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Government of Jammu and Kashmir
Office of the Chief Executive Officer/Secretary
J&K Building and other Construction Workers Welfare Board,
Gopkar Road Near Police Check Post Banamsar, Sonawar Srinagar-190003 (Summer)
Railway Road Panama Chowk Near C.P. Fund Office, Jammu (Winter)
(www.jkbocwwb.org)

No:- CEO/J&K/BCB/012/3823-60

Dated: 21-02-2012

Sub: Minutes of the meeting of J&K Building and Other Construction Workers Welfare Board held on 13th of February 2012 in Committee Room Ist Floor Civil Secretariat, Jammu under the Chairmanship of Hon'ble Minister for Higher Education, Labour & Employment, J&K (Chairman of J&K Building and Other Construction Workers Welfare Board).

List of participants enclosed as Annexure-A

After threadbare discussions/deliberations in respect of each Agenda item following decisions were taken by the Board.

1 Confirmation of minutes of the meeting held on 11-07-2011 in Srinagar and action taken thereof: - Minutes of the meeting held on 11-07-2011 issued by Chief Executive Office / Secretary vide No.CEO/J&K/BCB/011/2359-74 Dated: 14.07.2011 were approved.

2 Ex-post facto approval of the Board on the action already taken:-

2.1 Vetting of powers to ASSISTANT LABOUR COMMISSIONER, regarding sanctioning and disbursement of financial assistance: - It was clarified that for all Practical Purposes, with regard to implementation of Building and Other Construction Workers (RE&CS) Act 1996 & Cess Act 1996 the Assistant Labour Commissioners are the officers of the Board as designated as registering Officers under Section 6 of the Act at District level. It was decided that the Assistant Labour Commissioners would continue to sanction and disburse the benefits on Account of Welfare Schemes approved by the Board from time to time. However their powers to sanction and disbursement shall be restricted to the following Schemes/for the Amount indicated against each.

S.No	Name of the Scheme	Limit of Amount
01	Education Assistance	Rs.15000/=

02	Marriage Assistance	Rs.25000/=
03	Funeral Assistance	Rs.5000/=
04	Immediate Assistance in case of Injury at work place	Rs.5000/=

The amount in respect of the aforementioned benefits shall be sanctioned by Assistant Labour Commissioners after completing all legal/codal formalities as prescribed in the relevant guidelines/rules. An order in this regard for delegating necessary powers to Assistant Labour Commissioners by the Board shall be issued as required under **Section 56** of Building and Other Construction Workers (RE&CS) Act 1996 Government.

(Action by CEO/Commissioner/Secretary to Govt. Labour & Employment Deptt.)

2.2 **Construction and launching of official website of the Board approval thereof:-**It was decided that all the data pertaining to registration and welfare schemes shall be uploaded for the information and convenience of construction workers. Design of the website shall be modified and it will be made more affective, easy and attractive. Amount of Rs. 81000/- already spent for construction of the Website was approved by the Board. An amount of Rs. 20,000/- as annual charges was also approved for maintenance of the official website of the Board through the Government empanelled agency on approved rates.

(Action by Chief Executive Officer/Secretary.)

2.3 **Legal Charges:-** An amount of Rs. 30,000/- (Rupees thirty thousand only) paid to the Advocate on Account of incidental charges for filing the affidavit before Hon'ble Supreme Court was also given ex-post facto-approval. A Provision of Rs. 100000/- (Rupees one lac only) for Financial year 2012-13 as legal charges will be decided by the budget committee to be constituted for the purpose.

(Action by Commissioner/Secretary to Govt. Labour & Employment Deptt.)

2.4 **Revised Budget for the financial year 2011-12:-** Revised budget detail whereof are given below which was adopted with the approval of Hon'ble Chairman and authorization of Administrative Department of Labour & Employment vide No. L&E/Plan (B) CWWWB-88/2011 dated: 20-12-2011 was also approved / confirmed by the Board.

