

Manual 17

Other information as may be prescribed

(Section 4 (1) (b) (xvii))

All other information as may be prescribed for dissemination shall collated, tabulated, compiled, collected and provided in the form of manual from time to time.

N I L

Important Decision

{Section 4 (1) (c)}

The Orissa Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 972, CUTTACK, TUESDAY, JULY 14, 2009/ ASADHA 23, 1931

LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 13th July 2009

No. 6272-LL-I- (AR) 08/09/LE.— Whereas, certain proposals to revise the minimum rates of wages payable to certain categories of employees employed in 83 employments as mentioned therein were published as required under clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (11 of 1948) in the extraordinary issue No.282, dated the 27th February, 2009 of the *Orissa Gazette* under the notification of the Government of Orissa in the Labour & Employment Department No.1991-LL-I-(AR)8/09/LE., dated the 26th February, 2009 inviting objections and suggestions from all persons likely to be affected thereby within a period of two months from the date of publication of the said notification in the *Orissa Gazette*;

And, whereas, the representations containing objections and suggestions received within the specified period of two months in respect of the said draft have been duly considered by the State Government and the Advisory Board appointed under section 7 of the said Act, has also been consulted;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 3 read with section 4 and sub-section (2) of section 5 of the said Act and in supersession of all previous notifications issued in this regard, the State Government do hereby revise the minimum rates of wages payable to the Unskilled, Semi-skilled, Skilled, Highly-skilled categories of employees employed in 83 employments in the whole State as in the Schedule appended herewith to Rs.90/-, Rs.103/- Rs.116/-, Rs.129/- per day respectively. In addition to the said rate of wages, a special allowance called as Variable Dearness Allowance shall be payable @ Rs.2.50 (Rupees two and paise fifty) only per day for every 50 point rise in the All India Consumer Price Index Number (Base 2001-100) for industrial workers, or on the expiry of every block period of two years from the date of coming into force of this notification whichever is earlier as may be notified by the Labour Commissioner, Orissa in the official gazette of the State and the same shall be uniformly applicable to the categories of employees specified above, to be effective from the date as may be directed by the Labour Commissioner, Orissa in the said notification.

SCHEDULE

Sl. No.	Name of the Employment	Categories of Employees	Proposed minimum rates of wages per day
(1)	(2)	(3)	(4)
1.	Agriculture		
2.	Automobile Servicing, repairing garages and workshops.		
3.	Ayurvedic and Unani Pharmacy		
4.	Bakeries and Confectionaries including Biscuit making		
5.	Bamboo Forest Establishment		
6.	Brass and Bell metal Industry		
7.	Carpet Weaving Industry		
8.	Cashew processing establishments		
9.	Cement pipe making and allied products industry		
10.	Ceramic and Pottery Industry		
11.	Chemical Industry		
12.	Cinema Industry		
13.	Clay pottery		
14.	Coil Industry		
15.	Collection of Sal Seeds		
16.	Construction or maintenance of Dams, Embankments, Irrigation Projects and sinking of wells and tanks.	Unskilled	Rs.90.00
		Semi-skilled	Rs.103.00
17.	Construction or maintenance of roads or in building Operations	Skilled	Rs.116.00
18.	Contingent and Casual employees in Government and other establishments.	Highly skilled	Rs.129.00
19.	Cotton Ginning and Pressing Industry		
20.	Dispensary of Medical Practitioner in any establishment of medical consultant or in any Chemical or Pathological Laboratory		
21.	Distilleries		
22.	Electricity Board		
23.	Finishing Dyeing of yarn and fabrics, painting, knitting and embroidery.		
24.	Fisheries and Sea food Industry		
25.	Forest produce such as Genduli gum, Mahua making of coal and resin.		
26.	Foundry Industry with or without attached machine shop.		
27.	Glass Industries		
28.	Gold and Silver ornaments and articles of artistic design		

