

Minutes of the Meeting held by Commissioner of Labour – cum – Secretary, Puducherry Building and Other Construction Workers' Welfare Board with the Principal Employers of Government Works and Plan Approval Authorities on 07.02.2018 at 4 p.m. in the Auditorium of Labour Department Complex, Gandhi Nagar, Puducherry – 9.

At the outset, the Commissioner of Labour welcomed the participants and outlined the need for collection of cess without any evasion. It was also brought to the notice of the participants that proper collection and spending of cess is being monitored by Hon'ble Supreme Court and that the provisions of Building & Other Construction Workers (RECS) Act, 1996, (BOCW (RECS) Act) & Building & Other Construction Workers' Welfare Cess Act, 1996 (BOCWW Cess Act) requires compliance in letter and spirit. He stressed that the copies of the plan approval has to be communicated by the Plan Approval Authorities to the Assessing Officers notified under the Building and Other Construction Workers' Welfare Cess Act, 1996 viz. the Assistant Engineer (Planning) - I, Central Office, PWD, Puducherry, Assistant Engineer (Planning), B&R Division, PWD, Karaikal, Assistant Engineer (Planning), PWD, Mahe, Assistant Engineer (Planning), PWD Yanam, in respect of Puducherry, Karaikal, Mahe and Yanam regions respectively for the purpose of correct assessment of cess. And the Construction Completion Certificate is also to be communicated to the Assessing Officer. The Commissioner has also reiterated that the non-collection of cess in respect of buildings where regularization is done by the Planning Authorities after construction work is completed is another area which requires attention and cess has to be collected in those cases also and the details be communicated to the Puducherry Building and Other Construction Workers' Welfare Board (in short 'Board'). The need for early assessment of cess in respect of building and other construction works undertaken in Karaikal Port was emphasized and the Chief Engineer, PWD and the Assessing Officer, Karaikal were requested to ensure speedy assessment of cess. The Labour Commissioner also requested the Assessing

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Officer, Puducherry and Karaikal to inspect the construction works undertaken by Railways in Puducherry and Karaikal regions and to take steps for assessment of cess.

After detailed discussions, the following decisions were taken:-

I. Cess

- a. Cess @ 1% on the total cost of Construction to be collected /deducted by the Additional Cess Collectors and other Principal Employers of Government works without any omission and transmitted to the Board on the same day through NEFT.
- b. Though Cess Collection Charges not exceeding 1% of cess collected is admissible, the same has to be supported with vouchers for actual cost of collection which shall be submitted to the Board or else the entire cess amount collected has to be transmitted to the Board.

II. Registration

- a. Workers engaged for building or other construction works are to be registered with the Board.
- b. Employers/Contractors engaged in building or other construction works have to get their establishment registered with the Registering Officers in Labour Department.
- c. The Principal employers of Government works shall include a clause in the tender as well as in the Agreement/ Work order for registration of establishments under BOCW (RECS) Act.

III. Notice of Commencement/Completion

- a. The Notice of Commencement/Completion of building or other construction works to be submitted to the concerned Inspector in Labour Department before 30 days prior to commencement / completion.

IV. Returns

- a. Employer/ Contractor of building or other construction works to send Annual Return to the Registering Officer in Labour Department.

- b. Employer/ Contractor of building or other construction works to send Monthly Returns on engagement of workers to the Board.
- c. Quarterly return has to be sent by the Additional Cess collectors and other Cess remitters to the Cess Collector within a week after every quarter with a copy marked to the Secretary, Board, so as to know the status of the cess payable, cess paid and balance payable.

V. General

- a. The Plan approval authorities shall incorporate the following conditions under BOCW (RECS), Act while granting plan approval
 - I. Registration of Establishment to be done within 60 days from the date of commencement of work.
 - II. Notice of commencement/completion to the Inspector before 30 days prior to commencement/ completion.
 - III. Returns to be furnished and adequate safety measures to be ensured.
- b. To ensure strict compliance, the Principal Employer of Government works and Plan Approval Authorities shall obtain the Notice of Commencement in Form IV (BOCW (RECS) Act) and Registration Form in Form I (BOCW (RECS) Act) along with DD for fees from the Contractor/Builder and forward to the O/o the Labour Officer (Enforcement), Puducherry, O/o the Labour Officer, Karaikal, O/o the Assistant Inspector of Labour, Mahe, O/o the Assistant Inspector of Labour, Yanam in respect of Puducherry, Karaikal, Mahe & Yanam regions respectively and in addition, the Plan Approval Authorities shall forward a copy of the Plan Approval to the Board for onward transmission to the Assessing Officer for correct assessment of cess.
- c. Employer/builders may be insisted to take adequate measures for safety and health of building workers in the course of their employment.

- d. Compliance of G.O.Ms.No.5 dated.17.03.2015 of the Labour Department has to be ensured.

A brochure containing Guidelines for Principal employers of Government works and Plan Approval Authorities along with statutory Forms pertaining to Registration, Notice of Commencement / Completion, Annual/Quarterly/Monthly Returns, Cess Assessment Application were also circulated for guidance and compliance.

The Labour Commissioner solicited co-operation of all the participants in complying the above and thanked them for the participation.

The list of participants is enclosed herewith in the annexure.



(E. VALLAVAN)

Commissioner of Labour – cum –
Addl. Secretary (Labour) – cum –
Secretary, PBOCWWB