

GOVERNMENT OF MEGHALAYA
LABOUR DEPARTMENT

NOTIFICATION

Dated Shillong the 28th March, 2011.

No.LBG-125/96/Pt/Vol.II/338

:- In exercise of the powers conferred by section 62 and section 40 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996), the State Government is pleased to make the following rules to amend the Meghalaya Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2008 (hereinafter referred to as the principal rules) after consultation with the Expert Committee :-

1. **Short title and commencement** – (1) These rules may be called the Meghalaya Building and Other Construction Workers (Regulation of Employment and Conditions of Service) (Amendment) Rules, 2011.

2. They shall come into force at once.

3. **Addition of new Rules** –

(1) After rule 2 of the principal rules, the following rule 3 and rule 4 shall be added, namely -

3. Interpretation of words not defined – Words and expressions not defined in these rules but defined or used in the Act shall have the same meaning as assigned responsibility to them in the Act.

4. Savings – The provisions of these rules shall be in addition to and not in substitution for or in diminution of the requirements imposed by the Act.

(2) After rule 255 of the principal rules, the following rules shall be added, namely;

“256 Constitution of the Board – (1) The Board shall consist of –

(i) a Chairperson to be appointed by the State Government who shall be an eminent person having adequate knowledge and experience in building and other construction works;

(ii) A member to be nominated by the Central Government;

(iii) Not more than five persons representing the building and other construction workers nominated by the State Government;

(iv) Not more than five persons from among the employers of construction and other building workers nominated by the State Government;

(v) Not more than five members representing the State Government of whom one shall be the Chief Inspector of inspection of building and construction of the State, one shall be a representative of Finance Department, one shall be representative of Law Department and one shall be the representative of Labour Department, in the Secretariat.

- (2) One of the nominated members shall be a woman and the number of members nominated under clauses (iii), (iv) and (v) of sub-rule (1) shall be equal.
- (3) The term of office of the Chairperson and the members of the Board other than the official members shall be 3 years from the date of their appointments :
Provided that the members may continue in office till their successors are appointed.

“257. Filling up of casual vacancies – A member nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

“258. Meeting of the Board – The Board shall ordinarily meet once in two months:

Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a meeting thereof.

“259. Notice of meeting and list of business – Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by registered post or by special messenger to each member fifteen days before the meeting :

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice of not less than three days shall be deemed sufficient.

“260. Chairperson to Preside at meetings – (1) The Chairperson shall preside over every meeting of the Board in which he is present, and if, for any reason the Chairperson is unable to attend the meeting any member nominated by the Chairperson in this behalf shall preside over the meeting.

(2) When the Chairperson is absent and no member has been nominated by the Chairperson under sub-rule (1), the members present shall elect one of them to preside over the meeting and the member so elected shall exercise of the powers of the Chairperson in conducting the meeting.

(3) No business shall be transacted at any meeting of the Board unless at least six members are present, of whom one shall be from among these nominated under clause (v) of sub-rule (1) of Rule - 54

“261. Absence from the State – If any member leaves the State for a period of not less than six months without intimation to the Chairperson he shall be deemed to have resigned from the Board.

“262. Transaction business – Every question considered at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of any equal votes the Chairperson shall have and exercise a casting vote.

“263. Minutes of the meeting – Every decision taken at a meeting of the Board shall be recorded in a minutes book at the same meeting and signed by the Chairperson. The minutes Book shall be a permanent record.

“264. Fees and Allowances – (1) Every non-official member of the Board shall be paid a sitting fee of hundred rupees of such amount as may be fixed by the State Government from time to time, for attending a meeting of the Board. This fee shall not be applicable for sub-committee meetings.

(2) The Chairperson shall be paid an honorarium of Rs.4000 per mensem.

(3) Every non-official member shall be paid traveling allowance and daily allowance for attending the meeting of the Board at such rates admissible to Grade – I officers of the Government.

(4) The Traveling allowance and daily allowance of an official member shall be governed by the rules applicable to him for journey performed on official duties and shall be paid by the Board.

“265. Appointment of sub-committee – (1) The Board may appoint such sub-committees as it may deem fit for the proper discharge of its duties and the members of such sub-committee shall be allowed traveling allowance and daily allowance at the rates and subject to the conditions specified under Rule 264.

(2) **Constitution of Sub-Committee** – The Committee shall consist of the following person, namely –

- (a) Chairperson of the Board;
- (b) One member representing the employers;
- (c) One member representing the building workers; and
- (d) Two members representing the Government.

