

प्रेषक

निदेशक
खजाना तथा लेखा विभाग
हरियाणा, चण्डीगढ़।

सेवा में

सभी मुख्यलेखाधिकारी, वरिष्ठ लेखाधिकारी,
लेखाधिकारी, अनुभाग अधिकारी ।

यादि क्रमांक 349-टीए-हर(16 टी)-2024 /
दिनांक

Subject: Registration of Govt. Establishments under the Building and other
Construction Workers Welfare (RE&CS) Act 1996-Instruction thereof.

उपरोक्त विषय पर इस विभाग के पत्र क्रमांक 349-टीए-हर (16
टी)2019/505-507 दिनांक 17.1.2019 (प्रति सलग्न)के संदर्भ में।

2. विषयाधीन मामलें में श्रम विभाग हरियाणा चण्डीगढ़ ने अपने पत्र क्रमांक
10638 दिनांक 3.12.2018 तथा क्रमांक 9384-9540 दिनांक 21.9.18 द्वारा नई गाईड
लाईन जारी की है । (प्रति सलग्न) आपको निर्देश दिये जाते है कि उक्त गाईड लाईन
की अनुपालना सख्ती से की जाये ।

संलग्न
सयुक्त निदेशक
कृते: निदेशक खजाना तथा लेखा विभाग
हरियाणा, चण्डीगढ़।

यादी क्रमांक 349-टीए-हर(16 टी)-2024 / 697

दिनांक 01/02/24

इसकी एक प्रति निम्नलिखित को सूचनार्थ भेजी जाती है :-

1. अतिरिक्त मुख्य सचिव हरियाणा सरकार वित्त विभाग वित्त लेखा शाखा को
उनके पत्र क्रमांक 14/03/2018-4 एफ0ए0 दिनांक 10.1.2019 के संदर्भ में
2. प्रधान सचिव हरियाणा सरकार, श्रम विभाग को उनके पत्र क्रमांक 10638 दिनांक
3.12.2018 के संदर्भ में ।
3. श्री सुनील बहल, प्रोग्रामर कार्यालय खजाना तथा लेखा विभाग हरियाणा
चण्डीगढ़ ।



प्रेषक

महा निदेशक
खजाना तथा लेखा विभाग,
हरियाणा, चण्डीगढ़।



18-1-19

सेवा में

सभी मुख्य लेखा अधिकारी, वरिष्ठ लेखाधिकारी,
लेखाधिकारी, अनुभाग अधिकारी।

Secy Labour
18-1-19

यादि क्रमांक 349-टीए-हर (16टी) 2019/

दिनांक

AUF
A.O.
Keep in main
file
21/1

**विषय:—Registration of Govt. Establishments under the Building and other
Construction Workers Welfare (RE&CS) Act, 1996- Insruction therof.**

उपरोक्त विषय के संदर्भ में।

2. विषयाधीन मामले में श्रम विभाग हरियाणा चण्डीगढ़ ने उनके पत्र क्रमांक-10638 दिनांक-3.12.2018 तथा क्रमांक-9384-9540 दिनांक-21.9.2018 द्वारा नई गाईड लाईन जारी की है। आपको निर्देश दिये जाते हैं कि उक्त गाईड लाईन की अनुपालना सख्ती से की जाये।

हस्ता

संयुक्त निदेशक

कृते:—महा निदेशक खजाना तथा लेखा विभाग
हरियाणा चण्डीगढ़।

यादि क्रमांक 349-टीए-हर (16टी) 2019/507 दिनांक 17/11/2019

इसकी एक प्रति निम्न लिखित को सूचनार्थ भेजी जाती है—

1. अतिरिक्त मुख्य सचिव हरियाणा सरकार वित्त विभाग वित्त लेखा शाखा को उनके पत्र क्रमांक-14/03/2018-4 एफ0ए0 दिनांक-10.1.2019 के संदर्भ में।

2. प्रधान सचिव हरियाणा सरकार, श्रम विभाग को उनके पत्र क्रमांक-10638 दिनांक-3.12.2018 के संदर्भ में। mine labour.

Secretariate

संयुक्त निदेशक

कृते:—महा निदेशक खजाना तथा लेखा विभाग
हरियाणा चण्डीगढ़।

O/o PS Labour
No. 1065
Dt. 18/1/2019

PL Exam & Pwr
can file today
a reminder be issued

From

Principal Secretary to Government, Haryana,
Labour Department.

To

1. All the Administrative Secretaries
2. All the Heads of Department
3. All Deputy Commissioner's,
In the state of Haryana
4. All the Vice Chancellors,
In the State of Haryana.

