

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 318 OF 2006

IN THE MATTER OF:

NATIONAL CAMPAIGN COMMITTEE FOR
CENTRAL LEGISLATION ON CONSTRUCTION
LABOUR

...PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

AFFIDAVIT

PAPER BOOK

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ADVOCATE FOR THE RESPONDENT: S.N.TERDAL

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IN THE HON'BLE SUPREME COURT OF INDIA

WRIT PETITION (CIVIL) NO. 318 OF 2006

IN THE MATTER OF

NATIONAL CAMPAIGN COMMITTEE FOR CENTRAL
LEGISLATION ON CONSTRUCTION LABOUR

...Petitioner(s)

VERSUS

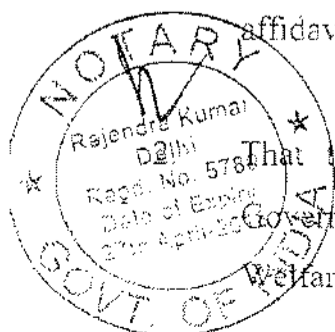
UNION OF INDIA & OTHERS

...Respondent(s)

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 1 in pursuance of
the Order of the Hon'ble Court dated 4.9.15

I, Shankar Aggarwal, S/o Shri Mohan Lal Aggarwal, aged about 59 years,
resident of House No. 6, New Moti Bagh, New Delhi, do hereby state on oath
as follows:

1. That I am working as Secretary in Ministry of Labour and Employment,
Government of India, New Delhi and as such I am well acquainted with the
facts of the case and hence competent to swear this affidavit. The facts of this
affidavit are based on the knowledge derived from the official record.



That the Section 18 of the Act makes it mandatory for the State/UT
Governments to constitute the Building and Other Construction Workers
Welfare Board to exercise the powers conferred on, and perform the functions

Shankar

assigned to, it under the Act. Thus the Act is to be implemented by the State/UT Governments through the Building and Other Construction Workers Welfare Board constituted by them.

3. That Section 24 (2) (a) mandates the Welfare Board to utilize the BOCW Fund for discharging the functions under Section 22 of the Act.

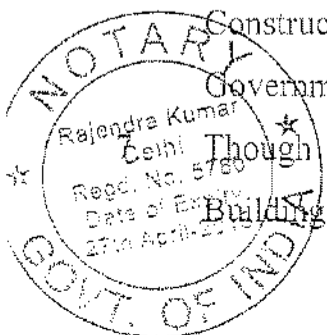
4. That section 22 of the Act provides for the following welfare measures:-

- I. Provide immediate assistance to a beneficiary in case of accident;
- II. Make payment of pension to the beneficiaries who have completed the age of sixty years;
- III. Sanction loans and advances to a beneficiary for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed;
- IV. Pay such amount in connection with premia for Group Insurance Scheme of the beneficiaries as it may deem fit;
- V. Give such financial assistance for the education of children of the beneficiaries as may be prescribed;
- VI. Meet such medical expenses for treatment of major ailments of a beneficiary or, such dependent, as may be prescribed;
- VII. Make payment of maternity benefit to the female beneficiaries; and
- VIII. Make provision and improvement of such other welfare measures and facilities as may be prescribed.

5. That Section 60 of the Act gives power to the Central Government to give directions to the State/UT authorities or to the Boards as to carrying into execution in their State/UT of the provisions of this Act.

6. That the Central Government has been taking steps in the right earnest, in terms of the power conferred to it under the Section 60 of the Act, for implementation of the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Building and Other Construction Workers Welfare Cess Act, 1996, through the State/UT Governments/Welfare Boards.

Though the Central Government has issued directions under section 60 of the Building and Other Construction Workers (RECS) Act, 1996 on 27.09.2010,



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12.07.2013, 27.02.2014 and 16.10.2014 (the gist of the directions are enclosed at **Annexure: A-1** for kind reference), it is observed that the directions issued in the past have not yielded the desired outcome which is reflected by accumulation of huge amount of BoCWCess Fund with the Welfare Boards and inadequate provisions for safety, health, and other conditions of service of the BOCW workers.

