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ODISHA BUILDING & OTHER CONSTRUCTION WORKERS' WELFARE BOARD.
(OFFICE OF THE LABOUR COMMISSIONER: ODISHA: BHUBANESWAR)

No. 2503 (15) /Dated, Bhubaneswar, the 26.08.2015

From: **Shalini Pandit, I.A.S.,**
Labour Commissioner, Odisha-cum-
Member Secretary, OB&OCWW Board

To

The Principal Secretary/ Commissioner-cum-Secretary to Govt.
Water Resources Department/ Rural Development Department/
H & UD Department/ P.R. Department/
Secretary, Works Department/
Vice Chairman, Bhubaneswar Development Authority, BBSR/
Chairman-cum-Managing Director, Odisha Police Housing and
Welfare Corporation Limited, Bhubaneswar/
Commissioner, Bhubaneswar Municipal Corporation, BBSR/
Commissioner, Cuttack Municipal Corporation, Cuttack/
Secretary, Odisha State Housing Board, Bhubaneswar/
Chief Engineer, Central Public Works Department, BBSR/
Project Director, NHAI, Setu Bhawan, Nayapalli, Bhubaneswar/
Chief Engineer, National Highways, Bhubaneswar/
Chief Engineer (Construction), East Coast Railways, Rail Vihar, Bhubaneswar.

Sub: Collection of cess under the Building and other Construction Workers' Welfare Cess Act, 1996 and registration of establishments and construction workers under the Building and Other Construction Workers' (RE & CS) Act, 1996.

Ref: Letter No.2630 (14)/LESI, dated 19.03.2015 of Labour & ESI Department.

Madam/Sir,

I am to bring to your kind notice that several decisions regarding collection of cess under the Building and other Construction Workers' Welfare Cess Act, 1996 and registration of establishments and construction workers under the Building and Other Construction Workers' (RE&CS) Act, 1996 had been taken in the meeting held on 09.01.2015 under the Chairmanship of Hon'ble Minister, Labour & ESI in presence of the Chief Secretary, Odisha, the proceedings of which had been circulated to you by the Department of L&ESI vide the letter referred to above. However, as no tangible progress has been made on these decisions as yet, the instructions are reiterated below for follow up action by your kind office:-

1. All Government and PSU agencies undertaking building and other construction work (that engage 10 or more construction workers) need to apply to the District Labour Officer, for registration of the said work under Sec. 7 of the Building & Other Construction Workers' (Regulation of Employment & Conditions of Service) Act, 1996, within 60 days of commencement of the work. They are also to ensure that all the contractors or any sub-contractor hired by the main contractors get similar registration.

Similarly, the employer/executing agency is to ensure that all eligible construction workers get registration under Sec.12 of the Act, by issuing the employment certificate. In the first phase, this should be ensured for works that have a construction period of 3 months or more.

3. The tender inviting authorities should incorporate the issues at points 1 & 2 as clauses in the tender document as well as in the contract agreement. The Govt./PSU Authority should verify the registration under Sec. 7 and Sec. 12 of the Act before making payment of running bills.
4. The State Government is also to issue notices to private employers/builders undertaking works costing more than Rs. 5 crore, to get workers engaged by them registered with the Board. The Urban Local Bodies and Development Authorities should be directed to send the list of plans approved by them to the Board.
5. All Government and PSU agencies undertaking building and other construction work are to include in the estimate, a charge of 1% of the cost of construction, as cess levied under the Building & Other Construction Workers' Welfare Cess Act, 1996. The Govt. Authority should deduct the cess at source before making payment of running bills.
6. Suitable instruction are to be issued by the H & UD Department to the Urban and Rural Local Bodies and Development Authorities for collection of cess @ 1% of the estimated cost of construction (as advance), from each coverable private establishment who submit their building plans along with estimated cost for approval by the local body/Development authority. The cess collected at the time of approval of building plans should be remitted to the Board.

A copy of the Building and other Construction Workers' Welfare Cess Act, 1996 and Building and Other Construction Workers' (RE & CS) Act, 1996 and Rules made there under can be seen at www.bocboard.labdirodisha.gov.in.

The action taken by you on the above points may kindly be intimated to this office, for appraisal of the Chief Secretary.

Yours faithfully,



Labour Commissioner, Odisha-cum-
Member Secretary, OB&OCWW Board.

Memo. 2504 / Dtd. 26.08.2015