

PROBLEMS OF THE BUILDING AND CONSTRUCTION
LABOUR AND PROBLEMS CONNECTED WITH THE IMPLEMENTATION OF
LABOUR LEGISLATION IN THIS INDUSTRY.

PROBLEMS OF CONSTRUCTION LABOUR:

Introductory

From the point of view of investment as well as employment potential, building and construction industry has assumed great importance during the Plan periods. On all counts, it is a major industry although it does not appear so. The reason for this is the lack of organisation both on the side of workers and employers. Another reason, perhaps, is the absence of essential statistical data. The National Commission on Labour would perhaps like to have a close look at this important and growing industry and at the labour employed in it in our country. The problems of labour in this industry differ from region to region; these also differ in the growing Public and Private sectors. An attempt has been made in this note to highlight the problems of labour in this industry in so far as they relate to the Central Public Works Department under this Ministry. While doing so, an indication will also be given of the various steps which have been taken so far to mitigate the hardships if not to solve such problems. It may be that the problems in the Central P.W.D. and the measures adopted to tackle them may have a bearing on the more general problem of labour employed in the construction industry as a whole.

Practically, all major construction work of Government on the civil side is done through the agency of private contractors. This is true also of the bulk of the construction even in the other Government sectors. The age old practice

in this industry has been that the labour, mostly migratory in nature, used to be recruited by the contractors for a particular construction work, be it, road, building, bridges or runways, etc. In major constructions, contractors even take recourse to imported labour from known centres like U.P., Madhya Pradesh or Rajasthan. The employment used to be very casual in nature for the duration of the work. The industry employs a bulk of unskilled labour as also skilled artisans like carpenters, masons, stone-cutters, fitters, plumbers, polishers, painters etc. Due to the limited nature of work/contracts continued employment is almost as unknown in this industry to-day, as it was in the past. Central P.W.D. as the principal Civil Engineering Department of the Government of India undertake most of the major works through the enlisted contractors, leaving the maintenance work of permanent nature to be done by the labour force directly engaged by the Department. This is perhaps the reason why this Deptt. or for that matter this Ministry have first-hand knowledge of the problems of construction labour. Perhaps it is this knowledge, experience and understanding that prompted some of the pioneering and organised attempts being made in this Department for the first time for the protection of the interests of construction labour engaged by contractors.

The first serious attempt to go into the question of labour conditions in the Central Public Works Department was made by the late Labour Department of the Government of India in 1946 when Shri B.P. Adarkar was asked to report on the subject. An extract of the concluding chapter of this report is reproduced in Annexure 'A'. Perhaps

immediately after this report, came the Fair Wage clause and the C.P.W.D. Contractors' Labour Regulations in CPWD Contract. The same is indicated in Annexure 'B' and the instructions issued by the Chief Engineer, Central P.W.D. on the same subject are reproduced in Annexure 'E'. The Fair Wage Clause and other clauses providing for the protection of the interests of weaker sections of workers viz., women and children and the appointment of Labour Officers for securing enforcement of these regulations are the landmarks of those days.

In August, 1955 an ad hoc Committee on Building and Construction Industry met in New Delhi under the auspices of the Ministry of Labour and made a number of recommendations which are reproduced in Annexure 'C'. It will be seen from these recommendations that while suggesting improvements the ad hoc Committee were convinced about the efficacy of Fair Wage clause and the C.P.W.D. Contractors' Labour Regulations and thus recommended their adoption by other Government construction agencies like State P.W.D.s, MFS and Public Sector Corporations. A little earlier in 1954 the Labour Bureau in the Ministry of Labour and Employment undertook another study on labour conditions in the building and construction industry. A summary of the above study is reproduced at Annexure 'D'. This study, perhaps, for the first time highlighted the magnitude of this industry from the point of view of the number of persons employed and the outlay of capital in it. The latest in the series of these reforms is perhaps the proposed legislation for the regulation and abolition of contract labour.

Classifi-
cation of
construction
labour.

(a) Departmental Labour including the work-charged establishment. - While the bulk of the original construction work in the Central Public Works Department is executed through contractors, the maintenance work is executed through departmental workers. These departmental workers in the Work-charged Establishment, however, are significantly few in number. The insecurity of service conditions of these workers is now a thing of the past. Through a series of reforms effected during the last decade, they almost enjoy similar service conditions as other Central Government employees. So much so, that the conditions of service of the work-charged staff in the Central P.W.D. have become a model for other Central Departmental Undertakings, Union Territories and some Public Sector enterprises.

(b) Contractors' Labour. - The labour employed by the contractors have not, however, been so fortunate. Insecurity of employment, seasonal employment, long periods of unemployment, hazardous working conditions and occasional complaints of irregular payment of wages or short payment of wages, deduction from their wages of the commission payable to Sardars or Jamadars are perhaps inherent in the system itself. Hence any comparison of the lot of departmental and contractor's labour will perhaps be futile as the basic conditions are so divergent and different. In the establishments of big contractors, whose hands are full with work throughout the year, there are, of course, some workers whose conditions of service are somewhat comparable to the Departmental labour employed by Government, but their number is very few and the number of workers engaged by such contractors is also not very large.

Special problems of construction labour.

The problems of construction labour employed by the C.P.W.D. contractors are numerous. The system of sub-contracts and labour contracts often brings in problems of non-payment of wages, short payment of wages, unjustified deductions from wages and non-payment of due overtime wages. The weekly rest day is often denied. The hazardous nature of working in the open and lack of facilities at the work sites often make the situation more arduous. Due to faulty system of working and inadequate safety precautions, the workers are often exposed to serious accidents, and payment of compensation in some cases is delayed as quite a few contractors often attempt to evade their liability to pay compensation. On top of that, there is the eternal problem of insecurity of employment, seasonal employment, long periods of unemployment and almost complete lack of social security measures like provident fund, etc.

Steps so far taken to solve labour problems

The introduction of the Fair Wage clause and the Central P.W.D. Contractors' Labour Regulations and their enforcement in the Central P.W.D. have, however, improved the situation considerably. The Labour Officers in the Central P.W.D. along with the officers of the Central Industrial Relations Machinery, who are concurrently responsible for the enforcement of these Regulations, are alive to their role. The cases of non-payment or short payment of wages have been reduced to the minimum. The C.P.W.D. Safety Code in the agreement form looks to the interests of the workers and provides for adequate measures for safe conditions of work and prevention of avoidable accidents. Elaborate

provisions in the agreement form for the protection of the health and for the sanitation arrangements for workers ensure better working conditions. Similarly, provision for a rest shed and creche for children at work sites ensures safety and rest for the working mothers. Provision in the agreement form for huts or camps also makes suitable accommodation available to the workers at site. Above all, the penalty provisions in the agreement ensure quick and satisfactory implementation of all these regulations. Similarly, provision in the agreement forms for the liability of the contractor for payment of compensation in case of accidents ensures suitable compensation to the workers. Grant of maternity leave and other allied benefits to female workers has also been made a part of the agreement form. The Chief Labour Commissioner, Ministry of Labour and Employment submits a report annually on the working of the Fair Wage clause and the C.P.W.D. Contractors Labour Regulations and makes recommendations for the amendment or additional provisions in the agreement form wherever considered necessary. A number of such recommendations have been accepted already by Government and incorporated in the agreement forms. This is a continuous process and difficulties experienced in implementation are noted for amendment of the Regulations. Much of non-payment or short payment of wages in the C.P.W.D. takes place in the sub-contractors' establishments. The principal contractor, whether he engages the sub-contractor with or without permission, should be made responsible for payment of wages if this common evil is to be eradicated.

Problem of accidents amongst construction labour.

The number of accidents that occur in contractors' establishments and their nature indicate that safety provisions should be enforced more strictly. More attention needs to be paid to proper scaffolding, avoidance of the use of unsafe ladders, unprotected trenches, excavation of sufficient depths and of serious accidents taking place by falling of heavy materials from heights. The attention of the Director General, Factory Advice, may also be drawn to the special features of the building industry and the preventive actions required to minimise the chances of accident. The tendency on the part of some contractors to evade their liability for payment of compensation should be guarded against by enforcing the maintenance of attendance registers showing permanent and local addresses of workers employed (both by the principal contractor and the sub contractor wherever the latter is employed). The accident report form also may need some change so that the permanent and local addresses of workers are duly indicated. Lack of this essential information often delays payment of compensation to the worker or settlement of the claim of compensation by the next of kin in fatal cases.

PROGRAMME CONNECTED WITH THE IMPLEMENTATION OF LABOUR
LEGISLATION IN THE BUILDING AND CONSTRUCTION INDUSTRY

As already stated earlier, excepting the Workmen's Compensation Act, 1923 none of the other major labour legislations covered the workers in the building and construction industry. Some of the salient features of the Maternity Benefit Act were, however, incorporated in the agreement form as contractual obligations. To ensure payment of compensation in cases of accident, provision was made in the agreement form for recovery of compensation amount from the contractors' bills in case they tried to evade their liability to pay compensation. Some of the essential features of Payment of Wages Act were also incorporated as contractual obligations in the contract forms. Then gradually came the Minimum Wages Act and the Employees Provident Funds Act. Different labour legislations and their applicability and impact on the building and construction labour are enumerated below:-

Indian Trade Union Act, 1926

As already stated in the introductory paragraph, lack of organisation both on the side of workers and employers made this Act almost ineffective in this sphere. Due to the nature of work and conditions of employment, formation of Trade Unions in the building and construction industry is not only difficult but in fact it is almost non-existent. Barring a few Trade Unions in this field operating in the Capital City of Delhi, where construction on large scale has been undertaken by the C.P.W.D. for the last several years, and a few Trade Unions in the Public Sector Projects, during the construction stage,

not much is heard about Trade Union activities amongst building and construction labour. Similarly, the employers in this trade are also not organised sufficiently. For the last few years some builders and contractors organisations have come up but their impact has not been significant. The acute competition and rivalry amongst the contractors perhaps is one major reason why the bulk of the small and medium sized contractors' establishments are shy to associate themselves with any organised body. The bigger construction agencies, however, have organised themselves into fairly effective bodies. Incidentally, it may be mentioned that apart from the steps taken so far by providing various clauses in the agreement and also by extending numerous legislations to this industry, satisfactory results would not come unless the workers in this industry are fairly organised to protect their legitimate interests. More routine inspection by the official side is apparently not sufficient to safeguard the implementation of the various clauses of the agreement form and the various provisions of the Labour Laws.

The Minimum Wages Act, 1948.

With the application of this Act to the building and construction industry many disabilities with regard to non-payment or short payment of wages, overtime payment, weekly rest interval with pay, have been removed considerably. It may be mentioned here that the Minimum Wages Act, the essential features of which were already incorporated in the agreement form as contractual obligations, has further fortified the interests of the labour engaged in the

building and construction industry. While under Fair Wage clause and the Contractors' Labour Regulations, the violations are brought to book and remedy offered under bilateral agreement, the Inspectorate under the Minimum Wages Act ensures enforcement of its provisions taking the recalcitrant contractors to the court of law. The fixation of minimum wages, at regular intervals and for all regions of the country, has not, however, been satisfactory. Attention may be given to this aspect to make this legislation really effective in the building and construction industry. At present, the Schedule to the Minimum Wages Act does not cover maintenance of buildings. It is understood that the Ministry of Labour, Employment and Rehabilitation are taking steps to enlarge the Schedule to cover maintenance of buildings also.

