

57. Returns... Application of Act 8 of 198 to building workers. , , Protection of action taken in good faith. , Power of Central Government to give directions. , Power to remove Power to make rules. Saving of certain laws.. 5.....1..... , Repeal and saving. 27• 27 28 .28 28 . ..28 28 29 31 An Act to regulate the employment and conditions of service of building and SERVICE)ACT, 1996 • 28 • , , 31 other construction workers and to provide for their safety, health and welfare measures and for other matters connected therewith or incidental thereto. Be it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows : CHAPTER 1 PRELIMINARY 1. Short title, extent, commencement and application—I) This Act may be called the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. (2) It extends to the whole of India. (3) It shall be deemed to have come into force on the 1st day of March, 1996. (4) It applies to every establishment which employs, or had employed on any day of the preceding twelve months, ten or more building workers in any building or other construction work. Explanation.—For the purposes of this sub-section; the building workers employed in different relays in a day either by the employer or the contractor shall be taken into account in computing the number of building workers employed in the establishment.

2.1 In this Act; unless the context otherwise requires,— (a) "appropriate Government" means,— (i) in relation to an establishment (which employs building workers either directly or through a contractor) in respect of which the appropriate Government under the Industrial Disputes Act, 1947 (14 of 1947), is the Central Government, the Central 4 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, [SEC.2 (ii) in relation to any such establishment, being a public sector undertaking, as the Central Government may by notification specify which employs building workers either directly or through a contractor, the Central Government; Explanation.—For the purposes of sub-clause (ii), "public sector undertaking" means any corporation established by or under any Central, State or Provincial Act or a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956) which is owned, controlled or managed by the Central Government; (iii) in relation to any other establishment which employs building workers either directly or through a contractor, the Government of the State in which that other establishment is situated; (b) "beneficiary" means a building worker registered under Section 12; (c) "Board" means a Building and Construction Workers' Welfare Board constituted under sub-section (1) of Section 18; (d) "building or other construction work" means the construction, alteration, repairs, maintenance or demolition of or, in relation to, buildings, streets; roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, waterworks (including channels for distribution of water), oil and gas installations, electric lines, wireless, radio, television, telephone, and overseas communications, dams, canals, reservoirs, watercourses, 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; "building worker" means a person who is employed to do any (f) skilled, semi-Skilled unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, in connection with any building or other construction work but does not include any such person— (i) who is employed mainly in a managerial or administrative capacity; or (ii) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per month or exercises, either by the nature of the duties attached to the office or, by reason of the powers vested in him, functions mainly of a managerial nature; "Chief Inspector" means the Chief Inspector of Inspection of Building and Construction appointed under sub-section (2) of Section 42; & OTHER ca'srRtJGT10N WORKERS (REGULATION.....SERVICE) ACT, 1996 5 (g) "contractor" a person who undertakes to produce a given result for any establishment, other than a mere supply of goods or articles of manufacture, by the employment of building workers or who supplies building workers for any work of the establishment, and includes a sub contractor; (h) "Director-General" means the Director-General of Inspection appointed under sub-section (1) of Section 42; (i) "employer", in relation to an establishment, means the owner thereof, and includes,— (i) in relation to building or other construction work carried on by or under the authority of any department of the Government, directly without any contractor, the authority specified in this behalf, or where no authority is specified, the head of the

department; (ii) in relation to a building or other construction work carried on by or on behalf of a local authority or other establishment, directly without any contractor, the chief executive officer of that authority or establishment: (iii) in relation to a building or other construction work carried on by or through a contractor, or by the employment of building workers supplied by a contractor, the contractor : (j) "establishment?" means any establishment belonging to, or under the control of, Government, any body corporate or firm, an individual or association or other body of individuals which or who employs building workers in any building or other construction work; and includes an establishment belonging to a but does not include an individual who employs such workers in any building or construction work in relation to his own residence the total cost of such construction not being (k) (l) (m) (n) more than rupees ten lakhs; "Fund" means the Building and Other Construction Workers' Welfare Fund of a Board constituted under sub-section (1) of Section 24; "notification" means a notification published in the Official Gazette; "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government: "wages" shall have the same meaning as assigned to it in clause (vi) Of Section 2 of the Payment of Wages Act, 1936 (4 of 1936). (2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area. BUILDING & OTHER CONSTRUCTION WORKERS ACT, 1996 (SEC. 2 NOTIFICATION English translation of Shram Anubhag-2, Noti. No. 488/36-2-2013, dt. 25.7.2013, published in the U.P. Gazette, Extra. , Part 4, Section (Kha), dt. 25.07.2013.—In exercise of the powers 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 (Act No. 27 of 1996), the Governor is pleased to specify that all the category of Works mentioned below shall be the work under the said Act from the date of publication Of notification in the Gazette

1. Welding 2. Carpentry 3. Well Digging 6. Masonry (Rajgiri) 7. Plumbing 4. Roller Driving 8. Blacksmith 9. Mosaic Polishing 10. Road Work 11. Mixer Operation 12. Painting 13. Electric Work 14. Hammering 16. Fixing 15. Tunnel work 17. Well Silt 18. Stone Quarries 19. Spray work or Mixing 20. Marble/Stones renovating/ Diving Work or Mining work. (engaged in road work construction) 21. Guarding (For 22. Lime making 23. Earth Work providing security at construction site) 24. Works related to carry -cement, concrete, bricks etc

25. Lift and escalators 26. Foundation Security 27. Extraction of Sand, 28. Brick manufacturing - fixing Gates or other Soil or Core Sand manufacturing works at Brick kilns. machineries 29. Construction of 30. Fixing Modular 31. Fixing and moulding 32. Interior Deco- Community parks or units used in Kitchens of Window, Gill, Doors radon Houses etc. Buildings 33. Large mechanical 34. Fixing and 35. Fixing and repairing 36. All the works works like Machinery, repairing of fire of Cooling and Heating related to Flood Bridges works etc Extinguishers System machinery management or same types of other work 37. Construction of 38. Construction of 39. Clerical/ Accountancy 40. All types of Dams, Bridges, roads Swimming pool, Golf (All types of workers stone cutting or any. course including any working as clerk and breaking under building other recreational accountant for any construction amenities construction (establishments) NOTES Contractor—Who is?—A 'contractor' is a - person who, in the pursuit of an independent business, undertakes to do specific jobs of work for other persons, without submitting himself to their control in respect to the details of the work. [Chintaman Rao v. State of M.P., 1958 SCR 13401. dictionary meaning of "establishment" as given in Webster's International Dictionary includes inter alia "an institution or place of business, with its fixtures and organised staff; as, large establishment, a manufacturing establishment. [Central Inland Water Transport Corp. Ltd. v. Workmen, (1975) 4 SCC 348]. Wages.—A remuneration paid to an employee can only be covered by the definition of "wages" if it is payable under a clause of the contract of employment. [Braithwaite & Co. (India) Ltd. v. ESI Corp., (1968) 1 SCR 771]. The expression "wages" does not imply that compensation is to be determined solely upon the basis of time spent in service; it may be determined by the work done; and in any way. [Gestetner Duplicators (P) Ltd. v. Crr, (1979) 2 SCC 3541. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996 SEC. 4} CHAPTER 11 7 THE ADVISORY COMMITTEES AND EXPERT COMMITTEES 3. Central Advisory Committee.—(1) The Central Government shall, as soon as may be, constitute a Committee to be called the Central Building and Other Construction Workers' Advisory Committee (hereinafter referred to as the Central Advisory Committee) to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it. (2) The

Central Advisory Committee shall consist of— (a) (b) (c) (d) a chairperson to be appointed by the Central Government; three Members of Parliament of whom two shall be elected by the House of the People and one by the Council of States— members; the Director-General—member, ex officio; such number of other members not exceeding thirteen but not less than nine, as the Central Government may nominate to represent the employers building workers associations of architects, engineers, accident insurance institutions and any other interests which, in the opinion of the Central Government, ought to be represented on the Central Advisory Committee. (3) The number of persons to be appointed as members from each of the categories specified in clause (d) of sub-section (2), the term of office and other conditions of service of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Central Advisory Committee shall be such as may be prescribed : Provided that members to represent the building workers shall not be less than number of members nominated to represent the employers. (4) It is hereby declared that office of member of the Central Advisory Committee shall not disqualify its holder for being chosen as, or for being; a Member of either House of Parliament

4. State Advisory Committee.—(1) The State Government shall constitute a committee to be called the State Building and Other Construction Workers' Advisory Committee (hereinafter referred to as the State Advisory Committee) to advise the State Government on such matters arising out of the administration of this Act as may be referred to it. (2) The State Advisory Committee shall consist of— (a) (b) (c) (d) a chairperson to be appointed by the State Government; two members of the State Legislature to be elected from the State Legislature—members; a member to be nominated by the Central Government: the Chief ex officio; such number of other members, not exceeding eleven, but not less than seven, as the State Government may nominate to represent the employers, building workers, associations of architects, engineers, accident insurance institutions and any other interests 8 BUILDING & OTHER CONSTRUCTION WORKERS 1996 6 which, in the opinion of the State Government, ought to be represented on the State Advisory Committee. (3) The number of persons to be appointed as members from each of the categories specified in clause (e) of sub-section (2), the term of office and other conditions of service of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of State Advisory Committee shall be such as may be prescribed : Provided that the number of members nominated to represent the building workers shall not be less than the number of members nominated to represent the employers

