

CHAPTER II

Drawing up of schemes and Constitution of Boards

8. Scheme for ensuring regular employment of workers:

- (1) The State Government may, in consultation with the Central Government may subject to the conditions of previous publication, and after consulting the Central Construction Labour Board, frame a scheme

.../-

to be called the "Construction Workers (Regulation of Employment and Conditions of Service) Scheme, 1951 for ensuring greater regularity of employment for regulating the employment of construction workers and for prescribing conditions of service for the Construction Workers in the state.

(2) In particular, the Scheme may provide -

- (a) for the application of the scheme to such classes of construction workers and employers as may be specified therein;
- (b) for defining the obligations of employers and construction workers, subject to the fulfilment of which the scheme may apply to them.
- (c) for regulating the requirement and entry into the scheme of Construction Workers, (and the registration of Construction Workers and employers) including the maintenance of registers, the removal, either temporarily or permanently of names from the registers and the imposition of fees for registration;
- (d) for regulating the employment of Construction workers, whether registered or not, and the terms and conditions of such employment, including rates of remuneration hours of work and conditions as to holidays and pay in respect thereof;
- (e) for securing a minimum guarantee of wages for construction workers who are available for work and who report for work;

.../-

- (f) for providing social security and other benefits;
- (g) for prohibiting any Construction activity outside the provisions of the scheme;
- (h) for creating such fund or funds as may be necessary or expedient for the purposes of the scheme and for the administration of such fund or funds;
- (i) for the training and welfare of Construction workers;
- (j) for the welfare of the officers and other staff of the Board;
- (k) for safety measures at work sites where Construction workers are employed;
- (l) for health and housing facilities for Construction Workers and educational arrangements for their children;
- (m) for the power to impose various levies including funds for the benefit and welfare of Construction Workers;
- (n) for the manner in which, and the persons by whom, the scheme is to be administered;
- (o) for constituting the authority to be responsible for the administration of the scheme;
- (p) Constitution of District and local area units for the administration of the Scheme;
- (q) for such incidental and supplementary matters as may be necessary or expedient for the purposes of the scheme.

3. The scheme may further provide for constituting appropriate dispute resolution bodies for speedy resolution of disputes that may arise between workers, the contractors and the Board, any two of the construction workers, the contractors and the Board.

.../-

- (4) The Scheme may further provide for the consequences and penalties for Contraventions of any provisions of the scheme a contravention of any provision.
- (5) In framing the scheme, the State Governments shall keep in view the provisions of the model scheme as in Schedule I and ensure that the provisions of the scheme framed are not in material particulars inconsistent with or less beneficial to the construction workers than the provisions of the model scheme; and the Central Government shall in according its prior approval likewise ensure that the provisions of the Scheme are not in material particulars inconsistent with or less beneficial than the provisions of the model scheme.

9. Variation and revocation of Scheme:

- (1) The State Government by notification in the Official Gazette amend alter or vary the scheme made by it for the purpose of more effective implementation of the scheme having regard to any special condition obtaining in the State and for conferring additional benefits to the Construction Workers.
- (2) Such amendments, alterations or variations of the Scheme may be effected in consultation with the Central Construction Labour Board and the State Construction Labour Board.
- (3) Pending the formulation and final publication of the scheme by the State Government, the provisions of the model scheme in Schedule I shall be applicable in that State.

10. Construction Labour Boards:

- (1) The Central Government shall, by notification in Official Gazette, establish a Central Construction Labour Board consisting of a President to be appointed from any of its members by rotation annually and such number of members as provided in the Act.
- (2) Such board shall have such number of members representing construction workers as is equal or in excess of the total number of members, representing both the Government and the employers (Contractors).
- (3) The representatives of workers shall include at least one representative from each Construction Labour Board of States and of the Union Territories where even such Boards have been set up.
- (4) The Central Government shall, similarly by notification in the Official Gazette, establish a Construction Labour Board for each State.
- (5) Every such Board shall consist of a President to be appointed from amongst its members by rotation annually and such number of members as may be appointed by the Central Government in consultation with the State Government in accordance with the provision of the Act.
- (6) Every such Board shall include such number of members representing both the State Government and the employers (contractors) of construction workers as not to be in excess of the number of members representing the construction workers.

- (7) The Central Government shall appoint Construction Labour Boards on the same line as indicated sub-section (1) to (3) of this section, for each of the Union Territories of Delhi, Chandigarh, Pondicherry and Goa for such other Union Territories as the Central Government may decide.
 - (8) Every such Board shall be a body corporate with the name aforesaid having perpetual succession and a common seal with a power to acquire, hold and dispose of property and to contract and may in that name sue and be sued.
 - (9) The State Government shall after consulting the State Construction Law Board, by notification in the Official Gazette and subject to the condition of prior approval set up tripartite bodies at the district level and below on the same pattern as of the State Construction Law Board.
 - (10) The representatives of workers in the Central Construction Labour Board, the State Construction Labour Board and of District level and local area bodies, shall be elected on the basis of secret ballot, in the manner prescribed.
 - (11) The term of the members of the Board and the District and local area bodies shall be a period of three year.
11. Functions of the Boards:
- (1) The Construction Labour Boards set up in a State and or a Union Territory shall be responsible for administering the scheme and shall exercise such powers and perform such functions as may be conferred on it by the Scheme.
 - (2) The tripartite bodies set up under sub-section (8) of...
.... Section (8) shall likewise be responsible for administering the Scheme in their respective areas.

- (3) The Central Construction Labour Board shall be a Co-ordinating the advisory body without executive functions and the entire expenditure of the running of the Central Board shall be borne by the Central Govt.
- (4) No decision of the Boards which is adverse to the interests of construction workers generally shall be implemented except with the concurrence of the representatives of the workers on the concerned Board.