Payment of Wages Act, 1936.

The extension of this Act to the labour engaged in construction, development or maintenance of buildings, roads, bridges etc. has also improved the situation. As already stated, the essential features of this legislation were already incorporated in the contract form. While affording double check, they protect the interests of the workers in this industry. The impact of this legislation in the C.P.W.D. is not so perceptible.

The Employees Provident Fund Act, 1952.

The amendment of this Act to make it applicable to the workers employed by contractors, offers protection to the labour employed in the construction industry. As indicated earlier, the Social Security provision were almost

non-existent in this industry and the application of the Provident Funds Act, 1952 is perhaps the first major step in this regard. The size of the contractor's establishment and the duration of employment, which at times is too short, perhaps will prevent this Act having any impact on a large number of establishments. The workers engaged by bigger construction firms who maintain standing labour force for continued work, however, will be benefited from the provisions of this Act.

Industrial Disputes Act, 1947.

The impact of this legislation is also negligible in the building and construction industry. The lack of organisation on both sides, viz. of employers and employees and the nature of work and conditions of employment seldom create disputes of the nature that we see in an organised industry. In this industry the security of employment perhaps will never be achieved. The only field where protection is needed is in the fields of minimum wages and payment of wages which have already been ensured by the application of relevant legislations and various other provisions in the agreement.

The Factories Act, 1948.

Construction in a "Factory way" and mechanisation in this industry on a large scale perhaps, is a distant cry. The availability of excess manpower and the very nature and conditions of employment and the state of economy perhaps will enable the present system to continue for long years to come. At the moment, the trade unionism in this industry is also not sufficiently developed to be really useful both to the employers and employees.

The applicability of the different labour legislations amongst the departmental labour has been effective. As already stated, departmental workers in Central Public Works Department almost enjoy the status of other industrial workers in the Central Government Establishments. They are well organised and a number of trade unions are recognised and are functioning effectively for the last several years. The implementation of labour laws amongst departmental workers is very satisfactory and the industrial relations over years have brought satisfaction to large sections of the departmental workers in Central P.W.D.

Conclusions.

As already stated, the different studies made so far in the building and construction industry, the various clauses in the C.P.W.D. agreement for the protection of the interest of construction labour, the application of the Minimum Wages Act, the Payment of Wages Act and the Provident Funds Act to this industry, together, have improved the situation in this industry considerably. It has already been stated that the Fair Wages clause and the C.P.W.D. contractor's labour regulations and its implementation are constantly reviewed. Added to this, if the recommendations of the Ad-Hoc Committee on building and construction industry were implemented by all concerned, particularly the Governmental agencies, the picture perhaps would have been a little different today. The proposed legislation for the regulation and abolition of contract labour perhaps, will bring in further satisfaction amongst the labour in the building and construction industry. The position in the C.P.W.D., at any rate, with its own implementation machinery, has improved

considerably during the last several years. It is hoped that if the same is done in the other construction agencies of the Government of India, the State Governments, Public Bodies and Public Sector Corporation and Companies, a large measure of satisfaction can be ensured for the protection of the interest of labour engaged in these organisations. It is felt that while the proposed legislation for the regulation and abolition of contract labour will be effective in the Private Sector, in the Public Sector the strengthening of the existing provision and its effective implementation will bring in more satisfaction than what is envisaged in the proposed legislation.

Another difficulty in the implementation of the laws and regulations in the building and construction industry has been, that while it is easy to persuade bigger employers to abide by all the regulations regarding housing, sanitation, safety etc., it has been found very difficult to achieve success in the case of smaller establishments. Sometimes the cost of benefits and amenities to the workers is so high that it is not commensurate with the value of the work.

To sum up, it may be pointed out that although some progress has been made towards bettering the conditions of labour directly employed by Government, not much headway has been made to achieve this in so far as labour directly employed by private contractors are concerned. It cannot be denied that much has yet to be done. The main handicap, however, is the overall cost of any project, big or small. Lack of cooperation and mutual distrust between the employer and the employee still continue. Mere punitive measures will not suffice

to bring about a healthier atmosphere. There is not enough coordination even between the various construction agencies of Government. Some uniform labour policy is necessary for all public sector undertakings. This should not be allowed to be evolved by each autonomous body.

ANNEXURE - 'A'

Extract from the Report on Labour Conditions in the Central Public Works Department by Shri B.P. Adarkar (1946).

CHAPTER IX - SUMMARY AND CONCLUSIONS.

Employment.

The C.P.W.D. is in the charge of the Labour Department of Government of India, and undertakes construction work of all kinds on its behalf. The employment under the C.P.W.D. has been a highly fluctuating one, depending upon the nature and extent of the works programmes in different centres and areas. It may be estimated that the total number of workers employed throughout India directly and indirectly amounted to 1½ lakhs in 1944. Contract labour predominates at all centres, and the employment of women and children is also not uncommon. There are three main categories of labour serving directly under the department, viz. permanent, temporary and work charged. Their conditions of employment are subject to Government rules and notifications. Generally speaking work-charged men, who predominate numerically, have the least privileges or rights, while the permanent men, who are very few, are the most favourably situated in this regard.

Wages and Earnings.

Generally the wage rates are fixed, depending on the prevalent rates in the areas and are comparable with those under the Provincial P.W.D. At most of the places, the rates have gone up since 1939 and consequently the earnings of C.P.W.D. work-charged and contractors' workers have also risen considerably. Dearness allowances have also been paid. Contract rates do not materially differ from the departmental wage rates, and at one or two places were found to be higher than the latter; this, however, is a temporary situation caused by the war. The following table shows the range of wage rates and earnings of skilled, semi-skilled and unskilled workers:-

Table 19.

Range of Wage Rates under C.P.W.D.

Division	Range of Wages and Earnings.		Remarks.
	Skilled	Semi-skilled and un-skilled.	
Bengal C.P.W.D.	Rs. 1 to Rs.2-12-0 per day	Rs.0-7-6 to Re.0-9-6	Plus D.A.
Eastern Aviation Division.	Rs.50 to Rs.78 per month.	Rs.22 to Rs.30 per month	Gross earnings.
Bombay Aviation Dn.	Rs.144-0 to Rs.3-9-0 per day	Rs.1 to Rs.2-2-0 per day	-do-
Bangalore Avn. Dn.	Rs.2-8-0 per day	Rs.0-10-0 to Rs.1-8-0 per day	-do-
Karachi Avn. Dn.	Rs.54 to Rs.164 per month	Rs.29 to Rs.36 per month	plus DA
Delhi Divisions	Rs.2-8-0 to Rs.3 per day	Rs.0-12-0 to Rs.2-8-0 per day	Gross earnings
Simla Central Dn.	Rs.30 to Rs.90 per month	Rs.14 to Rs.20 per month	Plus DA

Working Conditions.

Working conditions generally poor. Workers have to work in sun, heat and rain. Rest sheds are not provided. Arrangements for drinking water are not quite satisfactory. Single shifts are worked everywhere except in the A.R.P. Section in the Calcutta Division during war time. The working hours are generally 8 but at some places they are 9. Urinals and latrines are conspicuously absent at the work place.

Welfare Activities and Housing

Dispensaries are provided at all the places but at some places doctors are engaged for half time only. Cheap grain shops are provided in the Calcutta Division, while canteens also are available in some divisions, e.g., at Karachi and Delhi. The former was patronised by low-paid workers to some extent, but the latter appeared to be too costly for them. Supervisory staff of the Government of India is generally housed free of charge or house rent is paid to them in lieu of housing accommodation. Work-charged men, however, are neither given housing accommodation nor paid house rent. Contractors are required under their agreements to provide temporary huttings to workers employed by them. These, are, however, extremely unsatisfactory, being built of bamboo and sirki grass. Sanitary arrangements are not up to the mark.

Working of Labour Acts.

The Factories Act and the Payment of Wages Act are not applicable, nor any Maternity Benefit Act. The Workmen's Compensation Act is applicable to both departmental and contract labour. There is, however, a tendency on the part of most contractors to evade the exact payment of compensation by trying to arrive at compromise with the injured workmen.

Conclusion.

The wartime expansion of the C.P.W.D. will not be able to maintain the same number of workers. Unless some provision is made somewhere for these workers, they are bound to be very seriously affected by unemployment in the post-war period. Unfortunately the C.P.W.D., the principal employer of contract labour, is not responsible to such labour; unless the Department imposes definite conditions regarding labour on contractors to a far greater extent than is done at present and unless such conditions are strictly enforced, the lot of contractors' labourers must continue to be miserable.

(Sd:) B.P. ADARKAR

SIMLA,
the 6th November 1945.

ANNEXURE 'B'

Copies of Clauses - 18A, 19, 19A, 19B, 19C, 19D, 19E, 19F, 19G, 19H,
19I, 20.

P.W.D.7.

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

State Division
Branch Sub-Division.

PERCENTAGE RATE TENDER & CONTRACT FOR WORKS FOR THE
GUIDANCE OF CONTRACTORS

(Central P.W.D. Code, Paragraph 95)

General Rules and Directions for the Guidance of Contractors

xx xx xx xx xx xx xx xx xx

CLAUSE 18A. In every case in which by virtue of the provisions of Section 12, Sub-section (1) of the Workmen's Compensation Act, 1923, Government is obliged to pay compensation to a workman employed by the contractor, in execution of the works, Government will recover from the contractor the amount of the compensation so paid; and, without prejudice to the rights of the Government under Section 12, Sub-section (2) of the said Act, Government shall be at liberty to recover such amount or any part thereof by deducting it from the security deposit or from any sum due by Government to the contractor whether under this contract or otherwise. Government shall not be bound to contest any claim made against it under Section 12, Sub-section (1) of the said Act, except on the written request of the contractor and upon his giving to Government full security for all costs for which Government might become liable in consequence of contesting such claim.

Labour. CLAUSE 19. No female labourer shall be employed within the limits of a cantonment.

CLAUSE 19A. No labourer below the age of fourteen years shall be employed on the work.

Fair wage clause. CLAUSE 19B. Payment of wages to labourers:

(a) The contractor shall pay not less than fair wage to labourers engaged by him on the work.

Explanation - "Fair Wage" means wage whether for time or piece work notified at the time of inviting tenders for the work where such wages have not been so notified, the wages prescribed by the Central Public Works Department for the district in which the work is done. It will be notified prescribed by C.P.W.D. in consultation with the officers of the Industrial Relations Machinery located in the respective areas and will not be less than the maximum rates of wages fixed by the Government for that class of employee engaged on the same type of work in the same area.

P.T.O.

(b) The contractor shall, notwithstanding the provisions of any contract to the contrary, cause to be paid fair wage to labourers indirectly engaged on the work, including any labour engaged by his sub-contractors in connection with the said work, as if the labourers had been immediately employed by him.

(c) In respect of all labour directly or indirectly employed in the works for performance of the contractor's part of this Agreement, the contractor shall comply with or cause to be complied with the Central Public Works Department contractor's Labour Regulations made by Government from time to time in regard to payment of wages, wage period, deductions from wages, recovery of wages not paid and deductions unauthorisedly made, maintenance of wage books or wage slips, publication of scale of wages and other terms of employment, inspection and submission of periodical returns and all other matters of a like nature.

