to deduct the employer's contribution from any wages payable to a worker or otherwise to recover from him.

(4) Any sum deducted by the principal employer from wages under this Act shall be deemed to have been entrusted to him by the worker for the purpose of paying the contribution in respect of which it was deducted.

(5) The principal employer shall bear the expenses of remitting the contribution to the appropriate Board.

100. Recovery of contribution from immediate employer:-

(1) A principal employer, who has paid contribution in respect of a worker employed by or through an immediate employer shall be entitled to recover the amount of the contribution so paid (that is to say the workers contribution as well as employer's contribution, if any), from the immediate employer, either by deduction from any amount payable to him by the principal employer under any contract or as a debt due by the Contractor

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(2) In the case referred to in sub-section (1), the contractor shall be entitled to recover the workers contribution from the worker employed by or through him by deduction from wages and not otherwise, subject to the conditions specified in the provision to sub-section (2) of section 99.

101. Modification of Scheme:-

The Board may after consulting the persons likely to be affected by or interested in, in such manner as may be prescribed, add to, amend or vary the scheme framed under this Act.

102. Maintenance of Reserve Fund:-

- (1) The Board shall allocate and maintain a reserve fund for each branch of Social Security Fund, as follows:-
- (a) in respect of sickness and health insurance branch, a reserve fund equal to the average of six months' expenditure for that branch during the last three years;
 - (b) for the provident fund branch a reserve fund equal to the expenditure of that branch during the last three years;
 - (c) for the voluntary insurance branch a reserve fund equal to the average annual expenditure for that branch during the last three years.

(2) When any reserve fund falls below the prescribed minimum, the Board shall examine the situation and make provision for increasing the rate of contributions in order to restore the reserve fund to the prescribed minimum.

(3) Pending the accumulation of the various benefit payments to the extent necessary to determine the expenditures and average expenditures referred to in sub-section (1), the Board shall as a temporary measure, prescribe an amount by way of security reserve to be allocated to insure the Board's solvency.

103. Accounts and Audit. -

(1) The board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the balance sheet, in such form as may be prescribed.

(2) The accounts of the Board shall be audited annually by an Auditor approved by the appropriate Government and any expenditure incurred by it in connection with such audit shall be payable by the Board.

(3) The auditor appointed by the appropriate Government shall have the right to demand the production of and to inspect books, accounts, connected vouchers and other documents and papers maintained by the Board.

(4) The accounts of the Board, as certified by the auditor appointed by the appropriate Government, together with the audit report thereon, shall be forwarded to the appropriate Government and that Government shall cause the same to be laid before each of the Legislatures or House of Parliament, as the case may be.

104. Mode of Application.-

An applicant for benefits under this Chapter shall:

- (a) submit a claim or application, in a way prescribed by the Board, for each separate case;
- (b) produce such Certificates, documents and give such information as the Board may require;
- (c) consent to undergo such medical examination or re-examination, as the Board may require.

205. Time-limit for claim for benefits etc.-

The right to any benefits under this Chapter, although an implement injury insurance branch shall lapse, if no claim thereto is made within one year from the date such benefits become payable.

Provided that any such claim may be entertained, after the expiry of the said period, if the appropriate Board is satisfied that the applicant has sufficient cause for not making the claim within the said period.

106. Benefits not transferable.-

(1) Benefits payable under this Act shall not be assigned, transferred or sold. Any such assignment shall be null and void.

(2) Benefits payable under this Chapter shall not be attached in satisfaction of any debt due by an insured person.

107. Actual review of the implementation of the social security measures.-

The Board shall carry out once in every three years an actual review of the operation and application of the provisions of this Chapter and the report on the financial situation of each social security branch and the adequacy or otherwise of the contributions payable under this Act to support the benefits payable hereunder shall be considered by the Board for such remedial action as it may deem fit.

108. Review of the real value of the benefits.-

Following any fundamental changes in the general level of wages, resulting from substantial changes in the cost of living, the Board shall investigate the situation and shall take appropriate steps for adjusting the social security measures, in order to maintain the real value of cash benefits.