(3) The Chairperson of the Board shall be the Chairperson of the Sub-Committee also. If the Chairperson is absent at any time the members present shall elect one among them to preside over the meeting.

(4) No business shall be transacted at a meeting of the sub-committee unless at least three members of the Committee are present of whom one shall be from the members representing employers and another one shall be from the members representing building workers.

(5) The term of the sub-committee shall be one year from the date of its constitution :

Provided that the sub-committee shall continue in office until a new committee is constituted :

Provided further that in no case the sub-committee shall continue beyond a period of two years from the date of its original constitution.

(6) The recommendation of the sub-committee shall be placed before the Board for its decision.

“266. Opening of Districts and Sub-divisional offices – The Board may, with the approval of the State Government open District and Sub-divisional level offices as it may consider desirable for the purposes of implementing the welfare schemes under the Act.

“267. Power and duties of the Board – (1) The Board shall be responsible for –

- (a) All matters connected with the administration of the fund;
- (b) Laying down policies for the deposits of the amount of the fund;
- (c) Submission of annual budget to Government of sanction;
- (d) Submission of annual report to Government on the activities of the Board;
- (e) Proper maintenance of accounts;
- (f) Annual audit of accounts of the Board in accordance with the provisions of the

Act;

- (g) Collection of contribution to the fund and other charges;
- (h) Launching of prosecutions for and on behalf of the Board;
- (i) Speedy settlement of claims and sanction of advances and other benefits;
- (j) Proper and timely recovery of any amount due to the Board.

(2) The Board shall furnish information to the State Government on such matters as the State Government matters refer to it, from time to time.

“268. Secretary to Board – (1) The Secretary of the Board shall be the Chief Executive Officer of the Board.

(2) The Secretary shall, with the approval of the Chairperson issue notice to convene meeting of the Board and keep the record of minutes and shall necessary steps for carrying out the decisions of the Board.

“269. Appointment of Secretary and other officers – (1) The Board may, with the prior concurrence of the State Government, appoint an officer of the Government not below the rank of a Labour Commission of the Labour Department as Secretary of the Board.

(2) The Board may, with the prior concurrence of the Government appoint -

(i) As many officers of the Government not below the rank of Labour Officer Grade - I in the Labour Department; and

(ii) Such other officers and employees of any other department of the Government, as it considers necessary, to assist the Board in the efficient discharge of its functions under the Act.

“270. Administrative and financial power of the Secretary – (1) The Secretary of the Board may, without reference to the Board, sanction expenditure and contingencies supply services, purchase of articles, refund for administering the fund subject to the limits up to which he may be authorized to sanction expenditure on any single item from time to time by the Board.

(2) The Secretary may also exercise such other administration and financial powers other than those specified in sub-rule (1) above, as may be delegated to him, from time to time by the Board.

(3) The Board may, from time to time delegate, subject to such conditions as it may deem fit, administrative and financial powers to any other officer under its control and supervision to the extent considered necessary for its efficient functioning.

“271. The Meghalaya Building and Other Construction Workers’ Welfare Fund

(1) The Board may, as soon as may be after the coming into force of these rules, constitute a Fund to be called “The Meghalaya Building and other Construction Workers’ Welfare Fund” in accordance with the provision of the Act and these rules.

(2) The fund shall be constituted and administered by the Board.

(3) There shall be credited to the Fund-

(a) Grant or loan by the Government of India, or by the State Government;

(b) The contribution paid by the beneficiaries under these rules;

(c) All sums received by the Board from such other sources as may be decided by the Central or State Government.

“272. Membership – Every building worker who has completed 18 years of age but has not completed 60 years of age and who is not a member in any other welfare fund established under any law for the time being in force and who has completed 90 days of service as a building worker in the year immediately preceding shall be eligible for membership in the Fund.

(2) A certificate to prove age as specified below shall also be submitted along with the application –

(i) School records;

(ii) Certificate from the Registrar of Births and Deaths;

(iii) In the absence of the above certificates, a certificate from a Medical Officer not below the rank of an Assistant Surgeon in Government Service.

(iv) Electoral Photo Identity Card (EPIC)

(3) Certificate from the employer or contractor that the applicant is a construction worker shall be produced along with the application for registration. In case such a certificate is not available a certificate issued by the registered Construction Workers’ Unions or a Certificate issued by the Labour Inspector of the concerned area or by Autonomous District Council may also be considered.