(d) The Divisional Officer/Sub-Divisional Officer concerned shall have the right to deduct, from the moneys due to the contractor any sum required or estimated to be required for making good the loss suffered by a worker or workers by reasons of non-fulfilment of the conditions of the contract for the benefit, of the workers, non payment of wages or of deductions made from his or their wages which are not justified by their terms of the contract or non observance of the Regulations.

(dd) Under the provision of the Minimum Wages Act, 1948 and the Minimum Wages (Central) Rules 1950, the contractor is bound to allow or cause to be allowed to the labourers directly or indirectly employed in the works one day's rest for six days continuous work and pay wages at the same rate as for duty. In the event of default, the Engineer-in-Charge or Sub-Divisional Officer shall have the right to deduct the sum or sums not paid on account of wages for weekly holidays to any labourers, and pay the same to the persons entitled thereto from any money due to the contractor by the Engineer or Sub-Divisional Officer concerned.

(e) Vis-a-vis the Central Government the contractor shall be primarily liable to all payments to be made under, and for the observance of the Regulations aforesaid without prejudice to his right to claim indemnity from his sub-contractors.

(f) The regulations aforesaid shall be deemed to be a part of this contract and any breach thereof shall be deemed to be a breach of this contract.

CLAUSE 19C. In respect of labour directly or indirectly employed in the work for the performance of the contractors' part of this agreement, the contractor shall at his own expense arrange for the safety provisions as per C.P.W.D. Safety Code framed from time to time and shall at his own expense provide for all facilities in connection therewith. In case the contractor fails to make arrangement and provide necessary facilities as aforesaid he shall be liable to pay a penalty of Rs.50 for each default and in addition the Engineer-in-Charge shall be at liberty to make arrangement and provide facilities as aforesaid and recover the costs incurred in that behalf from the contractor.

CLAUSE 19D. The contractor shall submit, by the 4th and 19th of every month, to the Engineer-in-Charge a true statement showing, in respect of the second half of the preceding month and the first half of the current month, respectively, (1) the number of labourers employed by him on the work, (2) their working hours, (3) the wages paid to them, (4) the accidents that occurred during the said fortnight showing the circumstances under which they happened and the extent of damage and injury caused by them and (5) the number of female workers who have

been allowed Maternity Benefit according to Clause 19F and the amount paid to them, failing which the contractor shall be liable to pay to Government a sum not exceeding Rs.50/- for each default or materially incorrect statement. The decision of the Divisional Officer shall be final in deducting from any bill due to the contractor the amount levied as fine.

Health and sanitary arrangements for workers.

CLAUSE 19E. In respect of all labour directly or indirectly employed in the works for the performance of the contractors' part of this agreement, the contractor shall comply with or cause to be complied with all the rules framed by Government from time to time for the protection of health and sanitary arrangements for workers employed by the Central Public Works Department and its contractors.

Maternity benefit rules for female workers employed by contractors.

CLAUSE 19F. Leave and pay during leave shall be regulated as follows:

1. Leave:

(i) in case of delivery, maternity leave not exceeding 8 weeks, 4 weeks upto and including the day of delivery and 4 weeks following that day.

(ii) in the case of miscarriage-upto 3 weeks from the date of miscarriage.

2. Pay:

(i) in case of delivery-leave pay during maternity leave will be at the rate of the woman's average daily earnings, calculated on the total wages earned on the days when full time work was done during a period of 3 months immediately preceding the date on which she gives notice that she expects to be confined or at the rate of seventy five naya paisa a day whichever is greater.

(ii) in case of miscarriage-leave pay at the rate of average daily earning calculated on the total wages earned on the days when full time work was done during a period of 3 months immediately preceding the date of such miscarriage.

3. Conditions for the grant of Maternity Leave:

No maternity leave benefit shall be admissible to a woman unless she has been employed for a total period of not less than 6 months immediately preceding the date on which she proceeds on leave.

CLAUSE 19G. In the event of the contractor(s) committing a default or breach of any of the provisions of the Central Public Works Department Contractors' Labour Regulations and Model Rules for the protection of health and sanitary arrangements for the workers as amended from time to time or furnishing any information or submitting or filling any statement under the provisions of the above Regulations and Rules which is materially incorrect, he/they shall without prejudice to any other liability pay to the Government a sum not exceeding Rs.50/- for every default, breach or furnishing, making, submitting, filling such materially incorrect statements and in the event of the contractor(s) defaulting continuously in this respect the penalty may be enhanced to Rs.50/- per day for each day of default subject to a maximum of 5 per cent of the estimated cost of the work put to tender. The decision of the Engineer-in-Charge shall be final and binding on the parties.

Should it appear to the Engineer-in-Charge that the contractor(s) is/are not properly observing and complying with the Model Rules for the protection of health and sanitary arrangements for work-people employed by the contractor(s) (hereinafter referred as "the said Rules"), the Engineer-in-Charge shall have power to give notice in writing to the contractor(s) requiring that the said Rules be complied with and the amenities prescribed therein be provided to the work-people within a reasonable time to be specified in the notice. If the contractor(s) shall fail within the period specified in the notice to comply with and observe the said Rules and to provide the amenities to the work-people as aforesaid, the Engineer-in-Charge shall have the power to provide the amenities hereinbefore mentioned at the cost of the contractor(s). The contractor(s) shall erect, make and maintain at his/their own expense and to approved standards all necessary huts and sanitary arrangements required for his/their work people on the site in connection with the execution of the works and if the same shall not have been erected or constructed, according to approved standards, the Engineer-in-Charge shall have power to give notice in writing to the contractor(s) requiring that the said huts and sanitary arrangements be remodelled and/or reconstructed according to approved standards and if the contractor(s) shall fail to remodel or reconstruct such huts and sanitary arrangements according to approved standards within the period specified in the notice, the Engineer-in-Charge shall have the power to remodel or reconstruct such huts and sanitary arrangements according to approved standards at the cost of the contractor(s).

CLAUSE 19H. The contractor(s) shall at his/their own cost provide his/their labour with a sufficient number of huts (hereinafter referred to as the camp) of the following specifications on a suitable plot of land to be approved by the Engineer-in-Charge.

1. (a) The minimum height of each hut at the eye level shall be 7' and the floor area to be provided will be at the rate of 30 sq. ft. for each member of the worker's family staying with the labourer.

(b) The contractor(s) shall in addition construct suitable cooking places having a minimum area of 6x5' adjacent to the hut for each family.

(c) The contractor(s) shall also construct temporary latrines and urinals for the use of the labourers each on the scale of not less than four per each one hundred of the total strength, separate latrines and urinals being provided for women.

(d) The contractor(s) shall construct sufficient number of bathing and washing places, one unit for every 25 persons residing in the camp. These bathing and washing places shall be suitably screened.

2. (a) All the huts shall have walls of sun-dried or burnt bricks laid in mud mortar or other suitable local materials as may be approved by the Engineer-in-Charge. In case of sun-dried bricks, the walls should be plastered with mud gobi on both sides. The floor may be katcha but plastered with mud gobi and shall be at least 6" above the surrounding ground. The roofs shall be laid with thatched or any other materials as may be approved by the Engineer-in-Charge and the contractor shall ensure that throughout the period of their occupation the roofs remain watertight.

(b) The contractor(s) shall provide each hut with proper ventilation.

(c) All doors, windows, and ventilators shall be provided with suitable leaves for security purposes.

(d) There shall be kept an open space of at least 8 yards between the rows of huts which may be reduced to 20 ft. according to the availability of site with the approval of the Engineer-in-Charge, back to back construction will be allowed.

3. Water Supply - The contractor(s) shall provide adequate supply of water for the use of labourers. The provisions shall not be less than 2 gallons of pure and wholesome water per head per day for drinking purposes and 3 gallons of clean water per head per day for bathing and washing purposes. Where piped water supply is available, supply shall be at stand posts and where the supply is from wells or river, banks which may be of metal or masonry, shall be provided. The contractor(s) shall also at his/their own cost make arrangements for laying pipe lines for water supply to his/their labour camp from the existing mains wherever available, and shall pay all fees and charges therefor.

4. The site selected for the camp shall be high ground, removed from jungle.

5. Disposal of Excreta - The contractor(s) shall make necessary arrangements for the disposal of excreta from the latrines by trenching or incineration which shall be according to the requirements laid down by the Local Health Authorities. If trenching or incineration is not allowed, the contractor(s) shall make arrangements for the removal of the excreta through the Municipal Committee/authority and inform it about the number of labourers employed so that arrangements may be made by such Committee/authority for the removal of the excreta. All charges on this account shall be borne by the contractor and paid direct by him to the Municipality/authority. The contractor shall provide one sweeper for every 8 seats in case of dry system.

6. Drainage- The contractor(s) shall provide efficient arrangements for draining away sullage water so as to keep the camp neat and tidy.

7. The contractor(s) shall make necessary arrangements for keeping the camp area sufficiently lighted to avoid accidents to the workers.

8. Sanitation - The contractor(s) shall make arrangements for conservancy and sanitation in the labour camps according to the rules of the Local Public Health and Medical Authorities.

CLAUSE 19 I. The Engineer-in-Charge may require the contractor to dismiss or remove from the site of the work any person or persons in the contractor(s) employ upon the work who may be incompetent or misconduct himself and the contractor shall forthwith comply with such requirements.

CLAUSE 20. The contractor shall comply with all the provisions of the Minimum Wages Act, 1948 and rules framed thereunder and other labour laws.

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G.P.W.D. SAFETY CODE

Safety Code:

(i) Suitable scaffolds should be provided for workmen for all works that cannot safely be done from the ground, or from solid construction except such short period work as can be done safely from ladders. When a ladder is used an extra mazdoor shall be engaged for holding the ladder and if the ladder is used for carrying materials as well, suitable footholds and handholds shall be provided on the ladder and the ladder shall be given an inclination not steeper than $\frac{1}{4}$ to 1 ($\frac{1}{4}$ horizontal and 1 vertical).

(ii) Scaffolding or staging more than 121 above the ground or floor, swung or suspended from an overhead support or erected with stationery support shall have a guard rail properly attached bolted, braced and otherwise secured at least 3 feet high above the floor or platform of such scaffolding or staging and extending along the entire length of the outside and ends thereof with only such opening as may be necessary for the delivery of materials. Such scaffolding or staging shall be so fastened as to prevent it from swaying from the building or structure.

(iii) Working platform, gangways, and stairways should be so constructed that they should not sag unduly or unequally, and if the height of the platform or the gangway or the stairway is more than 12 feet above ground level or floor level, they should be closely boarded, should have adequate width and should be suitably fanned, as described in (ii) above.

(iv) Every opening in the floor of a building or in a working platform be provided with suitable means to prevent the fall of persons or materials by providing suitable fencing or railing whose minimum height shall be 3'0".