8. That in view of the above and pursuant to the observations and directions of the Supreme Court, the Central Government has issued further strict and specific instructions in the form of a Statutory Order on 09.09.2015, in terms of Section 60 of the Building and Other Construction Workers (RECS) Act, 1996, directing all the State Governments/UT Administrations to mandatorily discharge their respective functions as delineated under Section 22 of the Act.

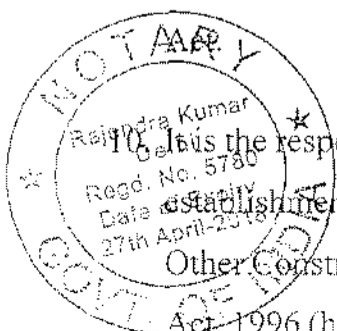
9. Before explaining the scope and intendment for implementation as incorporated in the order dt. 09.09.15, the deponent respectfully invites the attention of this Hon'ble Court to the following:-

(i) That the Building and Other Construction Workers' Welfare Cess Act, 1996 is complementary enactment to the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

(ii) That Section 1(4) of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (hereinafter referred to as the 1996 Act) provides its applicability to all those establishments falling within its purview.

(iii) The Building Worker has been defined u/s 2(e) of this Act. The constitution of the State Welfare Boards, as submitted hereinabove, is provided u/s 18 of this Act. The Boards are to be constituted by the respective State Governments.

(iv) The functions of the State Boards, required to be constituted by the respective State Governments, are provided u/s 22 of the Act. Section 60 falling in Chapter XI of this Act empowers the Central Government to issue directions to any State Govt. or to a Board for carrying into execution in that State of any of the provisions of the



It is the respectful submission on behalf of the answering respondent that every such establishment, which falls within the purview of section 1(4) of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (hereinafter referred to as the 1996 Act), if at any time employs 20 or more

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than 20 workers then it also gets covered by the provision of The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the 1952 Act). As such, having regard to the provisions of Section 1(3) of the 1952 Act and every such establishment which at any time employs 20 or more than 20 workers, which is falling within the purview of Section 1(4) of the 1996 Act, would also get covered by the provisions of 1952 Act.

11. It is submitted that whenever any establishment falling within the purview of Section 1(4) of the 1996 Act gets covered on fulfilment of the conditions prescribed, under the provisions of 1952 Act, the workers of any such establishments also become entitled for the protection and benefits which flow from the 1952 Act.

12. It may also be respectfully submitted and pointed out that the benefits, which, inter alia, flow from the schemes of 1952 Act are substantially referable to benefit of pension, compensation for the incidents of death and group insurance. There is no provision under the 1952 Act with regard to health and wellbeing of the workers.

13. That with reference to the health of the workers, the Employees State Insurance Act, 1948 (hereinafter referred to as 1948 Act), which takes care of the said aspect, it is respectfully submitted that under the provisions of Section 1(5) of this Act, any establishment which employs 10 or more workers get covered and fall within its purview so as to become oblige and liable to extend the benefits regarding the health of the workers as postulated and envisaged under the schemes of this Act.

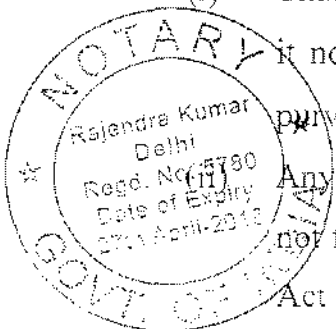
14. That on a collective reading of the above-mentioned provisions of:-

- (i) The Employees' State Insurance Act, 1948
- (ii) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- (iii) The Building and Other Construction Workers' Welfare Cess Act, 1996
- (iv) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996

the following position emerges:-

- (i) That if any establishment employs 20 or more building construction workers it not only falls within the purview of 1996 Act, but also falls within the purview of 1952 Act and 1948 Act (in covered areas)

(ii) Any establishment employing 10 or more building construction workers may not fall within the purview of 1952 Act but falls within the purview of 1948 Act (in covered areas) and the 1996 Act.