Subject:- No. 9384-9540 Dated: 21-9-18
Registration of Govt. Establishments under the Building & Other
Construction Workers Welfare (RE&CS) Act, 1996.

With reference to subject cited above, it is stated that the Building & Other Construction Workers Welfare (RE&CS) Act, 1996 (in short BOCW Act) is being implemented in the state of Haryana since 2005. The said Act is applicable to every establishment, which employs, or had employed, ten or more building workers in any building or other construction works on any day of the preceding 12 months. As per Section 7 of the BOCW Act, it is mandatory, that every employer in relation to any establishment to which this act is applicable shall make an application to the registering officer for the registration of such establishment. For ready reference, Section 7 is reproduced as below:-

"7. Registration of Establishment:-

(1) Every employer shall -

(a) in relation to an establishment to which this Act applies on its commencement, within a period of sixty days from such commencement; and

(b) In relation to any other establishment to which this Act may be applicable at any time after such commencement, within a period of sixty days from the date on which this Act becomes applicable to such establishment, make an application to the registering officer for the registration of such establishment;

Provided that the registering officer may entertain any such application after the expiry of the periods aforesaid, if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period.

(2) Every application under sub-section (1) shall be in such form and shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) After the receipt of an application under sub-section (1), the registering officer shall register the establishment and issue a certificate of registration to the employer thereof in such form and within such time and subject to such conditions as may be prescribed.

(4) Where, after the registration of an establishment under this section, any change occurs in the ownership or management or other prescribed particulars intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed."

In case of works executed through the contractor, it is the responsibility of the contractor to get the works registered as employers as per section 2(i) of the BOCW Act. In case of works executed directly through the Department, the department is liable to get the works registered. The relevant section is reproduced below:-

2. Definitions. -

- (1) "employer", in relation to an establishment, means the owner thereof, and includes,--
 - (i) in relation to a building or other construction work carried on by or under the authority of any department of the Government, directly without any contractor, the authority specified in this behalf, or where no authority is specified, the head of the department;
 - (ii) in relation to a building or other construction work carried on by or on behalf of a local authority or other establishment, directly without any contractor, the chief executive officer of that authority or establishment;
 - (iii) in relation to a building or other construction work carried on by or through a contractor, or by the employment of building workers supplied by a contractor, the contractor;

It has been observed that Government departments are not getting their establishment registered under the said Act. Non-registration of establishment is violation of the above provision, the contractor covered under the definition of Employer as provided in section 2(i) of the BOCW Act, 1996 is responsible for the registration of the establishment and violator is liable for prosecution under the BOCW Act of 1996.

To ensure that the provision of the Act are followed by the government Departments, it has been decided that all the Government Departments, who undertake the construction work, through contractors, in their respective departments, shall stipulate the following conditions in their contract agreements:-

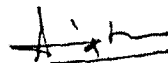
a) Every contractor shall-

- (i) In relation to an establishment to which this Act applies on its commencement, within a period of 60 days from such commencement; and
- (ii) In relation to any other establishment to which this Act may be applicable at any time after such commencement, within a period of 60 days from the date on which this Act becomes applicable to such establishment, make an application to the registering officer for the registration of establishment;

Further, the first running Bill of the contractor shall be cleared only after the receipt of registration certificate under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996 and registration of all the eligible construction workers as a beneficiary of the Haryana Building & Other Construction Worker Welfare Board.

It is therefore, requested that the above are followed by the Departments.
Further, it is requested that the departmental and necessary guidelines may be issued in this regard.

This is issued with the approval of Hon'ble CM.

 19/9/2018

Addl. Chief Inspector of Factories
For Principal Secretary to Government, Haryana
Labour Department.

Regd

From

Principal Secretary to Government, Haryana,
Labour Department.

To

1. All the Administrative Secretaries
2. All the Heads of Department
3. All Deputy Commissioner's,
In the state of Haryana
4. All the Vice Chancellors,
In the State of Haryana.

No. 10007-10162

Dated: 29-10-18

Subject:- Registration of Govt. Establishments under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996.

Please refer to the subject cited above.

Kindly refer to this office letter no. 9384-9540 dated 21.09.2018 on the subject cited above vide which it was informed that the Government has decided that all the Government Departments, who undertake the construction work, through contractors, in their respective departments, shall stipulate the following conditions in their contract/agreements:-

- i) *Every contractor shall make an application to the registering officer for the registration of establishment under the Building and Other Construction Worker Welfare (RE&CS) Act, 1996.*
- ii) *The first running Bill of the contractor shall be cleared only after the receipt of registration certificate under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996 and registration of all the eligible construction workers as a beneficiary of the Haryana Building & Other Construction Worker Welfare Board.*

It was also requested that necessary guidelines may be issued in this regard by the department.