(v) Safe means of access shall be provided to all working platforms and other working places. Every ladder shall be securely fixed. No portable single ladder shall be over 30 feet in length while the width between side rails in rung ladder shall in no case be less than 11 $\frac{1}{2}$ " for ladder upto and including 10 feet in length. For longer ladders this width should be increased at least $\frac{1}{4}$ " for each additional foot of length. Uniform step spacing shall not exceed 12". Adequate precautions shall be taken to prevent danger from electrical equipment. No materials on any of the sites of work shall be so stacked or placed as to cause danger or inconvenience to any person or the public. The contractor shall provide all necessary fencing and lights to protect the public from accident, and shall be bound to bear the expenses of defence of every suit, action or other proceedings at law that may be brought by any persons for injury sustained owing to neglect of the above precautions and to pay any damages and cost which may be awarded in any such suit, action or proceedings to any such persons or which may with the consent of the contractor be paid to compromise any claim by any such person.

(vi) Excavation and Trenching - All trenches, four feet or more in depth shall at all times be supplied with at least one ladder for each 100 feet in length or fraction thereof. Ladder shall be extended from bottom of the trench to at least 3' above the surface of the ground. The side of the trenches which are 5' or more in depth shall be stopped back to give suitable slope or securely held by timber bracing, so as to avoid the danger of sides to collapse. The excavated material shall not be placed within 5 feet of the edges of the trench or half of the depth of the trench whichever is more. Cutting shall be done from top to bottom. Under no circumstances undermining or undercutting shall be done.

(vii) Demolition - Before any demolition work is commenced and also during the process of the work:

- (a) All roads and open areas adjacent to the work site shall either be closed or suitably protected.
- (b) No electric cable or apparatus which is liable to be a source of danger over a cable or apparatus used by the operator shall remain electrically charged.
- (c) All practical steps shall be taken to prevent danger to persons employed from risk of fire or explosion or flooding. No floor, roof or other part of the building shall be so overloaded with debris or materials as to render it unsafe.

(viii) All necessary personal safety equipment as considered adequate by the Engineer-in-Charge should be kept available for the use of the person employed on the site and maintained in a condition suitable for immediate use, and the contractor should take adequate steps to ensure proper use of equipment by those concerned.

- (a) Workers employed on mixing asphaltic materials, cement and lime mortars shall be provided with protective footwear and protective goggles.
- (b) Those engaged in white washing and mixing or stacking of cement bags or any material which is injurious to the eyes shall be provided with protective goggles.
- (c) Those engaged in welding works shall be provided with welder's protective eyesight lids.
- (d) Stone breakers shall be provided with protective goggles and protective clothing and seated at sufficiently safe intervals.
- (e) When workers are employed in sewers and manholes, which are in use, the contractor shall ensure that the manhole covers are opened and are ventilated at least for an hour before the workers are allowed to get into the manholes, and the manholes so opened shall be cordoned off with suitable railing and provided with warning signals or boards to prevent accident to the public.
- (f) The contractor shall not employ men below the age of 18 years and women on the work of painting with products containing lead in any form. Wherever men above the age of 18 are employed on the work of lead painting, the following precautions should be taken:
 - (i) No paint containing lead or lead products shall be used except in the form of paste or ready made paint.
 - (ii) Suitable face masks should be supplied for use by the workers when paint is applied in the form of spray or a surface having lead paint dry rubbed and scrapped.

(iii) Overalls shall be supplied by the contractors to the workmen and adequate facilities shall be provided to enable the working painters to wash during the cessation of work.

(ix) When the work is done near any place where there is risk of drowning, all necessary equipments should be provided and kept ready for use and all necessary steps taken for prompt rescue of any person in danger and adequate provision should be made for prompt first aid treatment of all injuries likely to be sustained during the course of the work.

(x) Use of hoisting machines and tackle including their attachments anchorage and supports shall conform to the following standards or conditions:

1. (a) These shall be of good mechanical construction, sound material and adequate strength and free from patent defect and shall be kept in good and in good working order.

(b) Every rope used in hoisting or lowering materials or as a means of suspension shall be of durable quality and adequate strength, and free from patent defects.

2. Every crane driver or hoisting appliance operator shall be properly qualified and no person under the age of 21 years should be in charge of any hoisting machine including any scaffolding winch or give signals to operator.

3. In case of every hoisting machine and of every chain ring hook, shackle, surivel and pulley block used in hoisting or as means of suspension the safe working load shall be ascertained by adequate means. Every hoisting machine and all gear referred to above shall be plainly marked with the safe working load, each safe working load of the conditions under which it is applicable shall be clearly indicated. No part of any machine or any gear referred to above in this paragraph shall be loaded beyond the safe working load except for the purpose of testing.

4. In case of departmental machines, the safe working load shall be notified by the Electrical Engineer-in-Charge. As regards contractors machines the contractors shall notify the safe working load of the machine to the Engineer-in-Charge whenever he brings any machinery to site of work and get it verified by the Electrical Engineer concerned.

(xi) Motors, gearing, transmission, electric wiring and other dangerous parts of hoisting appliances should be provided with efficient safeguards, hoisting appliances should be provided with such means as will reduce to the minimum the risk of accidental descent of the load, adequate precautions should be taken to reduce to the minimum the risk of any part of a suspended load becoming accidentally displaced. When workers employed on electrical installations which are already energised, insulating mats, wearing apparel, such as gloves, sleeves and boots as may be necessary should be provided. The workers should not wear any rings, watches and carry keys or other materials which are good conductors of electricity.

(xii) All scaffolds, ladders and other safety devices mentioned or described herein shall be maintained in safe condition and no scaffold, ladder or equipment shall be altered or removed while it is in use. Adequate washing facilities should be provided at or near places of work.

(xiii) These safety provisions should be brought to the notice of all concerned by display on a notice board at a prominent place at work spot. The person responsible for compliance of the safety code shall be named therein by the contractor.

(xiv) To ensure effective enforcement of the rules and regulations relating to safety precautions, the arrangements made by the contractor shall be open to inspection by the Labour Officer, Engineer-in-Charge of the department or their representatives.

(xv) Notwithstanding the above Clauses from (i) to (xiv) there is nothing in these to exempt the contractor from the operations of any other Act or Rule in force in the Republic of India.

MODEL RULES FOR THE PROTECTION OF HEALTH AND SANITARY ARRANGEMENTS
FOR WORKERS EMPLOYED BY CENTRAL P.W.D. OR ITS CONTRACTORS.

1. Application:

These rules shall apply to all building and construction works in charge of Central Public Works Department.

2. Definitions:

(1) "Work place" means a place at which, at an average, fifty or more workers are employed in connection with construction work.

(2) "Large work place" means a place at which, at an average 500 or more workers are employed in connection with construction work.

3. First Aid:

(a) At every work place, there shall be maintained in a readily accessible place first aid appliances including an adequate supply of sterilized dressings and sterilized cotton wool. The appliances shall be kept in good order and, in large work place they shall be placed under the charge of a responsible person who shall be readily available during working hours.

(b) At large work places, where hospital facilities are not available within easy distance of the works, First Aid posts shall be established and be run by a trained compounder.

(c) Where large work places are remote from regular hospitals, an indoor ward shall be provided with one bed for every 250 employees.

(d) Where large work places are situated in cities, town or in their suburbs and no beds are considered necessary owing to the proximity of city or town hospitals, suitable transport shall be provided to facilitate removal of urgent cases to the hospitals. At other work places some conveyance facilities, such as a car, shall be kept readily available to take injured persons or persons suddenly taken seriously ill to the nearest hospital.

4. Drinking Water:

(a) In every work place, there shall be provided and maintained at suitable places easily accessible to labour, a sufficient supply of cold water fit for drinking.

(b) Where drinking water is obtained from an intermittent public water supply, each work place shall be provided with storage where such drinking water shall be stored.

(c) Every water supply of storage shall be at a distance of not less than 50 feet from any latrine, drain or other source of pollution. Where water has to be drawn from an existing well which is within such proximity of latrine drain or any other source of pollution, the well shall be properly chlorinated before water is drawn from it for drinking. All such wells shall be entirely closed in and be provided with a trap-door which shall be dust and water-proof.

(d) A reliable pump shall be fitted to each covered well, the trap door shall be kept locked and opened only for cleaning or inspection which shall be done at least once a month.

5. Washing and Bathing Places:

(i) Adequate washing and bathing places shall be provided, separately for men and women.

(ii) Such places shall be kept in clean and dried condition.

6. Scale of Accommodation in Latrines and Urinals:

There shall be provided within the precincts of every work place latrines and urinals in an accessible place, and the accommodation, separately for each of them, shall not be less than the following scale:

	No. of seats
(a) Where the number of persons does not exceed 50	2
(b) Where the number of persons exceeds 50, but does not exceed 100	3
(c) For every additional 100	3 per 100

in particular cases, the Executive Engineer shall have the powers to vary the scale, where necessary.

7. Latrines and Urinals for Women:

If women are employed, separate latrines and urinals, screened from those for men and marked in the vernacular in conspicuous letters "For women only" shall be provided on the scale laid in Rule 6. Those for men shall be similarly marked "For men only". A poster showing the figure of a man and a woman shall also be exhibited at the entrance of latrines for each sex. There shall be adequate supply of water close to the urinals and latrines.

8. Latrines and Urinals:

Except in work places provided with water-flushed, latrines, connected with water-borne sewage system, all latrines shall be provided with receptacles on dry-earth system which shall be cleaned at least four times daily and at least twice during working hours and kept in a strictly sanitary condition. The receptacles shall be tarred inside and outside at least once a year.

9. Construction of Latrines:

The inside walls shall be constructed of masonry or some suitable heat-resisting non-absorbent material and shall be cement-washed inside and outside at least once a year. The dates of cement washing shall be noted in a register maintained for this purpose and kept available for inspection. Latrines will not be of a standard lower than bore-hole system and should have thatched roofs.

10. Disposal of Excreta:

Unless otherwise arranged for by the local sanitary authority arrangements for proper disposal of excreta by incineration at the work place shall be made by means of a suitable incinerator approved by the Assistant Director of Public Health or the Municipal Medical Officer of Health, as the case may be, in whose jurisdiction the work place is situated. Alternatively, excreta may be disposed of by putting a layer of nightsoil at the bottom of pucca tank prepared for the purpose and covering it with a 6" layer of waste or refuse and then covering it up with a layer of earth for a fortnight (when it will turn into manure).

11. Provision of Shelters during rest:

At every work place there shall be provided, free of cost, two suitable sheds one for meals and the other for rest separately for men and women for the ease of labour. The height of the shelter shall not be less than 11 feet from the floor-level to the lowest part of the roof. The sheds should be roofed with at least thatch and mud flooring will be provided with a dwarf wall around not less than $2\frac{1}{2}$ feet. Sheds should be kept clean and the space should be on the basis of at least 5 square feet per head.

12. Creches:

(a) At every work place, at which 50 or more women workers are ordinarily employed, there shall be provided two huts for the use of children under the age of 6 years, belonging to such women. One hut shall be used for infants' games and play and the other as their bed room. The huts shall not be constructed on a lower standard than the following:

- (i) thatched roofs;
- (ii) mud floors and walls;
- (iii) planks spread over the mud floor and covered with matting.

The huts shall be provided with suitable and sufficient openings for light and ventilation. There shall be adequate provision of sweepers to keep the places clean. There shall be two dais in attendance. Sanitary utensils shall be provided to the satisfaction of the Health Officer of the area concerned. The use of the hut shall be restricted to children, their attendants and mothers of the children.

(b) Where the number of women workers is more than 25 but less than 50, the contractor shall provide at least one hut and one Dai to look after the children of women workers.

(c) The size of creche or creches shall vary according to the number of women workers.

