

Bill No. XXVI of 2012

THE BUILDING AND OTHER CONSTRUCTION WORKERS
(REGULATION OF EMPLOYMENT AND CONDITIONS OF
SERVICE) AMENDMENT BILL, 2012

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BILL

*further to amend the Building and Other Construction Workers (Regulation of
Employment and Conditions of Service) Act, 1996.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as
follows:—

1. (1) This Act may be called the Building and Other Construction Workers
(Regulation of Employment and Conditions of Service) amendment Act, 2012.

Short title and
commencement.

5 (2) It shall come into force on such date, as the Central Government may, by
notification in the Official Gazette, appoint.

2. In Section 2 of the Building and Other Construction Workers (Regulation
of Employment and Conditions of Service) Act, 1996 (hereinafter referred to as

Amendment of
section 2.

principal Act, sub-section (1), clause (c), in sub-clause (ii), for the words, “one thousand six hundred rupees” the words, “fifteen thousand rupees” shall be substituted.

Amendment of
section 4.

3. (1) In section 4 of the principal Act, sub-section (2), clause (a), for the words, “a chairperson to be appointed by the State Government”, the words, “a chairperson to be elected by the members of the State Advisory Committee from amongst themselves” shall be substituted.

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(2) In the proviso of sub-section (3), for the words, “building workers” the words, “building workers’ Union” shall be substituted.

Amendment of
section 12.

4. In section 12 of the Principal Act, sub-section (1), the words, “for not less than ninety days during the preceding twelve months” shall be omitted.

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STATEMENT OF OBJECTS AND REASONS

The Section 2 (e)(ii) of the Building and other Construction workers (Regulation of Employment and Conditions of service) Act, 1996 provides that a person employed in supervisory capacity and drawing wages exceeding one thousand six hundred rupees per month will not be considered as "building worker". In today's world of high prices and salaries, wage ceiling of one thousand six hundred rupees per month for a worker is too meager and impractical.

The clause (a) of sub-section (2) of Section 4 of the Act provides for appointment of Chairman of the State Advisory Committee by the State Government. The Chairman should be elected from amongst the members of the State Advisory Committee.

The sub-section (1) of Section 12 provides for registration of building worker who has been engaged in any building or other construction for not less than ninety days during the preceding twelve months. In view of the modern technology and using of heavy machinery a project can also be completed within ninety days which means the workers who have worked in such projects will be debarred of the benefits available under the Act. Secondly, in our Country, there are millions of building workers who works for construction of private houses in every nook and corner of the Country but do not have any proof of their engagement as building construction worker from any authority during their whole life. Hence, condition of engagement in building construction work for not less than ninety days in a year is impractical and unnecessary.

The bill proposing amendments to section 2, 4 and 12 of the Act seeks to achieve the aforesaid objectives.

Hence this Bill.

RAMA CHANDRA KHUNTIA

ANNEXURE

EXTRACTS FROM THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996

(ACT NO. 27 OF 1996)

2. DEFINITIONS.—

(1) In this Act, unless the context otherwise requires,—

(e) "building worker" means a person who is employed to do any skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, in connection with any building or other construction work but does not include any such person—

(ii) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached of the office or by reason of the power vested in him, functions mainly of a managerial nature;

4. STATE ADVISORY COMMITTEE.—

(2) The State Advisory Committee shall consist of—

(a) a Chairperson to be appointed by the State Government;

(3) The number of persons to be appointed as members from each of the categories specified in clause (e) sub-section (2), the term of office and other conditions of service of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of State Advisory Committee shall be such as may be prescribed:

Provided that the number of members nominated to represent the building workers shall not be less than the number of members nominated to represent the employers.

12. REGISTRATION OF BUILDING WORKERS AS BENEFICIARIES.—

(1) 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.

RAJYA SABHA

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BILL

further to amend the Building and Other Construction Workers (Regulation of
Employment and Conditions of Service) Act, 1996

(Shri Rama Chandra Khuntia, M.P.)