Therefore, you are requested to send the Action Taken Report (ATR) with regard to the above, within a week's time.

 26/10/18

Addl. Chief Inspector of Factories
For Principal Secretary to Government, Haryana
Labour Department



Nitin Kumar Yadav, IAS

D.O. No. 1109-18/PS/LC

LABOUR COMMISSIONER
Haryana Chandigarh

Dated 30th APRIL 2019.

Subject: - Registration of Govt. Establishments under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996.

Please refer to our letter no. 9384-9540 dated 21.09.2018, 10007-10162 dated 29.10.2018 and letter no. 194-280 dated 14.01.2019 on the subject cited above, wherein all the Administrative Secretaries, Heads of Department, Deputy Commissioners and Vice Chancellors were informed about the recent decision taken by the Government that all the Government Departments, who undertake the construction work, through contractors, in their respective departments, shall stipulate the following conditions in their contract agreements:-

- a) Every contractor shall-
- (i) In relation to an establishment to which this Act applies on its commencement, within a period of 60 days from such commencement; and
- (ii) In relation to any other establishment to which this Act may be applicable at any time after such commencement, within a period of 60 days from the date on which this Act becomes applicable to such establishment, make an application to the registering officer for the registration of establishment;

Further, the first running Bill of the contractor shall be cleared only after the receipt of registration certificate under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996 and registration of all the eligible construction workers as a beneficiary of the Haryana Building & Other Construction Worker Welfare Board.

As per reports obtained from field officers of Labour Department there are many govt. construction sites /establishments that are still unregistered and are not applying for registration under BOCW Act, 1996. These establishments may come under the preview of your Department.

Vide letter dated 29.10.2018 and 14.01.2019, it was requested to send the action taken report and a performa was also attached to send the action taken report in this regard. Copy of all the letters and the performa is attached herewith.

You are again requested to issue the directions to the concerned down the line to strictly comply with the decision of the Govt. as mentioned above and also send the action taken report/status report in the attached performa.

Yours Sincerely

/c

Nitin Kumar Yadav
(Nitin Kumar Yadav)

List enclosed

Sh. Rakesh Manocha,
Engineer In Chief,
PWD (B & R), Haryana
Chandigarh

Rakesh Manocha
11/5/19

Sh. K.K. Sindhu, IPS
Managing Director,
Haryana Police Housing Corporation,
Panchkula

K.K. Sindhu
11/5/19

Dr. J. Ganesan, IAS
Chief Administrator,
Haryana Agriculture Marketing Board,
Panchkula

J. Ganesan
11/5/19

Sh. Shatrujeet Singh Kapoor, IPS
Managing Director,
Uttar Haryana Bijli Vitran Nigam,
Panchkula

Sh. Shatrujeet Singh Kapoor, IPS
Managing Director,
Dakshin Haryana Bijli Vitran Nigam,
Hisar

Shatrujeet Singh Kapoor
11/05/19

Sh. Anurag Aggarwal, IAS
Managing Director,
Haryana Vidyut Parsaran Nigam,
Panchkula

Anurag Aggarwal
01/05/2019

Sh. Vineet Garg, IAS
Managing Director,
Haryana Power Generation Corporation Ltd.,
Panchkula

Vineet Garg
11/5/19

Sh. D. Suresh, IAS
Chief Administrator,
Haryana Shahari Vikas Pradhikaran,
Panchkula

D. Suresh
11/5/19

Sh. Wazeer Singh Goyat, IAS
Director,
Development & Panchayats,
Haryana, Chandigarh

Wazeer Singh Goyat
01/05/19

Sh. Sameer Pal Srow, IAS
Director,
Urban Local Bodies, Haryana,
Panchkula

Sameer Pal Srow
01/05/19

Regd

From

Principal Secretary to Government, Haryana,
Labour Department.

To

1. All the Heads of Departments/ Boards/Corporations.
2. All the Vice Chancellors,
In the State of Haryana.

No. 194-280

Dated: 14-1-19

Subject:- Registration of Govt. Establishments under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996.

Please refer to the subject cited above.