(d) The creche or creches shall be properly maintained and necessary equipment like toys etc. shall be provided.

13. Canteen:

A cooked food canteen on a moderate scale shall be provided for the benefit of workers wherever it is considered expedient.

14. The above rules shall be incorporated in the contracts and in notices inviting tenders, and shall form an integral part of the contracts.

CENTRAL PUBLIC WORKS DEPARTMENT CONTRACTORS LABOUR REGULATIONS

SHORT TITLE:

1. These regulations may be called the "Central Public Works Deptt. Contractors' Labour Regulations".

2. Definitions--In these regulations, unless otherwise expressed or indicated, the following words and expressions shall have the meaning hereby assigned to them respectively, that is to say :

- (i) "Labour" means workers employed by a Central Public Works Department contractor directly, or indirectly through a sub-contractor or other persons or by an agent on his behalf on a payment not exceeding Rs.400/- per month and will not include supervisory staff like Overseers etc.
- (ii) "Fair Wages" means wages whether for time or piece work notified at the time of inviting tenders for the work and where such wages have not been so notified, the wages have not been so notified, the wages prescribed by the Central Public Works Department for the District in which the work is done. It will be notified prescribed by the CPWD in consultation with the officer of the Industrial Relations Machinery located in the respective areas and will be less than the minimum rates of wages fixed by the Govt. for that class of employee engaged on the same type of work in the same area.
- (iii) "Contractors" shall include every person whether a sub-contractor or head-man or agent, employing labour on the work taken on contract.
- (iv) "Wages" shall have the same meaning as defined in the payment of Wages Act and includes time and piece rate wages.

2. (a) Normally working hours of an adult employee should not exceed 9 hours a day and in case of a child $4\frac{1}{2}$ hours a day. The working days shall be so arranged that inclusive of interval for rest, if any, it shall not spread over more than 12 hours on any day.

(b) When an adult worker is made to work for more than 9 hours on any day or for more than 48 hours in any week he shall be paid over-time for the extra hours put in by him at double the ordinary rate of wages. Children shall not be made to work extra hours.

(c) Every worker shall be given a paid weekly holiday normally on Sunday.

3. Display of Notice regarding Wages, etc.--The contract shall:

- (a) Before he commences his work on contract, display and correctly maintain and continue to display and correctly maintain in a clean and legible condition in conspicuous places on the work, notices in English and in the local Indian Language spoken by the majority of the workers, giving the rate of wages which have been certified by the Executive Engineer, the Superintending Engineer, the Chief Engineer or Regional Labour Commissioner, as fair wages and the hours of work for which such wages are earned; and

(b) Send a copy of such notices to the certifying officer.

4. Payment of Wages-(i) Wages due to every worker shall be paid to him direct.

(ii) All wages shall be paid in current coin or currency or in both.

(iii) Arrears claimed after 2 months after the completion of the work shall not be entertained.

5. Fixation of Wage Periods-(i) The contractor shall fix the wage periods in respect of which the wages shall be payable.

(ii) No wage period shall exceed one month.

(iii) Wages of every worker employed on the contract shall be paid (a) in case of establishments in which wage period is one week within 3 days from the end of the wage period and (b) in the case of other establishments before the expiry of the 7th day or 10th day from the end of the wage period according as the number of workers employed in such establishments does not exceed 1000 or exceeds 1000.

(iv) When the employment of any worker is terminated by or on behalf of the contractor, the wages earned by him shall be paid before the expiry of the day succeeding the one of which his employment is terminated.

(v) All payment of wages shall be made on a working day except when the work is completed before the expiry of the wage period, in which case final payment shall be made within 48 hours of the last working day at work site and during the working time.

Note- The term "working day" means a day on which the work on which the labour is employed, is in progress.

6. Wage Book and Wage Slips etc.- (i) The contractor shall maintain a Wage Book of each worker in such form as may be convenient at the place of work, but the same shall include the following particulars:

- (a) Name of the worker.
- (b) Rate of daily or monthly wages.
- (c) Nature of work on which employed.
- (d) Total number of days worked during each wage period.
- (e) Dates and periods for which worked overtime.
- (f) Gross wages payable for the work during each wage period.
- (g) All deductions made from the wage with an indication in each case of the ground for which the deduction is made.
- (h) Wages actually paid for each wage period.
- (i) Signature or thumb impression of the worker.

(ii) The contractor shall also issue a wage slip containing the aforesaid particulars to each worker employed by him on the work at least a day prior to the day of disbursement of wages.

(iii) The contractor shall issue an Employment Card in the prescribed Form III to each worker on the day of work or entry into his employment. If the worker has already any such card with him from the previous employer, the contractor shall merely endorse that Employment Card with relevant entries. On termination of employment the Employment Card shall again be endorsed by the contractor and returned to the worker.

7. Register of Unpaid Wages- The contractor shall maintain a register of unpaid wages in such form as may be convenient at the place of work but the same shall include the following particulars;

- (a) Full particulars of the labourers whose wages have not been paid.
- (b) Reference number of the muster roll and wage register.
- (c) Rate of wages.
- (d) Wage period.
- (e) Total amount not paid.
- (f) Reasons for not making payment.
- (g) How the amount of unpaid wages was utilised.
- (h) Acquittance with dates.

8. Register of Accidents- The contractor shall maintain a register of accidents in such form as may be convenient at the work place but the same shall include the following particulars;

- (a) Full particulars of the labourers who met with accident.
- (b) Rate of wages.
- (c) Sex.
- (d) Age.
- (e) Nature of accident and cause of accident.
- (f) Time and date of accident.
- (g) Date and time when admitted in hospital.
- (h) Date of discharge from the hospital.
- (i) Period of treatment and result of treatment.
- (j) Percentage of loss of earning capacity and disability as assessed by Medical Officer.
- (k) Claim required to be paid under Workmen's Compensation Act.
- (l) Date of payment of compensation.
- (m) Amount of paid with details of the person to whom the same was paid.
- (n) Authority by whom the compensation was assessed.
- (o) Remarks.

9. Fines and Deductions which may be made from Wages-(i) The wages of a worker shall be paid to him without any deductions of any kind except the following:

- (a) Fines.
- (b) Deductions for absence from duty i.e., from the place or the places where by the terms of his employment he is required to work. The amount of deduction shall be in proportion to the period for which he was absent.

(c) Deduction for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money or any other deduction which he is required to account, where such damage or loss is directly attributable to his neglect or default.

(d) Deduction for recovery of advances or for adjustment of over-payment of wages, advance granted shall be entered in a register.

(e) Any other deduction which the Central Govt. may from time to time allow.

(ii) No fine should be imposed on any worker save in respect of such acts and omissions on his part as have been approved of by the Chief Labour Commissioner.

(iii) No fine shall be imposed on a worker and no deduction for damage or loss shall be made from his wages until the worker has been given an opportunity of showing cause against such fines or deductions.

(iv) The total amount of fine which may be imposed in any one wage period on a worker shall not exceed an amount equal to three days' wages in a rupee of the wages, payable to him in respect of that wage period.

(v) No fine imposed on any worker shall be recovered from him by instalment, or after the expiry of sixty days from the date on which it was imposed.

(vi) Every fine shall be deemed to have been imposed on the day of the act of omission in respect of which it was imposed.

10. Register of Fines, etc.- (i) The contractor shall maintain a register of fines and a register of deductions for damage or loss in Form Nos. 1 and 2 respectively which should be kept at the place of work.

(ii) The contractor shall maintain both English and the local Indian Language, a list approved by the Chief Labour Commissioner clearly stating the acts and omissions for which penalty or fine may be imposed on a workman and display it in a good condition in a conspicuous place on the work.

11. Preservation of Registers- The wage book, the wage slips, the register of unpaid wages, the register of accidents, the register of fines, reductions required to be maintained under these regulations shall be preserved for 12 months after the date of last entry made in them and shall be made available for inspection by the Engineer-in-Charge, Labour Welfare Officer or any other officer authorised by the Ministry of W.H.&.S. in this behalf.

12. Powers of Labour Welfare Officers to make Investigations or Enquiry- The Labour Welfare Officer or any other person authorised by the Central Government on their behalf shall have power to make

enquiries with a view to ascertaining and enforcing due and proper observance of the fair wage clauses and the provisions of regulations. He shall investigate into any complaint regarding the default made by the contractor or sub-contractor in regard to such provision.

13. Report of Labour Welfare Officer- The Labour Welfare Officer or other persons authorised as aforesaid shall submit a report of result of his investigation or enquiry to the Executive Engineer concerned indicating the extent, if any, to which the default has been committed, with a note that necessary deductions from the contractor's bill be made and the wages and other dues be paid to the labourers concerned. In case an appeal is made by the contractor under Clause 14 of these regulations a final payment to labourers will be made by the Executive Engineer after the Regional Labour Commissioner has given his decision on such appeal.

- (a) The Executive Engineer shall arrange payments to the labourers concerned within 45 days from the receipt of the report from the Labour Welfare Officer or the Regional Labour Commissioner as the case may be.

14. Appeal against the decision of Labour Welfare Officer- Any person aggrieved by the decision and recommendations of the Labour Welfare Officer or other person so authorised may appeal against such decision to the Regional Labour Commissioner concerned within 30 days from the date of decision, forwarding simultaneously a copy of his appeal to the Executive Engineer concerned but subject to such appeal, the decision of the officer shall be final and binding upon the contractor.

15. Prohibition regarding Representation through Lawyer-(i) A workman shall be entitled to be represented in any investigation or enquiry under these regulations by:

- (a) An officer of a registered trade union of which he is a member
- (b) An officer of a federation of trade unions to which the trade union referred to in Clause (a) is affiliated.
- (c) Where the employer is not a member of any registered trade union, by an officer of a registered trade union, connected with, or by any other workman, employed in, the industry in which the worker is employed.

(ii) A employer shall be entitled to be represented in any investigation or enquiry under these regulations by:

- (a) An officer of an association of employers of which he is a member.
- (b) An officer of a federation of associations employers, to which the association referred to in Clause (a) is affiliated.
- (c) Where the employer is not a member of any association of employers, by an officer of association of employer, connected with, or by any other employer, engaged in the industry in which the employer is engaged.

(iii) No party shall be entitled to be represented by a legal practitioner in any investigation or enquiry under these regulations.

16. Inspection of Books and Slips- The contractor shall allow inspection of the wage books and the wage slips the register of unpaid wages, the register of accident, and the register of fines and deductions to any of his workers or to his agent at a convenient time and place after due notice is received or to the Labour Welfare Officer or any other person, authorised by the Central Govt. on his behalf.

17. Submission of Returns- The contractor shall submit periodical returns as may be specified from time to time.

18. Amendments- The Central Government may, from time to time, add to or amend the regulations and on any question as to the application, interpretation or effect of those regulations the decision of the Chief Labour Commissioner or Deputy Chief Labour Commissioner to the Govt. of India, or any other person authorised by the Central Govt. in that behalf shall be final.

ANNEXURE 'C'

Statement of action taken on the main Recommendations,
of the Ad-hoc Committee on Buildings and Construction
Industry (August 1955)

Recommendation
No.1:- The Fair Wage Clause, contractors' Labour Regulations, model rules and other relevant labour clauses of the Central Public Works Deptt. contract forms should be incorporated in the contract forms of various agencies of the Central Government, State Governments, local authorities, port trusts, Corporations, multi-purpose project authorities and other such large employers of labour in the building and construction industry in the public sector.