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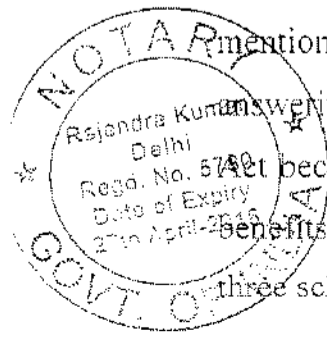
15. It is further respectfully submitted that broadly speaking there are approx. 1.5 crore building construction workers registered under the provisions of the 1996 Act. This universe of approx. 1.5 crore registered building construction workers are inclusive of all those establishments which are employing either more than 10 workers or are employing more than 20 workers. It is respectfully reiterated that all those establishments which employ 10 or more than 10 building construction workers but less than 20 building construction workers they would fall under the above-mentioned enactments of 1948 Act (in covered areas) and 1996 Acts but would not fall under the 1952 Act.

16. That with reference to this universe of approx. 1.5 crore registered building construction workers inclusive of all kinds of establishments whether employing 10 or more than 10 and less than 20 building construction workers and / or establishment employing 20 or more than 20 building workers, the accumulated funds in all the States / Union Territories under the provisions of the 1996 Act is to the tune of more than Rs. 20,000 crores.

17. With a view to ensure that the benefits which are intended and mandated under the provisions of the above-mentioned parliamentary enactments become available to the registered building construction workers, the answering respondent have been issuing statutory directions under the provisions of Section 60 of the 1996 Act from time to time. However, unfortunately, they have not yielded the expected results.

18. That with a view to overcome this problem of non-compliance with the provisions of the above-mentioned enactments and to ensure that the above-mentioned accumulated fund and even its future collections are utilized properly and effectively so as to achieve the objective sought to be achieved under the enactment, the answering respondent has proceeded to pass a statutory order dt. 09.09.15, a copy whereof is annexed as ANNEXURE A-2.

19. That as enumerated in various directions, which are incorporated in the above-mentioned statutory order dt. 09.09.15, the approach which has been adopted by the answering respondent is that not only it is ensured that the benefits under the 1996 Act become available to the registered building construction workers but also the benefits under the 1948 Act and the 1952 Act are also made available. There are three schemes already in force viz.



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- (i) Employees Pension Scheme 1995 (EPS 95)
- (ii) Employees Deposit-Linked Insurance Scheme 1976 (EDLI)
- (iii) Employees State Insurance Scheme (ESI Scheme)

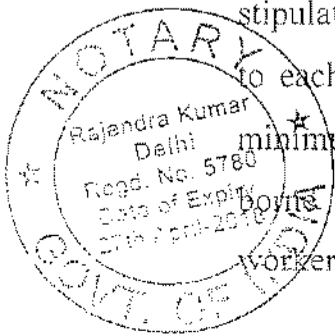
20. That wherever the establishments are employing 20 or more than 20 building construction workers, the benefits of the EPS 95, EDLI and ESI Scheme also become available to registered building construction workers. With reference to all those establishments, which employ 10 or more than 10 but less than 20 building construction workers, will get covered by all above-mentioned enactments except the 1952 Act. Thus, all those establishments are obliged / liable to extend to their building construction workers of the benefits which are envisaged to be provided under the provisions of the 1948, 1952 and 1996 Acts.

21. That besides and in addition to the above-mentioned schemes i.e. Employees Pension Scheme 95, Employees Deposit-Linked Insurance Scheme and Employees State Insurance Scheme there are also certain other schemes in vogue viz.:-

- (i) Atal Pension Yojana
- (ii) Pradhan Mantri Suraksha Bima Yojana
- (iii) Pradhan Mantri Jeevan Jyoti Bima Yojana
- (iv) Aam Aadmi Bima Yojana (AABY)
- (v) Rashtriya Swasthya Bima Yojana (RSBY)

22. That the answering respondent has provided under this statutory order dt. 09.09.15, that all those establishments which are employing registered building construction workers, which are not falling within the purview of 1948 and 1952 Act, the benefits of the above-mentioned schemes should be made available to them. For achieving this purpose, certain stipulations have been created by the statutory order of 09.09.15, as has been incorporated therein and would be referred to before this Hon'ble Court at the time of hearing.