109. Power of appropriate Government to supersede the Board:-

(1) If at any time the appropriate Government is of opinion:-

(a) that on account of a grave emergency the Board established under this Act is unable to perform the duties imposed on it under the provisions of this Act, or

(b) that the Board has persistently made default in the performance of the duties imposed upon it under the provisions of this Act and as a result of such default the financial position or the administration of the Board has greatly deteriorated;

The appropriate Government may, by notification in the Official Gazette, supersede the Board for such period, not exceeding six...ths at a time, as may be specified in the notification;

Provided that before issuing a notification under this sub-section, the appropriate Government shall give a reasonable time of not less than 3 months to the Board to show cause why

it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(2) Upon the publication of a notification issued under sub-section (1) superseding the Board:-

(a) all the members of the Board shall including the chairman as from the date of supersession, vacate their offices as members:-

(b) all the power and duties which may, by or under the provisions of this Act, be exercised or performed by or on behalf of the Board, shall until the Board is re-constituted under clause (b) or Clause (c) of sub-section (3) vest in the appropriate Government and be exercised and performed by such person or persons as the appropriate Government may direct;

(c) all property vested, if any, in the Board shall, until the Corporation is reconstituted under clause (b) or clause (c) of sub-section (3) aforesaid, vest in the appropriate Government.

(3) On the expiration of period of supersession specified in the notification issued under sub-section (1), the appropriate Government may:-

(a) extend the period of supersession for such further term not exceeding six months, as it may consider necessary, or,

(b) re-constitute the Board by fresh appointment and in such case any persons, who vacated their offices under clause (a) of sub-section (3) above, shall not be deemed disqualified for appointment, or

(c) re-constitute the Board by appointment, only for such period as it may consider necessary, and in such a case the persons who vacated their offices under clause (a) of sub-section (2) above shall not be deemed disqualified for such appointment merely because they were members.

when the Board was superseded;

Provided that the appropriate Government may, at any time, before the expiration of the period of supersession, whether as originally specified under sub-section (1) or as extended under this sub-section take action under clause (b) or clause (c) of this sub-section.

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110. Right of appeal to the Adjudicator:-

(1) Any employer or worker aggrieved by any action taken by the board under this chapter have a right of appeal to the appropriate adjudicator.

(2) No suit or prosecution shall lie against any member, officer or inspector of the Board for any act done by him in the discharge of his duties under this chapter.

111. Regulations:-

The Board shall frame schemes for the purpose of giving effect to the provisions of this Chapter after prior approval of the same by the appropriate Government and publication in the Official gazette.

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115. Speedy payment of benefits:-

The Board shall ensure speedy payments of benefits under this chapter to the workers and for this purpose shall organise its business and procedures in an efficacious and effective manner and, if necessary, shall utilise aid of mechanical and electrical appliances and devices.

116. Identification Cards:-

The Board shall provide each worker with identification card with a special code number. This card shall identify the worker and will be evidence of entitlement of benefits due to him under this Chapter.

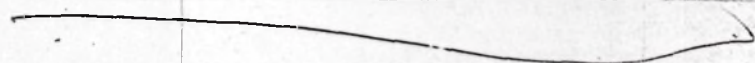
CHAPTER- XII.

Offences and Penalties.

117. Penalty for illegal strikes and stoppages.

A worker, who commences, continues, takes part or otherwise acts in furtherance of a strike or stoppage, which has been declared illegal by the Adjudicator under this Act shall be punishable, on conviction, with imprisonment for a term which may extend to one month or with fine which may extend to Rs.50 or both, and in the case of his continuing a strike or stoppage, as the case may be, after a lapse of 48 hours, after it is held or declared to be illegal, with an additional fine of Re.1 per day for every day during which such strike or stoppage continues.

shall be punishable



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after such conviction, subject to a maximum of Rs.100.

118. Penalty for illegal lockout or closure

Any employer, who commences, continues or otherwise acts in furtherance of a lockout or a closure, which has been declared illegal by the Adjudicator, under this Board shall be punishable, on conviction, with imprisonment for one month or with fine which may extend to Rs.1000/- or both, and in the case of his continuing a lockout or a closure, after lapse of 48 hours, after it is held or declared to be illegal, with an additional fine of Rs.50 per day for every day during which such lockout continues, after such conviction, subject to a maximum of Rs.2000.