Action taken:- according to information available, the Fair Wage clause has been incorporated in the contract forms of a few States, viz. Bihar, Madhya Pradesh, Orissa, and Punjab. The rest of the State Governments are still examining the matter with a view to incorporating the said clause. In the case of Union Territories, however, the CPWD is the construction agency and therefore the wage clause applies to them. The Military Engineer Services Port Trusts, the Damodar Valley Corporation and public sector steel plants have also incorporated the fair wage clause in their contract forms.

Recommendation
No.2(a) The authorities concerned should provide for proper enquiries to be made before deductions are made from the contractor's bills under clause 19(d) of the CPWD contract form;

(b) Steps should be taken to ensure speedy settlement of contractors bills.

Action taken on 2(a)&(b) The State Governments of Bihar and Madhya Pradesh and Ministries of Works and Housing, defence, Damodar Valley Corporation and the Calcutta Port Commissioners have incorporated appropriate clauses to this effect in their contract forms. The Government of Madras, however, feel that the question of giving effect to this recommendation will arise only after the introduction of fair wage clause in the contract documents and that the introduction of the Fair Wage Clause need not precede a proper definition of the term 'Fair Wage' and the passing of a Fair wage Bill by Parliament / In reply to a communication received from the Madras Government we had informed them that a Fair Wage Bill was introduced in Parliament in 1950 and it lapsed on the eve of the dissolution of the erstwhile Parliament on account of general elections in 1952/. In regard to speedy settlement of contractors' bills the Madras Government consider that the existing instructions in the Department Code Rules are sufficient for the purpose.

Recommendation
No.3. The provisions made in clause 19c of the CPWD contract form requiring the contractor to provide at his own expense footwear for labour doing cement mixing work should be widened to cover all other types of work involving the use of tar, mortar etc.

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Action taken: The State Governments of Bihar, Madras and Madhya Pradesh have made provisions for this purpose. The Port Trusts, Damodar Valley Corporation and Defence (MES) and public sector steel projects have also included relevant clauses to give effect to this recommendation.

Recommendation Maternity benefit for women should be provided for
No.4: in the contract forms of the Central Ministries, State Governments, local bodies, port trusts, etc., on the same lines as has been done in clause 19F of the CPWD contract form.

.....

Action taken: according to CPWD contract form clause 19F no maternity benefit shall be admissible to a woman unless she has been employed for a total period of not less than 6 months immediately preceding the date on which she proceeds on leave. The State Government of Madhya Pradesh have extended the State Maternity Benefit Act, 1958 to PWD works. The Bombay Port Trust, MES and Steel Projects have also incorporated the necessary provisions for this purpose. However, most of the interests concerned are not in favour of this provision as the work ordinarily gets completed within six months and the women workers who are engaged (whose number is generally small) do not work for a sufficiently long time to qualify for the benefits.

Recommendation There should be provision in respect of separate
No.5: latrines and urinals for women in the contract forms of Central Ministries, State Governments, Port Trusts, local bodies, etc., on the lines prescribed in rules 7 to 10 of the Model Rules of CPWD.

.....

Action taken: The State Governments of Bihar, Madhya Pradesh and Maharashtra have included necessary clause to this effect. The port trusts, DVC, MES and Steel projects have also generally incorporated this provision in their contract forms.

Recommendation Provision should be made for the formation of
No.6: tripartite site Committees in the case of works of a sizeable nature.

.....

Action taken: Almost all the concerned interests are of the view that there is no need to set up tripartite site committees, as there is already a provision for the setting up of works Committee under the Industrial Disputes Act and this might result in duplication of functions. No need, therefore, was felt to pursue the matter any further.

Recommendation Appropriate provisions of the ILO Convention (No.62)
No.7: concerning safety should be incorporated in the contract forms of the Central Ministries, State Governments, port Trusts, local authorities, etc.

.....

Action taken: The State Governments of Maharashtra and Punjab have done the needful. The Central Water and Power Commission (Ministry of Irrigation & Power) have already published a Safety Manual for the use of project construction authorities. A similar safety code has also been drawn up by the Ministry of Works and Housing. The Ministry of Defence (MES) have also adopted a Safety Code containing provisions on the lines suggested in the ILO Convention. The Steel Plants have appointed safety officers to look into this aspect. The port trusts have also taken adequate precautions to fulfil the safety provisions enumerated in the ILO Convention.

Recommendation No.8: The suggestions made in the Advisory Guide should be adopted.

.....

Action taken: The Guide makes provision for rest sheds, wholesome drinking water, place for taking meals, washing facilities etc. Ministries of Defence (MES), Transport (port trusts), Irrigation and Power (DVC) and Steel Plants have incorporated most of the provisions contained in the advisory guide in their contract documents. No precise information, is however, available in regard to the implementation of this recommendation by the various State Governments (excepting Maharashtra).

Recommendation No.9: The enforcement of Labour clause has to be improved. For this steps should be taken to create adequate machinery, expand the existing enforcement machinery, and designate officers charged with the responsibility of proper enforcement of labour clauses.

Action taken: The Government of Maharashtra has taken necessary steps to meet the requirements of this recommendation. The Madras Government have asked the Commissioner of Labour to take effective steps in this regard, especially to ensure that the labour employed by the contractors are paid their due wages without default. Among certain difficulties the Ministry of Defence have pointed out that the proposal for the creation of labour welfare officers in the MES had to be dropped in view of the Home Ministry's ban on recruitment.

Recommendation No.10: State public works departments and other central Ministries should make provision in their contract forms for provision of creches on the same lines as in the CPWD Model Rules in respect of works which employ 50 or more women.

Action taken: The State Governments of Bihar, Madras, Maharashtra and Punjab have made necessary provisions in their contract forms. The Ministries of Defence (MES), Transport (Port Trusts) and Irrigation and Power (DVC) and Steel Plants have also implemented this recommendation.

Recommendation No.11:

The following amendments to the labour regulations contained in the Central Public Works Department contract forms have been recommended:-

- (i)(a) Where the number of women workers is more than 25 but less than 50 contractors should provide at least one hut and one Dai to look after the children of women workers. An additional clause to this effect should be introduced in the contract forms by all concerned.

(b) The size of creche or creches should vary according to the number of women workers.

(c) The creches should be properly maintained and necessary equipment like toys etc. should be provided.

(ii) Paragraph 6(3) of the Contractors' Labour Regulations which empower an Executive Engineer to grant exemption from the maintenance of Wage Registers and Wage Slips in respect of Works on which less than 100 persons are employed should be deleted.

(iii) It should be made clear that the Model Rules apply to the Building and Construction Industry.

(iv) Instead of the reference to an ambulance in Rule 3(d) of the Model Rules framed by the Central Public Works Department it would suffice if mention is made that suitable transport should be provided.

(v) There should be reference to cold water in Rule 4(a) and Rule 4(e) of Model Rules which refer to temperature of drinking water might be deleted.

(vi) There should be separate provision of rest shelters for women (Rules II of the Model rules has to be suitably amended).

Action taken: Necessary amendments have been made in the Central Public Works Department Contractors' Labour Regulations and Model Health Rules.

ANNEXURE 'D'

Extract from Ministry of Labour, Labour Bureau, Report on Labour Conditions in the Building and Construction Industry in India (1954).

CHAPTER VI

SUMMARY

The building and construction industry includes several sectors of building activity such as the works of the Central and State Public Works Departments, the various river valley projects, works of the Defence Ministry, Statutory Housing Boards, Cooperative House Building Societies, building activities of local bodies, railway construction, etc. According to the Census of India, 1951 over 11 lakhs persons are engaged in construction and maintenance of buildings, roads, bridges and other transport work, telegraph and telephone lines, irrigation and other agricultural work, etc., as employers, employees and independent workers. Building activity is seasonal in character and employment in building trades is subject to seasonal fluctuations influenced largely by climate conditions. As a rule, building activity is at its peak during the winter months while it is more or less at a standstill during the rainy season.

One special feature of work in the building and construction industry is that the execution of the work has, by far and large, been entrusted to contractors. In fact the bulk of the labour employed in the building industry is employed through contractors. In the C.P.W.D. contract labour forms 69 per cent, of total employment, in the Public Works Department in Madras 99 per cent, in Orissa 86 per cent in Mysore 80 per cent and in Delhi nearly 100 per cent. In the works of the Damodar Valley Corporation it forms 44 per cent., in the Hirakund Dam Project 74 per cent and in the Manimuthar Project in Madras 83 per cent. In railway construction Travancore-Cochin 38 per cent of the Labour employed were through contractors.

Women form about 13 per cent of the total labour employed and constitute a much larger proportion of the unskilled labour in the building trades. Children are not usually employed in the building industry except in Madras and Mysore.

Skilled workers in the building trades constitute from 20 to 40 per cent of the total labour employed. Skilled workers comprise masons, bricklayers, stone cutters, carpentors, blacksmiths, etc. Work on dam construction, etc., requires also a large number of technicians and drivers of trucks and machinery. In some of the highly mechanised works such as at the Bhakra-Nangal Project skilled workers form as much as 85 per cent of the labour force.

Except in some of the major works which maintain personnel departments there are no special arrangements for the recruitment of workers. Generally skilled and unskilled workers come to the work sites in search of employment. There is evidence of inter-district and inter-State migration in search of employment particularly among some categories of skilled and semi-skilled workers.

Hours of work in the building and construction industry are 8 per day and 48 per week although there are no statutory restrictions in this regard. Occasionally overtime work is required and in such cases several contractors pay wages at double the ordinary rates. Except on the works of the Central Public Works Department, the workers in building and construction do not get any paid weekly holiday. However, they get a weekly day of rest. Only the workers departmentally employed in the C.P.W.D. and the public works in certain States and some of the dam projects get leave with wages.

Road construction and building operations' is one of the industries scheduled under the Minimum Wages Act, 1948. The Central Government and several State Governments have fixed minimum rates of wages for workers in building and construction. The minimum rates fixed vary from State to State and even from one district to another within a State. Some State Governments have fixed uniform minimum rates for men and women but generally the rates fixed are different. The prevailing rates of wages in the building industry are substantially higher than the minimum rates fixed, although instances were noticed in which rates of wages were lower than those fixed under the Act.

The working and living conditions of labour in building and construction need considerable improvement. In regard to the provision of rest shelters, washing facilities, sanitary arrangements, etc., little or nothing has so far been done while the arrangements regarding drinking water and protective equipment leave much to be desired. Housing conditions of building workers are deplorably poor and welfare facilities, except in some of the major dam projects are almost non-existent.

Except, again, in some of the major dam projects and the C.P.W.D. works in Delhi and Calcutta, the workers have not organised themselves and have no bargaining strength. The C.P.W.D. and River Valley Projects have labour or personnel officers to enquire into the grievances of the workers.