5. Expert 'lie appropriate may constitute one. or more expert committees consisting of persons specially qualified in building or other construction work for advising that Government for making Rules under this Act. (2) The members of expert committee shall be paid such fees and allowances for attending the of the committee as may be prescribed • Provided that no fee or allowances shall be payable to a member who is an officer of Government or of any body corporate established by or under any law for the time being in force. CHAPTER m REGISTRATION OF ESTABLISHMENTS 6. Appointment of registering officers.—The appropriate Government may, by order notified in the Official Gazette,— (a) appoint such persons, being Gazetted Officers of Government, as it thinks fit, to be the registering Officers for the purposes of this Act; and (b) define the limits within which a registering officer shall exercise the powers conferred on him by or under this Act. NOTIFICATION Ministry of Labour, Noti. No. S.O. 195(E), dt. 14.3.1997, published in the Gazette of India, Extra., Part 11, Section 3(ii), dt. 14.3.1997 In exercise of the powers conferred by Section 6 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 196 (27 of 1996), the Central Government hereby appoints the Officers mentioned in column (I) of the Schedule below, being Gazetted Officers of the Government, to be the registering officers who shall exercise the powers conferred on registering officers by or under the said Act, having jurisdiction as specified in column (2) of the said Schedule. SCHEDULE Officers 1 All-Assistant Labour Commissioners (Central) jurisdiction 2 Whole of India SEC. 9) BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 7. Registration of establishments.—(1) Every employer shall,— 9 (a) in relation to an establishment to which this Act applies on its commencement, within a period of sixty days from such commencement; and (b) in relation to any other establishment to which this Act may be applicable at any time after such commencement, within a period of sixty days from the date on which this Act becomes applicable to such establishment, make an application to the registering officer for the registration of such establishment

provided that the registering officer may entertain any such application after the expiry of the periods aforesaid, if he is satisfied that the applicant was prevented by sufficient cause from making the application within such period. (2) Every application under sub-section (1) shall be in such form and shall contain such particulars and shall be accompanied by such fees as may be prescribed. (3) After the receipt of an application under sub-section (1), the registering officer shall register the establishment and issue a certificate of registration to the employer thereof in such form and within such time and subject to such conditions as may be prescribed. (4) Where, after the registration of an establishment under this section any change occurs in the ownership or management or other prescribed particulars in respect of such establishment, the particulars regarding such change shall be intimated by the employer to the registering officer within thirty days of such change in such form as may be prescribed

8. Revocation of registration in certain cases.—If the registering officer is satisfied, either on a reference made to him in this behalf or otherwise, that the registration of any establishment has been obtained by misrepresentation or suppression of any material fact or that the provisions of this Act are not being complied with in relation to any work carried on by such establishment, or that for any other reason the registration has become useless or ineffective and, therefore, requires to be revoked, he may, after giving an opportunity to the employer of the establishment to be heard, revoke the registration

9. Appeal.—(1) Any person aggrieved by an order made under Section 8 may, within thirty days from the date on which the order is communicated to him, prefer an appeal to the appellate officer who shall be a person nominated in this behalf by the appropriate Government : Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time. (2) On receipt of an appeal under sub-section (1), the appellate officer shall, after giving the appellant an opportunity of being heard, confirm, modify or reverse the order of revocation as expeditiously as possible. 10 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, NOTES Appeal.—Broadly speaking, therefore, an appeal is a proceeding taken to rectify an erroneous decision of a Court by submitting the question to a higher Court, [State of Gujarat v. Salimbhai Abdulgafir Shaikh, (2003) 8 SCC 501. NOTIFICATION Ministry of Labour, Noti. No. S.O. 197(E), dt. 14.3.1997, published in the Gazette of India, Extra., Part 11, Section 3(ii), dt. 14.3.1997 In exercise of the powers conferred by sub-section (1) of Section 9 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996), the Central Government hereby appoints the officers mentioned in column (1) of the Schedule below, to be the Appellate Officers who shall exercise the powers conferred on Appellate Officer by or under the said Act, having jurisdiction as specified in column (2) of the said Schedule. SCHEDULE Officers (1) All Assistant Labour Commissioners (Central) Jurisdiction (2) Whole of India 10. Effect of non-registration.—No employer of an establishment to which this Act applies shall,— (a) in the case of an establishment required to be registered under Section 7, but which has not been registered under section; (b) in the case of an establishment the registration in respect of which has been revoked under Section 8 and no appeal has been preferred against such order of revocation under Section 9 within the period prescribed for the preferring of such appeal or where an appeal has been so preferred, such appeal has been dismissed, employ building workers in the establishment after the expiry of the period referred to in clause (a) or clause (b) of sub-section (1) of Section 7, or after the revocation of registration under Section 8 or after the expiry of the period for preferring an appeal under Section 9 or after the dismissal of the appeal, as the case may be. CHAPTER IV REGISTRATION OF BUILDING AS BENEFICIARIES 11. Beneficiaries of the Fund.—Subject to the provisions of this Act, every building worker registered as a beneficiary under this Act shall be entitled to the benefits provided by the Board from its Fund under this Act

12. Registration of building workers as beneficiaries.—(1) Every building worker who has completed eighteen years of age, but has not completed sixty years of age, and, who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months shall be eligible for registration as a beneficiary under this Act. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 11 SEC. 14] (2) An application for registration shall be made in such form, as may be prescribed, to the officer authorised by the Board in this behalf. (3) Every application under sub-section (2) shall be accompanied by such documents together with such fee not exceeding fifty rupees as may be prescribed. (4) If the officer authorised by the Board under sub-section (2) is satisfied that the applicant has complied with the provisions of this Act and the rules made

thereunder, he shall register the name of the building worker as a beneficiary under this Act : provided that an application for registration shall not be rejected without giving the applicant an opportunity of being heard. (5) Any person aggrieved by the decision under sub-section (4) may, within thirty days from the date of such decision, prefer an appeal to the Secretary of the Board or any other officer specified by the Board in behalf and the decision of the Secretary or such other officer on such appeal shall be final : provided that the Secretary or any other officer specified by the Board in this behalf may entertain the appeal after the expiry of the said period of thirty days if he is satisfied that the building worker was prevented by sufficient cause from filing the appeal in time. (6) The Secretary of the Board shall cause to maintain such registers as may be prescribed

13. Identity cards.—(1) The Board shall give to every beneficiary an identity card with his photograph duly affixed thereon and with enough space for the details of the building or other construction work done by (2) Every employer shall enter in the identity card the details of the building or other construction work done by the beneficiary and authenticate the same and return it to the beneficiary. (3) A beneficiary who has been issued an identity card under this Act shall produce the same whenever by any officer of Government or the Board, any inspector or any other authority for inspection

14. Cessation as a A' building worker who has been registered as a beneficiary under this Act shall cease to be as such when he attains the age of sixty years or when he is not engaged in building or other construction work for not less than ninety days in a year : Provided that in computing the period of ninety days under this sub-section, there shall be excluded any period of absence from the building or Other construction work due to any -personal injury caused to the building worker by accident arising out of and in the course of his employment.(2) Notwithstanding anything contained in sub-section (1), if a person had been a beneficiary for at least three years continuously immediately before attaining the age of sixty years, he shall be eligible to get such benefits as may be prescribed. 12 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 [SEC. 18 Explanation.—For computing the period of three years as a beneficiary with a Board under this sub-section, there shall be added any period for which a person had been a beneficiary with any other Board immediately before his registration

15. Register of beneficiaries.—Every employer shall maintain a register in such form as may be prescribed showing the details of employment of beneficiaries employed in the building or other construction work Undertaken by him and the same may be inspected without any prior notice by the Secretary of the Board or any other officer duly authorised by the Board in fflis behalf

16. Contribution of building workers.—(1) A building worker who has been registered as a beneficiary under this Act shall, until he attains the age of sixty years, contribute to the Fund at such rate per mensem, as may be specified by the State Government, by notification in the Official Gazette and different rates of contribution may be specified for different classes of building workers . Provided that the Board may, if satisfied that a beneficiary is unable to pay his contribution due to any financial hardship, waive the payment of contribution for a period not exceeding three months at a time. (2) A beneficiary may authorise his employer to deduct his confribution from his mōnthly wages and fo remit the same, within fifteen days from such deduction, to the Board

17. Effect of non-payment of contribution.—When a beneficiary has not paid his contribution under sub-section (1) of Section 16 for a continuous period of not less than one year, he shall cease to be a beneficiary Provided that if the Secretary of the Board is satisfied that the non-payment of contribution was for a reasonable ground and that the building worker is willing to deposit the arrears, he may allow the building worker to deposit the contribution in arrears and on such deposit being made, the registration of building worker shall stand restored

CHAPTER V BUILDING AND OTHER CONSTRUCr10N WORKERS' WELFARE BOARDS 18. Constitution of State Welfare Boards.—(1) Every State Government shall, with effect from such date as it may, by notification, appoint, constitute a Board to be known as the (name of the State) Building and other Construc- tion Workers' Welfare Board to exercise the powers conferred on, and perform the functions assigned to it, under this Act. (2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued, (3) The Board shall consist of a chairperson, a person to be nominated by the Cenfral Government and such number of other

members, not exceeding fifteen, as may be appointed to it by the State Government : Provided that the Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one member of the Board shall be a woman. SEC.22] BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 13 (4) The terms and conditions of appointment and the salaries and other allowances payable to the chairperson and the other members of the Board, and the manner of filling of casual vacancies of the members of the Board, shall be such as may be prescribed

19. Secretary and other officers of Boards.—(1) The Board shall appoint a Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act. (2) The Secretary of the Board shall be its chief executive officer. (3) The terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the Board shall be such as may be prescribed

20. Meetings of Boards.—(1) The Board shall meet at such time and place and observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be prescribed. (2) The chairperson or, if for any reason he is unable to attend a meeting of the Board, any member nominated by the chairperson in this behalf and in the absence of such nomination, any other member elected by the members present from amongst themselves at the meeting, shall preside at the meeting. (3) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the chairperson, or in his absence, the person presiding, shall have a second or a casting vote