119. Penalty for instigating illegal strikes, stoppages and lockouts or closures.-

Any person who instigates or incites another person to take part in or otherwise acts in furtherance of a lockout or closure for which an employer is punishable under Section 118 of this Act or a strike or stoppage for which a worker is punishable under Section 117 of this Act shall, on conviction, be punishable with imprisonment for a term which may extend to three months, or with fine of Rs.2000 or with both.

Provided that no person shall be punished under this section where the Adjudicator trying the offence is of the opinion that, in the circumstances of the case, a reasonable doubt existed at the time of commission of the offence about the legality of the strike, lockout, or stoppage or closure, as the case may be.

Explanation:-

- i) For the purpose of this section, a person who contributes, collects or solicits funds for the purposes of any such strike, lockout, or stoppage or closure, shall be deemed to act in furtherance thereof, and
- ii) A person shall be deemed to have committed an offence under this section, if he has instigated or incited others to take part in or otherwise act in furtherance of any strike, lockout, or stoppage or closure, which

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is illegal under this Act.

120. Penalty for breach of settlement or award.

Any employer, who commits a breach of any term of an agreement, settlement or an award, which is binding on him under this Act shall, on conviction, be punishable with imprisonment for a term, which may extend to six months or with fine which may extend to Rs.1000 or both and where the breach is a continuing one with a further fine which may extend to Rs.50 for every day during which the breach continues, after conviction, subject to a maximum of Rs.2000.

121. Penalty for disclosing confidential information.

Any person who wilfully discloses any information, which has come to his knowledge and which he has been asked to treat as confidential in the interest of business, trade or employment shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs.1000 or both.

122. Penalty for wrongful withholding of information.

If an employer or other person:-

- (a) required to furnish any information or any return: and
 - (i) refuses or neglects to furnish such information or return, or
 - (ii) furnishes or causes to be furnished any information or return, which is false or which he either knows or believes to be false or does not believe to be true, or
- (b) refuses or wilfully neglects to afford reasonable facilities for making inspection, examination or enquiry authorised by or under this Act, shall, on conviction, be punishable with imprisonment which may extend to six months or with a fine, which may extend to Rs.1000 or both.

123. Penalty for offences not provided for.

Whoever contravenes any of the provisions of this Act or the rules or the schemes framed thereunder and, if no other

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penalty is elsewhere provided by or under this Act, for such contravention shall, on conviction, be punishable with imprisonment which may extend at six months or with fine which may extend to Rs. 1000 or both.

124. Complaints to the Labour Court.-

Complaint in respect of offences punishable under this Act shall be made directly to the concerned Adjudicator by the aggrieved party or the Inspector or the Officer specified by the Board.

125. Powers of the Adjudicator.

(1) The Adjudicator shall have the power to try offences under this Act.

(2) In respect of offences punishable under this Act the Adjudicator shall have all the powers under the Code of Criminal Procedure, 1908, of a Presidency Magistrate or a Magistrate of First Class and in the trial of every such offence shall follow the procedure laid down in Chapter XXII of the said Code, for a summary trial in which an appeal lies; and the rest of the provisions of the said Code shall, so far as may be, apply to such trial.

(3) The Adjudicator may also direct payment of adequate compensation out of fine recovered at the aggrieved party.

126. Contempt of Adjudicator.-

(1) If any person, when ordered or required by the Adjudicator:-

- (a) to produce or deliver any document, or to furnish any information, being legally bound, intentionally omits to do so; or
- (b) to bind himself by an oath or affirmation or state the truth, refuses to do so; or
- (c) refuses to answer any question relating or incidental to the matter in dispute; or
- (d) refuses to sign any statement prepared by him; or
- (e) intentionally offers any insult or causes any interruption in the proceedings in Adjudication; or

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(f) commits any act or publishes any writing which is calculated to improperly influence the Adjudicator hereinabove mentioned or brings such Adjudicator in dispute or contempt or to lower his prestige, or to interfere with the lawful process of such authority, such person shall be deemed to be guilty of contempt of such Adjudicator.

(2) In the case of such contempt, the Adjudicator shall record the facts constituting such contempt and send a report in that behalf to the High Court under whose jurisdiction the principal office of such Adjudicator is located.

