



No. Z-13011/03/2007-BL (Pt)

GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

Jaisalmer House,
26 Man Singh Road, New Delhi
Dated: September 23, 2015

Order under Section 60 of BoCW Act, 1996

Sub: Utilization of Building and Other Construction Workers' Welfare Cess - reg.

Read: Section 60 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. (BoCW Act, 1996)

Ref: Order under Section 60 of BoCW Act, 1996, dated 9.9.15

In continuation of the order under Section 60 of BoCW Act, 1996 dated 9th September, 2015, the Ministry of Labour and Employment directs all State Governments and Union Territory Administrations as under:-

- (i) It has been observed by the Hon'ble Supreme Court in W.P. (Civil) No. 318 of 2006 that the expenditure incurred by some of the State Governments/ Union Territories is on advertisements and the Hon'ble Court directed that the amounts so spent should be returned to the accounts of BOCW Cess fund. State Welfare Boards constituted under section 18 of the BOCW (RECS) Act, 1996 shall ensure that the cess money collected under section 3 of the BOCW Welfare Cess Act, 1996 is utilized only for the purpose(s) specified under section 22 of the BOCW Act, 1996. In case any amount of cess fund collected under BOCW Welfare Cess Act, 1996, has been utilized for any purpose other than mandated under Section 22 of the BOCW (RECS) Act, 1996, it shall be the responsibility of the State Government /UT Administration concerned to recoup such amount into the cess fund on immediate basis and furnish compliance report to this Ministry. This is in addition to the directions given in Para 5 of the Order u/s 60 of BoCW Act, dated 09.09.2015 cited above.
- (ii) In case a Welfare Board has not been constituted so far in terms of the Section 18 of BoCW Act in a State/UT, the Secretary in

charge of the Labour Department shall initiate steps for immediate constitution of the Board so that the board comes into existence within next two months positively. The Secretary in charge of the Labour Department shall perform the functions of Welfare Board till such time the Welfare Board is constituted. Moreover in terms of Section 18, the Chairperson of the State BOCW Welfare Board has to be nominated by the Central Government. Till such time the chairman is nominated by the Central govt., the Secretary incharge of Labour Department shall be the nominee of Central Govt. as Chairman of the Welfare Board. This has to be ensured by the State Govt. urgently.

- (iii) In case a State Advisory Committee has not been constituted or has not been reconstituted after expiry of its term of office in terms of the Section 4 of BoCW Act in a State/UT, the Secretary in charge of the Labour Department shall initiate steps for immediate constitution of the Committee so that the committee comes into existence within next two months positively.
- (iv) The Board shall facilitate all Construction Agencies and Contractors having 20 or more employees to ensure that they are registered under the Employees' Provident Fund and Miscellaneous Provisions Act 1952 and consequently all the construction workers working under such agencies/ contractors are covered under the scheme framed under the said EPF and MP Act. The Board shall further facilitate and ensure that all the construction workers working under such agencies are allotted UAN by their respective employer.
- (v) The Board shall facilitate all Construction Agencies and Contractors, having 10 or more employees but less than 20, to ensure that they are registered under the Employees' State Insurance Act, 1948 and consequently all the construction workers working under such agencies/ contractors are covered under the scheme framed under Employees' State Insurance Act 1948. The Board shall further facilitate and ensure that all the construction workers working under such agencies are allotted Pehchan Card and covered under ESIC schemes.
- (vi) The State Governments/ UT Administrations shall, through the Board, expedite registration of the Building and Other Construction Workers in terms of the Section 12 of the BoCW Act, so as to ensure that all eligible building workers get registered by the end of the current Financial Year. While doing so the board shall also ensure allotment of UAN to all such

workers who are part of the establishment covered under EPF and MP Act, 1952 as well as to those who are not covered as of now.

- (vii) The State Government/ UT Administrations shall provide for Facilitation Centre for the benefit of BoC workers as envisaged u/s 22(h) of the BoCW Act and the expenditure to be incurred thereon shall be borne under the administrative expenses limit of 5% out of BoC Cess Fund as stipulated u/s24(3) of the Act.

By Order and in the name of the President of India, this 23rd day of September, 2015.



(A K Singh)
Under Secretary

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The Chief Secretary (All States) /
The Administrator (All UTAs)/
The Principal Secretary/ Secretary (Labour) (All States/UTs)

Copy for information to:

1. Principal Secretary to the Prime Minister, South Block, New Delhi
2. Cabinet Secretary, Rashtrapati Bhawan, New Delhi
3. Secretary, Government of India, Ministry of Finance, Department of Expenditure/ Ministry of Health and Family Welfare.
4. Chief Labour Commissioner (Central), New Delhi
5. PSO to Secretary (L & E), PS to Addl. Secretary (L & E)