(1)	(2)	(3)	(4)
29.	Graphite Industry including beneficiation		
30.	Handloom and Hosiery		
31.	Hotels, Eating Houses and Restaurants		
32.	Ice Factory and Cold Storage		
33.	Jute Industry and Jute Twine Industry		
34.	Kendu Leaf collection		
35.	Khadi Village Industries including manufacture of Khandasari and other products.		
36.	Laundry including dry-washing		
37.	Leather Industry		
38.	Liquefied Petroleum Gas manufacture and distribution		
39.	Local Authority		
40.	Manufacture of brush and brooms		
41.	Manufacture of Coke and Burning Coals	Unskilled	Rs.90.00
42.	Manufacture of Cold drinks, Soda and other allied products	Semi-skilled	Rs.103.00
43.	Manufacture of Electrical Bulbs	Skilled	Rs.116.00
44.	Manufacture of matches, fire works and explosives.	Highly skilled	Rs.129.00
45.	Manufacture of nails and pins		
46.	Manufacture of paints and varnishes		
47.	Manufacture of plastic products including toys.		
48.	Manufacture of Radio by assembling with parts		
49.	Manufacture of ropes		
50.	Manufacture of Utensils including Aluminium and Hindalium products.		
51.	Metal Industry (except the cottage and village scale units).		
52.	Minor Engineering Industry (employment less than 50 persons).		
53.	Motor body building		
54.	Oil Mill		
55.	Paper and Cardboard Industry		
56.	Petrol and Diesel Oil pumps		
57.	Pharmaceutical Industry		
58.	Power loom Industry		
59.	Printing Press		
60.	Private Road Transport		
61.	Private Security Agencies and Private Security Services		
62.	Public Health Engineering		

(1)	(2)	(3)	(4)
63.	Public Motor Transport		
64.	Readymade Garments Industries including Mechanized Trade of Readymade Garment Industry		
65.	Refractory Industry		
66.	Regulated markets, Marketing Societies, Co-operative Societies and Banks.		
67.	Rice Mill, Flour Mill or Dal Mill		
68.	Rubber and Rubber Products Industry		
69.	Salt Pans	Unskilled	Rs.90.00
70.	Saw Mills	Semi-skilled	Rs.103.00
71.	Shops and Establishments		
72.	Siali leaf pluckers	Skilled	Rs.116.00
73.	Soap and Detergent Manufactory	Highly skilled	Rs.129.00
74.	Social Forestry		
75.	Spinning Mills		
76.	Stone breaking or Stone crushing		
77.	Tamarind collection		
78.	Tile and Brick Making		
79.	Timber Trading (excluding felling and sawing)		
80.	Timber Trading (including felling and sawing)		
81.	Tobacco (including Bidi making) Manufactory		
82.	Trunks, Suitcase and Bucket manufactory		
83.	Wood works and furniture making industries		

Explanation- for the purpose of this notification-

1. The minimum rates of wages are all inclusive rates including the basic rates, the cost of living allowances and the cash value of the concessional supply if any of essential commodities;
2. The daily minimum rates of wages shall be inclusive of wages payable for the weekly day of rest;
3. The minimum rates of wages are applicable to employees employed by contractors also;
4. The minimum rates of wages for disabled persons shall be same as payable to the workers of the appropriate category;
5. There shall not be any discrimination between male and female workers in the matters of payment of minimum wages in any category of employment;

6. "Unskilled" work means work which involves simple operation requiring little or no skill or experience on the job ;
7. " Semi-skilled" work means work which involves some degree of skill or competence acquired through experience on the job and which is capable of being performed under the supervision or guidance of a skilled employee and includes un-skilled supervisory work;
8. "Skilled" work means work which involves skill or competence acquired through experience on the job or through training as an apprentice or in a technical or vocational institute and the performance of which calls for initiative and judgment; and
9. "Highly skilled" work means work which calls for a high degree of performance and full competence in the performance of certain tasks, acquired through intensive technical or professional training or practices, work experience for long years and also required for workers to assure full responsibility for the judgment or decisions involved in the execution of these tasks.
10. An adult employee shall work for 8 (eight) hours per day excluding half an hour of rest.

