

# **THE BUILDING AND OTHER CONSTRUCTION WORKERS' (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) CENTRAL RULES, 1998**

## **PART I PRELIMINARY CHAPTER I**

- compressed air|| means air mechanically raised to a pressure higher than atmospheric pressure at sea level;
- demolition work|| means the work incidental to or connected with the total or partial dismantling or razing of a building or a structure other than a building and includes the removing or dismantling of machines or other equipment;

## **CHAPTER IV REGISTRATION OF ESTABLISHMENTS**

### **1. Manner of making application for registration of establishments:-(1)**

The application referred to in sub-section (1) of section 7 of the Act shall be made in triplicate, in Form I annexed to these rules to registering officer of that area appointed under section 6 of the Act in which the building or other construction work is to be carried on by the establishment.

(2) Every application referred to in sub-rule (1) shall be accompanied by a demand draft showing payment of the fees for the registration of the establishment.

(3) Every application referred to in sub-rule (1) shall be either personally delivered to the registering officer or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1), the registering officer shall, after noting thereon the date of receipt by him of the application, grant an acknowledgement to the applicant.

**2. Grant of certificate of registration:-(1)** The registering officer, after receiving application under sub-rule (1) of Rule 23 shall register the establishment and issue a certificate of registration to the applicant within fifteen days of receipt of application if such applicant has complied with all the requirements as laid down in these rules and has made the application within such period as specified under clause (a) and clause (b) of sub-section (1) of section 7 of the Act. The certificate of registration to be granted by the registering officer shall be in Form II annexed to these rules.

(2) The registering officer shall maintain a register in Form III annexed to these rules showing the particulars of establishments in relation to which certificates of registration have been issued by him.

(3) If, in relation to an establishment, any change occurs in the ownership or management or other particulars specified in the certificate of registration, the employer of the establishment shall intimate the registering officer, within thirty days from the date when such change takes place, the date and particulars of such change, and the reasons thereof.

### **3. Payment of additional fees and amendment of register, etc.:- (1)**

Where on receipt of the intimation under sub-rule (3) of rule 24, the registering officer is satisfied that an amount higher than the amount, which has been paid

by the employer as fees for the registration of the establishment is payable, he shall require such employer to pay additional sums which, together with the amount already paid by such employer, would be equal to such higher amount of fees payable for the registration of the establishment.

(2) Where, on receipt of the intimation referred to in sub-rule (3) of rule 24, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form III annexed to these rules, he shall amend the said register and record therein the change which has occurred:

Provided that the registering officer shall not carry out any amendment in the register in Form III annexed to these rules unless the appropriate fees have been deposited by the employer.

**4. Conditions of registration:-**(1) Every certificate of registration issued under rule 24 shall be subject to the following conditions, namely:

- (a) the certificate of registration shall be non-transferable;
- (b) the number of workmen employed as building workers in an establishment shall not, on any day, exceed the maximum number specified in the certificate of registration; and
- (c) save as provided in these rules, the fees paid for the grant of registration certificate shall be non-refundable.

(2) The employer shall intimate the change, if any, in the number of workmen or the conditions of work to the registering officer within fifteen days.

(3) The employer shall, before thirty days of the commencement and completion of any building or other construction work, submit a written notice to the Inspector, having jurisdiction in the area where the proposed building or other construction work is to be executed, intimating the actual date of the commencement or, as the case may be, completion of such building or other construction work in Form IV annexed to these rules.

(4) The certificate of registration of an establishment shall be valid only for such building and other construction work carried out by such establishment for which intimation required under sub-rule (3) has been given.

(5) A copy of the certificate of registration shall be displayed at the conspicuous places at the premises where the building and other construction work is being carried on.

**5. Fees:-**(1) The fees to be paid for the grant of a certificate of registration under rule 24 shall be as specified below, namely:

If the number of workers proposed to be employed as building workers, for a building or other construction work on one day:

- |  |          |
|--|----------|
| (a) is upto 100                        | Rs. 100  |
| (b) exceed 100 but does not exceed 500 | Rs. 500  |
| (c) exceeds 500                        | Rs. 1000 |

#### **CHAPTER V APPEALS, COPIES OF ORDERS, PAYMENT OF FEES, ETC**

**6. Filing of appeals before the appellate order:-** (1) Every appeal under sub-section (1) of section 9 of the Act shall be preferred in the form of a memorandum signed by the aggrieved person or his authorised advocate and presented to the appellate officer in person or sent to him by registered post.

(2) The memorandum shall be accompanied by a certified copy of the order appealed against and a demand draft for rupees one hundred.

(3) The memorandum shall set forth concisely and under distinct heads the grounds of appeal.

(4) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) and sub-rule (3), it may be returned to the appellant for the purpose of being amended within a time to be fixed by the appellate officer which shall not exceed thirty days from the date from which the order appealed against has been communicated to the appellant.

(5) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, endorse thereon the date of hearing of such appeal, and shall register the appeal in a book to be kept for the purpose called the register of appeals.

(6) (i) When the appeal has been admitted, under sub-rule (5), the appellate officer shall send the notice of the appeal to the registering officer against whose order the appeal has been preferred and the registering officer shall thereupon send the record of the case to the appellate officer.

(ii) On receipt of the record, the appellate officer shall send a notice to the appellant to appear before him at such date and time as may be specified in the notice for the hearing of the appeal.

**7. Failure to appear on the date of hearing:-**If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the applicant.

**8. Restoration of appeals:-**Where an appeal has been dismissed under rule 29, the appellant may apply to the appellate officer for the restoration of the appeal and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal on

its original number:

Provided that an application for restoration under this rule shall not be entertained by the appellate officer after thirty days from the date of such dismissal.

**9. Hearing of appeal:-**(1) If the appellant is present when the appeal is called on for the hearing, the appellate officer shall proceed to hear the appellant or his authorised advocate and pass an order on the appeal, either confirming, reversing or varying the order appealed against.

(2) The order of the appellate officer shall state the points for determination, the decisions thereon and reasons for such decisions.

(3) The order shall be communicated to the appellant and copy thereof shall be sent to the registering officer against whose order the appeal has been preferred.

**10. Copy of Order of registration order in appeal:-**Copy of the order of the registering officer or of the appellate officer may be obtained by the person concerned or a person authorised by him on payment of fees of rupees fifty for each order on making application to the registering officer or the appellate officer, as the case may be, specifying the date and other particulars of the order made by the officer concerned. A copy of the certificate, of registration on loss or mutilation of such certificate may also be obtained in the like manner and on payment of like fees.

**11. Payment of Fees:-**(1) All amounts of money payable on account of registration, appeal, supply of copies or duplicate copies of certificate of registration shall be paid through a crossed demand draft in favour of the registering officer and appellate officer, as the case may be, and made payable at the branch of the Bank specified by the Central Government from time-to-time at the headquarters of the concerned registering officer or appellate officer.

(2) The registering officer or the appellate officer, as the case may be, on receipt of the demand draft under sub-rule (1) shall arrange to deposit the amount in the appropriate account in the Bank specified by the Central Government from time-to-time in the account of 'Pay and Accounts Officer', Ministry of Labour, New Delhi under the relevant head of account.

