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RNI No. KARBIL/2001/47147



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ- IV-A Part- IV-A	ಬೆಂಗಳೂರು, ಸೋಮವಾರ, ಮೇ ೧೮, ೨೦೧೫ (ವೈಶಾಖ ೨೮, ಶಕ ವರ್ಷ ೧೯೩೭) Bengaluru, Monday, May 18, 2015 (Vaishakha 28, Shaka Varsha 1937)	ನಂ. ೫೯೮ No. 598
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LABAOUR SECRETARIAT

NOTIFICATION

No. LD 210 LET 2014, Bengaluru, , Dated: 18-05-2015

In exercise of the powers conferred by sections 22, 27, 40 and 62 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act No. 27 of 1996), the Government of Karnataka, in consultation with the expert Committee, hereby makes the following rules further to amend the Building and Other construction workers (regulation of employment and conditions of service) (Karnataka) Rules, 2006 namely:-

RULES

1. Title and commencement.- (1) These rules may be called the Building and other construction workers' (regulation of employment and conditions of service) (Karnataka) (Amendment) Rules, 2015.

(2) They shall come into force from the date of their publication in the official gazette.

2. Amendment of Part VIII.- In the Building and other construction workers (regulation of employment and conditions of service) (Karnataka) Rules, 2006 (hereinafter referred as the said rules), in Part VIII, after Chapter II and entries relating thereto, the following shall be inserted, namely:-

"Chapter-II A

Education and Training Assistance

19A. Establishment of a training centre for building construction worker.- (1) The Board shall establish a training centre for building construction workers in the State of Karnataka. The Board shall draw training, research programmes and take necessary steps for skill imparting training, consultation, documentation, publication and all other related matters for the empowerment and the betterment of construction workers. The training modules may be framed in line with the National Construction Academy, Hyderabad or a Government based educational academy and the same may be envisaged either wholly by the Board or with Private-Public-Partnership principle.

(2) The Board is also empowered to meet the expenses in this regard and shall conduct proper audit of accounts in accordance with section 25 and 27 of the Act.

19B. Establishment of training and skill development centres.- (1) The Board may take necessary steps to establish training and skill development Centres to the building and other construction workers at the taluk or district levels across Karnataka for the up-gradation of skill development in their respective local areas.

(2) The training modules shall be framed in consultation with the directorate of employment and training/Nirmithi Kendras/NSDC or ITI Educational Centers or any other Government approved agency for the purpose of skill development, up-gradation of the existing skills of the construction workers.

(3) The Board is also empowered to meet the expenses in this regard and shall conduct proper audit of accounts in accordance with section 25 and 27 of the Act.

19C. Establishment of transit accommodation.- (1) The Board shall make provisions for the establishment of transit accommodation keeping in mind the plight of both inter-state and intra-state migrant construction workers and their families who travel from their home town to the place of work.

(2) The Board may provide such temporary transit accommodations to the construction workers of large/medium/small builders on request for accommodating their workers on payment of a nominal fee for the purpose of maintaining the accommodation charges viz., water, electricity, cleanliness and maintenance. The same may be envisaged either wholly by the board or with private-public-partnership principle.

(3) The Board is also empowered to meet the expenses in this regard and shall conduct proper audit of accounts in accordance with section 25 and 27 of the Act.

19D. Establishment of residential schools.- (1) The Board shall make provisions for the establishment of residential schools for the Children of construction workers.

(2) The Board may take action for providing such residential schools to such children of construction workers on payment of a nominal fee for the purpose of maintaining the accommodation, food, water, electricity, cleanliness, educational curriculum and allied equipment, reading and other material maintenance.

(3) The training modules may be framed in consultation with educational institutions like Kendriya Vidhayala, Navodaya or any other government run educational centers for the purpose of imparting quality education to the children of building and other construction workers'. This activity may be envisaged either wholly by Board or with Private-Public- Partnership mode.

(4) The Board is also empowered to meet the expenses, in this regard and shall conduct proper audit of accounts in accordance with section 25 and 27 of the Act.

19E. Establishment of Karmikara Kalyana Bhavana.- (1) The Board shall make provisions for the establishment of Karmikara Kalyana Bhavans for the welfare of building and other construction workers and their families.

(2) The Board is also empowered to meet the expenses in this regard and shall conduct proper audit of accounts in accordance with section 25 and 27 of the Act annually."

3. Substitution of rule 39.- For rule 39 of the said rules, the following shall be substituted, namely:-

"39- Pension scheme, eligibility, procedure and sanction of pension etc.,- (1) Every registered building or other construction worker beneficiary,-

(a) who has completed sixty years of age; and

(b) who has paid subscription fee for a continuous period of not less than five years and remain as such construction worker until he attains the age of sixty years; and

(c) who has paid the subscription fees until sixty years;

- is eligible for pension.

(2) Every registered building or other construction worker who is eligible for pension under sub-rule (1) shall submit his application in Form XII to the board.

(3) The registered building or other construction worker shall surrender his beneficiary Identity Card with the application.