By order of the Governor

JAGAR SINGH

Commissioner-*cum*-Secretary to Government

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2306, CUTTACK, THURSDAY, DECEMBER 18, 2008/ MARGASIRA 27, 1930

[No.12653-LL-I-(iii)-25/07/LE.]

LABOUR & EMPLOYMENT DEPARTMENT

RESOLUTION

The 15th December 2008

The Government of India in the Ministry of Labour & Employment have enacted the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 with the objective of regulating the Employment and Conditions of Service of the Building and Other Construction Workers and to provide their safety, health and welfare measures. The Government of Orissa with a view to enforce the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 have formulated rules namely the Orissa Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002 and this has been published in the *Orissa Gazette* vide Government Notification No. 9174-LE., dated the 2nd August 2002.

2. The Central Government have enacted a legislation namely the Building and Other Construction Workers Welfare Cess Act, 1996 and framed Rules there under, which provides for the levy and collection of Cess @ not less than 1% and not more than 2% on the cost of construction incurred by employers / builders under the Building and Other Construction Workers (RE&CS) Act, 1996 with a view to augmenting the resources of the Building and Other Construction Workers Welfare Board constituted under the Act. The cost of the construction shall exclude the cost of land and any compensation paid or payable to worker or his / her kin under the Workmen Compensation Act, 1923.

3. In accordance with the provisions under section 3(1) of the Building and Other Construction Workers Welfare Cess Act, 1996, the State Government have been pleased

to order for collection of Cess @ 1% of the cost of construction incurred by an employer / builder which shall exclude the cost of land and any other compensation paid or payable to a worker or his kin under the Workmen Compensation Act, 1923.

4. The Building and Other Construction Work as defined under section 2(1)(d) of the Act, is reproduced hereunder,

2(1)(d) – “Building and Other Construction Work” means the construction, alteration, repairs, maintenance or demolition, of or, in relation to, buildings, streets, roads, railways, tram ways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works, generation, transmission and distribution of water), oil and gas installations, electric lines, wireless, radio, television, telephone, telegraph and overseas communications, dams, canals, reservoirs, water courses, tunnels, bridges, viaducts, aqueducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the appropriate Government by Notification, but does not include any building or other construction work to which the provisions of the Factories Act, 1948 (63 of 1948) or the mines Act, 1952 (35 of 1952) apply.”

5. The Building & Other Construction Workers (RE&CS) Act, 1996 applies to every establishment which employs or had employed on any day of the preceding 12 months, 10 or more workers in any building or other construction work. Thus every establishment to whom this Act applies, whether appropriate Government in respect of such establishment or employer of such establishment shall have to collect and pay the cess amount to the Orissa Building and Other Construction Workers Welfare Board in the manner as laid down under the Building and Other Construction Workers (RE&CS) Act, 1996 and its rules thereunder.

6. As per the provisions of the Building and Other Construction Workers Welfare Cess Act, 1996, the following persons are liable to pay the Cess:—

- (a) In respect of the Government Departments, public sector undertakings and other Government agencies, such as BDA, CDA etc., Railway Authorities, Air port Authorities, Land Army, construction corporation etc, where work is carried on by them directly without any contractor, the head of the Department and if

the work is carried on through a contractor, the Authority specified in this behalf or where no authority is specified, the Head of the Department.

- (b) In respect of the Local Authority, where work is carried out directly or through a contractor, the Chief Executive Officer of that establishment.
- (c) In respect of the individual residential house, the owner himself.
- (d) In respect of group housing, big mahals, hospitals and apartments, the builders or the contractors as the case may be.

