

DRAFT
BILL SUBMITTED BY TAMIL NADU STATE
CONSTRUCTION WORKERS UNION

Appendix - 7 only

CHAPTER -I

PRELIMINARY

1. Short title, extent, commencement and application
 - (1) The Act may be called the Construction Workers (Regulation of Employment and Conditions of Service) Act, 1986.
 - (2) It extends to the whole of India.
 - (3) This section and sections 3 to 5 clauses (1) and (2) of section 6, and section 8 and 9 shall come into force at once in all the States and the remaining provisions of this Act shall come into force in a State on such date not being later than six months from the passing of this Act as the appropriate government may by notification in the Official Gazette appoint.

2. DECLARATION AS TO EXPEDIENCY OF REGULATION:

It is hereby declared that it is expedient in the public interest that the construction work as an industry, employing, as it does, a very large number of workers, both women and men and whose conditions of work and living need amelioration and to whom regularity of employment must be assured, so that the Directive Principles of the Constitution more particularly the relevant provisions in Article 39, 41, 42, 43, and 43-A of the Constitution are given effect to by a law made by Parliament with reference to entries 22, 23 and 24 of list III in the 7th Schedule in the Constitution.

3. Definitions:

1. In this Act, unless the context otherwise requires -

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- (a) 'adolescent' means a person who has completed his fifteenth year of age but has not completed his eighteenth year.
- (b) 'adult' means a person who has completed his 18 years of age.
- (c) 'board' means a Construction Labour Board established under section 7 Chapter 2 of this Act.
- (d) 'child' means a person who has not completed his 15 years of age.
- (e) Construction work means:
- (1) the construction, alteration, repair, maintenance or demolition of a building, which includes the work of masonry, carpentry, painting, electric work, plumbing and fittings or any such other work which go into making of aforesaid construction or the preparation for and the laying of the foundation of an intended building including boundary walls, or Construction of wells and includes the Construction furnace, chimney well or any acillary structure and includes
 - (2) the Construction of any railway line or siding otherwise than upon an existing railway, the construction, structural alteration or repair, maintenance and laying of foundation or demolition of any, dock, harbour, canal, dams, embankments including river-valley projects, tanks and water course, inland navigation, road, tunnel, bridge, vaiduct, water works, reservoir, pipelines, aqueduct, sower, sewage works, river works, air-fields, sea defence works, gas works and any steel or reinforced

concrete structure other than a building, or any other civil or constructional engineering work of a nature similar to any of the foregoing works or construction operations connected with the installation of machinery in any of the aforesaid construction activities.

(3) Any other ancillary construction operation such as stone breaking, brickkiln and construction work for the purpose of erection or installation of machinery, wherever such installations takes place in a factory establishments or any engineering construction or in a mine.

- (f) 'Construction Worker' means a person engaged in construction work but does not include any person who is employed in a managerial or administrative capacity and registered as such with the Construction Labour Board.
- (g) 'Employer' means any person who utilises Construction Labour for the purpose of Construction work and includes any agent or contractor by whatever name called who has undertaken the Construction work on behalf of the employer and registered as such with the Construction Labour Board.
- (h) 'Establishment' means any establishment or industry engaged in any construction work as defined in Clause (e) above.

4. The provisions of this Act shall have effect notwithstanding anything inconsistent therein contained in any other law for the time being in force or in any contract or instrument having effect by virtue of any law other than

this Act or any other decree or order of any court, tribunal or authority.

5. Interpretations:

(1) For the purposes of the Act the following terms shall mean as stated under:-

(a) 'May' means 'shall' wherever it refers to some obligation to be discharged or power to be exercised.

6. Rules of evidence: In this Act, notwithstanding anything contained in the Indian Evidence Act, 1872, the burden of proof that compliance with the provisions of the Act and the Scheme have been effected will be entirely on the employer and the units of the Board wherever applicable.

7. Values to be adopted in the application of the Act:

The Construction Labour Board, its units, the Dispute resolution council and any other authority which may be constituted under the Act and the Scheme shall strive to apply as situation may require, the principles contained in Articles 41, 42, 43, 43A and 46 of part IV and clauses (h) and (j) of Article 51 A of part IV A of the Constitution.