21. Vacancies, etc., not to invalidate proceedings of the Boards.—No act or proceedings of a Board shall be invalid merely by reason of— (a) any vacancy in, or any defect in the constitution of, the Board; or (b) any defect in the appointment of a person acting as a member of the Board; or (c) any irregularity in the procedure of the Board not affecting the merits of the case, 22. Functions of the Boards.—(1) The Board may— (a) (b) (c) (d) (e) provide immediate assistance to a beneficiary in case of accident; make payment of pension to the beneficiaries who have completed the age of sixty years; sanction loans and advances to a beneficiary for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed; pay such amount in connection with premia for Group Insurance Scheme of the beneficiaries as it may deem fit; give such financial assistance for the education of children of the beneficiaries as may be prescribed; 14 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, ' [SEC. 24 (f) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependent, as may be prescribed; (g) make payment of maternity benefit to the female beneficiaries; and (h) make provision and improvement of such other welfare measures and facilities as may be prescribed. (2) The Board may grant loan or subsidy to a local authority or an employer in aid of any scheme approved by the State Government for the purpose connected with the welfare of building workers in any establishment. (3) The Board may pay annually grants-in-aid to a local authority or to an employer who provides to the satisfaction of the Board welfare measures and facilities of the standard specified by the Board for the benefit of the building workers and the members of their family, so, however, that the amount payable as grants-in-aid to any local authority or employer shall not exceed— (a) the amount spent in providing welfare measures and facilities as determined by the State Government or any person specified by it in this behalf, or (b) such amount as may be prescribed, whichever is less . Provided that no grants-in-aid shall be payable in respect of any such welfare measures and facilities where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf

23. Grants and loans by the Central Government.—The Central Government may, after due appropriation made by Parliament by law in this behalf, make to a Board grants and loans of such sums of money as the Government may consider necessary. 24. Building and Other Construction Workers' Welfare Fund and its There shall be constituted by a Board a fund to be called the Building and Other Construction Workers' Welfare Fund and there shall be credited thereto— (a) any grants and loans made to the Board by the Central Government under Section 23; (b) all contributions made by the beneficiaries; (c) all sums received by the Board from such other sources as may be decided by the Central Government. (2) The Fund shall be applied for meeting— (a) expenses of the Board in the discharge of its functions under

Section 22; and (b) salaries, allowances and other remuneration of the members, officers and other employees of the Board; (c) expenses on objects and for purposes authorised by this Act. SEC.28] BUILDING & OTHER CChISTRATION WORKERS (REGULATION.....SERVICE) ACT, 1996 15 (3) No Board shall, in any financial year, incur expenses towards salaries, allowances and other remuneration to its members, officers and other employees and for meeting the other administrative expenses exceeding five per cent of its total expenses during that financial year

25. Budget—The Board shall prepare in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the State Government and the Central Government

26. Annual Report.—The Board shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government and the Central Government

27. Accounts and Audit.—(1) The Board shall maintain proper accountG and oflle.r relevant records and prepare an annual statement of accounts (n such form as may be prescribed in Consultation with the Comptroller and Auditor-General of India. (2) The Comptroller and Auditor-General of India or any other person appointed by him in connection with the auditing of the accounts of the Board under this Act shall have the •same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular shall have -the riÉht to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board under this Act. (3) The accounts of the Board shall be audited by the Comptroller and Auditor General of India annually and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India. (4) The Board shall furnish to the State Government before such date as may be prescribed its audited copy of accounts together with the auditor's report. (5) The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before the State Legislature. CHAPTER VI HOURS OF WORK, WELFARE MEASURES AND OTHER CONDITIONS OF SERVICE OF BUILDING WORKERS 28. Fixing hours for- normal working day, The appropriate Government may, •by rules,— -u (a) fix the number of hours of work which shall constitute a normal working day for a building worker, inclusive pf one or more specified intervals; 16 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SENICE) ACT. 1996 (b) provide for a day of rest in every period of seven days which shall be allowed to all building workers and for the payment of remuneration in respect of such days of rest; (c) provide for payment of work 01K a day of rest at a rate not less than the overtime rate specified in Section 29. (2) The provisions of sub-section (1) shall, in relation to the following classes of building workers, apply only to such extent, and subject to such conditions, as may be piaescribed, namely . (a) persons engaged on urgent work, or in any emergency Which could not have been foreseen or prevented; (b) persons engaged in a work in the nature of preparatory or complementary Work which must necessarily be carried on outside the normal hours of work laid down in the rules; (c) persons engaged in any work which for technical reasons has to be completed before the day is over; (d) persons engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces

29. Wages for overtime work—(1) Where any building worker is required to work on any day in excess of the number of hours constituting a normal working day, he shall be entitled to wages at the rate of twice his ordinary rate of wages. (2) For the purposes of this section, "ordinary rates of wages" means the basic wages plus such allowances as the worker is entitled to but does not include any bonus.

NOTES Overtime.—Collins English Dictionary reprinted and updated in 1983 gives meaning of the expression "overtime" as (i) work at regular job done in addition to regular working hours....(ii) time in excess of a set period....(v) beyond the regular or stipulated time (vi) to exceed the required time for (say, a photographic exposure).

• Webster's Third -New International Dictionary gives the meaning of the expression "overtime" as (i) time beyond or in excess of a set limit; working time in excess of a minimum total set for a given period; in excess of a set time limit or of the regular working time. [Philips India Ltd. v, Labour Court, (1985) 3 SCC 1031. 30].

Maintenance of registers and records.—(1) Every employer shall maintain such registers and records giving such particulars of building workers employed by him, the work performed by them, the number of hours of work which shall constitute a normal working day for them, a day of rest in every period of seven days which shall be allowed to them, the wages paid to them, the receipts given by them and such other particulars in such form as may be prescribed. Every employer shall keep exhibited; in such manner as may be prescribed, in the place where such workers may be employed, notices the prescribed



form containing the prescribed particulars. (3) -The Government may, by n.des, provide for the issue of wage books or wage slips to building workers employed in an establshment BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 17 and prescribe the manner in which entries shall be made and authenticated in such wage books or wage slips by the employer or his agent. 31. prohibition of employment of certain persons in certain building or other construction work.— No person about whom the employer knows or has reason to believe that he is a deaf or he has a defective vision or he has a tendency to giddiness shall be required or allowed to work in any such operation of building or other construction work which is likely to involve a risk of any accident either to the building worker himself or to any other person

32. Drinking water.—(1) the employer shall make in every place where building or Other construction work is in progress, effective arrangements to provide and maintain at suitable points conveniently situated for all persons employed therein, a sufficient supply of wholesome drinking water. (2) All such points shall be legibly marked "Drinking Water" in a language understood by a majority of the persons employed in such place and no such point shall be situated within six metres of any washing place, urinal or latrine

33. Latrines and urinals.—In every place where building or other construction work is carried on, the employer shall provide sufficient latrine and urinal accommodation of such types as may be prescribed and they shall be so conveniently situated as may be accessible to the building workers at all times while they are in such place • Provided that it shall not be necessary to provide separate urinals in any place where less than fifty persons are. employed or where the latrines are connected to a water-borne sewage system

34. Accommodation.—(1) The employer shall provide, free of charges and within the work site or as near to it as may be possible, temporary living accommodation to all building workers employed by him for such period as the building or other construction work is in progress. (2) The temporary accommodation provided under sub-section (1) shall have separate cooking place, bathing, washing and lavatory facilities. (3) As soon as may be, after the building or other construction work is over' the employer, shall, at his own cost, cause removal or demolition of the temporary structures erected by him for the purpose of providing living accommodation, cooking place or other facilities to the building workers as required under sub-section (1) and restore the ground in good level and clean condition. (4) In case an employer is given any land by a Municipal Board or any Other local authority for the purposes of providing temporary accommodation for the building workers under this Section, he shall, as soon as may be after the CONstruction work is over, return the possession of such land in the same condition in which he received the same, 35, Creches.—In every place wherein, more than fifty female building workers are ordinarily employed, there shall be provided and maintained a (SEC. 39 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 18 suitable room or rooms for the use of children under the age of six years of such female workers. (2) Such rooms shall— (a) provide adequate accommodation; (b) be adequately lighted and ventilated; (c) be maintained in a clean and sanitary condition; (d) be under the charge of women trained in the care of children and infants

36. First-aid.—Every employer shall provide in all the places where building or other construction work is carried on such first-aid facilities as may be prescribed

37. Canteens, etc.—The appropriate Government may, by rules, require the employer— (a) to provide and maintain in every place wherein not less than two hundred and fifty building workers are ordinarily employed a canteen for the use of the workers; (b) to prpvide such other welfare measures for the benefit of building workers as may be prescribed. CHAPIER VII SAFETY AND HEALTH MEASURES 38. Safety Committee and Safety Officers.—(1) In every establishment Wherein five hundred or niore bunding workers are ordinarily employed, the. employer shall constitute a Safety Committee consisHng of such number of repzsaüatives of the ana the building workers as may be prescribed by the.Sfate Government : Provided that the number of persons representing the workers; shall, in no case, be less than the persons representing the employer. (2) In every establishment referred to in sub-section (1), the employer shall also appoint a safety officer who shall possess such qualifications and perform such duties as may be prescribed

39. Notice of certain accidents.—Where in any establishrment an accident occurs which causes death or which causes any bodily injury by reason Of which the person injured is prevented from working for a period of forty-eight hours or. more immediately following the accident, or which is of such a nature as

may be prescribed, the employer shall give notice thereof to such authority, in such form and within such time as may be prescribed. (2) On receipt of a notice under sub-section (1) the authority referred to in that sub-section may make such investigation or inquiry as it considers necessary. (3) Where a notice given under sub-section (1) relates to an accident causing death of five or more persons, the authority shall make an inquiry into such accident within one month of the receipt of the notice.

