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## LABOUR & E.S.I. DEPARTMENT

### NOTIFICATION

The 30th May, 2019

**S.R.O. No. 187/2019**— In exercise of the powers conferred by section 62 read with section 40 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, (Act 27 of 1996), the State Government after consultation with the Expert Committee, do hereby make the following rules further to amend the Odisha Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2002, namely:—

1. Short Title and Commencement - (1) These rules may be called the Odisha Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Amendment Rules, 2019.

(2) They shall come into force on the date of their publication in the Odisha Gazette.

2. In the Odisha Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002 (hereinafter referred to as the said rules), in rule-265 in sub-rule (2) for clauses (iii) and (iv), the following clauses shall be substituted, namely:—

"(iii) A certificate of employment, issued by the employer indicating the duration of employment. In case such certificate is not available, a certificate issued by a registered Trade Union working for the construction workers of the area or a certificate issued by an Inspector appointed under the Act having Jurisdiction or self-certification to that effect filed by the concerned worker containing full details of the sites, employer and no. of days of work performed etc'

(iv) receipt showing payment of registration fee of Rs.20 in cash;

(v) nomination in form XXXI;

(vi) Copy of Elector's Photo ID Card (EPIC);

(vii) Copy of first page of his/her bank passbook having IFSC Code; and

(viii) Copy of Aadhar Card."

3. In the said rules in rule-266 , for sub-rule (1) and (4) the following sub-rules shall be substituted, namely:-

“(1) Registering Officer of the Board, after receiving the application under rule 265, shall register the name of the worker as a beneficiary under the Act. If such applicant worker has complied with all the requirements as laid down in these rules shall be issued an Identity Card with his photograph duly affixed thereon in Form XXVIII. The identity card is to be provided with enough space for getting entered therein the details of the building or other construction work done by him in the form of employment dairy or pass book and the number of days worked. Every employer shall authenticate such employment and return it to the beneficiary. The Registering Officer may verify such employment details during deposit of each Annual Contribution and maintain a register of identity card so issued in Form XXIX.

(4) In case of detection of any fraud, false registration, action may be taken by the Registering Officer against the persons/ agencies/ facilitators/ authorities involved in the process of making fake registration, such as blacklisting of the said entities as well as suspension from issuing Employment Certificate as per clause(iii) of sub-rule (2) of rule-265 and/or cancellation of Registration Certificate/ Identity Card (cessation of membership) and/or recovery of assistance sanctioned by the Board and/or similar action as the case may be, with sufficient grounds and with prior approval of the Member Secretary of the Board."

4. In the said rules, in rule 267, for sub-rules (1) and (3) the following sub-rules shall be substituted, namely:--

" (1) Every registered beneficiary shall contribute to the Fund at the rate of Rs. 50/- (Rupees Fifty) per annum to be remitted to the Board through the Registering Officer entrusted with registration of beneficiaries. This contribution may be remitted in advance once during any time of the year to the Registering Officer appointed by the Board through due acknowledgement / money receipt / Bank Receipt. For the above purpose, "year" means financial year as defined u/r. 248 (g).

(3) If a beneficiary commits default in the payment of contribution continuously for a period of three years, he shall cease to be a beneficiary of the fund. However, with

the permission of the Secretary of the Board or any Officer authorized by him in this behalf, the membership may be resumed on payment of arrears of contribution on due satisfaction of the Secretary or authorized officer subject to the condition that such resumption shall not be allowed more than twice .

Provided that if a registered beneficiary is willing to deposit his annual contribution after cessation of membership, he may be registered afresh as a new beneficiary under the Board with due procedure as in case of new registration. But, he should not avail the entitled benefit or assistance which he has already availed during his previous registration."

5. In the said rules, in rule 270, for clauses (C) and (D), the following clauses shall be substituted, namely:--

"(C) Permanent total disablement from injuries other than those specified in item (A) and (B) above Rs. 80,000 (rupees eighty thousand) only;

(D) In case of permanent and partial disablement as specified in the **following table** the Board will decide the modus operandi to find out the genuine case for extending the benefit.

Sl. No.	Name of Disablement	Composition in percentage to be applied on Rs.1,00,000		Percentage
1.	Loss of toes	All	:	20
		Great both phalanges	:	05
		Great one phalanx	:	02
		Other than great, if more than one to last each.	:	01
2.	Loss of hearing	Both ears	:	50
3.	Loss of hearing	One ear	:	15
4.	Loss of four fingers and thumb on one hand		:	40
5.	Loss of four fingers		:	35
6.	Loss of thumb	Both phalanges	:	25
7.	Loss of index finger	Three phalanges	:	10
		Two phalanges	:	08
		One phalanx	:	04

Sl. No.	Name of Disablement	Composition in percentage to be applied on Rs.1,00,000		Percentage
8.	Loss of middle finger	Three phalanges	:	06
		Two phalanges	:	04
		One phalanx	:	02
9.	Loss of ring finger	Three phalanges	:	05
		Two phalanges	:	04
		One phalanx	:	02
10	Loss of little finger	Three phalanges	:	04
		Two phalanges	:	03
		One phalanx	:	02
11.	Loss of meta ear pal 1 <sup>st</sup> and 2 <sup>nd</sup>	(additional)	:	03
	3 <sup>rd</sup> , 4 <sup>th</sup> and 5 <sup>th</sup> .	(additional)	:	02
12	Any other permanent partial disablement		:	Percentage as assessed by the Doctor.