Kindly refer to this office letter no. 9384-9540 dated 21.09.2018 and no. 10007-10612 dated 29.10.2018 (copy attached) on the subject cited above vide which it was informed that the Government has decided that all the Government Departments, who undertake the construction work, through contractors, in their respective departments, shall stipulate the following conditions in their contract agreements:-

a) Every contractor shall-

- i. *In relation to an establishment to which this Act applies on its commencement, within a period of 60 days from such commencement; and*
- ii. *In relation to any other establishment to which this Act may be applicable at any time after such commencement, within a period of 60 days from the date on which this Act becomes applicable to such establishment, make an application to the registering officer for the registration of establishment;*



Further, the first running Bill of the contractor shall be cleared only after the receipt of registration certificate under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996 and registration of all the eligible construction workers as a beneficiary of the Haryana Building & Other Construction Worker Welfare Board.

It was requested that above will be followed by the departments also requested that the departmental and necessary guidelines may be issued in this regard.

You were requested vide this office letter dated 29.10.2018 to send the Action Taken Report (ATR) but till date no reply has been received from your side.

You are again requested to kindly send the action taken report/ status report in the performa attached.


(Copy enclosed)


14.1.19
Addl. Chief Inspector of Factories
For Principal Secretary to Government, Haryana
Labour Department


Endst. No.

Dated:-

A copy is forwarded all the Administrative Secretaries with a request to kindly follow up the matter and provide status report in this regard.


Addl. Chief Inspector of Factories
For Principal Secretary to Government, Haryana
Labour Department

Sr. No.	Name of establishment/construction work.	Date of commencement of construction work.	Whether conditions as mentioned vide letter no. 9384-9540 dated 21.09.2018 have been plugged in the agreement or not.	Registered under BOCW Act, Yes/NO	Registration No.

From

Chief Inspector of Factories,
Haryana, Chandigarh

To

1. All Deputy Directors
Industrial Safety and Health
In the state.

No. 1240-46 Dated: 18-3-19
Subject:- Registration of Govt. Establishments under the Building & Other
Construction Workers Welfare (RE&CS) Act, 1996.

Kindly refer to the subject cited above.

It was observed by the Department that various Government departments, who are undertaking the construction work are not getting their establishment registered under the said Act. Non-registration of establishment is violation of the provision of the Act. The contractor covered under the definition of Employer as provided in section 2(i) of the BOCW Act, 1996 is responsible for the registration of the establishment and violator is liable for prosecution under the BOCW Act of 1996.

In order to ensure the provision of the Act are followed by the government Departments, it has been decided that all the Government Departments, who undertake the construction work, through contractors, in their respective departments, shall stipulate the following conditions in their contract agreements:-

a) Every contractor shall-

- (i) In relation to an establishment to which this Act applies on its commencement, within a period of 60 days from such commencement; and
- (ii) In relation to any other establishment to which this Act may be applicable at any time after such commencement, within a period of 60 days from the date on which this Act becomes applicable to such establishment, make an application to the registering officer for the registration of establishment;

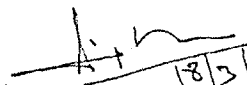
Further, the first running Bill of the contractor shall be cleared only after the receipt of registration certificate under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996 and registration of all the eligible construction workers as a beneficiary of the Haryana Building & Other Construction Worker Welfare Board.

A letter followed by reminders has been sent to all the Administrative Secretaries, all the Heads of Departments, all Deputy Commissioner's, and Vice Chancellors. (copy placed below).

Further, the Finance Department was also requested to issue the instruction to the Sr. Account Officers, (Account Officers, Section Officers) and officers of SAS cadre deputed in various departments that the "the first bill of the contractor, who is carrying out the construction work for the department shall only be cleared after the receipt of registration certificate under the Building & Other Construction Workers Welfare (RE&CS) Act, 1996 and registration of all the eligible construction workers as a beneficiary of the Haryana Building & Other Contraction Worker Welfare Board."

In order to monitor the actual progress at ground level, you are directed to send the list of all Government construction sites, which are running in your area of jurisdiction in the following performa within three days.

Sr. No.	Name & address of Construction site	Name of the Department.	Whether registered or not?	Date of Registration Certificate.	No. of construction workers registered.


18/3/19.
Addl..Chief Inspector of Factories
for Chief Inspector of Factories,
Haryana, Chandigarh

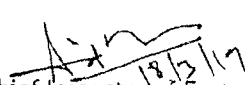
Endst.No.

1247-48

Dated:- 18-3-19

A copy is forwarded to the following:-

1. PS/ Principal Secretary, to Govt. Haryana, Labour for information of worthy Principal Secretary to Govt. Haryana, Labour.
2. PS / Labour Commissioner, Haryana for information of Labour Commissioner, Haryana.


18/3/19.
Addl..Chief Inspector of Factories
for Chief Inspector of Factories,
Haryana, Chandigarh