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40. power Of appropriate Government to make rules for the safety and health of building workers.—(1) The appropriate Government may, by notification, make rules regarding the measures to be taken for the safety and health of building workers in the course of their employment and the equipment and appliances necessary to be provided to them for ensuring their safety, health and protection, during such employment. (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely . (a) (b) (c) (d) (e) (f) (g) (h) the safe means of access to, and the safety of, any working place, including the provision of suitable and sufficient scaffolding at various stages when work cannot be safely done from the ground or from any part of a building or from a ladder or such other means of support; the precautions to be taken in connection with the demolition of the whole or any substantial part of a building or other structure under the supervision of a competent person and the avoidance of danger from collapse of any building or other structure while removing any part of the framed building or other structure by shoring or otherwise; the handling or use of explosive under the control of competent persons so that there is no exposure to the risk of injury from explosion or from flying material; the erection, installation, use and maintenance of transport equipment, such as locomotives, trucks, wagons and other vehicles and trailers and appointment of competent persons to drive or operate such equipment: the erection, installation, use and maintenance of hoists, lifting appliances and lifting gear including periodical testing and examination and heat treatment, where necessary, precautions to be taken while raising or lowering loads, restrictions on carriage of persons and appointment of competent persons on hoists or other lifting appliances; the adequate and suitable lighting of every workplace and approach thereto, of every place where raising or lowering operations with the use of hoists, lifting appliances or lifting gears are in progress and of all openings dangerous to building workers employed; the precautions to be taken to prevent inhalation of dust, fumes, gases or vapours during any grinding, cleaning, spraying or manipulation of any material and steps to be taken to secure and maintain adequate ventilation of every working place or confined space; the measures to be taken during stacking or unstacking, stowing or unstowing of materials or goods or handling in connection therewith; 20

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(i) the safeguarding. of machinery including the fencing of every (j) (k) (m) (n) (o) (p) (q) (r) (s) (t) (u) flywheel and every moving part of a prime mover and every part of transmission or other machinery, unless it is in such a position or of such construction as to be safe to every worker working on any of the operations and as if it were securely fenced; the safe handling and use of plant, including tools and equipment operated by compressed air; the precautions to be taken in case of fire; the limits of weight to be lifted or moved by workers; the safe transport of workers to or from any workplace by water and provision of means for rescue from drowning; the steps to be taken to prevent danger to workers from live electric wires or apparatus including electrical machinery and tools and from overhead wires; the keeping of safety nets, safety sheets and safety belts where the special nature or the circumstances of work render them necessary for the safety of the workers; the standards to be complied with regard to scaffolding, ladders and stairs, lifting appliances, ropes, chains and accessories, earth-moving equipments and floating operational equipments; the precautions to be taken with regard to pile driving, concrete work, work with hot asphalt, tar or other similar things, insulation work, demolition operations, excavation, underground construction and handling materials; the safety policy, that is to say, a policy relating to steps to be taken to ensure the safety and health of the building workers, the administrative arrangements therefor and the matters connected therewith, to be framed by the employers and contractors for the operations to be carried on in a building or other construction work; the information to be furnished to the Bureau of Indian Standards established under the Bureau of Indian Standards Act, 1986 (63 of 1986), regarding the use of any article or process covered under that Act in a building or other construction work; the provision and maintenance of medical facilities for building workers; any other matter concerning the safety and

health of workers working in any Of the operations being carried on in a building or other construction work

41. Framing of model rules for safety measures.—The Central Govern- ment may, after considering the recommendation of the expert committee constituted under Section 5, frame model rules in respect of all or any of the matters specified in Section 40 and where any such model rules have been framed in respect pf any such matter, the appropriate Government shall, while BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 SEC. 421 21 making any rules in respect of that matter under Section 40, so far as is practicable, conform to such model rules

CHAPTER VIII INSPECTING STAFF 42. Appointment of Director-General, Chief Inspector and Inspectors.— (1) The Central Government may, by notification, appoint a Gazetted Officer of that Government to be the Director-General of Inspection who shall be responsible for laying down the standards of inspection and shall also exercise the powers Of an Inspector throughout India in relation to all the establish- ments for which the Central Government is the appropriate Government. (2) The State Government may, by notification, appoint a Gazetted Officer of that Government to be the Chief Inspector. Of Inspection of Building and Construction who shall be responsible for effectively carrying out the provisions of this Act in the State and shall also exercise the powers of an Inspector under this Act throughout the State in relation to establishments for which the State Government is the appropriate Government : (3) The appropriate Government may, by notification, appoint such number of its officers as it thinks fit to be Inspectors for the purposes of this Act and may assign to them such local limits as it may think fit. (4) Every Inspector appointed under this section shall be subject to the control of the Director-General or the Chief Inspector, as the case may be, and shall exercise his powers and perform his funcâons under this Act subject to general control and supervision of the Director-General or the Chief Inspector. (5) The Director-General, the Chief Inspector and every Inspector.shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal code (45 of 1860). NOTIFICATIONS (1) Ministry of Labour, Noti. No. S.O. 198(E), dt. 14.3.1997, published in the Gazette of India, Extra., Part 11, Section 3(ii), dt. 14.3.1997 In exercise of the powers vested in it under sub-section (1) of Section 42 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 Of 1996), the Central Government appoints Chief Labour Commissioner (Central) as the Director-General of Inspection under the said Act with immediate effect, (2) Ministry of Labour, Noti. No. S.O. f196(E), dt. published in the Gazette of India.,Extra., Part 11, Section 3(ii), dt. 14.3.1997 In exercise of the powers conferred by sub-section (3) of Section 42 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996), the Central Government heraby appoints the officers mentioned in column (1) of the Schedule below, to be the Inspectors who shall exercise the powersfonferred on Inspectors by or under the said Act, having jurisdiction as specified in column (2) of the said Schedule. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION SCHEDULE Officers (l) 1. oint Chief Labour Commissioner Central), New Delhi 2. All De ut Chief Labour Commissioners Central 3. All Re •onal Labour Commissioners Central 4. All Assistant Labour Commissioners (Central) 5. Chief Adviser (Labour Welfare), Office of the Chief Labour Com- missioner Central , New Delhf 6. All Labour Enfoxement Officers Central (3) SENiCE) ACT, 1996 Jurisdiction (2) Whole of India [SEC. 43 English translation of Shram Anubhag-2, Noti. No. 1410/ XXXVI-2-2009-251 (S.M)-95i dt. 20.11.2009, published in the U.P. Gazette, Extra., Part 4, Section (Kha), dt. 20.11.2009 In exercise of the poWers under sub-section (2) of Section 42 of the building and Other Construction Workers (Regulation Of Employment and Conditions of Service) Act, 1996 (Act No. 27 of 1996) the Governor is pleased to appoint Labour Commissioner, Uttar Pradesh as the Chief Inspector of Inspeccion of Building and Other Construction Work for the State of Uttar Pradesh

43. Powers of Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointedr—(a) (b) (c) (e) enter, at all reasonable hours, with such assistants (if any) being- persons in the service of the Government or any local or other public authority •as he thinks fit, any premises or place wher building or other construction work is carried on, for the purpose of examining any register or record or notices required to be kept or exhibited by or under this Act, and require the production thereof for inspection; examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe. is a building worker therein; requite any person giving dut building or other construction work to any building worker, to give any inform,atim, which is in his power

to give with lespect to the names and addresses Of the persons to, for and whom the building or other constructicm work is given out or received, and with respect to the payments to be made for the building or other construction work; seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect. of an offence under this Act which he has reason to believe has been committed by the employer; and exercise such other powers as may be prescribed. SEC 46', BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 23 (2) For the purposes of this section, the Director-General or the Chief Inspector, as the case may be, may employ experts or agencies having such qualifications and experience and on such terms and conditions as may be prescribed. (3) Any person required to produce any document or to give any infor- mation required by an Inspector under sub-section (1) shall be deemed to be legally bound to do so within the meaning of Section 175 and Section 176 of the Indian penal Code (45 of 1860). (4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to such search or seizure under sub-section (1) as they apply to any search or seizure made under the authority of a warrant issued under Section 94 of the said Code. CHAPTPR IX SPECIAL PROVISIONS 44. Responsibility of employers.— An employer shall be responsible for providing constant and adequate supervision of any building or other construction work in his establishment as to ensure compliance with the provisions of this Act relating to safety and for taking all pracacal steps necessary to prevent accidents

45. Responsibility for payment of wages and compensation.—(1) An employer shall be responsible for payment of wages to each building worker employed by him and such wages shall be paid on or before such date as may be prescribed. (2) In case the contractor fails to make payment of compensation in respect of a building worker employed by him, where he is liable to make such payment when due, or makes short payment thereof, then, in the case of death or disablement of the building worker, the employer shall be liable to make payment of that compensation in full or the unpaid balance due in accordance with the provisions of the Workmen's Compensation Act, 1923 (8 of 1923), and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor

46. Notice of commencement of building or other construction work.— (1) An employer shall, at least thirty days before the commencement of any building or other construction work send or cause to be sent to the Inspector having jurisdiction in the area where the proposed building or other construction work is to be executed, a written notice containing— (a) the name and situation of the place where the building or other construction work is proposed to be carried on; (b) the name and address of the person who is undertaking the building or other construction work; (c) the address to which communications relating to the building or other construction work may be sent; 24 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SEN'CE) ACT, 1996 (d) (f) (g) (h) (i) the nature of the work involved and the facilities, including any plant and machinery, provided; the arrangements for the storage of explosives, if any, to be used in the building or other construction work; the number of workers likely to be employed during the various stages of building or other construction work; the name and designation of the person who will be in overall charge of the building or other construction work at the site; the approximate duration of the work; such other matters as may be prescribed. (2) Where any change occurs in any of the particulars furnished under sub-section (1), the employer shall intimate the change to the Inspector within two days of such change. (3) Nothing contained in sub-section (1) shall apply in case of such class of building or other construction work as the appropriate Government may by notification specify to be emergent works

