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NOTIFICATION

No. B. 16012/4/2016 – LE&IT, the 20th June, 2017. In exercise of the powers conferred under section 40 and section 62 of the Building & Other Construction Workers (RE&CS) Act, 1996, the Governor of Mizoram is pleased to amend the Mizoram Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Rules, as published in the Mizoram Gazette, Vol - XLV, Extra Ordinary Issue No. 134 dated 20.05.2015, namely :-

1. ***Short title and commencement***
 - (1) These Rules may be called the Mizoram Building and Other Construction Workers (Regulation of Employment and Conditions of Service) (Amendment) Rules, 2017.
 - (2) They shall come into force from the date of publication in the Official Gazette.

1. ***Amendment of rule 2***

Sub-rule (ka) of rule 2 of the Mizoram Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2015 (hereafter called the Principal Rules) shall stand deleted.

2. ***Amendment of rule 5***

Sub-rule (9) of rule 5 of the Principal Rules shall be substituted by the following, namely –

“(9) It shall be the duty of the employer to abide by the dates fixed and notified by him for payment of wages for a period in accordance with these rules and no change in such dates and such period shall be effected without notice to the building workers and the Inspector. The employer shall ensure timely payment of wages as specified under these rules and at the place and time notified by him. Where the employer is a contractor, he shall ensure that the wages of building workers are paid in the presence of a representative of the employer of establishment or owner of premises from whom he has taken the work on contract and obtain signatures of such representative in token of having witnessed the payment of wages.”

3. ***Amendment of rule 17*** Clause (a) of sub-rule (1) of rule 17 of the Principal Rules shall be substituted by the following, namely –
- “(a) The State Government may appoint one of its officers not below the rank of Deputy Secretary to the Govt. of Mizoram as Secretary of the State Advisory Committee and appoint such other staff, being in the service of the State Government, as it may think necessary, to enable such Committee to carry out its functions.”
4. ***Amendment of rule 24*** In sub-rule (1) of rule 24 of the Principal Rules, the words and figure “of sub-section 7 of the Act” shall be substituted by the words and figures “of sub-section (1) of section 7 of the Act”
5. ***Amendment of rule 26*** The heading of rule 26 of the Principal Rules shall be substituted by the following, namely –
- “Conditions of registration:-”
6. ***Amendment of rule 36*** (1) In clause (b) of rule 36 of the Principal Rules, the word “lighting” shall be substituted by the word “lifting”.
- (2) In clause (c) of rule 36 of the Principal Rules, the words “shade of ” shall be substituted by the words “sheds or”
7. ***Amendment of rule 38*** In rule 38 of the Principal Rules, the word “employee” shall be substituted by the word “employer”.
8. ***Amendment of rule 39*** Sub-clause (i) of clause (b) of sub-rule (1) of rule 39 of the Principal Rules shall be substituted by the following, namely –
- “(i) the intentions and commitments of the establishment regarding health, safety and environmental protection of building workers;
9. ***Amendment of rule 40*** Clause (b) of rule 40 of the Principal Rules shall be substituted by the following, namely –
- “(b) no building worker is allowed to enter any confined space or tank or trench or excavation wherein there is given off any dust, fumes or other impurities of such nature and to such extent as is likely to be injurious or offensive to the building worker or in which explosives, poisonous, noxious or gaseous material or other harmful articles have been carried or stored or in which dry ice has been used as a refrigerant, or which has been fumigated or in which there is a possibility of oxygen deficiency, unless all practical steps have been taken to remove such dust, fumes, or other impurities and dangers which may be present and to prevent any further ingress thereof, and such workplace or tank or trench or excavation is certified by the responsible person to be safe and fit for the entry of such building workers.”