S. No.	Unit of Appropriation	Approved Budget Estimates (Rs. In Lacs)	Revised Budget (Rs. In Lacs)
1.	Salary	23.00	31.15
2.	Office Expenses	03.00	7.75
3.	Hiring of Vehicle/POL	03.50	3.70

4.	Travelling Expenses	02.00	2.80
5.	Furniture/Fixture	03.00	3.30
6.	Computer/Laptop etc.	00.80	2.30
7.	Stationery	00.20	0.30
8.	Telephone	00.50	0.50
9.	Wages	01.00	2.00
10.	Electricity Charges	01.00	1.00
11.	Rent, Rates & Taxes	02.00	2.00
12.	Books & Periodicals	00.25	0.25
13.	Publicity and Awareness	20.00	20.00
14.	Purchase of Vehicle	0.0	7.00
15.	Website Charges	0.0	0.81
16.	Legal Charges	0.0	1.00
	Total	60.25	85.86

3 Budget for the year 2012-13:-It was decided that a budget committee under the Chairmanship of Commissioner/Secretary to Govt. Labour & Employment Department will finalize the future budget detail whereof given below, keeping in view the statutory provisions laid down under **Section 24 & 25** of the Building and Other Construction Workers (RE&CS) Act 1996. After finalization of the budget for the Financial Year 2012-13, the same will be adopted with the approval of Hon'ble Chairman of the Board and forward to the Government. The process in this regard shall be completed by or before 25th of March 2012.

Budget Estimates proposed for the year 2012-13

S. No.	Unit of Appropriation	Budget Estimates for 2012-13 (Rs. In Lacs)		
		Office of CEO/ Secretary	Registering Officers (ASSISTANT LABOUR COMMISSION ERS)	Total
1.	Salary	32.34	0.0	32.34
2.	Office Expenses	4.00	6.60	10.60
3.	POL	3.00	0.0	3.00
4.	Maintenance of Vehicle	0.50	0.0	0.50
5.	Travel Expenses	3.50	2.20	5.70

6.	Furniture/Fixture	2.00	0.0	2.00
7.	Computer/Laptop etc.	1.50	11.00	12.50
8.	Stationery	0.50	0.0	0.50
9.	Printing of Registers and Identity Cards, forms etc.	4.00	0.0	4.00
10.	Telephone	0.50	0.0	0.50
11.	Wages	18.00	0.0	18.00
12.	Electricity Charges	1.00	0.0	1.00
13.	Rent, Rates & Taxes	4.00	0.0	4.00
14.	Books & Periodicals	0.10	0.0	0.10
15.	Publicity and Awareness	15.00	6.0	21.00
16.	Website Charges	0.20	0.0	0.20
17.	Legal Charges	1.00	0.0	1.00
	Total	91.14	25.80	116.94

(Action by Commissioner/Secretary to Govt. Labour & Employment Deptt.)

4. Enhancement of Education Assistant and inclusion of Diploma courses in the Welfare Schemes for purposes of providing financial assistance:-

4.1 Enhancement of Education Assistant (upto 12th standard):- It was felt that the financial assistance on Account of of Education needs to be enhanced considerably, keeping in view the rising expenditure on education, which would also help to bring down the dropout rate at various stages. After thorough discussion the following revised rates of payment on Account of financial assistance for Education were approved.

S. No.	Name of the Class	Amount of Assistance already approved (Rs. Per Annum)	Revised Amount of assistance approved by the Board
1.	Ist to 5 th Standard	Rs. 800/-	Rs. 2500/-
2.	6 th to 8 th Standard	Rs. 1000/-	Rs. 3500/-
3.	9 th to 10 th Standard	Rs. 2000/-	Rs. 4500/-
4.	11 th to 12 th	Rs. 3000/-	Rs. 6000/-

During discussion, one of the member of the Board pointed out that the financial assistance being provided under the Building and Other Construction Workers (RE&CS) Act 1996, should not be extended to the children of the construction workers who already getting scholarship from social welfare department etc. it was, however, clarified that the financial assistance

provided under this Act is borne on the 1% construction workers cess under cess Act 1996 and has no bearing on the schemes being provided by the social welfare department etc. Moreover, since, the financial assistance on this account is restricted to the upliftment of the education standard of the children of construction workers, any other benefit provided by any other Board/agency/Government department has no affect on these welfare schemes. Therefore, the issue does not need further elucidation as the Building and Other Construction Workers (RE&CS) Act 1996, does not provide any such exception. However Expert Committee concerned will look into this aspect at the time of the finalization of rules of the Board.