CHAPTER X PENALTIES AND PROCEDURE 47. Penalty for contravention of provisions regarding safety measures.— (1) Whoever contravenes the provisions of any rules made under Secção 40 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such (2) If any person who has beel convicted of any offence punishable under sub-section (1) is again guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to six months or with fine which shall not be less than five hundred rupees but which may extend to two thousand rupees or with both : Provided that for the purposes of this sub-

section, no cognizance shall be taken of any conviction made more than two years before the commission of the offence for which the person is subsequently being convicted : Provided further that the authority imposing the penalty, if it is satisfied that there are exceptional circumstances warranting such a course may, after recording its reasons in writing, impose a fine of less than five hundred rupees. NOTES Penalty.—In the common parlance the word 'penalty' is understood to mean; a legal or official punishment such as a term of imprisonment. [N.K. Jain v. C.K. Shah, (1991) 2 SCC 495]

48. Penalty for failure to give notice of the commencement of .the building or Other construction work.—Where an employer fails to give notice of the commencement of the building or other construction work under Section 46, he shall be punishable with imprisonment for a term which may SEC.501 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 25 extend to three months, or with fine which may extend to two thousand rupees.. or with both

49. Penalty for obstructions.—(1) Whoever obstructs an Inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the Inspector any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act. in relation to an establishment shall be punishable with imprisonment for a term which months. or with fine which may extend to one thousand rupees, or with both. (2) Whoever wilfully refuses to produce on the demand of an Inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before, or being examined by, an Inspector acting in pursuance of his duties under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both

50. Penalty other offences.—(1) Whoever contravenes any other provision of this Act or any rules made thereunder or who fails to comply with any provision of this Act or any rules made thereunder shall, where no express penalty is elsewhere provided for such contravention or failure, be punishable with fine which may extend to one thousand rupees for every such contravention or failure, as the case may be, and in the case of a continuing contravention or failure, as the case may be, with an additional fine which may extend to one hundred rupees for every day during which such contravention or failure continues after the conviction for the first such contravention or failure. : (2) A penalty under sub-section (1) may be imposed— (a) by the Director-General where the contravention or failure relates to a matter to which the appropriate Government is the Central Government; and (b) by the Chief Inspector where the contravention or failure relates to a matter to which the appropriate Government is the State Government. (3) No penalty shall be imposed unless the person concerned is given a notice in writing— (a) informing him of the grounds on which it is proposed to impose a penalty; and (b) giving him a reasonable opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the imposition of penalty. mentioned therein, and, if he so desires, of being heard in the matter. (4) Without prejudice to any other provision contained in this Act, the Director-General and the Chief Inspector shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), while exercising any powers under this section, in respect of the following matters, namely : (a) summoning and enforcing the attendance of witnesses; (b) requiring the discovery and production of any document; (c) requisitioning any public record or copy thereof from any Court or office; (d) receiving evidence on affidavits; and (e) issuing commissions for the examination of witnesses or documents. (5) Nothing contained in this section shall be construed to prevent the person concerned from being prosecuted under any other provision of this Act or any other law for any offence made punishable by this Act or by that other law, as the case may be, or for being liable under this Act or any such law to any other or higher penalty or punishment than is provided for such offence by this section : Provided that no person shall be punished twice for the same offence. NOTES Offence.—According to New Shorter Oxford English Dictionary, an offence is "a breach of law, crime, duty, propriety, etiquette, an illegal act, a transgression, sin, wrong, misdemeanour, misdeed, fault". Thus, an offence only means the commission of an act contrary to or forbidden by law. It is not confined to the commission of a crime alone.. It is an act committed against law or omitted where the law requires it and punishable by it. In its legal signification, an offence is the transgression of law; a breach of the laws established for the protection of the public as distinguished from an infringement of mere private rights; a punishable violation of law, a crime, the doing that which a penal law forbids to be done or

omitting to do what it commands. [Standard Chartered Bank v. Directorate of Enforcement, (2006) 4 SCC 278]

51. Appeal.—(1) Any person aggrieved by the imposition of any penalty under Section 50 may prefer. an appeal— (a) where the penalty has been imposed by the Director-General, to the Central Government; (b) where the penalty has been imposed by the Chief Inspector, to the State Government, within a period of three months from the date of communication to such person of the imposition of such penalty : Provided that the Central Government or the State Government, as the case may be, may, if it is satisfied that the appellant was prevented by sufficient cause from an appeal within the aforesaid period of three months, allow such appeal to be preferred within a further period of three (2) 'The appellate authority may, after giving the appellant an opportunity of being heard, if he so desires, and after making such further inquiry, if any as it may consider necessary, pass such order as it thinks fit confirming' & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 SEC. 54] 27 modifying or reversing the order appealed against or may send back the case with such directions as it may think fit for a fresh decision

52. Recovery Of penalty—Where any penalty imposed on any person under Section 50 is not paid,— (i) the Director-General or, as the case may be, the Chief Inspector may deduct the amount so payable from any money owing to such person which may be under his control; or (ii) the Director-General or, as the case may be, the Chief Inspector may recover the amount so payable by detaining or selling the goods belonging to such person which are under his control; or (iii) if the amount cannot be recovered from such person in the manner provided in clause (i) or clause (ii), the Director-General or, as the case may be, the Chief Inspector may prepare a certificate signed by him specifying the amount due from such person and send it to the Collector of the district in which such person owns any property or resides or carries on his business and the said Collector, on receipt of such certificate shall proceed to recover from such person the amount specified thereunder as if it were an arrear of land revenue

53. Offences by Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.—For the purposes of this section,— (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm

54. Cognizance of offences.—(1) No Court shall take cognizance of any offence punishable under this Act except on a complaint— (a) made by, or with the previous sanction in writing of, the Director-General or the Chief Inspector; or BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) ACT, 1996 61 (b) made by an office-bearer of a voluntary organisation registered under the Societies Registration Act, 1860 (21 of 1860); or (c) made by an office-bearer of any concerned trade union registered under the Trade Unions Act, 1926 (16 of 1926). (2) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act

55. Limitation of prosecution.—No Court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of the Director-General, the Chief Inspector, an office-bearer of a voluntary organisation or, as the case may be, an office-bearer of any concerned trade union

CHAPTER XI MISCELLANEOUS 56. Delegation of powers.—A Board may, by general or special order, delegate to the Chairperson or any other member or to the Secretary or any other or employee of the

Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and duties under this Act as it may deem necessary

57. Board shall furnish from time to time to the Central Government and to the State Government such returns as they may require

58. Application of Act 8 of 1923 to building workers.—The provisions of the Workmen's Compensation Act, 1923, shall so far as may be, apply to building workers as if the employment to which this Act applies had been included in the Second Schedule to that Act

59. Protection of action taken in good faith.—(1) No suit, prosecution or legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. (2) No prosecution or other legal proceeding shall lie against the Government, any Board or Committees constituted under this Act or any member of such Board or any officer or employee of the Government or the Board or any other person authorised by the Government or any Board or Committee, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made or issued thereunder

60. Power of Central Government to give directions.—The Central Government may give directions to the Government of any State or to a Board as to the carrying into execution in that State of any of the provisions of this Act. 61. Power to remove If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty : BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996 SEC, 52(1) Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act. (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

62. Power to make rules.—(1) The appropriate Government may, after C0nsultation with the expert committee, by notification, make rules for carrying out the provisions of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely : (a) (b) (c) (d) (f) (g) (h) (i) (j) (k) the number of persons to be appointed as members representing various interests on the Cerifral Advisory Committee and the State Advisory Committees, the term of their office and other conditions of service, the procedure to be followed in the discharge Of their functions and the manner of filling vacancies under sub-section (3) of Section 3 or, as the case may be, under sub-section (S) of Section 4; the fees and allowances that may be paid to the members of the expert committee for attending its meeting under sub-section (2) of Section 5; the forrit of application for the registration of an establishment, the levy of fees therefor and the particulars it may contain under sub-section (2) Of Section 7; the form of certificate of registration, the time within which and the gonditiöns subject-to which such certificate may be issued under sub-section (3) of Section 7; the



form in which the change in ownership or management or other particulars shall be intimated to the registering officer under sub-section (4) of Section 7; the form in which an application for registration as a beneficiary shall be made under sub-section (2) of Section 12; the document and the fee which shall accompany the application under sub-section (3) of Section 12; the registers which the Secretary of the Board shall cause to be maintained under sub-section (6) of Section 12; the benefits which may be given under sub-section (2) of Section 15; the form in which register of beneficiaries shall be maintained under Section 15; the terms and conditions of appointment, the salaries and other allowances payable to, and the manner of filling of casual vacancies of, the chairperson and other members of the Board under sub-section (4) of Section 18; 30 BUILDING & OTHER CONSTRUCTION WORKERS

(REGULATION.....SERVICE) ACT, 1996 (SEC. 62 (l) (m) (n) (o) (p) (q) (r) the terms and conditions of service and the salaries and allowances payable to the Secretary and the other officers and employees of the Board under sub-section (3) of Section 19; the time and place of the meeting of the Board and the rules of procedure to be followed at such meeting under sub-section (1) Of Section 20 including quorum necessary for the transaction of business; the amount payable as house building loans or advances, the terms and conditions of such payment under clause (c), educational assistance under clause (e), medical expenses payable and the persons who shall be the dependent of the beneficiaries under clause (f), and the other welfare measures for which provision may be made under clause (h) of sub-section (1) of Section 22; the limits of grants-in-aid payable to the local authorities and employers under sub-clause (b) of sub-clause (3) of Section 22: the form in which and the time within which the budget of the Board shall be prepared and forwarded to Government under Section 25; the form in which and the time within which the annual report of the Board shall be submitted to the State Government and the Central Government under Section 26; the form of annual statement of account' under sub-section (1), and the date before which the audited copy of the accounts together with the auditor's report shall be furnished under sub-section (4) of Section 27; (s) the matters required to be provided under sub-section (1) Of Section 28 and the extent up to which, and the conditions subject to which, the provisions of that sub-section shall apply to the building workers under sub-section (2) of that section; (t) the registers and records that shall be maintained by the (u) (v) (w)