In India, the technical aspects of the building and construction industry have also not received the attention they deserve. The Planning Commission has, however, emphasised the need of research in building techniques and materials and organising the building trade in all its aspects including training of labour and technical personnel of all grades. The Commission has suggested the setting up of a National Building Organisation with the following principal objectives:-

- (a) to co-ordinate and evaluate results of research on building materials and technical development now being carried on in different institutions.
- (b) to suggest from time to time subjects of further research and development with due regard to their relative importance and urgency.
- (c) to incorporate the results of such research in actual building practice;

- (d) to ensure effective utilisation of all available building materials including non-traditional materials;
- (e) to guide industry and public in general on the use of new materials and techniques in building construction;
- (f) to initiate proposals for increased production of building materials and their proper distribution;
- (g) to examine building costs with a view to reducing in overheads and other expenses particularly in the public sector;
- (h) to provide museums or standing exhibitions where methods of cheap houses and techniques for economic building can be displayed, explained and demonstrated;
- (i) to take necessary steps for the standardisation of building components and to organise production and distribution of such standardised components on large scale;
- (j) to advise Government on technical matters including experiments research, building education and new techniques; and
- (k) to provide for training in building work and improved techniques and to organise refresher courses for engineers and architects.

Such a body should consist of persons who are eminent in their professions and whose decisions would carry weight. It must also have facilities for experiments in various types of building materials and it must be associated with a Ministry of the Central Government which should act as its executive wing to translate its recommendations into actual practice.

ANNEXURE 'E'
GOVERNMENT OF INDIA
DEPARTMENT OF LABOUR

No. E-17.

New Delhi, the 24th January, 1946.

Subject: Introduction of a Fair Wage Clause in Central P.W.D. Contracts.

The Government of India have been considering for some time past ways and means of improving and ensuring stricter compliance with the Fair Wage Clause already included in the standard form of agreement in force in Central P.W.D. contracts. This clause at present provides that the contractor shall pay his labour not less than the wages paid for similar work in the neighbourhood. This intention of this clause was that the labour should be paid a fair wage and that the contractors should not be allowed to force the construction labour by various devices to work for him at rates which were below the prevailing market rates for labour. In order to ensure the implementation of this object, the Government of India have now decided to introduce a revised clause in the standard forms of agreement with contractors providing that the wage rates to be paid by a contractor employed on a Central P.W.D. contract (or by a sub-contractor working under that contractor) shall be so fixed (whether on time or piece) as to give to every man, woman or child employed on that work a daily wage notified at the time of calling for tenders. This wage will be the 'fair-wage - i.e., the wage paid in the locality. A copy of the revised clause and of the labour regulations as proposed to be embodied in the agreement form with contractors is enclosed. The revised clause will be brought into effect from the 1st April, 1946.

2. It has also been decided to set up an adequate administrative system to ensure that the provisions of the fair wage clause are duly complied with orders sanctioning the necessary staff for this purpose will be issued.

A.K. CHATTERJEE.

ASSISTANT SECRETARY TO THE GOVERNMENT OF INDIA.

To

The Chief Engineer,
Central P.W.D., New Delhi.

A copy, with a copy of the Fair Wage Clause and the Labour Regulations, is forwarded to all Provincial Governments with the request that the question of adopting similar provisions in respect of labour employed on their works may kindly be considered.

A.K. CHATTERJEE,

ASSISTANT SECRETARY TO THE GOVERNMENT OF INDIA.

A copy, with a copy of enclosures, is also forwarded to the A & G. Branch, for necessary action.

A.K. CHATTERJEE.

ASSISTANT SECRETARY TO THE GOVERNMENT OF INDIA.

Integrated Subsidised Housing Scheme for industrial workers and economically weaker sections of community.

(1) General.

(a) Housing for Industrial Workers -

The Subsidised Housing Scheme for industrial workers, which came into operation in September, 1952, is intended for the following low paid workers whose wages are Rs. 350/- p.m. and below:-

- (i) Industrial workers, covered by section 2(1) of the Factories Act, 1948, and
- (ii) Mine workers (other than those engaged in coal and mica mines) falling within the meaning of section 2(h) of the Mines Act, 1952.

State Governments are given 100% financial assistance, 50% as loan and 50% as grant. Industrial employers desirous of constructing houses under the Scheme have to contribute 25%, the remainder being given from the Centre - 50% as loan and 25% as grant. Housing Cooperatives of eligible industrial workers can also avail of the benefit of the Scheme by making a 10% contribution from their own resources, receiving the balance 65% as loan and 25% as grant.

(b) Housing for economically weaker sections of community. -

The housing programme for economically weaker sections of the community was initiated in October, 1962, as a part of the Low Income Group Housing Scheme. Houses under this programme can be constructed only by the State Governments, Housing Boards and Local Bodies.

(c) Type of construction -

In addition to the construction of pucca houses (small two-roomed and regular two-roomed houses), the State Governments can also provide open developed plots, skeletal houses and hostel and dormitory buildings at lower rents for the eligible industrial workers and persons of the economically weaker sections of community, who cannot pay the rents prescribed for pucca houses.

(d) Repayment of loans. -

The loans are recoverable in 30 annual equated instalments from the State Governments and Co-operative Societies and in 15 or 25 annual equated instalments from the industrial Employers at their option.

(e) Rents. -

The subsidised rents based on 50% of the cost of construction are recoverable from the workers and persons of the economically weaker sections of community.

(2) Progress

(a) Housing for Industrial Workers. -

From the inception of the Scheme to the end of December, 1967, Rs. 68.88 crores were sanctioned for construction of 1,86,705 houses, out of which 1,59,871 houses have been completed. Rs. 62.16 crores were disbursed till the end of March, 1968. A break-up of the financial assistance sanctioned, houses sanctioned and built in the different sectors upto the 31st December, 1967, is given below:-

Agency	Assistance sanctioned.			No. of houses	
	Loan	Grant	Total	Sanctioned	Built
(Rupees in crores)					
(1) State Govts.	27.39	26.22	53.61 (+) 2.01*	1,38,639	1,24,122
(2) Industrial Employers	6.52	4.21	10.73	40,955	30,498
(3) Cooperative Societies	1.80	0.73	2.53	7,111	5,251
	<u>35.71</u>	<u>31.16</u>	<u>66.87</u> (+) 2.01* 68.88	<u>1,86,705</u>	<u>1,59,871</u>

*Central expenditure in Delhi.

(b) Housing for economically weaker sections of community.-

The progress has not been encouraging. Since the introduction of the housing programme for economically weaker sections of community in October, 1962, upto the 30th September, 1967, construction of 4,286 houses was sanctioned, out of which construction of 1,983 houses was completed. Central assistance for construction of these houses upto the 31st March, 1967, was included in the Central financial assistance disbursed to the State Governments till then, under the Low Income Group Housing Scheme.

(c) Programme for 1968-69. -

A sum of Rs. 4.15 crores has been provided in the Central Budget for 1968-69 for the implementation of the integrated scheme.

(3) Liberalisations and modifications recently made

(a) Increase in the ceiling costs. -

As the costs of land, building materials and labour have risen since 1964, when the ceiling costs for dwelling units both for industrial workers and economically weaker sections of community were

last increased, the ceiling costs under the Scheme were increased by about 15% in September, 1967 (effective from the 1st April, 1967). The current ceiling costs and the standard (subsidised) rents are indicated below:-

<u>Ceiling cost</u>	<u>Subsidised rent based on 50% grant (Per month).</u>
(i) For places outside Bombay, Calcutta and their industrial areas. Ranging from Rs. 1850-00 to Rs. 8050.00	Ranging from Rs. 7.00 to Rs. 32.00
(ii) For places in Bombay, Calcutta and their industrial areas. Ranging from Rs. 2800-00 to Rs. 10600-00	Ranging from Rs. 11.50 to Rs. 48.50

∟ The ceiling costs and the rents indicated above can, however, be increased if certain specified special considerations warrant it ∟

(b) Utilisation of houses for community facilities

The workers are generally reluctant to move into housing colonies, which may be lacking in essential services and community facilities, such as schools, dispensaries, welfare centres, training-cum-work centres, community centres, shops, consumer cooperative stores, post office, police posts, etc. With a view, therefore, to ensure that the subsidised houses in the colonies which may be lacking in these facilities, are occupied by eligible workers and persons, the State Governments have been permitted to utilise upto 2 per cent of the houses built under the Scheme, for the provision of these facilities, on payment of full rent.

(c) Vacation of houses allotted to ineligible persons and organisations. -

The industrial houses built at certain places had been allotted by the State Governments to their employees, other ineligible persons organisations, etc., for a variety of reasons, such as to meet urgent housing needs of their employees consequent upon the reorganisation of the State, because of reluctance of eligible workers to occupy the houses at certain places, etc. As the State Governments could not find out alternative accommodation for ineligible persons etc., and a number of the industrial houses continued in their occupation despite our persuasion, the State Govts. have been asked to take over these houses from the industrial housing pool and refund to the Central Government the financial assistance obtained by them for the construction of those houses. In such cases the financial assistance involved (both loan and subsidy) will be treated as a loan to the State Government from the date of the drawal of the relevant amounts. The State Governments can repay this loan with interest in instalments in the normal manner.

* A schedule showing the ceiling costs for various types of dwelling units and the standard (Subsidised) rents for those units operative w.e.f. the 1st April, 1967, is attached.

(d) Retention of houses by workers on crossing the wage limit of Rs.350/-p.m.

With a view to mitigate the hardship to an industrial worker who has to vacate the accommodation allotted to him, on crossing the wage limit of Rs.350/- p.m., it has been decided that an industrial worker may retain the accommodation even after crossing the above limit till he reaches the wage limit of Rs.500/-p.m., on payment of some additional charges.

(e) Integration of Subsidised Housing Scheme for industrial workers and economically weaker sections of community -

In pursuance of a recommendation of the Committee which was set up by the housing Ministers' Conference held at Chandigarh in 1964, under the Chairmanship of Prof. L.S.Thacker, Member Planning Commission, the Subsidised Housing Scheme for industrial workers and the housing programme for economically weaker sections of community have been integrated from the 1st April, 1966. The State Governments can utilise upto 50 per cent of their allocations under the Integrated Scheme for construction of houses for the weaker sections. The pattern of central assistance for housing programme for weaker sections of the community, which used to be 75% loan and 25% grant, on the integration of this programme with the Subsidised Housing Scheme for industrial workers.

has been liberalised providing 50% loan and 50% grant

(f) Increase in the income-limit prescribed for allotment of houses built for economically weaker sections of community. -

In pursuance of a recommendation of the Thacker Committee mentioned in the preceding sub-para, the income limit for allotment of houses for economically weaker sections of the community has been fixed uniformly at Rs.250/- p.m. for all places, instead of Rs.250/-p.m. in Bombay, Calcutta and Delhi, Rs.200/-p.m. in the case of capital towns other than Bombay and Calcutta, and Rs.175/- p.m. elsewhere. Further, with a view to mitigate the hardship to persons of economically weaker sections of community, it has been decided that an allottee can retain the accommodation even on crossing the income limit of Rs.250/- p.m. till his income reaches Rs.400/-p.m. on payment of some additional charges.