(4) Every building worker eligible to become a beneficiary to the Fund shall submit an application in Form No.XXVII to the Secretary or to an officer authorized by him in this behalf. Every such application shall be accompanied by the documents mentioned in this rule and a registration fee of Rs.25 (Rupees Twenty Five).

(5) Where the Secretary or an officer authorized by him, is satisfied that the application fulfils the conditions, such building worker shall be registered as a member.

(6) Any person may within thirty days, file an appeal to the Board against the decision taken under sub-rule (5) and the decision of the Board thereon shall be final.

(7) The Building worker shall also file a nomination in Form No.XXVIII. The nomination shall stand revised in the name of the spouse on his acquiring a family or on the happening of any legal change in the status of the family.

(8) The Secretary or other officer authorized by him in this behalf shall issue to every beneficiary an identity card with a photo of the beneficiary duly attested by

competent Authority affix in Form No.XXIX and maintain a register of identity cards so issued in Form NoXXX.

“273. Contribution to the Fund – (1) A beneficiary of the fund shall contribute to the fund Rs.30 per mensem. This contribution shall be remitted in advance once in three months in any of the banks specified by the Board in the district in which the member resides.

(2) If a beneficiary commits defaults in the payment of contribution continuously for period of one year, he shall cease to be a beneficiary of the Fund, However, with the permission of the Secretary or an officer authorized by him in this behalf the membership may be resumed on repayment of arrears of contribution with a fine of Rs.3 per month subject to the condition that such resumption shall not be allowed more than twice.

“274. Duty of the employer to file returns – (1) Every employer shall, within 15 days from the commencement of these Rules send to the Secretary a consolidated return containing the particulars of the building workers entitled to be registered showing their basic wages, allowances and the amount being spent for the free supply of food, if any.

(2) Every employer shall, before the fifteenth day of every month send to the Secretary or any other officer authorized by him in this behalf a return in Form No.XXXI showing the details of the workers entitled to be registered as well as those who left the service during the preceding month.

(3) Every employer shall furnish to the Secretary or any other officer authorized by him in this behalf, in Form No.XXXII particulars regarding the branches, Director, Managers, Partners, Person/Persons who has/have the ultimate control over the affairs of his establishment.

“275. Maintenance and production of Records and Registers – (1) Every employer shall maintain a Register showing the particulars of the building workers and a Register of contribution in such form as may be directed by the Secretary or other officer authorized by him.

(2) Every employer shall whenever the Secretary or any other officer authorized by him required in person or by notice in writing, produce the records in respect of the building worker, shall deliver such records to the officer concerned in time and if the records are not returned he shall issue a receipt for the records so retained by him.

“276. Transfer of accumulation in any Existing Fund – (1) If a worker who becomes a member of this Fund is a member of another Welfare Fund, the concerned authorities shall transfer such deposits in the name of that member to this Fund.

(2) The authority of the other welfare fund shall, furnish to the Secretary or any other officer authorized by him in this behalf a statement showing the total accumulation in the credit of every member on the date of transfer under sub-rule (1) and the amount of advance if any taken by the member.

“277. Maternity Benefit – The woman employer who is beneficiary of the fund shall be given Rs.1000 each as maternity benefit during the period of maternity. On an application made by her in Form No. XXXIII with such other documents as may be specified shall be submitted for this benefit :

Provided that this benefit shall not be allowed for more than twice.

“278. Eligibility for pensions – (1) A member of the fund who has been working as a building worker for not less than one year after the commencement of these rules shall on completion of sixty years of age be eligible for pension. The pension will become payable from the first day of the succeeding to the month in which he completed 60 years of age.

“279. Procedure of payment of pension – (1) An application for pension shall be submitted in Form No. XXXIV to the Secretary of the Board or the officer authorized by him for the purpose.

(2) If in the opinion of the Secretary of the Board or the officer authorized by him, the applicant is eligible for pension he shall sanction pension and send the pension sanctioning order to the applicant:

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

(3) If it is found that the applicant is not eligible for pension, the application shall be rejected and the applicant informed accordingly.

(4) The application may file appeal before the Board against decision taken under sub-rule (3) within 60 days from the date of the receipt of the order. However, the Board may for sufficient reason in writing, condone the delay upto one year in filing the appeal.

(5) The amount of pension shall be Rs.150 per mensem. An increase of Rs.10 shall be given for every completed year of service beyond 5 years. The Board may, with the previous approval of the Government, revise the pension.