(x) (y) (z) employer and the form in which such registers and records shall be maintained and the particulars to be included therein under sub-section (1) of Section 30; the form and manner in which a notice shall be exhibited and the particulars it may contain under sub-section (2) of Section 30; the issue of wage books or wage slips to building workers and the manner in which entries are to be made and authenticated in wage books or wage slips under sub-section (3) of Section 30; the types of latrines and urinals required to be provided under the first-aid facilities which are to be provided under Section 36; the canteen facilities which are to be provided under clause (a) the welfare measures which are to be provided under clause (b) BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE)

ACT. SEC. 31 (za) (zb) (zc) (zd) (ze) (zg) the number of representatives of the employer and the building workers under sub-section (1) of Section 38 and the qualifications of safety officers and the duties to be performed by them under sub-section (2) of that section; the form of a notice of accident, other matters to be provided in this behalf and the time within which such notice shall be given under sub-section (1) of Section 39; the rules to be made for the safety and health of building workers under Section 40; the powers that may be exercised by an Inspector Under clause (e) of sub-section (1) of Section 43 and the qualifications and experience which the experts or agencies employed under sub-section (2) of that section shall possess and the terms and conditions on which such experts or agencies may be employed; the date on or before which wages shall be paid to a building worker under Section 45; the matters which are required to be prescribed under clause (i) of sub-section (1) of Section 46: any Other matter which is required to be, or may be, prescribed. (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. (4) Every rule made by the State Government under this Act shall be laid, as soon as may be it is made, before each House of the State Legislature where it consists or

two Houses, or where such Legislature consists of one House, before that House. 63, Saving of certain contained in this Act shall affect the operation of any Corresponding law in a State providing welfare schemes which are more beneficial to the building and other construction workers than those provided for them by or under this Act. 64. Repeal and saving.-The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Third Ordinance, 1996 (Ordinance 25 of 1996), is hereby repealed. (2), Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

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274. The Uttar Pradesh Building and Other Construction Workers Welfare Fund.Eligibility of Registration. ... Application for registration of beneficiary. Beneficiary Identity Card. 144 ...144 146 149 39 .144 Register of employment of beneficiary. 146 Contribution to the Fund. 146 Maintenance and production of records and registers ..146 CHAPTER X ASSISTANCE AND BENEFITS Assistance and benefits. Board to notify schemes, laying down procedural and other residual matters regarding assistance and benefits. . Other welfare activities..... Power of the Board to modify certain formats. .. SCHEDULES . FORMS 147 ...148 ..148 149-164 . 165-197 In exerdse of the powers conferred under Secãon 62 read with Section 40 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Act No. 27 of 1996), the Governor is pleased to make the following rules namely The Uttar Pradesh Building and Other Construction (Regulation of Employment and Conditions of Service) Workers Rules, 2009. PART-I CHAPTER 1 PRELIMINARY 1. Short title, extent and commencement.—(1) These rules may be called the Uttar Pradesh Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2009. (2) They shall apply to all buildings or other construction work relafing to any establishment throughout the State except those, in relation to which appropriate Government is the Central Government under the Act. (3) These rules shall come into force with effect from the date of their publication in the Gazette

2. Definitions.—In these rules, unless the context otherwise requires— (a) "Act" means the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, (b) (c) 1996 (Act No. 27 of 1996); "access" or "egress" means passageways, corridors, stairs, platforms, ladders and any other means to be used by a building worker for normally entering or leaving the workplace or for escaping in case of danger; "approved" means approved in writing by the Chief Inspector or the State Government as the case may be; 40 THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 (R 2 (d) "base plate" means a plate for distributing the load from a Standard in the case of metal scaffolds; (e) "bay" in relation to scaffolds, means that portion of the scaffold between horizontal or vertical supports whether standards or supports from which the portion is suspended, are adjacent longitudinally; (f) "brad" means a member incorporated diagonally in a scaffold (g) "bulkhead" means an airtight structure separating the working chamber from free air or from another chamber under a lower than the working pressure; (h) "caisson" means an air and watertight chamber in which it is possible for person to work under air pressure greater than pheric pressure at sea level to excavate material below water level; (i) "cofferdam" means a structure constructed entirely or in part below water level or below the level of the water level in the ground and intended to provide a place for work that is free of water; (j) "competent person" means a person so approved by the State Government, who belongs to a testing establishment in India, possessing adequate qualification, experience and skill for the purpose of testing, examination or annealing and of lifting appliances, lifting gears, wire ropes or pressure plant or equipment; (k) "compressed air" means air mechanically raised to a pressure higher than atmospheric pressure at sea level; (l) "construction site" means any site at which any of processes or operations, related to building or other construction work are carried on; (m) "conveyor" means a mechanical device used in building or other construction work for transport of building material, articles, or packages or, solid bulk from one point to another point; (n) "decompression" means the rapid decompression of persons in a lock to atmospheric pressure at sea level followed promptly by their recompression table in accordance with approved decompression procedures; (o) "decanting" means the rapid decompression of persons in a lock to atmospheric pressure at sea level followed promptly by their recompression in a decant lock, where they are then decompressed according to the appropriate decompression table in accordance with approved decompression procedures; (p) "demolition" means the work incidental to or connected with the total or partial dismantling or razing of a building or NE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 41 (q) (r) (s) (t) (u) (v) (w) (x) a structure other than a building and includes the removing or dismantling of machines or other equipment; "excavation" means the removal of earth, rock or other material in connection with construction or demolition work; "falsework" means the structural supports and bracing for form-works or forms; "flashpoint" means the minimum liquid temperature at which a spark or flame causes an instantaneous flash in the vapour space above the liquid; "form" means a form appended to the rules; "frame or modular scaffold" means a scaffold manufactured in such a way that the geometry of the scaffold is pre-determined and the relative spacing of the principal members are fixed; "guardrail" means a horizontal rail secured to uprights and erected along the exposed sides of scaffolds, floor openings, runways and gangways to prevent persons from falling; "hazard" means danger or potential danger; "hazardous substance" means any substance which due to its explosiveness, inflammability, radioactivity, toxic or corrosive properties, or other similar characteristics, may— (i) cause injury; or (ii) affect adversely the human system; or (iii) cause loss of life or damage to property on work-environment, while handling, transporting or storing and classified as such under the national standards or in case such national standards do not exist to the generally accepted international standards; (y) "high pressure air" means air used to supply power to pneumatic tools and devices; (z) "independent tied scaffold" means a scaffold, the working platform of which is supported from the base by two or more rows of standards and which apart from the necessary ties stands completely free of the building; (za) "fledge" means a member spanning horizontally and tying scaffold longitudinally and which acts as a support for putlogs or bays; (zb) "lifting appliance" means a crane, hoist; derrick, winch, gin pole, sheer legs, jack, pulley block or other equipment used for lifting materials, objects or building worker; (zc) "lifting gear" means ropes, chains, hooks, slings and other accessories of a "lifting appliance"; (zd) "lock attendant" means the person in charge of a man-lock or medical lock and who is immediately responsible for controlling THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 the compression, recompression

or decompression of persons in such locks; (ze) "low pressure air" means air supplied to pressurize working chambers and man-locks and medical locks; (zf) - "magazine" means a place in which explosives are stored or kept, whether above or below ground; (zg) "man lock" means any lock, other than a medical lock, used for the compression or decompression of persons entering or leaving a working chamber; (zh) "material hoist" means a power or manually operated and suspended platform or bucket operating in guide rails and used for raising or lowering material exclusively and operated and controlled from a point outside the conveyance; (Zi) "materials lock" means a chamber through which materials and equipment pass from one air pressure environment into another; (zj) "medical lock" means a double compartment lock used for the therapeutic recompression and decompression of persons suffering from the ill-effects of decompression; (zk) "national standards" means standards as approved by the Bureau (ZI) (zm) (m) (zo) (zp) (zq) (n) of Indian Standards and in the absence of such standards, the standards approved by the State Government or the State Government (sic Central Government) for a specific purpose; "outrigger" means a structure projecting beyond the facade of a building with the inner end being anchored and includes a cantilever or other support; "plant or equipment" includes any plant, equipment, gear, machinery, apparatus or appliance, or any part thereof; "pressure" means air pressure in bars above atmospheric pressure; "pressure plant" means the pressure vessel along with its piping and other fittings operated at a pressure greater than the atmospheric pressure; "putlog" means a horizontal member on which the board, plank or decking of a working platform are laid; "responsible person" means a person appointed by the employer to be responsible for the performance of specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of such duty or duties; "reveal tie" means the assembly of a tie tube and fittings used for tightening a tube between two opposite surfaces; (zs) "right angle coupler" means a coupler, other than a swivel or putlog coupler, used for connecting tubes at right angles; (zt) "rock bolt" means a mechanical expansion bolt or a bolt used with cementitious or resin anchoring system which is set in R 21 43 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 drilled hole in the arch or wall of a tunnel to improve rock competency; (zu) (zv) (zw) (zx) "roofing bracket" means a bracket used in sloped roof construction and having sharp points or other means for fastening to prevent slipping; "safety screen" means an air and water tight diaphragm placed across the upper part of a compressed air tunnel between the face and bulkhead, in order to prevent flooding the crown of the tunnel between the safety screen and the bulkhead to provide a safe means of refuge and exit from a flooding or flooded tunnel; "safe working load" in relation to an article of lifting gear or lifting appliances, means the load which is the maximum load that may be imposed on such article or appliance with safety in the normal working conditions as assessed and certified by a competent person; "scaffold" means any temporarily provided structure on or from which building workers perform work in connection with building or other construction work to which these rules apply, and any temporarily provided structure which enables building workers to obtain access to or which enables materials to be taken to any place at which such work is performed, and includes any working platform, gangway, run, ladder or stepladder (other than a ladder or stepladder which does not form part of such structure) together with any guardrail, toe board or other safeguards and all fixings, but does not include lifting appliance or a lifting machine or a structure used merely to support such an appliance or such a machine or to support other plant or equipment; (zy) "section" means a section of the Act; (zz) "schedule" means a Schedule appended to these rules; (zza) "segment" includes a cast iron or precast concrete segmented structure formed to the curvature of the tunnel cross-section and used to support the ground surrounding the tunnel; (zzb) "service shaft" means a shaft for the passage of building workers or materials to or from a tunnel under construction; (zzc) "shaft" means an excavation having a longitudinal axis at an angle greater than forty-five degree from the horizontal— (i) for the passage of building workers or materials to or from a tunnel or (ii) leading to an existing tunnel; (zzd) "shield" means a movable frame which supports the working face of a tunnel and the ground immediately behind it and includes equipment designed to excavate and support the excavated areas in a tunnel; 44 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (zze) "shoring" means the construction of a temporary structure to support temporarily a structure. These render lateral support to walls and are used under the following circumstances— (i) when a wall shows signs of bulging out due to bad workmanship; (ii) when a wall cracks due to unequal settlement of foundation, and the cracked wall needs repair; (iii) when an adjacent structure is to be dismantled; and (iv)

