

MANIPUR



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GOVERNMENT OF MANIPUR SECRETARIAT : LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

Imphal, the 24th August, 2020

No.5/60/2018-L&E: In exercise of the powers conferred under section 40 and 62 of the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996) and after consultation with the State Expert Committee Constituted under section 5(1) of the Act, the Governor of Manipur is pleased to make the following rules, further to amend the Manipur Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2008, namely:-

The Manipur Building and Other Construction Workers (Regulation of Employment and Conditions of Service) (Amendment) Rules, 2020

1. Short title and commencement:- (1) These rules may be called the Manipur Building and Other Construction Workers (Regulation of Employment and Conditions of Service) (Amendment) Rules, 2020.

(2) These rules shall come into force from the date of their publication in the Official Gazette.

2. Substitution of rule 4 – For rule 4 of the Manipur Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2008 (hereinafter referred to as the Principal Rules), the following shall be substituted, namely, -

“4. Constitution of State Advisory Committee:- The State Building and Other Construction Workers' Advisory Committee (hereinafter referred to as the State Advisory Committee) shall consist of :-

(a) a Chairperson to be appointed by the State Government;

(b) two members of the State Legislature to be elected from the Members of the Manipur Legislative Assembly-members; -

(c) administrative Secretary (Labour & Employment) shall be Member, ex-officio member secretary of the Committee;

(d) a member to be nominated by the Central Government;

(e) the Chief Inspector-member, ex-officio;

(f) not more than two office bearers from registered organisations representing the building and other construction workers to be nominated by the State Government-members;

(g) not more than two office bearers from registered organisations representing the employers connected with the building and construction works to be nominated by the State Government-members;

(h) not more than two persons to be nominated by the State Government for representing one from the State level association of architects or engineers and one from an accident insurance institution-member.”

3. **Substitution of rule 5:** For rule 5 of the Principal Rules, the following shall be substituted, namely, -

“5. Terms of Office:- (1) The Chairperson of the State Advisory Committee shall hold office for a period of three years from the date on which his appointment is notified in the official Gazette.

(2) The term of office of members except that of ex-officio members and the Centrally nominated member shall be two years proviso.

(3) A non-official member or Member of Legislative Assembly shall not be eligible for nomination as member for more than one term consecutively.

(4) The State Advisory Committee shall be reconstituted after every two years (financial year).

The existing State Advisory Committee shall cease to exist from the date of notification of these rules for fresh constitution of State Advisory Committee.”

4. **Substitution of rule 12(2):** For rule 12(2) of the Principal Rules, the following shall be substituted, namely,-

“ (2) The non-Official Members of the State Advisory Committee shall be paid travelling allowance for attending the meeting of the State Advisory Committee at the rates as are admissible to an officer of the State Government enjoying a Grade Pay of Rs. 6600/- and daily allowances shall be calculated at the maximum rate admissible to such officer.”

5. **Substitution of rule 16:** For rule 16 of the Principal Rules, the following shall be substituted, namely, -

“ 16. Quorum:- No business shall be transacted at any meeting of the State Advisory Committee unless at least four members of the State Advisory Committee are present in that meeting:

Provided that if in any meeting of State Advisory Committee less than four members are present, the Chairperson of the State Advisory Committee may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting, whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending”.

6. **Substitution of rules 17(1):** For rule 17(1) of the Principal Rules, the following shall be substituted, namely,-

“(1) The Board constituted under sub-section (1) of section 18 of the Act shall consist of:-

(a) A Chairperson to be appointed by the State Government;

(b) A person to be nominated as member by the Central Government;

(c) The Administrative Secretary shall be ex-officio Member of the Board.

(d) One more member shall be appointed representing the State Government;

(e) Not more than two members representing the employers or their authorised representatives; and

(f) Not more than two members from office bearer of registered organisations representing the building and other construction workers.

Provided that one of the members shall be a woman.”

7. **Insertion of rule 17(3A):** To rule 17(3) of the Principal Rules, the following shall be inserted, namely,-

“(3) (A) The Non-Official Members of the Board shall be paid a fixed consolidated honorarium of Rs.10,000/- per month.”

8. **Substitution of rule 18 :** For rule 18 of the Principal Rules, the following shall be substituted, namely,-

“18. Terms of Office:-

(1) The Chairperson of the Board shall hold office for a period of **3(three) years** from the date on which his appointment is notified in the Official Gazette:

Provided that he shall hold office until the appointment of his successor is notified in the Official Gazette.

(2) The term of members except that of official members shall be **2(two) years**.

(3) A non-official member other than Chairperson shall not be eligible for nomination as member for more than one term consecutively.

(4) The Board shall be reconstituted in every 2(two) years (financial year).

(5) The existing Board(s) shall cease to exist from the date of notification of these rules in official Gazette for fresh constitution of Manipur Building & Other Construction Workers' Welfare Board.

All the decisions/resolutions of the previous Board(s), which have not yet been implemented, shall be treated as null and void from the date of notification of these rules.”

9. **Substitution of rule 24(2):** For rule 24(2) of the Principal Rules, the following shall be substituted, namely,-

“(2) The non-official members of the Board shall be paid travelling allowance for attending the meeting of the Board at the rates as are admissible to an officer of the rank of Director of the State Government enjoying Grade Pay of Rs. 6600/- and daily allowances shall be calculated at the maximum rate admissible to such officer.”

10. **Substitution of rule 26:** For rule 26 of the Principal Rules, the following shall be substituted, namely,-

“26. Meeting:- (1) The Board shall meet at such place and at such time as may be decided by the Chairperson and it shall meet at least once in six months.

(2) The Chairperson of the Board shall preside over every meeting of the Board in which he is present and in his absence, the Administrative Secretary of the Labour & Employment Department shall preside over the meeting with prior-written approval of the Chairperson of the Board.

(3) The administrative Secretary of the Labour & Employment Department may convene a meeting of the Board with prior written approval of the Chairperson of the Board if so required by any exigency.”

11. **Substitution of rule 28:** For rule 28 of the Principal Rules, the following shall be substituted, namely,-

“28. Quorum: - No business shall be transacted at any meeting of the Board unless at least 5 (five) members of Board including the Chairperson are present in that meeting which shall include at least one member representing the building workers;

Provided that if in any meeting of the Board less than 4 (four) members are present, the chairperson of the Board may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting, whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of members attending.”

12. **Insertion of rule 38 and 39:-** After rule 37 in the Principal Rules, the following rules 38 and 39 shall be inserted, namely,-

“38. Welfare Schemes:- The welfare schemes for the Building and other Construction Workers’ and their family members shall be exclusively dealt with by the Board by resolution for the benefit of the workers and their family:

Provided that if the Board is not functional for any reason, the Chairperson of the Board, shall deal with the welfare schemes in consultation with Administrative Secretary of the Department of Labour & Employment.

Provided further that all such welfare schemes dealt with by the Chairperson in absence of the Board, may be placed before the Board for post-facto approval, and this rule shall come into force with retrospective effect from 8.10.2018.

“39. Change in Schedule:- The State Government may amend, add or delete any Schedule attached to these rules, by issuing a simple notification as and when felt necessary for effective implementation of the Act and Rules.”

LETKHOGIN HAOKIP,
Additional Chief Secretary (L&E),
Government of Manipur.