It was further decided that the aforementioned enhanced scale of financial assistance shall be applicable w.e.f 1-04-2012. *(Action Chief Executive Officer/Secretary.)*

4.2 Inclusion of Diploma Courses for purposes of providing Financial Assistance:-It was decided that three years diploma courses of engineering or any other stream shall be paid the Financial Assistance at the rate as given below.

S. No.	Name of the Course	Financial Assistance prepared (Rs. Per Annum)
1.	Engineering Diploma Course/any other three year diploma course (for Regular students)	Rs. 30,000/-
2.	ITI Courses (for Regular students.)	Rs. 10,000/-
3.	Medical Diploma Courses (for Regular students)	Rs. 10,000/-

It will however be subject to the condition that financial assistance for Educational purposes including the aforesaid courses shall be available to the two children of the registered construction worker only during a particular financial/academic year. The scheme shall be effective from **1st of April 2004**. *(Action by Chief Executive Officer/Secretary.)*

5. Engagement of Data Entry Operators:-It was decided that as an interim measure One Data Entry Operator for each district shall be provided to the office of Assistant Labour Commissioner on outsourcing basis against the posts of Junior Assistant already created vide Govt. Order No.100 L&E of 2011 dated: 20-12-2011. The arrangement of outsourcing shall be made through National Institute of Electronics and Information Technology (NIELT) under the Ministry of Information Technology Govt. of India. CEO/Secretary will take up the matter with Director NIELT (Institute DOEACC) for providing one data operator for each district of the State. Director NIELT (Institute DOEACC) will recommend the candidates preferably having the qualification of A-Level and resident of the same district.

Simultaneously efforts would be made to finalise the recruitment rules, whereafter

the posts already created for the purposes shall be referred to the J&K Service Selection Board for recruitment after recommended by the CEO. *(Action by Commissioner/Secretary to Govt. Labour & Employment Deptt. and Chief Executive Officer/Secretary).*

6. Engagement/Outsourcing of two Peons:-It was decided that CEO/Secretary shall outsource two peons/office boys from a registered placement agency. The wages shall be paid minimum wage rates from time to time. No appointment order shall be issued with regard to such engagement on outsourcing basis. The wages to the outsourced peon shall be paid from the provision of wages kept in the budget.

(Action by Chief Executive Officer/Secretary).

7. Extending the Financial Assistance for the medical treatment on Account of chronic Diseases to the dependents of the registered construction workers:-It was decided that the financial assistance for treatment of Chronic diseases shall also be available to the dependents of a registered construction worker. The payment shall be made as per the estimate for the treatment including surgery and post surgery treatment etc to the concerned health institution listed / notified by the Government in this behalf.

Reimbursement on this account shall be made as per the provisions laid down in the Medical attendance rules amended from time to time. Detail of family members given at the time of registration shall be taken into account in this behalf.

(Action by Chief Executive Officer/Secretary).

8. Providing Financial Assistance for Funeral purposes:-It was decided that the financial assistance shall be Paid/Reimbursed to the beneficiary only on account of the Funeral/Last rites of any of his family member.

Detail of family members given at the time of registration shall be taken into account in this behalf.

(Action by Chief Executive Officer/Secretary).

9. Provision of consultancy services for preparation of project for administrative functioning of the Board on the module of Tamil Nadu Construction Workers Welfare Board:-Hon'ble Chairman passed the directions that the committee constituted for finalization of the Budget will also look into this matter as well.

(Action by Commissioner/Secretary to Govt. Labour & Employment Deptt.).

10. Framing of detailed guidelines for sanctioning of benefit on A/c the Welfare Schemes, being provided by the Board:-It was decided that CEO/Secretary shall prepare a draft guidelines and submit to the Labour and Employment department for issuance of an order in this regard.

(Action by Commissioner/Secretary to Govt. Labour & Employment Deptt. and Chief Executive Officer/Secretary).

11. Hiring of Private accommodation for housing the office of CEO/Secretary at Jammu:-It was decided that the CEO/Secretary. Before next Darbar move in Oct. 2012 from Srinagr to Jammu will hire a Private Accommodation for Housing of The office of Board at Jammu. *(Action by Chief Executive Officer/Secretary).*

12. Monthly Contribution:-It was decided that registered construction worker shall also contribute towards the fund of the Board, the contribution of Rs. 10 per month. However, He / She will be at liberty to pay the fee on monthly, quarterly, half yearly or annually basis. The Government will issue a notification in the official gazette in this regard as per the provision laid down under **Section 16** the Building and Other Construction Workers (RE&CS) Act 1996.