(3) When an intimation or report in respect of any contempt is received by the High Court under sub-Section (2), the High Court shall deal with such contempt as if it were contempt of itself and shall have and exercise in respect of it the same jurisdiction, powers and authority in accordance with the same procedure and practice as it has, and exercise in respect of contempt of itself.

CHAPTER-XIII
MISCELLANEOUS

127. Employers to furnish certain returns and maintain certain registers:-

(1) Every employer shall submit to the specified officer of the appropriate Board, such returns in such form and containing such particulars, relating to persons employed by him, as may be specified in the rules made in this behalf by the appropriate Board.

(2) Where in respect of any place of work the Specified Officer has reason to believe that a return required to be submitted under sub-section (1) has not been submitted, the specified Officer may require any person in charge of the place of work to furnish such particulars as he may consider necessary for the purpose of enabling the Board to decide whether the place of work is one to which this Act or a part thereof applies.

(3) Every employer shall maintain such registers and records in respect of his place of work, as may be prescribed by the Board.

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128. Protection of action taken under the Act.-

No suit, prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith in pursuance of this Act, Rules, or any Scheme made thereunder.

129. Delegation of powers.-

The appropriate Government may, by notification, in the Official Gazette direct that any power exercisable by it under this Act or, Rules, or any Scheme made thereunder, shall, in relation to such matters and subject at such conditions, if any, as may be specified in the direction, be exercisable also-

- (a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate of the State Government, as may be specified in the notification;

(b) Where the appropriate Government is a State Government by such officer or authority subordinate to the State Government as may be specified in the notification.

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Contracting out:-

Any contract or agreement, whether made before or after the commencement of this Act, whereby any worker either relinquishes his right to any benefit or any part thereof, privilege or concession under this Act, shall be null and void to that extent.

1.

Power of exemption:-

If the appropriate Board, having regard to the financial position and other relevant circumstances of the employer or employers at any place or work or class or places or work, is of the opinion that it will not be in the public interest to apply all or any of the provisions of this Act thereto, it may, notify and exempt for such period as may be specified and subject to such conditions as it may think fit to impose, such place or work or class or places of work from all or any of the provisions of this Act.

Display by notice or abstracts of the Code:-

Every employer shall cause to be displayed in a conspicuous part at his place of work a notice containing such abstracts of this Act and of the Rules and Schemes made thereunder in such languages as is understood by the majority of the workers employed thereat.

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133. Power to declare different places or work to separate places or work or two or more places or work to be a single place or work.

The appropriate Board may on an application made by an employer after making such enquiries as it may deem fit, direct, in writing that for all or any of the purposes of this Act different places or work of an employer be treated as separate work or that two or more works of the employer specified in the order be treated as a single work.

134. Certain labour Acts not to apply to any place or work in the Building & Construction Industry.

The following labour enactments shall w.e.f. the date of the coming into force of this Act as any place or work in the Building & Construction Industry, not apply to the said place or work from that date, viz.

1. Children (Pleding of Labour) Act, 1933
2. Employment of Children Act, 1938
3. Factories Act, 1948
4. Mines Act, 1952
5. Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959
6. Industrial Employment (Standing Orders) Act, 1946
7. Industrial Disputes Act, 1947
8. Workmen's Compensation Act, 1923
9. Employers' Liability Act, 1938
10. Employees' State Insurance Act, 1948
11. Employees' Provident Funds Act, 1952
12. Maternity Benefit Act, 1961
13. Payments of Wages Act, 1936
14. Motor Transport Workers' Act, 1961
15. Contract Labour (Regulation & Abolition) Act, 1930
16. Payment of Gratuity Act, 1972
17. Apprentices Act, 1961
18. Equal Remuneration Act, 1976
19. Minimum Wages Act, 1948
20. Payment of Bonus Act, 1965
21. Weekly Holidays Act, 1942
22. Collection of the Statistics Act, 1953
23. The Inter-State Migrant Labour (Regulation of Employment & Conditions of Services) Act, 1973

All other corresponding Central or State enactments, not enumerated above and dealing with the subjects covered by this Act shall also not apply to any place or work in the Building & Construction Industry.

135. Rules

The appropriate Government may, subject to the condition of previous publication, by notification in the Official Gazette make rules for carrying out the purposes of this Act.