10. ***Amendment of rule 41*** In clause (c) of rule 41 of the Principal Rules, the word "form" shall be substituted by the word "from".
11. ***Amendment of rule 42*** (1) Sub-rule (1) of rule 42 of the Principal Rules shall be substituted by the following, namely –
" (1) All passageways, platforms and other places of construction work at the building or other construction work shall be kept by the employer free from accumulations of dust, debris or similar material and from other obstructions that may cause tripping;
(2) In sub-rule (7) of rule 42 of the Principal Rules, after the words "relating to" and before the words "or other construction work", the word "building" shall be inserted.
12. ***Amendment of rule 48*** In sub-rule (2) of rule 48 of the Principal Rules, the figure "1998" shall be substituted by the figure "1988".
13. ***Amendment of rule 50*** In rule 50 of the Principal Rules, after the words "working conditions" and before the words "a site", the word "at" shall be inserted.
14. ***Amendment of rule 55*** (1) In sub-clause (ii) of clause (b) of rule 55 of the Principal Rules, after the words "at least" and before the words "dead turns", the word "three" shall be inserted.
(2) In sub-clause (v) of clause (d) of rule 55 of the Principal Rules, after the word "locking" and before the words "to prevent", the word "device" shall be inserted.
15. ***Amendment of rule 57*** In sub-clause (i) of rule 57 of the Principal Rules, the word "job" shall be substituted by the word "jib".
16. ***Amendment of rule 58*** In sub-clause (iii) of clause (a) of rule 58 of the Principal Rules, the word "dramatic" shall be substituted by the word "drums".
17. ***Amendment of rule 64*** In clause (d) of rule 64 of the Principal Rules, after the word "lifting" and before the word "is", the word "operation" shall be substituted by the word "appliance"
18. ***Amendment of rule 65*** In clause (v) of rule 65 of the Principal Rules, the word "poles" shall be substituted by the word "pawls".
19. ***Amendment of rule 69*** In clause (3) of rule 69 of the Principal Rules :-
a) the word "stretch" shall be substituted by the word "stretched"
b) after the words "five percent" and before the words "its length", the word "or" shall be substituted by the word "of".

- 20. Amendment of rule 71** Clause (5) of rule 71 of the Principal Rules shall be substituted by the following, namely –
- “ (5) a thimble or loop splice made in any wire rope sling conforms to the following standards, namely:—
- (i) wire rope sling shall have at least three tucks with full strand of rope and two tucks with one-half of the wires cut out of each of such strand in all cases, such strands shall be tucked against the lay of the rope;
- (ii) protruding ends of such strands in any splice of wire rope slings shall be covered or treated so as to leave no sharp points;
- (iii) a fibre rope or a rope sling shall have at least four tucks; tail of such tuck being whipped in a suitable manner; and
- (iv) a synthetic fibre rope or rope sling shall have at least four tucks with full strand followed by further tuck with one-half filaments cut out of each of such strand and final tuck with one-half of the remaining filaments cut out from such strands. Any portion of the splices containing such tucks, with reduced number of filaments, shall be securely covered with suitable tape or other materials:
- Provided that nothing contained in this sub-clause shall apply where any other form of splice, which may be shown to be as efficient as the splice with above standards, is used.”
- 21. Amendment of rule 73** In rule 73 of the Principal Rules, the word “that” shall be omitted.
- 22. Amendment of rule 79** In clause (a) of rule 79 of the Principal Rules, the word “look” shall be substituted by the word “hook”.
- 23. Amendment of rule 86** In clause (vi) of sub-rule (2) of rule 86 of the Principal Rules, the word “was” shall be substituted by the word “has”.
- 24. Amendment of rule 112** In rule 112 of the Principal Rules, the word “sop” shall be substituted by the word “so”.
- 25. Amendment of rule 118** The phrase “method of demolition like use of swinging weight, clamshell bucket, power shovel, bulldozer or other similar mechanical methods are used for the purpose of demolition, namely” before clause (a) of rule 118 of the Principal Rules shall stand deleted.
- 26. Amendment of rule 120** After rule 119 of the Principal Rules, figure “129” shall be substituted by the figure “120”.
- 27. Amendment of rule 126** In rule 126 of the Principal Rules, at the heading, the word “Filling” shall be substituted by the word “Piling”.
- 28. Amendment of rule 142** Rule 142 of the Principal Rules shall be substituted by the following, namely -

“142. Coupling and hoses.—The employer shall ensure at a construction site of a building or other construction work that only high pressure hydraulic hoses and couplings are used on hydraulic plants underground and such hoses and couplings are adequately protected against any possible damage in excavation or tunneling work.”

