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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.

Minutes of the meeting of the J&K Building and Other Construction Workers Welfare Board scheduled held on 11-7-2011 in Meeting Hall, Room No. 447, 4th Floor, Civil Secretariat, Srinagar, at 11. AM, under the Chairmanship of Hon'ble Minister for Higher Education, Labour & Employment Jammu and Kashmir (Chairman of the Board).

List of the participants is enclosed.

At the outset, the Board approved the minutes of the meeting in toto, which was held on 11-02-2011 at Civil Secretariat, Jammu. Thereafter, the Secretary/CEO of the J&K Building and Other Construction Workers Welfare Board gave a brief account on the functioning of the Board and placed brief agenda items before members of the Board for deliberations. After having deliberated upon issues put forth before the Board, following item-wise decisions were taken:-

1. Identification of Building and Other Construction Workers:-

The J&K Building and Other Construction Workers Welfare Board has already initiated the process of registration of Construction Workers. During this process the the registering officers are finding it difficult in interpreting the rules regarding the identification of beneficiaries/workers eligible for registration under the Act/Rules. Since, it is not possible for the Board to furnish clarification on individual basis, it would be appropriate if the categories of the workers are notified by the Board, for purposes of providing adequate clarification in the matter as also to make the process sail smoothly at the level of registering officers. Accordingly, it was decided to include following categories of workers for purposes of registration under the Act/Rules:-

- (i) Stone cutter or Stone breaker or Stone crusher
- (ii) Mason or Brick layer
- (iii) Painter or varnisher

- (iv) Fitter including bar bender
- (v) Plumber
- (vi) Electrician
- (vii) Mechanic
- (viii) Well sinker
- (ix) Welder
- (x) Mate
- (xi) Mazdoor
- (xii) Sprayman or mixerman (road surfacing)
- (xiii) Wooden or stone packer
- (xiv) Carpenter
- (xv) Well diver for removing silt
- (xvi) Hammerman
- (xvii) Thatcher
- (xviii) Mistry
- (xix) Blacksmith
- (xx) Sawyer
- (xxi) Caulker
- (xxii) Mixer (including concrete mixer operator)
- (xxiii) Pump Operator
- (xxiv) Mixer Driver
- (xxv) Roller Driver
- (xxvi) Kalasis or sarang engaged in heavy Engineering construction like heavy machinery, bridge work, etc.
- (xxvii) Watchman
- (xxviii) Mosaic Polisher
- (xxix) Tunnel Worker
- (xxx) Marbel/Kadappa stone worker
- (xxxi) Road Worker
- (xxxii) Rock breaker and Quarry worker
- (xxxiii) Earth worker connected with construction work
- (xxxiv) Worker engaged in processing lime
- (xxxv) Any other category of workers who is actually engaged in the employment in construction or maintenance of dams, bridges, road, or in any building operations
- (xxxvii) Bricks Manufactory other than the Brick Manufactory under the Factories Act, 1948 (Central Act of 63 of 1948)

(xxxvi) Construction of Pandals

Besides, all skilled and semi-skilled workers engaged by various engineering departments like Civil, Mechanical, Electrical, PHE/I&FC, GREF, MES etc, not included in the aforementioned list but fall within the definition of the Act, shall also be eligible for registration purposes subject to the conditions prescribed under Act/Rules.

2. **Providing of Staff:-**

a) It was decided that for the time being, following staff shall provided by the Labour Commissioner on deputation, as an interim arrangement:-

1.	Labour Officer	-	01 No
2.	Peon	-	01 No

The Salary to the above shall however be drawn from the parent department/office.

b) It was further decided that the Secretary of the Board shall take up the matter separately with DOEAC Society for providing of three Data Operators from the empanelled list of the said Society. These Data Operators shall be paid strictly in accordance with Government notification on the subject matter as regards minimum wages payable to them. (*Action by Labour Commissioner and CEO/Secretary Board*).