7. Hence in the light of the decision taken by the Government to enforce the provisions of the Building and Other Construction Workers Welfare Cess Act, 1996 it is ordered that:—

- (a) All Government Departments, Public Sector Undertakings and other Government Departmental agencies/ bodies carrying out any buildings or other construction works which are covered under section 2(1)(d) of the Building and Other Construction Workers (RE&CS) Act, 1996 shall pay 1% of the amount of the cost approved as per the tender notification. This amount will be deducted from the bill at the time of making payment to the contractors and such amount shall be remitted by way of account payee cheque in favour of the Orissa Building and Other Construction Workers Welfare Board within 30 days of making payment alongwith a forwarding letter addressed to the Secretary-*cum*-Chief Executive Officer, the Orissa Building and Other Construction Workers Welfare Board, Office of the Labour Commissioner, Orissa, Bhubaneswar.
- (b) In case the aforesaid work is carried out internally or departmentally without engaging contractors, the 1% of the total cost shall be remitted by the Chief Executive of the department / organization by account payee cheque drawn in favour of the Orissa Building and Other Construction Workers Welfare Board by the Government Departments, Public Sector Undertakings and other Governmental bodies.
- (c) Where the approval of the construction work by Local Authority that is Urban Local Bodies or Rural Local Bodies, is required it shall obtain estimated cost of the construction alongwith building plans, which are submitted for approval by

the concerned employers, i.e. owners / contractors / builders etc., such bodies shall collect by way of demand draft in favour of the Orissa Building and Other Construction Workers Welfare Board up front an amount of 1% of the estimated cost furnished alongwith building plans and remit the demand draft to the Orissa Building and Other Construction Workers Welfare Board, alongwith forwarding letter within 30 days in terms of Rules, 5(3) of the Cess Rules, 1998. The Board shall give back 1% of the such total collection to the local body for the services rendered.

- (d) The provisions of the Act is not applicable to individual residential house whose total cost does not exceed Rs. 10.00 lakh. In other cases, they are liable to pay the Cess.
- (e) It is mandatory for every employer of the establishment to whom the provisions of the Building and Other Construction Workers (RE&CS) Act, 1996 is applicable to furnish a return in Form-I to the concerned Assessing Officer in terms of section 4 of the Building and Other Construction Workers Welfare Cess Act, 1996 and the Rules thereunder, 1998.

8. The Cess will be collected by the Cess Collectors. The State Government have appointed all the Assistant Labour Officers, District Labour Officer working in the field and Labour Commissioner, Joint Labour Commissioner and Assistant Labour Commissioners posted in the Directorate of the Labour Commissioner, Orissa as Cess Collectors vide Notification No. 1455/LE., dated the 11th February 2004 which may be referred to.

9. The agencies carrying out execution of Building and Other Construction Works covered under Section 2(1)(d) of the Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 shall directly deposit under the proper Head of Account into the Government Treasury. The Head of Account is as follows: “— 0230-Labour & Employment-101-Receipts under Labour Laws- 0014-Collection of fees and Fines-02190-Fees realized under the Building and Other Construction (Regulation of Employment and Conditions of Service) Act, 1996 – 02191-Fees realized under the Building and Other Construction Worker’s Welfare Cess Act, 1996, for the year

10. The Social Security benefits to be extended to the registered construction workers may cover any of the following to be decided by the Orissa Building and Other Construction Workers Welfare Board as per the availability of resources and approved guidelines for the scheme.

- (a) Accident Benefit.
- (b) Pension to the beneficiaries on completion of 60 years of age.
- (c) Family Pension.
- (d) Invalid Pension.
- (e) Death Relief / Funeral Assistance.
- (f) Loan and Advances for construction of house.
- (g) Group Insurance.
- (h) Financial Assistance for the education of the children of the beneficiaries.
- (i) Medical expenses for treatment of major ailments of beneficiaries and the dependents.
- (j) Maternity benefit to the female beneficiaries.
- (k) Marriage benefits.
- (l) Tool advances.
- (m) Financial Assistance for coaching in specialized subjects.
- (n) Grant of loan or subsidy to a Local Authority in any scheme connected with the Welfare of the Building / Construction Workers.