23. Broadly speaking, it is submitted that for the Atal Pension Yojana, it has been stipulated that for making available the pension of at least Rs. 1,000 per month to each of the registered building construction worker the Board shall pay a minimum of 50% of the contribution and the remaining contribution should be borne by each of the beneficiary being the registered building construction worker. It is submitted that this stipulation of minimum of 50% of the



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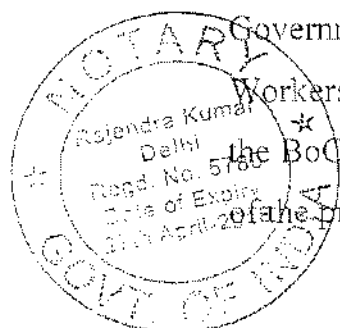
contribution to be made by the Board itself envisages that it would be open for a State Board to take the obligation of paying more than 50% of the requisite contribution. That would be a decision, which would be required to be taken by each respective State Board.

24. Similarly, for the benefits under the Pradhan Mantri Suraksha Bima Yojna and Pradhan Mantri Jeevan Jyoti Bima Yojna, it has been stipulated that the Board shall pay a minimum of 50% premium and remaining contribution will be required to be borne by the beneficiary.

25. For a scheme of funding for education of the children of the registered building construction workers, it has been provided that under the Aam Aadmi Bima Yojana scheme, the Board shall pay the scholarship if the same is not available from the Government.

26. With regard to health coverage of registered building construction workers, it has been stipulated that all those building construction workers who will get covered under the 1948 Act they will get the benefit of ESI scheme. Those who are not covered under the benefits of 1948 Act, would get covered by the Rashtriya Swasthya Bima Yojana or any other such scheme. Here also, the Board will bear an obligation to pay the minimum 50% of the premium for any such health scheme. There are a number of other stipulations, which have been provided under this statutory order of 09.09.15 and the answering respondent assures this Hon'ble Court that it shall monitor, on regular basis, the implementation of the above-mentioned stipulations contained in the statutory order dt. 09.09.15 by all the State Governments. The Government has also decided that in the event any State still fails to comply with the conditions incorporated under the statutory order dt. 09.09.15, the Government would proceed to take all such necessary actions, which would become available to it under the provisions of Section 60 of the Act.

27. That the Statutory Order dated 09.09.2015 makes it mandatory for the State Governments/UTs and their respective Building and Other Construction Workers' Welfare Boards to take immediate steps to ensure proper utilization of the BoCW Cess fund on account of the above mentioned activities and in terms of the provisions of the Act.



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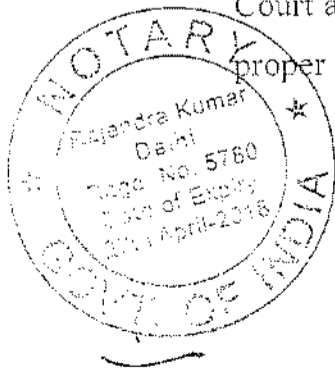
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28. That a meeting of all the State Labour Secretaries/UT Administrators on 09.09.2015 was held under the Chairmanship of Minister of State (Independent Charge) (Labour & Employment) to impress upon the States/UTs to take urgent steps to augment utilization of Cess fund and evolve an action plan in this regard.

29. That the Central Government has constituted a Committee comprising of Secretary, Ministry of Labour & Employment, as Chairman, Additional Secretary, Ministry of Labour & Employment, as Vice Chairman, Director General Labour Welfare, Ministry of Labour & Employment, as Member Secretary, a representative of Chief Labour Commissioner (Central), as Member, and Director/ Deputy Secretary, O/o Director General Labour Welfare, as Member Convenor to regularly monitor the progress of utilization of the Cess Fund by the State/UT authorities. The Committee will meet the State/UT Labour Secretaries/Welfare Board once in three months either in person or through videoconferencing.