3. **Ex-post facto approval of the expenditure**

Pursuant to the Administrative Department's letter No. L&E/Lab/33/2011 dt: 13-4-2011, an amount of Rs. 4.40 lacs has been placed at the disposal of ALCs of all the 22 Districts of the State @ Rs. 20, 000/- per district in order to defray the office expenses and the expenditure incurred by them on awareness campaigns etc, which needs to be approved by the Board. Ex-post facto sanction was accorded by the Board to the above expenditure in this regard, with the condition that the said expenditure shall be the part of Budget already approved in this regard and shall be added under the Caption OE.

4. **Financial Assistance for Higher Education:-**

In the meeting of the Board held on 11-02-2011 the case regarding providing of financial assistance to the school going children of registered workers upto class 12th has already

been approved. Since, the actual dropout rates increases from class 12th onwards due to the reasons that the Higher Education is more expensive as compared to lower classes, it was decided that the facility of extending the facility of financial assistance for higher education shall be as per the following scale:-

1.	B.A, B.Sc, B.Com.	Rs. 10,000/- P.A
2.	M.A., M.Sc., LLB, B.Ed., LLM, M.Com., M.Lib, etc.	Rs. 15,000/- P.A
3.	M.B.B.S, B.E, B. Tech., M.Tech., B.D.S. . B.V.Sc., M.S, M.D etc.	Rs. 50,000/- P.A

The payment of the assistance shall be paid in accordance with the guidelines issued by Government in this behalf.

6. **Coverage of Chronic disease:-**

It was decided that in order to extend the benefit of medical assistance under Sec. 22 (d), and to bring the registered construction workers at par with the Central/State Government employees, the Board shall provide financial assistance to the registered workers suffering from Chronic (Life Consuming) diseases i.e. Cancer, Renel Failure, Brain Haemorrhage, TB, Heart Disease and other specified life consuming diseases notified by the Government from time to time. However, the financial assistance of Rs. 1.00 Lac or actual expenditure incurred during hospitalization, whichever is less in a particular financial year shall be paid during period of hospitalization only.

8. **Mandatory registration of Employers.**

Pursuant to the Hon'ble Supreme Court directions, circular instructions have already been issued to all the executing agencies, whereby these agencies have been advised to get themselves as well as their employers/employees of the employers registered with the Board as required under the J&K Building and Other Construction Workers (RE & CS) Act and Building and Other Construction Workers Cess Act and the rules made thereunder. However, it has been observed that the response from various executing agencies is very poor. Therefore, in order to ensure mandatory registration it was decided that it shall be made mandatory for all the contractors to get themselves and their workers registered with the Board. It was further decided that the Administrative Labour and Employment Department shall issue a Government Notification/Order in this regards at an earliest possible time. *(Action by Administrative Labour & Employment Deptt.).*

9. Monitoring the process of implementation of schemes under the Act at district level

It was decided that the Secretary/CEO of the Board shall take up the matter with to all the Deputy Commissioners to constitute committees at District Level for monitoring the implementation of the Act/Rules in an effective manner. Such committees will meet at regular intervals to give necessary feedback to the Board for removal of the difficulties, wherever occurring in smooth implementation of the schemes envisaged under the Act. *(Action by CEO/Secretary Board).*

10. Reward/Incentives for registering officers

It was decided that ALC who will cross registration beyond 5000 and will help the Board to extend benefit like scholarship to the children and other schemes beyond 1000 would be given a citation by the Board.

11. Waiving off of Annual fee

It was decided that for the annual fee of Rs. 100/- already approved by the Board from the construction workers for renewal of registration shall be waived off. It is further decided that the registration of workers shall be for a period of two years at a time in the first instance on payment of normal charges @ Rs. 10/- per worker and there will be no requirement for renewal of registration on expiry of the first year as is the practice in vogue.

12. Deputation Allowance

The proposal was not agreed to by the Board.

13. Inspection of records

It was decided that the Secretary/CEO of the Board shall take necessary action in this regard as prescribed under the provisions of the Act. However, detailed procedure shall be drawn in the Rules to be framed by the Government.

