

Most Immediate

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

NO.PW.LC.Writ Petition (Civil) No.318/2006-

10586-10668

Dated:- 2-2-15

To

1. All the Chief Engineers
2. All the Superintending Engineers
3. All the Executive Engineers including National Highway working in HP.PWD.

Subject

Implementation of directions dated 18.01.2000 given by Hon'ble Supreme Court in Writ Petition (Civil) No.318 of 2006-titled as National campaign Committee, C.L. Labour Versus Union of India and Ors. followed by Subsequent directions from time to time.

I am enclosing herewith a copy of letter NO. Shram (E) 3-7/20111-Part-1 dated 21.01.2015 received from the Principal Secretary (Labour & Employment) to the Govt. of H.P. Shimla-2 addressed to all the Head of Departments in H.P. and others on the subject cited above for information and necessary action.

As per said instructions the implementing Agency i.e. Labour and Employment department to the Govt. of H.P. through Principal Secretary (Labour and Employment) to the Govt. of H.P. has directed to implement the salient features of RECS Act, 1996 as well as rules framed thereunder via-a-vis the various provisions of labour welfare acts so as to provide construction workers safety, health and welfare measures by directing as under:-

- (a). That the (RECS) Act,1996 applies to every establishment which employs, or had employed on any day of the preceding twelve months, ten or more building workers in any building or other construction work belonging to, or under the control of, Government, any body corporate or firm, an individual or association or other body of individuals which or who employs building workers in any building or other construction work; and includes an establishment belonging to a contractor, but does not include an individual who employs such workers in any

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building or construction work in relation to his own residence the total cost of such construction not being more than rupees ten lakhs;

- b) That building or other construction work means the construction, alteration, repairs, maintenance or demolition of or, in relation to, buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distribution of water), oil and gas installations, electric lines, wireless, radio, television, telephone, telegraph and overseas communication dams, canals, reservoirs, watercourses, tunnels, bridges, viaducts, aqueducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the appropriate Government, by notification but does not include any building or other construction work to which the provisions of the Factories Act, 1948 (63 of 1948), or the Mines Act, 1952 (35 of 1952), apply;
- (c) That every employer shall in relation to an establishment to which this Act applies shall make an application for registration to the labour Officer-Cum-Registering Officer having jurisdiction for registration of the establishment. Therefore it is requested that the Government Authorities taking up construction work must register and also ensure that all the contractors or any sub-contractor hired by the main contractors get registration under Section-7 of the Building & Other Construction Workers (RECS) Act, 1996.
- (d) That Act ibid also provides that every building worker who has completed eighteen years of age, but has not completed sixty years of age, and who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months shall be eligible for registration as

a beneficiary under this Act, and the application for registration is to be made to the Authorized Officer-Cum-Labour Officer and other Officers of various Departments authorized for registration. The Government of Himachal Pradesh has constituted HP. Building & Other Construction Workers Welfare Board as provided in the Act and the Board provides numerous benefits to the building & other construction workers registered as beneficiaries under Welfare schemes such as; RSBY, maternity/paternity benefit, pension, disability pension, death benefit, cremation assistance, medical benefit, financial assistance for education, financial assistance for marriage etc, But, it has been seen that the pace of registration of workers under the Act is very slow resulting in their deprivation of the benefits available under the welfare schemes, As such, it is requested that all the employers/contractors be directed to guide and motivate the workers for getting registration done with Himachal Pradesh Building & Other Construction Workers Welfare Board for availing the benefits.

(e) That the Building & Other Construction Workers Welfare Cess Act, 1996 has also been enacted to provide for the levy and collection of cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction Workers Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The cess is to be levied @ 1 % of cost of construction incurred by an employer and cost of construction shall include all expenditure incurred by an employer in connection with the building or other construction work but shall not include cost of Land and any compensation paid or payable to a worker or his kin under the Employees Compensation Act, 1923,

(f) That necessary clause be added in all the tender/contracts in regard to deduction of the cess @ 1% and all the authorities

concerned with the execution of works must deduct and deposit the said cess so collected with the Assessing Authorities as per the time-frame laid in the Act/Rule made there under.

It is therefore requested that the above instructions are brought into the notice of all concerned to ensure effective implementations of the Act/Rules and instruction issued on this subject immediately as Hon'ble Apex Court is monitoring implementation of the ibid Act & rules framed there under.

Encl: - As above.

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Engineer-In-Chief
HP.PWD.Shimla-2.

Copy forwarded for information and necessary action to:-

1. The Addl.Chief Secretary (PW) to the Govt. of H.P. Shimla-2.
- ✓ 2. Incharge I.T.cell with a request to upload this instruction on HP.PWD.deptt. website.

Encl: As above.

Om
Engineer-In-Chief
HP.PWD.Shimla-2.
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