- 29. Amendment of rule 148** In clause (c) of rule 148 of the Principal Rules, after the words “whenever a” and before the words “breaks out”, the word “fire” shall be inserted.
- 30. Amendment of rule 181** In clause (a) of rule 181 of the Principal Rules, the word “shorting” shall be substituted by the word, “shoring”.
- 31. Amendment of rule 182** In rule 182 of the Principal Rules, the word “shorting” shall be substituted by the word, “shoring”.
- 32. Amendment of rule 183** In clause (b) of rule 183 of the Principal Rules, the word “shorting” shall be substituted by the word, “shoring”.
- 33. Amendment of rule 192** In clause (b) of rule 192 of the Principal Rules, the word “designated” shall be substituted by the word “designed” and the word “then” shall be substituted by the word “them” .
- 34. Amendment of rule 193** In clause (a) of rule 193 of the Principal Rules, the word “if” shall be substituted by the word “is”.
- 35. Amendment of rule 197** In clause (b) of rule 197 of the Principal Rules, the word “consultant” shall be substituted by the word “consultation”.
- 36. Amendment of rule 200** In clause (b) of rule 200 of the Principal Rules, the word “laded” shall be substituted by the word, “lashed”.
- 37. Amendment of rule 204** In clause (c) of rule 204 of the Principal Rules, the word “swing” shall be substituted by the word, “swinging”.
- 38. Amendment of rule 205** In clause (a) of rule 205 of the Principal Rules, the word “fettling” shall be substituted by the following word, “tilting”
- 39. Amendment of rule 208** Sub-rule (2) of rule 208 of the Principal Rules shall be substituted by the following, namely –
- “(2) The main functions of the Safety Committee shall be—
- (a) to identify probable causes of accident and unsafe practices in building or other construction work and to suggest remedial measures;
- (b) to stimulate interest of employer and building workers in safety by organising safety weeks, safety competition, talks and film shows on safety, preparing posters or taking similar other measures as and when required or as necessary;

(c) to go round the construction site with a view to check unsafe practices and detect unsafe conditions and to recommend remedial measures for their rectification including First Aid Medical and Welfare Facilities;

(d) to look into the health hazards associated with handling different types of explosives, chemicals and other construction material and to suggest remedial measures including use of proper personal protective equipment;

(e) to suggest measures for improving welfare amenities in the construction site and other miscellaneous aspects of safety, health and welfare in building or other construction work;

(f) to bring to the notice of the employer the hazards associated with use, handling and maintenance of the equipment used during the course of building and other construction work."

40. Amendment of rule 210

In sub-clause (i) of clause (b) of sub-rule (1) of rule 210 of the Principal Rules, the figure "39" shall be substituted by the figure "3".

41. Amendment of rule 229

Rule 229 of the Principal Rules shall be substituted by the following, namely -

"229. Occupational health services for the building workers:—The employer shall ensure at a construction site of a building or other construction work, where more than five hundred building workers are employed that—

(a) a special medical service or an occupational health service is available at such construction site at all times and such service shall—

(i) provide first-aid and emergency treatment;

(ii) conduct special medical examination for occupational hazards to such, building workers before their employment and thereafter at such intervals as may be specified by the Labour Commissioner from time to time;

(iii) conduct training of first-aid personnel of such medical service;

(iv) render advice to such employer on conditions of work and improvement required to avoid hazards to the health of such building worker;

(v) promote health education, including family welfare among such building workers;

(vi) cooperate with the Inspector having jurisdiction in the detection, measurement and evaluation of chemical, physical or biological factors suspected of being harmful to such building workers;

(vii) undertake immunization for all such building workers against tetanus, typhoid, cholera and other infectious diseases;

(b) the special medical service referred to in clause (a) collaborates with the labour department or any other concerned department or service of the Government of Mizoram in matters of treatment, job placement, accident prevention and welfare of such building workers;

(c) the special medical service referred to in clause (a) is headed by a construction medical officer and is provided with adequate staff, laboratory and other equipment;

(d) the premises of the special medical service referred to in clause (a) are conveniently accessible, comprise at least a waiting room, a consulting room, a treatment room, a laboratory and suitable accommodation for nurses and other staff of such service;

(e) the special medical service referred to in clause (a) maintains records pertaining to its activities referred to in sub-clauses (i) to (vii) of clause (a) and sends to the Labour Commissioner, once in every three months, information in writing on—

(i) the state of health of such building workers; and

(ii) the nature and causes of occupational injuries or disease suffered by any of such building workers, treatment provided to such worker and measures taken to prevent recurrence of such injury or disease.”