6. In the said rules, in rule 271,

(a) for sub-rules (1) and (2), the following rules shall be substituted, namely:--

"(1) The Board may sanction an amount of Rs. 2,00,000/- (rupees two lakh) to the nominees of beneficiary towards normal death benefit.

If death is caused due to an accident during the course of employment, the nominee of the beneficiary shall be given financial assistance to the tune of rupees 4,00,000/- (rupees four lakh) towards death benefit. Payment of death benefit under this rule shall be made by the Board if the membership of the registered beneficiary has not ceased under sub-rule (3) of rule 267 on the date of death and there is no Group Insurance Scheme for the building worker / registered beneficiary undertaken by the Board with an Insurance Company. If Group Insurance is taken up by the Board as per rule 274, death benefit as envisaged in this rule may not be applicable.

In the absence of nomination, the assistance towards death and funeral may be sanctioned in favour of the legal heir of the deceased on production of legal heir certificate from the Competent Authority. In case of more than one legal heir, an affidavit shall be obtained from all legal heirs regarding who will receive the assistance on their behalf.

Payment of death benefit shall be made available within a period of sixty days from the date of death application.

(2) A nominee who is entitled to Death Benefit under this rule shall submit to the Secretary or any other Officer authorized by him an application in Form XXXV. A certificate regarding the natural or accidental death issued by a Government Doctor not below the rank of an Assistant Surgeon shall be produced along with the application and other documents specified by the Board. In case of accidental death on the construction site, the death application along with the following documents shall be produced:--

- (i) Death certificate.
- (ii) Police FIR.
- (iii) Postmortem report.
- (iv) Inquiry report of any Labour Official not below the rank of Assistant Labour Officer."

**Note:** In such cases, assistance will be extended to the nominee or legal heir as the case may be, of the deceased beneficiary irrespective of his place of death.

(b) After sub rule-(5), the following sub-rule shall be inserted, namely:--

"(6) In case, the nominee is a minor, the amount of death benefit may be sanctioned subject to the condition that the amount transferred shall not be withdrawn unless the nominee attains the age of major or in case of exigency, the same may be withdrawn with due approval of the Member Secretary of the Board."

7. In the said rules, for rule 272, the following rule shall be substituted, namely:--

" 272. A registered building or other construction worker, who has remained registered for a minimum period of ten years (with up-to-date annual contribution) and completed sixty years of age shall be eligible for pension. The terms and conditions, quantum and sanction of pension shall be in accordance with the provisions laid down under the - "Nirman Shramik Pension Yojana (NSPY) scheme" as formulated by the Government of

Odisha as revised from time to time without amending the Rules. However, the minimum qualifying period of ten years shall not be applicable in other categories like widow pension, physically challenged construction worker etc. This scheme will be implemented through the Social Security and Empowerment of Persons with Disabilities Department."

8. In the said rules, after rule 273, the following rule shall be inserted, namely:--

"273-A. A registered building or other construction worker, who has remained registered at least for a year, shall be eligible for housing in rural areas. The terms and conditions, quantum and sanction of house shall be in accordance with the provisions laid down under the - "Nirman Shramik Pucca Ghar Yojana (NSPGY) scheme" as formulated by the Government of Odisha .This scheme will be implemented through the Panchayati Raj and Drinking Water Department in rural areas.

For migrant construction workers in urban areas, a scheme namely, Rental Housing Complex (RHC) shall be implemented in convergence with Housing & Urban Development Department."

9. In the said rules, for rule 275, the following rule shall be substituted, namely:--

"275. The Board shall grant financial assistance for education to the children of the beneficiaries having a continuous registration for a period of one year for continuing their studies in the following manner,---

<b>(i) For class- 6<sup>th</sup> and 7<sup>th</sup> to girl child -</b>	<b>Rs. 2,000/- per annum</b>
<b>(ii) For class- 8<sup>th</sup> to all children</b>	<b>Rs. 2,000/- per annum</b>
<b>(iii) For class- 9<sup>th</sup> to all children</b>	<b>Rs. 3,000/- per annum</b>
<b>iv) For class- 10<sup>th</sup> to all children</b> <b>(Cash award to the children securing 90% or</b> <b>Above in Class- 10<sup>th</sup> )</b>	<b>Rs. 4,000/- per annum</b> <b>Rs. 10,000/- (one time)</b>
<b>(v) For 11th and 12th class</b>	<b>Rs. 5,000/- per annum</b>
<b>(vi) For B.A / B.Sc/ B.Com/ PG Studies</b>	<b>Rs. 7,000/- per annum</b>
<b>(vii) For B.Ed / CT/ Nursing Training / Other</b> <b>similar course in Govt. Institutes</b>	<b>Rs.10,000/- per annum</b>