30. That the Central Government has been pursuing vigorously with the State/UTs to augment the utilization of the Cess fund for welfare of the construction workers as per the provisions of the Act. That the Ministry of Labour and Employment, GOI, has held regional meetings with the State Government authorities at Lucknow on 22.6.15, Ranchi on 25.6.15, Hyderabad on 27.6.15, Guwahati on 30.6.15 and Ahmedabad on 13.7.15, wherein utilization of Cess fund was reviewed and all the States/UTs were asked to utilize Cess fund only for those purposes which are mandated in the Act.

31. That in view of the aforementioned submissions the deponent most humbly submits that it is taking all efforts to implement the directions of this Hon'ble Court and assure that these will be further strengthened as per requirements for proper utilization of Cess fund.



Rajendra Kumar

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECT TO UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT DELHI ON..... IDENTIFIED BY

IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE

ATTESTED DEPONENT

RAJENDRA KUMAR Ph. 9212491692
NOTARY, DELHI-R-5760 9899446209
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
REGISTRATION NO.....

VERIFICATION

I, the above named deponent do hereby verify that the facts stated in the affidavit are true to the best of my knowledge. No part of the affidavit is false and nothing material has been concealed therefrom. Hence, verified.

[Handwritten Signature]

DEPONENT

ATTESTED

[Handwritten Signature]

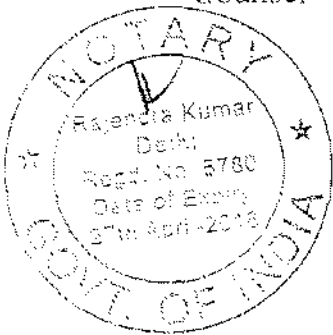
RAJENDRA KUMAR Ph. 9212491692
NOTARY, DELHI-R-5780 9899446209
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
8849

New Delhi

Dated...11... September, 2015.

11.09.2015

Counsel



CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECT TO UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT DELHI ON... IDENTIFIED BY
11.09.2015 *[Handwritten Signature]*
IDENTIFY THE EXECUTANT/DEPONENT WHO HAS SIGNED IN MY PRESENCE

IDENTIFY THE EXECUTANT/
DEPONENT WHO WAS
SIGNED IN THE PRESENCE OF

Annexure: A-1**(I) Directions issued on 27th September, 2010:**

- (i) State Advisory Committee and Expert Committees as provided under the Act should be constituted immediately.
- (ii) Registering officers as provided in Section 6 of the Act may be appointed.
- (iii) State Welfare Boards as per section 18 must be constituted.
- (iv) Rule for safety and health for building workers must be framed.
- (v) Chief Inspectors and Inspectors as provided under section 42 of the Act may be appointed.
- (vi) Rules for carrying out provisions of the Act must be framed.

(II) Directions issued on 12th July, 2013:

- (i) The State governments should carry out special drive for registration of workers who have worked under MGNREGA and allow registration of such workers who have completed fifty-days of work in a year in MGNREGA under BOCW (RECS) Act on the basis of simpler process like self-certification and certification by Panchayats etc.
- (ii) State should authorize all Gram Panchayats and Municipalities and Assistant Engineers/ Jr. Engineers of the various engineering departments to register workers under BOCW (RECS) Act.
- (iii) State should allow registration of workers for period of atleast three years to reduce the burden of renewal.
- (iv) State should notify certain works as building and other construction works under section 2(1)(d) of the Act.
- (v) State BOCW Welfare Boards should spent atleast 20% of the balance cess amount on activities related to skill development of registered workers and their dependents every year.

(III) Directions issued on 27th February, 2014:

- (i) The State BOCW Welfare Boards should focus on conducting annual registrations in a campaign mode. Campaign should be completed by June every year.
- (ii) Registration should be valid for 3 years.
- (iii) Registration of workers to be done at both resident and work states of eligible workers.

- (iv) All building plan approving authorities in urban and rural areas should be notified as additional cess collectors.

