

From

Principal Secretary to Government, Haryana,
Labour Department.

To

Addl. Chief Secretary to Govt. Haryana
Finance Department
Haryana Civil Secretariat, Chandigarh.

No. 10638

Dated: 3-12-18

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

Please refer to the subject cited above along with the copy of letters (copy attached) issued to all the Govt. Departments in this regard.

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.

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.

It was 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-

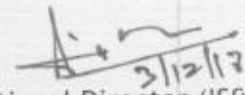
- (i) In relation to an establishment to which this Act applies on its commencement, within a period of 60 days from such commencement; and
- (ii) In relation to any other establishment to which this Act may be applicable at any time after such commencement, within a period of 60 days from the date on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

This has been approved by Hon'ble Chief Minister. All the Govt. Departments have already been requested to follow the above issued necessary guidelines in this regard, vide letter no. 9384-9540 dated 21.09.2018 (copy attached).

Further, in all the Departments, various accounts officers (Chief Account Officer, Sr. Account Officer, Account Officer & Section Officer) are deputed by the Finance Department, and the payment to the contractor are scrutinized and cleared by these accounts officers.

In order to ensure the compliance of decision of Government as mentioned above, it is kindly requested that the various account officers of Finance Department deputed in various department may be instructed that "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 Construction Worker Welfare Board."


Additional Director (IS&H)
for Principal Secretary to Government, Haryana
Labour Department