14. Awareness by executing Agency

After detailed discussion regarding tendering process as well with regard to the empanelment of the advertising agency, the Board decided that the Commissioner/Secretary Labour and Employment Department shall get the matter sorted out within a period of ten days in consultation with Director Finance L&E Department (chairman of the Committee). *(Action by Commissioner/Secretary Labour & Employment Deptt.).*

15. Purchase of Vehicle

As an interim arrangement, a vehicle has been hired for smooth functioning and mobility but the arrangement is not satisfactory. Since, even after hiring of the vehicle it does not become a permanent asset of the Board, it would be more appropriate to have a permanent vehicle for the purpose, which is besides being the property of the Board would be more economical than the present arrangement. It was, as such, decided that Secretary/CEO of the Board shall purchase a Bolero-AC vehicle, through State Motor Garages, after obtaining administrative approval from the Labour and Employment Department. The actual expenditure on this account shall be borne by the Board and the expenditure so incurred shall form part of the Budget of the Board for the financial year 2011-12. An amount of Rs.1.00 lac as fuel charges was also approved for the remaining period of the current financial year. The post of driver shall be outsourced subject to payment of minimum wages in accordance with the Government Orders issued on the subject matter. *(Action by Administrative Labour & Employment Department and CEO/Secretary of the Board).*

15. Hiring of Mobile Vans for providing Medicare facilities

The proposal was deferred till the registration of workers crosses 30,000 mark.

16. Delegation of power to the Secretary for sanction of benefits under welfare schemes

Since, the Rules regarding sanctioning of benefits under various welfare schemes have not been finalised till date, it was decided that the Secretary of the Board shall, on individual merits of each case, accord necessary sanction to the benefits under various welfare schemes adopted by the Board as envisaged under the Act, after obtaining prior approval of the Chairman of the Board.

17. Issuance of guidelines for implementation and sanctioning of the Welfare Schemes

Since, the Rules regarding implementation of welfare schemes are yet to be finalised, it was decided that the Administrative Labour and Employment Department shall issue necessary detailed guidelines in this behalf, within a period of ten days. *(Action by Administrative Labour & Employment Department).*

18. Finalisation of Rules

The Secretary/CEO of the Board was advised to provide draft rules to the Expert Committee constituted for the purpose. It was decided that the Expert Committee shall

furnish its comments/views to the Administrative Labour and Employment Department within a period of ten days to ensure that the rules are finalised within a period of 20 days after having the same vetted by the Department of Law, Justice and parliamentary Affairs. (*Action by Commissioner/Secretary Labour & Employment Department Administrative*).

The meeting ended with a word of thanks to the Chair.

**(SYED MURIED HUSSAIN), KAS
CEO/Secretary,**

**No: CEO/J&K/BCB/011/2359-74 J&K Building and Other Construction
Dated:14.07.2011 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, Housing and Urban Development Department Civil Secretariat, Srinagar.**
- 3. Commissioner/Secretary to Government, Finance 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, JK PCC Ltd., 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. Office file for records.**

List of participants

1. Farooq Ahmed Peer, IAS Commissioner/Secretary Labour & Employment Department. (*Member*)
2. G.H. Tantray, IAS Secretary Law Department. (*Member*)
3. Shahid Anayatullah, IAS Labour Commissioner J&K Govt. (*Member*)
4. Ravi Magotra, Director General Budget. (*Rep. of Commissioner/Secretary Finance*)
5. Madan M Gupta, M.D. JKPCC. (*Member*)
6. Mushtaq Ahmed Malik, MD J&K Cements Ltd. (*Member*)
7. S. Shabir Shafi, Joint Director Housing & Urban Development Department. (*Rep. of Commissioner/Secretary Housing & Urban Development Department*).
8. Sajad Naqash, Joint Director Planning Labour & Employment Department. (*Special Invitee*).
9. Ram Rakha, Member of the Board.
10. Raj Bakshi, Member of the Board.
11. Farooq Ahmed Shah, Accounts Officer of the Board.