(6) The pension sanctioning authority shall maintain a register in Form No. XXXV.

“280. Advance for purchase or construction of house – (1) The Board may on application by a member, sanction an amount not exceeding Rs.50,000 as advance for the outright purchase of a house or the construction of house. The beneficiary shall along with the application in Form No. XXXVI produce such documents as may be specified by the Board.

(2) No advance under sub-rule (1) shall be sanctioned to those who do not have membership in the fund continuously for five years and having 15 years service for superannuation.

(3) A completion certificate shall be submitted to the Secretary of the Board within six months from the date of drawal of advance. The amount sanctioned as advance shall be recovered in equal installments as may be fixed by the Board.

“281. Disability Pension – (1) The Board may sanction an amount of Rs.150 per mensem as disability pension to a beneficiary who is permanently disabled due to paralysis leprosy, T.B., accident etc. In addition to this pension he will be eligible for an exgratia payment of not more than Rs.5,000 depending upon the percentage of disability and subject to such conditions as may fixed by the Board.

(2) The application for disability pension and exgratia payment under sub-rule (1) shall be made in Form No. XXVII with such certificates and other documents as may be specified by the Board.

“282. Loan for the purchase of Tools – An amount of Rs.5,000 will be sanctioned as loan to the members of the fund, for the purchase of tools. Those who have completed 3 years membership in the fund and those who remit contribution regularly will be eligible for this loan. The beneficiary should not have completed 55 years. The loan amount shall be recovered in not more than sixty installments. An application in Form No. XXXVIII shall be made for this loan with such other documents as may be specified by the Board.

“283. Payment of funeral Assistance – The Board may sanction an amount of Rs.1,000 to the nominees/dependents of a deceased member, towards funeral expenses. An application in Form No. XXXIX shall be submitted for this benefit.

“284. Payment of Death Benefit – (1) The Board may sanction an amount of Rs.15,000 to the nominees/dependents of a member towards death benefit, in case of death. If the death is due to an accident during the course of employment, the nominee/dependents of the member shall be given Rs.50,000 towards death benefit.

(2) Application for Death Benefit – (1) A nominee who is entitled to death benefit under this rule shall submit to the Secretary or any other officer authorized by him an application in Form No. XL. A certificate regarding the death/accident death issued by a Government doctor not below the rank of an Assistant Surgeon shall be produce along with the application and other documents specified by the Board.

(3) The Secretary or the officer authorized by him may on receipt of the application conduct an enquiry with regard to the eligibility of the applicant.

(4) If the Secretary or the officer authorize by him is satisfied that the person who has applied for financial assistance is entitled for such benefit he may sanction the amount.

(5) The sanctioning Authority shall maintain a register for this purpose in Form XLI.

(6) A person aggrieved by any decision taken under sub-rule (3) may file an appeal before the Board within 60 days from the date of receipt of the order under the that sub-rule and the decision of the Board thereon shall be final.

“285. Cash Award – The Board may institute every year cash awards to three male and three female children each of the beneficiaries in each districts at the rate of Rs.1000, Rs.750, Rs.500 who scores highest mark in SSLC. An application in Form No. XLII shall be submitted with such documents and within such time as may be specified by the Board.

“286. Education Institution – The Board may start educational institution with a view to provide job oriented technical education to the children of the beneficiaries.

“287. Medical Assistance to beneficiaries – The Board may sanction financial assistance to the beneficiaries who are hospitalized for five or more days due to accident or any disease. The financial assistance shall be Rs.200 for the first 5 days and Rs.20 each for the remaining days subject to a maximum Rs.1000. This assistance shall also be given to the beneficiary meet with an accident and put in plaster at residence. If disability is resulted due to accident, the worker shall be eligible for a financial assistance upto a maximum Rs.5,000 depending upon the percentage of disability. The Application on Form No. XLIII shall be submitted with such other documents as may be specified by the Board.

“288. Financial assistance for education – Children of the members shall be eligible for such financial assistance as may determined by the Board for such courses of study as may be specified by the Board from time to time. An application in Form No.XLIV shall be submitted with such documents and within such time as may be specified by the Board.

“289. Financial Assistance for Marriage – The building workers having continuous membership for 3 years shall be eligible to get financial assistance of Rs.2,000 for the marriage of their children. A female member of this Fund is also eligible for this assistance for her own marriage. This assistance shall be sanctioned for the marriage of two children of the beneficiary. An application in Form No.XLV shall be submitted along with such other documents as may be specified by the Board.

