

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 and 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 ~~xxx~~ 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. The Central Board may appoint such number of Sub-Boards, comprising not more than two representatives of all the parties concerned, at such places as it may deem fit to assist it in its function. The Sub-Board shall work under the directions of the Central Board. The tenure of these Sub-Boards shall be for such period as the Central Board may decide.

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 and 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.

2) 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.

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

4) The State Board may appoint such number of Sub-Boards, comprising not more than two representatives of all the parties concerned, at such places as it may deem fit, to assist it in its functions. The Sub-Board shall work under the directions of the State Board. The tenure of these Sub-Boards shall be for such period as the State Board may decide.

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, agents and workers in the Building and Construction Industry and at the time of registration provide the employers, including the contractors with Registration Certificates and the workers with Identity Cards, giving the particulars of their employment

- ii) impose and collect contributions, from registered employers including contractors, sub-contractors, agents and workers under the Act, at such rates as may be prescribed for disbursement of social security, retired

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retiral 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. benefits as well as providing for training and welfare facilities for the workers at such standards as may be prescribed.

- iii) maintain a fund, called the "Social Security Fund", comprising the monies collected under Clause (iii) above, for providing such social security and other benefits like provident fund, accident compensation, etc., which the employer is not directly required to pay to the workers, but which is prescribed by the appropriate Board, under a Scheme framed by it.
- 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 and 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 due to the employers 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.

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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 and Inspectors 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 and 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 and Construction Industry, located within the area under the jurisdiction of the Board of which he is Chairman, Member, Officer or Inspector or the jurisdiction assigned to him by the Board of which he is Chairman, Member, Officer or Inspector for carrying out his duties under the Act.

10. Power 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, enter an area, which he has reason to believe to be a place of work in the Building and 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.