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(4) The board after verifying the application, shall send to the registered building or other construction worker, the pension sanction order along with the pension Identity card having electronically generated unique pension payment Order No.

(5) If the Board after considering the application comes to the conclusion that the applicant is not eligible for pension, such application shall be rejected after providing an opportunity of being heard, to the applicant.

(6) The legal dependents or heirs shall inform the Board about the death of the pensioner along with the death certificate in order to close the bank account.

(7) The amount of pension shall not exceed a sum of Rs. 1000/- (Rupees one thousand only) per month.

(8) The concerned bank manager shall ensure about the Living by obtaining a living Certificate in Form XII A of the Beneficiary once in a year.

(9) The pension sanctioning authority shall maintain a register in Form XIII.

4. Substitution of rule 40.- For rule 40 of the said rules, the following shall be substituted, namely:-

"40. Disability Pension, procedure and sanction etc.,- (1) The Board or authorized officer may sanction an amount of Rs. 1000/- (Rupees one thousand only) per month as disability pension to a beneficiary, who is partially disabled due to any disease or accident at worksite and for an ex-gratia payment of not more than Rs. 2,00,000/- (Rupees two lakhs only) depending upon the percentage of disability and subject to the following conditions, namely:-

- (a) the beneficiary cannot avail this assistance in case he has availed benefit under rule-47;
- (b) the beneficiary shall obtain an identity card issued by the Department for the empowerment of differently abled and senior citizens;
- (c) the registered beneficiary, must have paid his subscription fee upto date.

(2) The application for disability pension in Form XIV shall be submitted to the Board or authorized officer, as the case may be.

(3) The Board or the Officer authorized after satisfying himself about the eligibility and other criteria shall sanction the disability pension and send to the registered beneficiary, the disability pension sanction order along with the disability pension Identity Card having unique (Electronically generated) DPPO (Disability Pension Payment Order) number.

(4) The Board or the Officer authorized, shall decide, in case of the beneficiary, who is disabled due to any disease or accident at worksite, the quantum of ex-gratia based on the percentage of disability declared by the department for the empowerment of differently abled and senior citizens calculated according to the following formula:-

Formula

<p style="text-align: center;">Rs. 2,00,000 (Max. Amt.)</p> <p style="text-align: center;">X</p> <p style="text-align: center;">Percentage of disability as declared by the department for the empowerment of differently abled and senior citizens</p>	<p style="text-align: center;">= Ex-gratia amount</p>
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(5) Disability Pension shall be paid through the Bank Account of the beneficiary or any other mode of transfer as may be determined by the Board.

(6) The beneficiary shall submit the 'Living Certificate' in Form XIV (A) to the sanctioning authority, for each year.

(7) The Disability Pension granted shall be discontinued once the beneficiary attains the age of sixty years.

(8) The disability Pension sanctioning authority shall maintain a register in Form XIV (B).

(9) If it is found that the beneficiary is not eligible for Disability Pension, the application shall be rejected and the applicant be informed accordingly:

Provided that no such application shall be rejected unless the applicant has been given an opportunity of being heard.

(10) In case of death of the disability pensioner, either the bank or the legal dependant shall inform the Board or Officer authorized, about the death of the pensioner along with the death certificate in order to close the bank account.

5. Substitution of rule 45.- For rule 45 of the said rules the following shall be substituted, namely:-

"45. Assistance for the education of the son or daughter of a registered construction worker.- (1) The Secretary or any other officer authorized in this behalf by the Board, may, on an application from a registered construction worker, sanction every year,-

- (a) If the son or daughter of the applicant who is studying in the 5th Standard, a sum of Rs. 3000/- (Rupees three thousand only).
- (b) If the son or daughter of the applicant who is studying in 6th standard, a sum of Rs. 3,000/- (Rupees three thousand only).
- (c) If the son or daughter of the applicant who is studying in 7th standard a sum of Rs. 3,000/- (Rupees three thousand only).
- (d) If the son or daughter of the applicant who is studying in 8th standard, a sum of Rs. 4,000/- (Rupees four thousand only).
- (e) If the son or daughter of the applicant who is studying in 9th standard a sum of Rs. 4,000/- (Rupees four thousand only).
- (f) If the son or daughter of the applicant, who is studying in S.S.L.C. examination or its equivalent, a sum of Rs. 6,000/- (Rupees six thousand only).
- (g) If the son or daughter of the applicant who has passed the 1st year PUC examination or equivalent examination, a sum of Rs. 5,000/- (Rupees five thousand only).
- (h) If the son or daughter of the applicant who has passed the 2nd year PUC examination or equivalent examination, a sum of Rs. 8,000/- (Rupees eight thousand only).
- (i) If the son or daughter of the applicant [who is studying in I.T.I. a sum of Rs. 5,000/- (Rupees five thousand only).
- (j) If the son or daughter of the applicant [who is studying in Diploma, a sum of Rs. 6,000/- (Rupees six thousand only).
- (k) If the son or daughter of the applicant who is studying in degree course a sum of Rs. 5,000/- (Rupees five thousand only) while studying.
- (l) If the son or daughter of the applicant who is studying in professional course or Post Graduate course a sum of Rs. 20,000/- (Rupees twenty thousand only).
- (m) If the son or daughter of the applicant who is studying in Engineering / Medical course, the amount of term fee prescribed by the State Government for merit seat for each semester while studying and Rs. 2,000/- (Rupees two thousand only) per month as attendance allowance on the basis of attendance certificate issued by the head of the institution for each semester while studying till the completion of the course. However, in case if the student fails in a particular semester, he/she shall cease to get this attendance allowance from the next semester.
- (n) If the son or daughter of the applicant who is studying in Ph.d course a sum of Rs. 20,000/- (Rupees twenty thousand only) to the applicant.