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- (v) Every Board must mandatorily provide welfare schemes to all workers including MGNREGA workers to cover - death benefit, accident benefit, funeral assistance, pension for persons who cannot work due to old age or disability, medical insurance with benefits not less than RSBY, education assistance for the children of construction workers, personal safety equipments, assistance for purchase of tools @ Rs. 5000/- once every three years per household, skill upgradation of atleast one person in each household, universal coverage under RSBY by paying 25% state contribution if and when needed, maternity benefits of atleast five thousand for the first two children, grant for repair/ construction of houses.
 - (vi) The benefits to be given by the respective State BOCW Welfare Boards shall not be less than the corresponding benefits under AamAadmiBimaYojana.
 - (vii) The State shall prepare guidelines for maternity benefits and grants within forty-five days.
 - (viii) A uniform system of scholarship may be followed across govt. and private ITIs, child labour and construction workers with the assistance of Rs. ten thousand per year to candidates belonging to BPL families.

(IV) Directions issued on 16th October, 2014:

- (i) Notice should be issued to private builders/ employers undertaking the work costing more than Rs. Five core to get all workers engaged by them registered with the State BOCW Welfare Boards.
- (ii) State governments should constitute dedicated teams to monitor the obligations of the employer such as providing drinking water, latrines and urinals, temporary living accommodations, crèches, first-aid facilities and canteens etc. at worksite/ workplace.

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Annexure: A-2

F.No.Z-13011/03/2007-BL (Pt)
Government of India
Ministry of Labour & Employment

Jaisalmer House,
26 Man Singh Road, New Delhi
Dated: September 9, 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)

Whereas, the BOCW Act 1996 aims at regulating the safety, health, welfare and other conditions of service of BOC workers through the Welfare Boards in every State/UT, which are administered by the respective State/UT;

Whereas, Section 22 of the said Act comprehensively stipulates the functions of the Welfare Board as under:

- (i) Provide immediate assistance to a beneficiary in case of accident;
- (ii) Make payment of pension to the beneficiaries who have completed the age of sixty years;
- (iii) Sanction loans and advances to a beneficiary for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed;
- (iv) Pay such amount in connection with premia for Group Insurance Scheme of the beneficiaries as it may deem fit;
- (v) Give such financial assistance for the education of children of the beneficiaries as may be prescribed;
- (vi) Meet such medical expenses for treatment of major ailments of a beneficiary or, such dependent, as may be prescribed;

(vii) Make payment of maternity benefit to the female beneficiaries; and

(viii) Make provision and improvement of such other welfare measures and facilities as may be prescribed.

Whereas, Section 24 (2) (a) mandates the Welfare Board to utilize the BOCW Fund for discharging the functions under Section 22;

Whereas, the said Act u/s 60 also empowers the Central Government to give directions to the State Government or to a Board as to execution of any of the provisions of this Act;

Whereas, it is observed that the directions issued in the past u/S 60 of the said Act have not yielded the desired outcome which is reflected by accumulation of huge amount of BOCW Cess Fund with the welfare Boards and inadequate provisions for safety, health, welfare and other conditions of service of the BOC workers; and

Whereas, it is felt expedient in the larger public interest to issue comprehensive set of directions, superseding all the directions issued in the past, for utilisation of the Cess Fund.

2. Now, therefore, in exercise of the powers conferred on the Central Government under Section 60 of the said Act, MoLE hereby directs all State Governments and Union Territory Administrations to mandatorily discharge their respective functions as delineated under Section 22 of the Act.

3. The welfare schemes which shall be facilitated and/or financed by the Board with reference to the mandatory provisions of the Act are mentioned below:

- i. To ensure benefits under the **Employees Compensation Act, 1923**, and **other life insurance schemes**.
- ii. To ensure payment of **additional ex-gratia amount** as fixed by the Board for death and disability in case of accident.