It may be mentioned, that the Housing Ministers' Conference held at Madras in November, 1967, has recommended that on the analogy of the existing provisions of the scheme under which the industrial workers with a wage limit of Rs.350/-p.m. are at present entitled to the benefits of the scheme, the income limit of the economically weaker sections of the community, may also be raised from Rs.250/-p.m. at present to Rs. 350/- p.m. Preference should, however, be given to the persons upto wage limit of Rs.250/- in the allotment of these houses. This recommendation is under consideration in the Ministry. Contd..... 5

(4) Sale of houses outright or on hire-purchase basis

(a) Housing for industrial workers. -

The Subsidised Housing Scheme for industrial workers provides for the sale of houses on hire purchase basis to allottee eligible workers by the State Governments and Co-operatives. (There is no provision in the scheme for the sale of industrial houses which are built by employers to allottee workers). According to the Scheme, the allottee of a house could purchase the house on hire-purchase basis from State Governments and their agencies, as also from the Co-operative Societies ~~and their agencies as well from the Co-operative Societies~~ by paying only 75% and 65% respectively of the cost of the house, thus entitling him to retain the 25% subsidy granted by the Government in the construction of these houses.

The question of allotting industrial houses to workers on hire-purchase basis had been engaging Government's attention for quite some time past. It was felt that if the houses were allotted to workers on hire-purchase basis, they would become owners and continue to occupy them even after their links with the industrial units were terminated. To the extent the houses were allotted on this basis, they would not be available to eligible workers on their occupants ceasing to be eligible. Further, the Government should not subsidise the ownership of the houses. The matter was last discussed in the Housing Minister's Conference held at Madras in November, 1967. The Conference made the following recommendation:

"The sale of houses built under the Subsidised Industrial Housing Scheme, should ordinarily be discouraged. However, if the State Governments permit the sale of houses under the Scheme, it should be done on payment of full cost, without the benefit of 25 per cent subsidy."

The above recommendation has been accepted by the Government of India and commended to the State Governments for implementation.

(b) Housing for economically weaker sections of community. -

The houses built for the economically weaker sections of community can be sold outright or on hire purchase to eligible persons, on payment of full cost.

(5) Enactment of legislation for placing statutory obligation on employers to build houses for their workers.

The question of placing statutory obligation on employers to build houses for their workers has been under the consideration of the Government for quite a long time. One view is that without legal compulsion, the employers may not build an adequate number of houses for their workers. The other view is that such compulsion might retard industrial production, which is more important in the context of the current economic conditions in the country. This school thinks that the employers should be encouraged to build more houses for their workers by providing them more facilities.

The matter was considered at the Conference of the Housing Ministers held at Chandigarh in December, 1964, which recommended that the employers should be given (i) 100% financial assistance under the Subsidised Industrial Housing Scheme; (ii) relief in income-tax; (iii) allotment of land at cost price; and (iv) supply of scarce building materials, like cement. The Conference also recommended that if despite these additional facilities, the employers' response was unsatisfactory, the Government of India might consider the question of imposing legal compulsion.

The recommendations regarding allotment of land and supply of building materials for workers' housing were commended to the State Governments. The recommendations regarding provision of 100% financial assistance was not accepted, as it was felt that the employers should not be absolved completely of the financial responsibility to provide houses for their workers. The question of giving relief to the employers on their contributions towards the construction of their workers' houses is, however, under consideration in the Ministry of Finance.

The matter was again discussed in the Conference of Ministers of Housing, Urban Development and Town Planning, held in November, 1967, at Madras. The Conference made the following recommendation :-

"The State Governments should make concerted efforts in persuading the industrial employers to build houses for at least 10 per cent of the eligible industrial workers to begin with. The financial assistance under the Scheme will, however, remain unaltered, namely, 25 per cent subsidy and 50 per cent loan."

The above recommendation has been communicated to the State Governments for taking appropriate action in the matter.

Schedule of overall ceiling costs and
Standard rents effective from the 1st April, 1967.

S. No.	Type of accommodation	Overall ceiling cost	Standard rent per month with 50% subsidy
1	2	3 Rs.	4 Rs.
<u>I. Outside Bombay and Calcutta and their Industrial Areas .</u>			
(i)	Open developed plot	1850.00	7.00
(ii)	Skeletal house	2900.00	11.50
(iii)	Small two-roomed house (single storeyed)	4850.00	20.00
(iv)	Small two-roomed house (double storeyed)	5100.00	21.50
(v)	Small two-roomed house (multi-storeyed)	6750.00	26.00
(vi)	Regular two-roomed house (Single storeyed)	5600.00	24.00
(vii)	Regular two-roomed house (Double-storeyed)	6150.00	26.00
(viii)	Regular two-roomed house (multi-storeyed)	8050.00	32.00
<u>II. In Bombay and Calcutta and their Industrial Areas</u>			
(i)	Open developed plot.	2800.00	11.50
(ii)	Skeletal house	4250.00	18.50
(iii)	Small two-roomed house (Single-storeyed)	6750.00	31.00
(iv)	Small two-roomed house (Double-storeyed)	7100.00	32.50
(v)	Small two-roomed house (Multi-storeyed)	8450.00	38.00
(vi)	Regular two-roomed house (Single-storeyed)	7750.00	35.50
(vii)	Regular two-roomed house (Double-storeyed)	8400.00	39.00
(viii)	Regular two-roomed house (Multi-storeyed)	10600.00	48.50

SPECIAL PROVISIONS

(A) Special provisions relating to ceiling costs.

- (i) There will be no distinction between the cost of building and the cost of land, and the overall ceiling costs indicated above will only be applicable.
- (ii) For items I(i) to (iv), (vi) and (vii), the overall ceiling costs may be raised by Rs. 1100/- extra per dwelling unit in towns with a population of more than three lakhs and Rs. 450/- extra per dwelling unit in towns where the population is from one to three lakhs.
- (iii) In respect of construction of skeletal and pucca houses in black cotton soil, or reclaimed, or hill areas necessitating deeper and stronger foundations etc. or higher transport costs etc., Rs 550/- extra per house on the overall ceiling costs may be allowed.

- (iv) The overall ceiling costs in Bombay, Calcutta and other cities will apply not only to the areas within the jurisdiction of their municipal corporations but also to adjoining industrial areas as defined by their State Governments with the approval of the Government of India.
- (v) Within the limits of the Municipal Corporation of Bombay and Calcutta, ordinarily multi-storeyed houses should only be constructed, and other types of accommodation should be resorted to only when justified by special considerations, such as low-bearing capacity of soil, lack of adequate water supply and sewerage facilities, low-rent paying capacity of the workers, difficulty of joint cooperative ownership by workers etc.
- (vi) The financial assistance for construction in Asansol, Durgapur and Kalyani areas will be based on the same ceiling costs, as prescribed for Bombay and Calcutta and their industrial areas.
- (vii) In cases, where the cost of construction of houses exceeds the prescribed ceiling costs, there is no objection to the utilisation of savings from other houses by State Governments, Statutory Housing Boards and Municipal Bodies for meeting the excess expenditure, provided the houses involved are of the same type, are built in the same town and the construction thereof is simultaneously sanctioned as a part of the same project. Such diversions are not permitted in cases, which do not satisfy these conditions.

B. Special provisions relating to Standard rents.

- (i) There is no objection to the charging of lower rents.
- (ii) These rents are inclusive of rates and taxes. In case the State Governments succeed in lowering the rates and taxes, the benefit of any such reduction should be passed on to the tenant in the form of lower rents.
- (iii) These rents are exclusive of charges for water and electricity, and for any special services not covered by the normal municipal services.
- (iv) Irrespective of the approved Agency involved the following increase in the rents will be allowed:-
- (a) Rs.3.50 p.m. per skeletal/pucca house in Maharashtra and Gujarat States and in Calcutta and its industrial areas;

- ~~2-3~~
- (b) Rs.4.00 p.m. per dwelling unit corresponding to the ad-hoc increase of Rs.1100/- and Rs.1.50 p.m. per dwelling unit corresponding to the ad-hoc increase of Rs.450/- mentioned in item (ii) of special provisions relating to the ceiling costs, except in cases already covered by (a) above;
- (c) Rs.2/- p.m. per dwelling unit corresponding to the ad-hoc increase of Rs.550/- mentioned in item (iii) of special provisions relating to the ceiling costs, except in cases already covered by (a) above.
- (v) The standard rents in respect of the dwelling units constructed in Ansol, Durgapur and Kalyani area will be the same, as those prescribed for Bombay, Calcutta and their industrial areas.
- (vi) The State Governments have full discretion to fix varying rents above or below the standard rents prescribed for different types of houses built by them, Statutory Housing Boards and Municipal Bodies, keeping in view the demand for these houses and the rent-paying capacity of the workers. The quantum of capital subsidy payable to the State Governments, will, however, in all cases, be limited to the prescribed percentage of the approved cost of the project. The State Governments should also ensure that the excess rent recovered in respect of certain types of houses is wholly applied towards reducing the rent for other types of houses.

(C) Special provisions relating to hostels and dormitories.

The ceiling costs and standard rents per person, applicable to the construction of hostel and dormitory types of accommodation, will be half and two-fifth respectively of those prescribed for corresponding small two-roomed houses in the various towns under the Scheme. In addition to the standard rent, a service charge upto a maximum of Rs.3.00 p.m. per person may be levied for water, electricity, sanitary facilities etc.

Note on Subsidised Housing Scheme for Plantation Workers.

The Plantation Labour Act, 1951, makes it obligatory on every planter to provide residential accommodation to eligible workers. Many planters were, however, unable to meet this statutory obligation due to financial difficulties. A scheme known as the Plantation Labour Housing Scheme was accordingly formulated in April, 1956, to help planters, especially the smaller ones, to fulfil this obligation. The Scheme envisaged the grant of assistance in the form of interest-bearing loans to the extent of 80 per cent of the approved ceiling cost of houses; the balance of 20% per cent was to be contributed by the planters. The ceiling cost of houses was fixed at the rate of Rs.3,000 per house for North Indian plantations and Rs.2,400 per house for South Indian plantations. Even then, the progress under the Scheme was very poor. The Department of Labour & Employment, therefore, set up a Working Group on Plantation Labour Housing in 1962. After a comprehensive study of the subject all over the country, the Group made a number of recommendations for liberalising the Scheme. Their most important recommendations was to give 25% of the approved cost of houses as outright grant. Of the balance, 50% was recommended as Central loan and 25% as planters' contribution. This recommendation was accepted and given effect to from April, 1966. The above decision and certain other recommendations of the Working Group necessitated a number of modifications to the Scheme. The Scheme has accordingly been revised and re-named as Subsidised Housing Scheme for Plantation

Workers. The important features of the revised scheme are summarised below:-

- (i) Preference for subsidised assistance is to be given to the most deserving plantations whose financial conditions justify this assistance.
- (ii) The ceiling costs of houses have been enhanced from Rs.3,000 / 3,800 for South/North Indian plantations to Rs.3,200 / 4,000 per house respectively.
- (iii) The housing cooperatives of the plantation workers have been allowed for the first time to avail themselves of assistance under the Scheme for construction of houses. Central financial assistance upto 90% of the approved cost of a house is admissible to the cooperatives - 65% as loan and 25% as subsidy, the balance of 10% being arranged by the cooperatives.
- (iv) Planters of small estates, located contiguously, have been allowed to take up joint housing colonies, for economy reasons.

The Scheme is at present implemented in five States i.e. Assam, West Bengal, Kerala, Madras and Mysore.

According to the progress reports received upto the end of 1967 projects for the construction of 1923 houses have been sanctioned out of which 1350 houses have been completed and a sum of Rs.33.25 lakhs has been disbursed as financial assistance.