“290. Family Pension – In the event of death of pensioner family pension shall be given to the surviving spouse. The amount of pension will be 50% of the pension received by the pensioner or Rs.100 whichever is higher. An application in Form No. XLVI shall be submitted with such documents as may be specified by the Board within 3 months from the date of death of the pensioner.

“291. Recovery of advances and loans – The Board shall have the power to stipulate the conditions for recovery of loan and advance.

“292 Refund of the contribution of deceased member – (1) On the death of a member the amount of contribution standing in his credit shall be given to his nominee. In the absence of nominee the amount shall be paid to his legal heirs in equal shares.

(2) All financial benefits under these rules other than death benefit and medical assistance for accidents shall become payable only after one year of person becoming member of the Fund.

“293. Withdrawal to pay premium for Life Insurance Policy – (1) Sanction can be accorded to a member of the fund for remitting the premium for Life Insurance Policy from the amount standing in his credit in the fund. Withdrawal of amount for this purpose shall not be allowed more than once in a year.

(2) The full particulars of the policy shall be furnished to the Secretary of the Board in such form as may be specified from time to time.

(3) No amount more than that actually required for remitting the premium, shall be sanctioned from the amount standing in this credit of the member.

“294. Assignment of Policy to the Fund – (1) Within 6 months of the withdrawal of the amount the policy shall be assigned to the Secretary of the Board as Security for the amount withdrawn.

(2) While according sanction for withdrawing an amount for remitting premium in receipt of an old policy, the Secretary of the Board shall ensure from the Life Insurance Corporation whether that policy is free from any encumbrances.

(3) No changes in the policy on transfer to another policy shall be made without the previous approval of the Secretary of the Board and the particulars regarding the changes in the policy or the transfer to the new one shall be furnished to the Secretary of the Board in such form as may be prescribed by him.

(4) If the policy is not so assigned and entrusted, the member shall immediately remit to the fund any amount withdrawn from the fund for the policy together with interest at such rate as may be fixed by the Board in consultation with the State Government.

“295. Returning of the Policy – The Board shall return the policy in the following circumstances, namely –

- (i) On the member leaving service permanently on superannuation;
- (ii) On leaving service permanently due to physical or mental disability;
- (iii) On the death of the member before he leaves the service;
- (iv) On the maturity of the policy assigned before the member leaves service or on the member becoming entitled to receive payment of the money in any other manner.

“296. Account – (1) Excluding the administrative expenses, all interest, rent and other income realized and all profits or losses, if any, on the investment shall be credited or debited, as the case may be, to an account called the “Interest Suspenses Account”

(2) The Secretary of the Board or any other officer authorized by him shall submit a statement to the Government on 15th days of March every year or on such other date as the Government may specify, an annual report appending a classified of the assets of the fund.

“297. Investment of amount – All moneys belonging to the fund may be invested in the Nationalised Banks or Scheduled Banks or in the securities referred to in clauses (a) to (d) of Section 20 of the Indian Trust Act, 1882 (Central Act 2 of 1882).

“298. Utilisation of the Fund – (1) The fund shall not, without the previous approval of Government, be expended for any purpose other than those mentioned in the Act and Rules.

“299. Expenditure from the Fund – (1) All expenses for the administration of the fund, fees and allowances of the Directors of the Board, Salaries, Leave Salaries, Joining time pay, Traveling allowance, Compensatory Allowances, Charger allowance, Pension contribution and other benefits or personnel expenses, for the legitimate needs of the Board and the stationery expenses shall be met from the Administrative Account of the Fund.

(2) The amounts incurred by the State Government for the administration of the fund shall be treated as a loan which shall be repaid from the Administration Account.

“300. Copies of the registers and reports to be furnished – The Secretary of the Board shall furnish copies the registers and annual report of the fund to any employer or member of the fund on written application and on payment of such fees as may be specified by the Board in this behalf with the approval of the State Government.

“301. Recovery of arrears – If any amount due from and employer or a member is in arrears, the Secretary of the Board or any other officer authorized by him, in this behalf shall, after ascertaining the amount of arrears, issue a certificate for that amount to the Collector of the District concerned. On receipt of the certificate the District Collector shall recover the amount in the same manner as arrears of public revenue due on land.

“302. Execution of contract – All order and other instruments shall be made and executed in the name of the Board and shall be authenticated by such persons as the Board may specify”.

4. After Form XXVI of the Principal rules, the following new forms No XXVII to XLVI, namely -