(Action to be taken by Commissioner/ Secretary to Govt. Labour & Employment Deptt.)

13. Provision of sitting Fee/TA for non-official members of the Board:-Sitting fee and TA at the following rate to the non-official members of the Board was also approved.

- (a) Sitting Fee Rs. 1000 per meeting
- (b) TA Rs. 1000 per day.

The decision shall be effective from the meeting held on 13.02.2012. The travel allowance shall be restricted for maximum three days only for the non official members.

14. Delegation of Powers to Ladakh Hill Development Council and Kargil Hill Development Council for sanctioning of the benefits:-The proposal was not agreed by the Board.

15. Deputation Allowance: - The proposal was not agreed by the Board.

16. Hiring of services of private mobile Vans along with medical staff for providing Medicare facilities: The proposal was not agreed by the Board.

17. Health Insurance for the Registered Construction Worker:-

(i) **Health Insurance**:It was decided that CEO/Secretary will take up with Health Department for implementation of the RSBY scheme. The matter will be taken up in next meeting of the Board for deliberations. *(Action by Commissioner/Secretary to Govt. Labour & Employment Deptt.)*

18. Strengthening of Board:-It was decided that the expert committee will discuss the requirement of the staff for the Board and submit a report to the Govt. for creation of the posts at the earliest. *(Action by expert committee/Commissioner Secretary to Govt. Labour & Employment Deptt.)*

19. Framing of rules: - It was decided that process for framing the rules for the Board shall be completed within one month after having the same vetted by the expert committee as required under section 5 of the Building and Other Construction Workers (RE&CS) Act 1996.

(Action by Commissioner/Secretary to Govt. Labour & Employment Deptt.)

20. Authentication by registered union of construction workers:-It was decided that the registered Labour Unions may facilitate the registration officers (Assistant Labour Commissioners) for registration of the construction workers and extending the benefits of the welfare schemes to the genuine claimants. Representative of Registered Labour/Construction Workers Unions can submit the cases collected on account of registration/benefits, However the recommendation/identification by the representative of the registered construction unions shall be subject to the re-verification by Assistant Labour Commissioner Concerned. Action shall be taken under rules against the Labour Unions if any found indulging in illegal registration/giving a wrong certificate.

(Action to be taken by Assistant Labour Commissioner's.)

At the end the Hon'ble Chairman impressed that every establishment engaged in construction work will establish separate units, which will facilitate the worker in his / her registration with the Board. It was also directed by the Hon'ble Chairman to ensure that no department/executing agency will engage any worker unless he is registered with the Board. This will be in accordance with Sec. 10 of the Building and Other Construction Workers (RE&CS) Act 1996.

The meeting ended with vote of thanks to the chair.

CEO/Secretary,
J&K Building and Other Construction
Workers Welfare Board.

Copy to:-

- 1. Welfare Commissioner (HQ), Ministry of Labour, Government of India, Jaisalmer House, Man Singh Road, New Delhi-110011.**
- 2. Principal Secretary to Government, Finance Department, Civil Secretariat, Srinagar.**
- 3. Principal Secretary to Government, Housing and Urban Development Department Civil Secretariat, Srinagar.**
- 4. Commissioner/Secretary to Government, Labour & Employment Department, Civil Secretariat, Srinagar.**
- 5. Commissioner/Secretary to Government, Department of Law, Justice and Parliamentary Affairs Civil Secretariat, Srinagar.**
- 6. Labour Commissioner, J&K Government, Srinagar.**
- 7. Managing Director, JKPCCLtd., Srinagar.**
- 8. Managing Director, JK Cements Corporation Ltd. Jammu/Srinagar.**
- 9. Chief Engineer PWD (R&B), Jammu.**
- 10. Chief Engineer PWD (R&B), Srinagar.**

11. Special Assistant to the Hon'ble Minister for Higher Education, Labour & Employment, Civil Secretariat, Srinagar.
12. Chief Architect, Architect Organization, Gogji Bagh, Srinagar.
13. All Non-Office members_____
14. Deputy Labour Commissioner Jammu/Srinagar.
15. All Assistant Labour Commissioner.
16. Office record file.