when opening are to be made or enlarged in the wall; (zzf) "sole plate" means a member used to distribute the load from the base plate or the standard of wooden scaffolds to the supporting surface; (zzg) "sound or good construction" means construction conforming to the relevant National or State standard whichever is applicable or in case such national standards do not exist, to other generally accepted international engineering standards or code of practices; (zzh) "sound or good material" means materials of a quality conforming to the relevant national or state standards whichever is applicable or in case such national standards do not exist, to other generally accepted international engineering standards or code of practices; (zzi) "standard" in relation to bay in Rule 2(e) means a member used as a vertical support or column in the construction of scaffolds which transmits a load to the ground or +0 the solid construction; (zzj) "standard safe operating practices" means the practice followed in building and other construction activities for the safety and health of workers and safe operation of machineries and equipment used in such activities and such practices conforms to all or any of the following, namely— (i) relevant standards approved by Bureau of Indian Standards; (ii) national building code; (iii) manufacturer's instructions on safe use of equipment and machinery; (iv) code of practice on safety and health in construction industry published by International Labour Organization and amended from time to time. (zzk) "steel rib" includes all steel beams and other structural members shaped to conform to the requirements of a particular tunnel cross section, used for the purpose of supporting and stabilizing the excavated areas; (zxl) "suspended scaffold" means a scaffold suspended by means of ropes or chains and capable of being raised or lowered but does not include a boatswain's chair or similar appliance; THE U.P. & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 45 (zzm) "testing establishment" means an establishment with testing and examination facilities, as approved by the Central Government or State Government in India for carrying out testing, examination, annealing or similar other test or certification of lifting appliances or lifting gear or wire rope as required under these rules; (zzn) "tie" means an assembly used to connect a scaffold to a rigid anchorage; (zzo) "toe board" means a member fastened above a working platform, access landing, access way, wheel barrow run, ramp or other platform to prevent building workers and materials falling therefrom; (zzp) "transom" means a member placed horizontally and used to tie transversely one ledge to another, or one standard to another in an independent tie scaffold; (zzq) "trestle scaffold" includes a scaffold in which the supports for the platform are any of the following, which are self-supporting, namely— (i) split heads; (ii) folding; (iii) step-ladder; (iv) tripods; or (v) movable contrivances similar to any of the foregoing. (zzr) (zzs) (zzt) (zzu) (zzv) (zzvy) (zzx) (zzy) "tubular scaffold" means a scaffold constructed from tubes and couplers; "tunnel" means a subterranean passage made by excavating beneath the over burden into which a building worker enters or is required to enter to work; "underground" means any space within the confines of a shaft, tunnel, caisson or cofferdam, "vehicle" means a vehicle propelled or driven by mechanical or electrical power and includes a trailer, traction engine, tractor, road-building machine and transport equipment; "working chamber" means the part of the construction site where work in a compressed air environment is carried out, but does not include a man-lock or medical-lock; "working platform" means a platform which is used to support building workers or materials and includes a working stage; "working pressure" means pressure, in working chamber, to which building worker is exposed; "working places" means all places where building workers are required to be present or to go for work and which are under the control of an employer, THE U.P. BUILDING & OTHER CONSTRUC WORKERS (REGULATION.....SERVICE) RULES, 2009 (R. 5 46 3. Interpretation of words not defined.—Words and expressions not defined on these rules but defined or used in the Act shall have the same meaning as assigned to them in the Act

4. Savings.—The provisions of these rules shall be in addition to and not in substitution for or in diminution of the requirements imposed by the Act

CHAPTER 11 RESPONSIBILITIES AND DUTIES OF EMPLOYERS, ARCHITECTS PROJECT ENGINEERS AND DESIGNERS, BUILDING WORKERS, ETC

5. Duties and responsibilities of employers, employees and others.— (1) It shall be the duty of every employer who is undertaking any of the operations or works related to or incidental to building or other construction work to which these rules apply . (a) to comply with such of the requirements of these rules as are related to him Provided that the requirements of this clause shall not affect any building worker if and so long as his presence in any place of work is not in the course of performing any work on behalf of his employer and he is not expressly or impliedly authorized or permitted by his employer to do the work; and

(b) to comply with such of the requirements of these rules as are related to him in relation to any work, act or operation performed or about to be performed by him. (2) It shall be the duty of every employer who erects or alters any scaffold to comply with such of the requirements of the provisions of these rules as relate to the erection or alteration of scaffolds having regard to the purpose or purposes for which the scaffold is designed at the time of erection or alteration; and such employer, who erects, installs, works or uses any plant or equipment to which any Of the provisions of these rules apply, shall erect, install work or use such plant or equipment in a manner which complies with those provisions. (3) Where a contractor, who is undertaking any Of the operations or works to which these rules apply, appoints any artisan, tradesman or Other person to perform any work or services under a contract for services, it shall be the duty of the contractor to comply with such of the requirements of these rules as affect that artisan, tradesman or other person and for this purpose any reference in these rules. to an employee shall include a reference to such artisan, tradesman or other person and the contractor shall be deemed to be his employer. (4) It shall be the duty of every employee to comply with the require- ments of such of these rules as are related to the performance Of or the refraining from an act by him and to co- operate in carrying out these rules. (5) It shall be the duty of every employer not to permit an employee to do anything not in accordance with the generally accepted principles of standard safe operating practices connected with building and other construction work as specified by the Central Government or by the State Government. R. 6] THE U.P. BUILDING & OTHER CONSTRUC WORKERS (REGULATION.....SERVICE) RULES, 2009 47 (6) No employee shall do anything which is not in accordance with the generally accepted principles of standard safe operating practices connected with building and other construction work as specified by the Central Govern- ment or by the Stâte Government. (7) No person related with any building and other construction work shall wilfully do any act which may cause injury to himself or to others. (8) It shall be the duty of every employer not to allow lifting appliance, lifting gear, lifting device, transport equipment, vehicles or any other device or equipment to be used by the building workers which does not comply with the provisions gixæl in these rules. (9) It shall be duty of the employer to maintain the latrines, urinals, washing facilities and cantæl in a clean and hygienic condition. The canteen shall be located in a place away from the latrines and urinals and polluted atmosphere and at the safe time be .easily accessible to the building workers. (10) It shall be the duty of the employer to abide by the dates fixed and notified by him for payment of wages for a period in accordance with these rules and no change in such dates and such period shall be effected without notice to the building workers and the Inspector. The employer shall ensure timely of wages as specified under these rules and at the place and Eme notified by him. Where the employer is a contractor, he shall ensure that the wages of building workers are paid in the presence of a representative of the employer of establishment or owner of premises from whom he has taken the work on contract and obtain signatures of such representative in token of having witnessed the payment of wages. (11) It shall be the duty of the employer to ensure that the lifting appliance, lifting gear, earth moving equipment, transport equipment or vehicles used in the buildings or other Construction work by him -conforms to the requirements relating to testing, examination and- inspection of such equipment as provided under these rules. It shall be the duty of every person in the service of the Government or any local or other public authority to comply with the requirements relating to him as given in these rules

6. Responsibilities of architects, project engineers and designers.—(1) It shall be the duty of the architect, project or designer responsible for the desiB1 of any project or part thereof or any building or other construçåon work to ensure t}Et, at planning stage, due consideration is given to the safety and health aspects of *the building workers who are employed in the erection, operation and execution of such projects and structures as the case may be. (2) Adequate care shall be taken by the architect, project engineer and other professionals involved in the project, not to include anything the design which would involve the use of dangerous structures or other processes workers during the course of erecHon, operaHon and execution as the case may be. (3) It shall also be the duty of the professionals, involved in designing the buildings, structures Or other construction projects, to take into account the safety aspects associated- with •the maintenance and upkeep of the THE UP. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 [R. 10 48 structures and buildings where maintenance and upkeep may involve special hazards

7. Responsibilities of the persons in the service of the State Govern- ment and the Board.—It shall be the duty of every person in the service of the Government of any State or a Board to comply with the

directions given by the State Government from time to time to carrying into execution in that State the provisions of the Act and these rules

8. Duties and responsibilities of workers.—(1) It shall be the duty of every building worker to comply with the requirements of such of these rules as relate to him, and act and co-operate in carrying out the requirements of these rules and if he discovers any defects in the lifting appliances, lifting gear, lifting device, concerning any transport equipment or other equipment, to report such defects without unreasonable delay to his employer or Foreman or other person in authority. (2) No building worker, shall unless duly authorised or except in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, hatch covering, life saving appliances, lighting or other things whatsoever required by the Act and these rules to be provided. If any of aforesaid things is removed, such thing shall be restored at the end of the period during which its removal was necessary by the persons engaged in that work. (3) Every building worker shall use only means of access provided in accordance with these rules and no person shall authorise or order another to use means of access other than such means of access. (4) It shall be the duty of a building worker to keep the latrines, urinals, washing points, canteen and other facilities provided by the employer for securing his welfare in a clean and hygienic condition