42. Amendment of rule 244

In clause (ii) of sub-rule (3) of rule 244, after the word “lime-washed” and before the word “once”, the word “or colour-washed” shall be inserted

43. Amendment of rule 250

In sub-rule (3) of rule 250 of the Principal Rules, the word “clause” shall be substituted by word “rule”.

44. Amendment of rule 260

Rule 260 of the Principal Rules shall be substituted by the following, namely –

“260 – Minutes of the meeting – Every decision taken at a meeting of the Board shall be recorded in a minutes book and signed by the Chairperson. The minutes shall be sent to the State Government for approval. The minutes book shall be a permanent record.”

45. Amendment of rule 266

1) Sub-rule (2) of rule 266 of the Principal Rules shall be substituted by the following, namely –

“(2) The Board shall, with the prior concurrence of the Government, appoint its officers and staff on contract or deputation basis as per the Recruitment Rules/Service Rules or Guidelines framed and approved by the Government of Mizoram to assist the Board in the efficient discharge of its functions under the Act. In case of urgent need or when a stop gap arrangement is required to be made, the Board may, with prior concurrence of the Govt., designate or allow officers of appropriate rank in the Nodal Department to hold the charge of officers of the Board without extra financial benefit.

Provided that the appointment hereof on contract basis shall not be deemed to confer any right or claim in service matter against the Government of Mizoram and shall be subject to sub-section (3) of section 24 of the Act.

2) Sub-rule (4) of rule 266 of the Principal Rules shall be substituted by the following, namely –

“(4) The salaries and allowances and other terms and conditions of service of the officers and staff appointed on contract or deputation basis shall be as decided by the State Government.”

46. Amendment of rule 268

1) Sub-rule (2) of rule 268 of the Principal Rules shall be substituted by the following, namely -

“(2) An application for registration of beneficiary shall be made in Form XXVII along with a certificate to prove the age of the applicant as specified below –

- i) School Certificate/Records; or
- ii) Birth Certificate from Registrar of Births and Deaths; or
- iii) Electoral Photo Identity Card (EPIC).

2) Sub-rule (3) of rule 268 of the Principal Rules shall be substituted by the following namely :-

“(3) Certificate from the employer or contractor that the applicant is a construction worker shall be produced along with the application for registration. In case such a certificate is not available, a certificate issued by the registered Construction Workers’ Unions or by the Labour Inspector/Official appointed by the Government for this purpose or by Village Council/Local Council of the area the applicant resides may be produced to be considered.”

47. Amendment of rule 273

Rule 273 of the Principal Rules shall be substituted by the following, namely –

“273 Maternity Benefit - The female worker who is a beneficiary of the fund shall be given maternity benefit as may be specified by the Board and notified by the Government from time to time on an application made by her during the period of maternity in Form No. XXXIII accompanied by a medical certificate from registered medical officer.”

48. Amendment of rule 275

Sub-rule (5) of rule 275 of the Principal Act shall be substituted by the following, namely-

“(5) The amount of pension shall be as specified by the Board and notified by the Government from time to time.”

49. Amendment of rule 276

Sub-rule (1) of rule 276 of the Principal Rules shall be substituted by the following, namely -

“(1) The Board may, on application by a beneficiary, sanction an amount specified by the Board and notified by the Government

from time to time for the outright purchase of a house or construction of a house. The beneficiary shall along with the application in Form No. XXXVI produce such documents as may be specified by the Board."

50. Amendment of rule 277

Sub-rule (1) of rule 277 of the Principal Rules shall be substituted by the following, namely -

"(1) A beneficiary who is permanently disabled may be given a disability pension as may be specified by the Board and notified by the Government from time to time. In addition to this pension, he will be eligible for exgratia payment as may be specified by the Board and notified by the Government from time to time depending upon the percentage of disability and subject to such conditions as may be fixed by the Board."