However the above benefits are some of the examples; but the decision of the Board will be final.

11. The Orissa Building and Other Construction Workers Welfare Board will function at present in the office of the Labour Commissioner, Orissa , Bhubaneswar with the following staff as per sanction of 08(eight) No. of posts by the Finance Department. The expenditure on account of creation and filling up of these posts may be met out of the budgetary provisions made for the functioning of the Board.

- (a) One Post of Deputy Labour Commissioner in the pay scale of Rs. 9,350/ -14,550/-.
- (b) One Post of Assistant Labour Commissioner in the pay scale of Rs. 8,000/ -13,500/-.

- (c) One Post of Labour Officer in the pay scale of Rs. 6,500/- 10,500/-.
- (d) One Post of Assistant Labour Officer in the pay scale of Rs. 5,500/ - 9,000/-.
- (e) Two Posts of Rural Labour Inspectors (R.L.I.) in the pay scale of Rs. 5,300/ - 8,300/-.
- (f) One Post of Stenographer in the pay scale of Rs. 4,000/ - 6,000/-.
- (g) One Post of Statistical Assistant in the pay scale of Rs. 4,750/ - 7,500/.

12. Audit of fund shall be conducted by Local Fund Audit Organization of the State, Labour & Employment Department and Accountant General, Orissa. Government may also cause special audit of the fund if it is felt necessary in the interest of the State and the Board as well.

13. Collection and remittance of aforesaid Cess @ 1% will be mandatory from the date of issue of this Resolution.

14. This has been concurred in by the Finance Department vide their UOR No.496-SSII, dated the 14th November 2008.

ORDER

Ordered that the Resolution shall be published in the extraordinary issue of *Orissa Gazette* and copies thereof shall be forwarded to all Departments of Government / All Heads of Departments.

By order of the Governor
GUNANIDHI JENA
Deputy Secretary to Government

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the work is carried on through a contractor, the Authority specified in this behalf or where no authority is specified, the Head of the Department.

- (b) In respect of the Local Authority, where work is carried out directly or through a contractor, the Chief Executive Officer of that establishment.
- (c) In respect of the individual residential house, the owner himself.
- (d) In respect of group housing, big mahals, hospitals and apartments, the builders or the contractors as the case may be.

7. Hence in the light of the decision taken by the Government to enforce the provisions of the Building and Other Construction Workers Welfare Cess Act, 1996 it is ordered that:—

- (a) All Government Departments, Public Sector Undertakings and other Government Departmental agencies/ bodies carrying out any buildings or other construction works which are covered under section 2(1)(d) of the Building and Other Construction Workers (RE&CS) Act, 1996 shall pay 1% of the amount of the cost approved as per the tender notification. This amount will be deducted from the bill at the time of making payment to the contractors and such amount shall be remitted by way of account payee cheque in favour of the Orissa Building and Other Construction Workers Welfare Board within 30 days of making payment alongwith a forwarding letter addressed to the Secretary-*cum*-Chief Executive Officer, the Orissa Building and Other Construction Workers Welfare Board, Office of the Labour Commissioner, Orissa, Bhubaneswar.
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- (g) One Post of Statistical Assistant in the pay scale of Rs. 4,750/ - 7,500/.

12. Audit of fund shall be conducted by Local Fund Audit Organization of the State, Labour & Employment Department and Accountant General, Orissa. Government may also cause special audit of the fund if it is felt necessary in the interest of the State and the Board as well.

13. Collection and remittance of aforesaid Cess @ 1% will be mandatory from the date of issue of this Resolution.

14. This has been concurred in by the Finance Department vide their UOR No.496-SSII, dated the 14th November 2008.

ORDER

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By order of the Governor
GUNANIDHI JENA
Deputy Secretary to Government