- iii. To ensure enrolment of the eligible workers under **Employees' Pension Scheme, 1995**, and **Employees' Deposit Linked Insurance Scheme**.
- iv. For the workers who are not covered under Employees' Pension Scheme, 1995, and Employees' Deposit Linked Insurance Scheme, the Board shall opt for **Atal Pension Yojana** or other similar schemes not inferior to Atal Pension Yojana, ensuring a **pension of at least Rs. 1000 per month**. The Board shall pay a minimum of **50% of the contribution and remaining will be borne by the beneficiaries**.
- v. Board shall make contribution in payment of the premia payable by the beneficiary for enrolment under **Pradhan Mantri Suraksha Bima Yojana** and **Pradhan Mantri Jeevan Jyoti Bima Yojana**. The Board shall pay a minimum of **50% of the premium and remaining will be borne by the beneficiaries**.
- vi. For a scheme of funding for education of the children of the registered building construction workers, it has been provided that under the **Aam Aadmi Bima Yojana** scheme, the Board shall pay the scholarship if the same is not available from the Government.
- vii. Board shall ensure that the workers are enrolled under **Employees' State Insurance Scheme**.
- viii. The Board shall ensure that those who are not covered under ESIC are covered under **Rashtriya Swasthya Bima Yojana** or any other such scheme for the purpose of Health Insurance. The Board shall facilitate **Health Insurance coverage having annual premium of not less than Rs.750/- per beneficiary**, for those who are not covered under Rashtriya Swasthya Bima Yojana. The Board shall pay a minimum of **50% of the premium and remaining will be borne by the beneficiaries**.
- ix. The Board shall ensure enrolment of female workers and drawal of benefits from the employer under the **Maternity Benefit Act**.
- x. The Board shall formulate a scheme, not inferior to the benefits being made available under **Maternity Benefit Act**, for the female beneficiaries who are not covered under **Maternity Benefit Act**. The Board shall pay a minimum of **50% of the premium and remaining will be borne by the beneficiaries**.

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- x. The Welfare Board shall **facilitate payment of subsidy for the construction of houses** by the respective authority under different schemes of the Government.
 - xii. The Board shall ensure either implementation of **Recognition of Prior Learning (RPL) of Construction Worker Scheme** and benefits thereunder to the construction workers or formulate and implement any other scheme for skill building of construction workers, the benefits of which are not inferior to Recognition of Prior Learning (RPL) of Construction Worker Scheme. The Scheme shall be funded through BoCW Cess as envisaged under the Scheme.
 - xiii. The Board may formulate **skill development scheme** for the family members of building construction workers preferably at the site of the building construction.
 - xiv. The Board shall also ensure that safe drinking water, sanitation, shelter, crèches and other welfare measures and facilities by the employers as prescribed under the Act are being provided to the building and other construction workers at construction site.
 - xv. The **Board will furnish quarterly return** in regard to the activities mentioned above to the Central Government in terms of section 57 of the Act and shall **place the list of beneficiaries and the benefits made available to them in the public domain** through an IT platform.

4. State Governments/UTAs and their respective Building and Other Construction Workers' Welfare Boards shall take immediate steps for utilizing the cess fund on account of the above mentioned activities.

5. Any welfare scheme, which is not in conformity with the provisions of the Act and being undertaken by any State/UT Govt/ Welfare Board by way of utilizing BoCWCess Fund, collected under the BoCWCess Act, would cease to exist with immediate effect. If any State/UT Govt./ Welfare Board proposes to continue any such scheme beyond the date of this Executive Order, then the expenditure on the same have to be borne by the State/UT Govt. through its own resources.

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6. In case sufficient funds are not available with any Welfare Board, the schemes mentioned in para 2 above may be amended with the concurrence of the Ministry of Labour & Employment, Government of India.

By Order and in the name of the President of India, this 9th day of September, 2015.

Sd/-

(A K Singh)

Under Secretary

1. Principal Secretary to the Prime Minister
2. Cabinet Secretary
3. Secretary, GOI, Expenditure/MoHF&W/ MoC&IT/MoRD
4. Chief Secretaries (All States) /Administrators (All UTAs)/State/UT Labour Secretaries(All)