

Drawing up of Schemes and Constitution of Boards

6. Scheme for ensuring regular employment of workers:

- (1) The Central Government may, in consultation with the Central Government and subject to the condition 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 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 obligation employers and construction workers, subject to the fulfilment of which the scheme may apply to them and the circumstances in which the scheme shall cease to apply to any construction workers or employers;
 - (c) for regulating the recruitment 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 dock 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 that, in respect of period during which employment, or full employment, is not available for Construction workers to whom the scheme applies and who are available for work such workers will, subject to the conditions of the scheme, receive a minimum pay;
- (f) for prohibiting, restricting or otherwise controlling the employment of construction workers to whom the scheme does not apply and the employment of construction workers by employers to whom the scheme does not apply;
- (g) for creating such fund or funds as may be necessarily or expedient for the purposes of the scheme and for the administration of such fund or funds;
- (h) for the training and welfare of construction worker in so far as satisfactory provision therefor does not exist apart from the scheme;
- (i) for the welfare of the officers and other staff of the Board;
- (j) for health and safety measures in places where Construction Workers are employed, in so far as satisfactory provision therefor does not exist apart from the scheme.
- (k) for the manner in which, and the persons by whom the cost of operating the scheme is to be defrayed.

- (l) for constituting the authority to be responsible for the administration of the Scheme;
- (m) for such incidental and supplementary matters as may be necessary or expedient for the purposes of the scheme;
- (n) setting up authorities at levels below the state to be responsible for the administration of the scheme at those levels.
- (3) The Scheme may further provide for constituting adjudicating and appellate bodies to deal with disputes that may arise between the construction workers and the contractors or between the construction workers and the Board.
- (4) A Scheme may further provide that a contravention of any provision thereof shall be punishable with imprisonment for such term as may be specified but in no case exceeding three months in respect of a first contravention or six months in respect of any subsequent contravention or with fine which may extend to such amount as may be specified but in no case exceeding five thousand rupees in respect of a first contravention or ten thousand rupees in respect of any subsequent contravention, or with both imprisonment and fine as aforesaid.
- (5) In framing the scheme, the state government shall keep in view the provisions of the model scheme in Schedule-I and ensure that the provisions of the scheme framed are not in material particulars inconsistent or less beneficial to the construction workers than the provisions of the model scheme; and the central Govt. shall

in according its prior approval likewise ensure that the provisions of the scheme are not in material particulars inconsistent or less benefit of the provisions of the model scheme.

7. Variation and revocation of scheme:

- (1) The State Government may in consultation with the State Construction Law Board and by notification in the official gazette and subject to the condition of previous publication and with the prior approval of the Central Government which approval has been accorded after consulting the central construction labour board, amend alter or vary the scheme made by it for the purpose for 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) pending the final publication of the scheme by the State Govt., the provisions of the model scheme shall be applicable in that State.

8. Construction Labour Boards:

- (1) The Central Govt. shall, by notification in the official gazette, establish a construction labour board for each state by such name as may be specified in the notification.
- (2) Every such board shall be a body corporation and (as in Section 5A(2) of DW(Regulation of Employment) Act;
- (3) Every such board shall consist of a President to be appointed from amongst its members by rotation annually and such members may be appointed by the

Central Government in consultation with the State Government;

Provided that every such Board shall include such number of members representing both the State Government and the employer (contractors) of construction workers as not to be in excess of the number of members representing the construction workers;

- (4) The Central Government shall appoint Construction Labour Boards, on the same line as indicated in subsection (1) to (3) of this section, for each of the Union Territories of Delhi, Chandigarh, Pondicherry and Goa and /for such other Union Territories as the Central Government may decide.
- (5) The Central Government shall, by notification in the 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 member or members as may be appointed by it.
- (6) Such board shall have such member or members representing construction workers as is equal or in excess of the total number of members representing both the Govt. and the employers (contractors);
- (7) The representatives of workers shall include at least one representative from each of State Govts. and of the Union Territories where Construction Labour Board has been set up.
- (8) 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.

- (9) The representatives of workers shall be elected on the basis of secret ballot, in the manner prescribed.
- (10) Functions of the Board:
 - (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 coordinating and advisory body without executive function and the entire expenditure of the running of the central board shall be borne by the Central Government.
 - (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.