(viii) For B. Tech/ M.Sc / MCA/ MBA/ B. Arch/ M.Arch./ M. Tech/ B. Pharm/ M. Pharm / Hotel Management and Catering Services/ Medical (includes Allopathic, Ayurvedic & Homeopathic) in Govt. Colleges only	Rs.40,000/-per annum
(ix) For ITI & Diploma/ Polytechnic course in Govt. Institutes –( Nirman Kusum)	As per the Fee Structure Submitted by Skill Development and Technical Education Department

Twenty percent (20%) additional benefits over and above the normal educational assistance in the above category from sl. no. (ii) to (viii) shall be extended to the beneficiaries in case the benefit is being extended in respect of a girl child of the registered beneficiary.

The financial assistance for education to the beneficiary shall be entitled upto two children. In case both the spouses are registered beneficiary, either of them will be eligible to get benefit of educational assistance. The Board may require the beneficiary to submit an application in Form-XLII with such documents and within such time as may be specified by the Board and it shall be ensured that the beneficiary ward maintains 50% of the annual attendance in the class. A certificate to that effect may be obtained from the concerned educational institutions."

10. In the said rules, for rule 276, the following rule shall be substituted, namely:--

"276. Financial Assistance for Medical Expenses - The Board may sanction financial assistance upto Rs.3,00,000/- (Rupees three lakhs) towards medical expenses for treatment of major ailments such as disease of Brain, Heart, Kidney and Cancer, in-Insulin dependent, Thalassemia-cum-Sickle cell in lines of Odisha State Treatment Fund, for a beneficiary who has been registered for not less than one year and his dependent family members.

The beneficiary shall avail cash less medical treatment and the cost towards treatment shall be reimbursed to Odisha State Treatment Fund as per prescribed guidelines of the Government. The beneficiaries who are covered under Biju Swasthya Kalyan Yojana or similar scheme can not avail the above benefits."

11. In the said rules, for rule 277, the following rule shall be substituted, namely:--

"277. Maternity Benefit Amount- The maternity benefit @ Rs.10,000/- (Rupees ten thousand) only per child shall be given to the female beneficiaries subject to maximum of two children who are registered beneficiaries for a period of one year over and above the other benefits. The Board may require such employees to submit application in Form XLI with such documents and within such time as may be specified by the Board. "

12. In the said rules, in rule 278,

(a) for sub-rules (2) and (3), the following sub-rules shall be substituted, namely:--

"(2) The Board may grant financial assistance upto Rs.4,000/- (Rupees four thousand) for purchase of working tools and upto Rs.1,000/- (Rupees one thousand) for purchase of safety equipment to the registered beneficiary, subject to production of purchase receipt of admissible items from a registered shop or company. Such benefits may also be distributed to the registered Building and other Construction workers in camp mode. The application shall be in Form XLIV with such documents and be made within such period as may be specified by the Board.

(3) The Board may grant financial assistance upto Rs.4,000/- (Rupees four thousand) for purchase of bicycle by a beneficiary who has completed at least one year of registration, subject to production of purchase receipt from a registered shop or company. Bi-cycles may also be distributed to the registered Building and other Construction Workers in camp. The application shall be in Form XLIV and be accompanied with such documents and be made within such period as may be specified by the Board. "

(b) after sub-rule(3), the following sub-rule shall be inserted, namely: --

"(4) In case of reimbursement of assistance towards working tools, safety equipment and bi-cycles purchased by beneficiary, the beneficiary will be solely responsible for authenticity of the bills towards purchase of article. In case of detection of fraud on account of double receipt of assistance or receipt of assistance on the basis of fraudulent documents/bills, the amount released to the beneficiary against such assistance may be recovered from the applicant under the provisions of OPDR Act and his/her membership shall be ceased."



**13.** In the said rules, for rule 278-A, the following rule shall be substituted, namely:-

"278-A. The Board shall extend an amount of Rs. 5,000 (Rupees Five thousand) as funeral assistance to the nominee / legal heir of the deceased beneficiary, in case of death of a registered beneficiary. The Board may also require the nominee/ legal heir of the beneficiary to submit an application in form XLIII with such documents and within such time as may be specified by the Board. "

**14.** In the said rules, for rule 278-B, the following rule shall be substituted, namely:-

"278-B. The Board shall extend an amount of Rs. 50,000/- (Rupees fifty thousand) only towards marriage assistance to the unmarried beneficiary on her marriage or marriage of two unmarried girl children who are of above 18 years of age subject to minimum of one year as registered beneficiary. In case, both the spouses are registered beneficiary, either of them will be eligible to get benefit of marriage assistance. The Board may require such employees to submit application in Form XLV with such documents and within such time as may be specified by the Board. In case of self-marriage, the benefit can be availed by any beneficiary only once during her lifetime. However, for sanction of marriage assistance, the marriage certificate issued by Competent Government Authorities will be taken into account as documentary proof of marriage in all cases."

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By Order of the Governor

ANU GARG

Principal Secretary to Government