51. Amendment of rule 278

Rule 278 of the Principal Rules shall be substituted by the following, namely -

"Loan for purchase of tools - On an application made in Form No. XXXVIII, the beneficiary may be given loan for purchase of tools. The terms and conditions and amount of such loan may be as specified by the Board and notified by the Government from time to time."

52. Amendment of rule 279

Rule 279 of the Principal Rules shall be substituted by the following, namely -

"Payment of Funeral Assistance - The Board may sanction an amount specified by it and notified by the Government to the nominees/dependents of a deceased member towards funeral expenses on an application made in Form No. XXXIX."

53. Amendment of rule 280

Sub-rule (1) of rule 280 of the Principal Rules shall be substituted by the following, namely -

"(1) In the case of death of the beneficiary, the nominees/dependents of the beneficiary may be given death benefit. The eligibility conditions and amount of such benefit may be as specified by the Board and notified by the Government from time to time."

54. Amendment of rule 281

Rule 281 of the Principal Rules shall be substituted by the following, namely -

"Cash Award - The Board may give every year educational cash awards to children of the beneficiaries in each district on an application made in Form XLII. The amount of cash award and its eligibility conditions may be as specified by the Board and notified by the Government from time to time."

- 55. Amendment of rule 283** Rule 283 of the Principal Rules shall be substituted by the following, namely -
- “Medical Assistance to beneficiaries – The Board may sanction medical financial assistance to the beneficiaries on an application made in Form No. XLIII. The conditions for application and amount of this financial assistance shall be specified by the Board and notified by the Government.”
- 56. Amendment of rule 285** Rule 285 of the Principal Rules shall be substituted by the following, namely -
- “Financial Assistance for Marriage – The Board may sanction financial assistance for marriage to the beneficiaries or their children as the case may be on an application made in Form No. XLV. The conditions for application and amount of this financial assistance shall be specified by the Board and notified by the Government.”
- 57. Amendment of rule 286** Rule 286 of the Principal Rules shall be substituted by the following, namely –
- “Family Pension – A family pension may be given to the nominees/ dependents of the beneficiaries. The amount of this pension and the conditions for claiming this pension may be specified by the Board and notified by the Government. Application for family pension shall be made in Form-XLVI.”
- 58. Addition of rule 287A** After rule 278 of the Principal Rules, rule 287A shall be added as follows, namely -
- “278A The Board may, on approval of the Government, specify welfare measures for the beneficiaries other than those mentioned in these rules.”
- 59. Addition of rule 287B** After rule 287A of the Principal Rules, rule 287B shall be added as follows, namely -
- “278B The Forms appended to these Rules may be modified by the Government from time to time in the interest of the public or the beneficiaries.”
- 60. Amendment of Form - VIII** The heading of Form – VIII of the Principal Rules shall be substituted by the following, namely -
- “CERTIFICATE OF TEST AND EXAMINATION OF WIREROPE BEFORE BEING TAKEN INTO USE”**

61. *Amendment of Form - XXVII* Form – XXVII of the Principal Rules shall be substituted by the following, namely -

FORM - XXVII
APPLICATION FOR REGISTRATION
[See Rule 268(4)]

1. Name :
2. Address :
3. Whether SC/ST :
4. Name of Father :
5. Marital Status (Married, Unmarried, or Widow) :
6. Date of Birth - :
7. Name, Address & Registration No. of the establishment where the applicant is working :
8. Nature of job/employment :
9. ESI/PF. No, if any :
10. Name and address of employer - :
11. Total service –
12. Rate of subscription
13. Name of Bank and Branch where subscription is to be made :
14. If the applicant is already a member of any other welfare Board, the name of such boards & registration No. of the applicant :
15. EPIC/Adhaar photo-copy :
16. Passport size photo (two numbers) :
17. Attestation of VCP/LCP :

The above facts are true to be best of my knowledge and information

Place : Signature of Applicant

Date : Name & Signature of employer "

By order etc.

Benamina,
Commr. & Secretary to the Govt. of Mizoram,
Labour, Employment & Industrial Training Deptt.