(2) The amount under sub-rule (1), shall be sanctioned if the following conditions are fulfilled, namely:-

- (a) a minimum of one year be completed from the date of registration of the applicant to the date of his application;
- (b) only two children of a registered construction workers shall be given this assistance; and

(c) the registered construction worker shall have no dues payable to the Board.

(3) the application for claiming the amount specified in sub-rule (1) shall be in Form XIX.

6. Amendment of rule 47.- In rule 47 of the said rules, in the heading and in sub-rule (1), for the words "or permanent disablement", the words "or partial disablement" shall be substituted;

7. Substitution of rule 47-A.- For rule 47-A of the said rules, the following shall be substituted, namely,-

" **47-A Assistance to the dependents of the unregistered building worker.-** In case of accident resulting in the death of a unregistered building worker or accident resulting in grievous injury, due to such accident during the course of his/her employment in any construction activity,-

(1) the dependents are eligible for an ex-gratia amount of Rs. 50,000/- and in case of grievous injury caused to the building worker is eligible for an ex-gratia amount up to Rs. 20,000/-.

(2) (a) the dependent of the deceased shall apply for the ex-gratia amount under sub-rule (1) to the Board, in Form XXI(A) and the form shall be accompanied by the survivorship certificate issued by the Tahsildar, the original or attested (by gazette officer) copies of death certificate of the deceased unregistered building worker, his post-mortem report and first Information Report (FIR) and a report in Form XXI(B) issued by the Labour Officer of the area in whose jurisdiction the building or other construction work is situated has collapsed and caused the death of the unregistered building worker.

(b) The grievously injured unregistered building worker shall apply for the ex-gratia amount under sub-rule (1), to the Board in Form XXI(C) and the form shall be accompanied by the original or attested (by gazette officer) copies of the medical certificate in Form XXI(D) issued by the doctor who has treated him and a report in Form XXI(E) issued by the Labour Officer of the area in whose jurisdiction the building or other construction work is situated has collapsed and caused injury to the unregistered building worker.

(c) As soon as the incident of collapse of a building or any other accident occurring in his jurisdiction, comes to his knowledge, the Labour Officer shall visit the site of the incident and conduct such investigation of the incident as he deems fit and submit a report in Form XXI(B) and Form XXI(E), as the case may be to the Board and shall issue a copy of the said report to the dependents of the deceased unregistered building worker or to the injured unregistered building worker as required under clause (a) and (b) of sub-rule (1).

(d) The Board shall examine every application for ex-gratia benefit and may accept or reject the claim and the same shall be communicated to the applicant. The decision of the Board shall be final:

Provided that, before rejecting a claim for ex-gratia benefit the Board shall give the applicant a reasonable opportunity of being heard to make a representation.

(3) The Board shall grant an amount of Rs. 50,000/- (Rupees fifty thousand only) to the dependents of the deceased unregistered building worker and an amount of Rs. 10,000/- (Rupees ten thousand only) to the grievously injured unregistered building worker: if the application is complete in all respects and the required documents are enclosed. This does not bar the dependents of the deceased unregistered building worker or the grievously injured unregistered building worker from claiming compensation under any other law for the time being in force.

Explanation.- For the purpose of this rule unregistered building worker means a building worker who is not registered under clause (d) of sub-section (1) of Section 2 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996."

8. Substitution of Form-XII.- For Form-XII of the said rules, the following shall be substituted.-

**" FORM XII
(see rule 39(2))**

XX XX XX "

xx here specify details

9. Insertion of new Form-XIIA.- After Form-XII of the said rules, the following shall be inserted, namely.-

**" FORM XIIA
(see rule 39(8))**

XX XX XX "

xx here specify details

10. Substitution of Form-XIII.- In Form-XIII of the said rules in column 4, for the words "date of retrenchment" the words "date of retirement" shall be substituted.

11. Insertion of new Form-XIVA and XIVB.- After Form-XIV of the said rules, the following shall be inserted, namely.-

**" FORM XIVA
(see rule 40(6))**

XX XX XX "

xx here specify details

**" FORM XIVB
(see rule 40(8))**

XX XX XX "

xx here specify details

By order and in the name of the Governor of Karnataka

P. NAGARATHNAMMA

Under Secretary to Government,
Labour Department