9. Exemption.—The State Government may, by order in writing and subject to such conditions and for such period, as may be specified therein, exempt from all or any of the requirements of these rules : (a) any building or other construction work, if such Government is satisfied that such building work is confined to such workers, where it is not convenient to take measures as provided in these rules; or (b) any appliance, gear, equipment, vehicle or other device if such Government is satisfied that the requirement of such appliance, gear, equipment, vehicle or other device is not necessary for use or equally effective measures are taken in lieu thereof : Provided that such Government shall not grant exemption under rule unless it is satisfied that such exemption would not adversely affect safety, health and welfare of building workers

CHAPTER 111 STATE ADVISORY COMMITTEE (Section 4) 10. Constitution of State Advisory Committee.—The State Building and Other Construction Worker's Advisory Committee (hereinafter referred to as the State Advisory Committee) shall consist of— R. 11) THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 2009 49 (a) (b) (c) (d) (f) (g) (h) (j) (k) (l) A chairperson to be appointed by the State Government; Two members of the State Legislature to be elected from the State Legislature—Members; A member to be nominated by State Government; Labour Commissioner, Uttar Pradesh—Member; The Chief Inspector—Member ex officio; Director General of Factory Advice Service and Labour Institutes, Government of India, Mumbai—Member; Two persons, (sic out of) whom one shall be a woman to be nominated by the State Government representing the building workers—Members; Two persons, out of whom one shall be a woman to be nominated by the State Government for representing the employers connected with the building and other construction work—Members; One Officer of the rank of Chief Engineer of the Public Works Department to be nominated by the State Government—Member; One Officer of the rank of Special Secretary to the Government from the Department of Housing to be nominated by the State Government—Member; Two persons to be nominated by the State Government representing one from the Association of Architects or Engineers and one from Accident Insurance Institution—Member; and Director, State Building Research Institute, Roorkee—Member

11. Terms of office.—(1) The Chairperson of the State Advisory Committee shall hold office as such for a term of three years from the date on which his appointment is notified in the Official Gazette. (2) Each member referred to in clause (b) of Rule 10 shall hold the office for a term of three years or till he remains a member of the State Legislature, whichever is earlier. (3) Each of the members referred to in clause (g) and (h) of Rule 10 shall hold office as such for a term of three years with effect from the date of appointment as notified in the Official Gazette, Provided that where the appointment of the successor of any such member has not been notified in the Official Gazette on or before the expiry of the term of his office, notwithstanding the expiry of the term of his office, such member shall continue to hold the office until the appointment of his successor is notified in the Official Gazette. (4), If a member of the Committee is unable to attend a meeting of the Committee the State Government may, after notice in writing to such member and Chairperson of the said Committee, nominate a substitute in his place to attend that meeting. Such a substitute member shall have all the rights of a member in respect of that meeting. 6 60, 50 THE

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(5) The State Advisory Committee shall be reconstituted after every three years

12. Resignation.—(1) A member of the State Advisory Committee, not being Ex-officio Member, may resign his office by a letter in writing addressed to the State Government through its Secretary in the Department of Labour, with prior information to the Chairperson of such Committee. (2) The seat of such a member shall fall vacant from the date on which his resignation is accepted by the State Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by the State Government whichever is earlier

13. Cessation of membership.—If any member of the State Advisory Committee, not being an Ex-officio Member, fails to attend three consecutive meetings of such Committee, without obtaining the leave of the chairperson of such committee for such absence, he shall cease to be a member of such committee : Provided that the State Government may, if it is satisfied that such member was by sufficient cause from attending three consecutive meetings, direct that Such cessation shall not take place and on such direction being made, such member shall continue to be a member of such committee

14. Disqualification for membership of the State Advisory Committee.—(1) A person shall be disqualified for being a member of the State Advisory Committee— (i) if he is of unsound mind and stands so declared by a Competent Court; (ii) if he is an undischarged insolvent; or (iii) if he has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude. (2) Where a question arises as to whether a disqualification has been incurred under sub-rule (1), the State Government shall decide such question whose decision thereon shall be final. 15. • Removal from State Government may remove from office any member of the State Advisory Committee, if in its opinion such member has acted contrary to the provisions of the Act or these rules or has incurred any of the disqualification as specified in Rule 14 : Provided that no such member shall be removed unless a reasonable Opportunity is given to him of making a representation against the proposed action under this rule

16. Manner of filling occurs or is likely to occur in the membership of the Committee, the State. Government shall take steps to fill up the vacancy by making an from amongst the category of persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of Office of the member: **THE UP. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 51** 17. Staff of State Advisory Committee.—(1)(i) The State Government may appoint one of its Officers not below the rank of Deputy Secretary to the State Government as Secretary to the State Advisory Committee and appoint such other staff, as it may think necessary to enable the committee to carry out its functions. (ii) The salaries and allowances payable to these staff and other conditions of service of such staff shall be such as may be determined by the State Government from time to time. (2) The Secretary of the State Advisory Committee— (i) shall assist the chairperson of such committee in convening meetings of the committee; (ii) may attend the meetings of such committee but not entitled to vote at such meetings; (iii) shall keep a record of the minutes of the meetings of such committee; and (iv) shall take necessary measures to carry out the decisions taken at the meetings of such committee

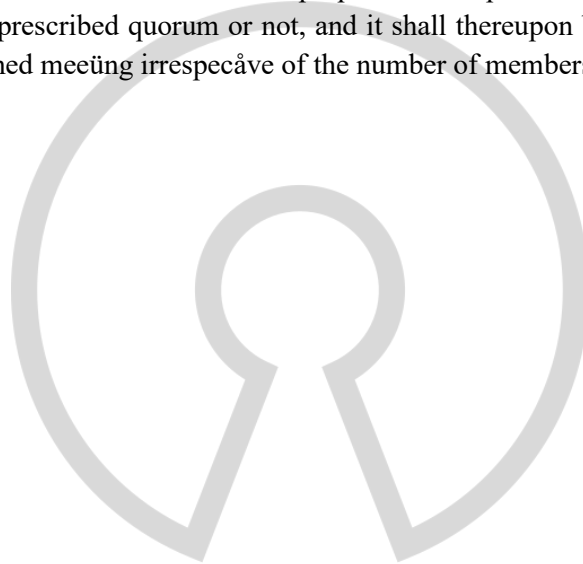
18. Allowances of members.—(1) The travelling allowances of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary. (2) The non-official members of the State Advisory Committee shall be paid travelling allowances for attending a meeting of the Committee at such rates as are admissible to Group-A Officers of the State Government and daily allowances shall be calculated at the maximum rate admissible to Group-A Officers of the State Government in their respective places

19. Disposal of business.—(1) Every matter which the State Advisory Committee is required to take into consideration shall be considered at a meeting of that committee, or if the chairperson of such committee so directs, by sending the necessary papers to every member for opinion, and the matter shall be disposed of in accordance with the decision of the majority Provided that where there is no opinion of majority on a matter and the members of such committee are equally divided person presiding the meeting of such committee. shall have a second or a casting vote. (2) No act or proceedings of the State Advisory Committee shall be invalid merely for reasons of any vacancy or defect in constitution of the committee

20. Meetings.—(1) The State Advisory Committee shall meet at such places and at such times as may be decided by the chairperson of such Committee and it shall meet at least once in six months or as and when any matter is referred to it by the State Government for advice. (2) The chairperson of such committee shall preside over every meeting of the committee in which he is present and in his absence he may nominate a member of the committee to preside over such a meeting in his place and in the absence of such nomination by the chairperson, the members of such THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 23 52 committee present in such meeting may choose from amongst themselves a member to preside over such a meeting

21. Notice of Meetings and list of Business.—(1) Ordinarily, two weeks notice shall be given to the members of the State Advisory Committee of a proposed meeting Provided that the chairperson of such committee, if he is satisfied that it is expedient to do so, may give notice for a period for such meetings which shall not be less than one week. (2) No business except which is included in the list Of Business for a meeting of such committee shall be considered at such meeting without the permission of the chairperson of the committee

22. Quorum.—No business shall be transacted at any meeting of the State Advisory Committee unless at least six members of such committee are present in that meeting, which shall include at least one member of State Legislature Provided that if in any meeting of such committee less than six members are present, the chairperson of such committee may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespecave of the number of members attending



CHAPTER IV REGISTRATION OF ESTABLISHMENTS (Sections 6 and 7) 1123. Manner of making application for registration of establish- ments.—The application for registration of an establishment referred to in 1. Subs. by No. 989/XXXV1-2-2017, dt. 23.8.2017, published in the U.P. Gazette, Extraordinary, part 4, Section (Ka), dt. 23.8.2017. Prior to substitution, it stood as under : 23. Manner of making application for registration of establishments.—(l) The application for registration of an establishment referred to in sub-section (I) of Section 7 shall be made in triplicate in



Form I annexed to these rules, to Registering Officer of the area appointed under Section 6 of the Act in which the building or other construction work is to be carried on by the establishment. (2) Every application referred to in sub-rule (1) shall be accompanied by a sketch Of location of site, in triplicate, where such construction work shall be carried out along with receipt showing the payment of the fees for the registration of the establishment' (3) Every application referred to in sub-rule (1) shall be either personally delivered to the Registering Officer or sent to him by registered post or by such other mode as may be specified by the State Government from time to time. (4) On receipt of the application referred to in sub-rule (1), the Registering Officer shall after noting thereon the date of receipt by him of the application, grant an acknowledgment to the applicant



24. Grant of certificate of registration, kl) The Registering Officer shall within fifteen days of receipt of application under sub-rule (l) of Rule 23 shall register the establishment R.241 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 53 sub-section (1) of Section 7 shall be made in



Form 1 annexed to these rules, to Registering Officer of the area appointed under Section 6 of the Act in such manner and process notified by State Government in which the building and other construction work is to be carried on by the establishment



24. Grant' of certificate of registration.—(1) Registering Officer shall within 1 day of receipt of application under sub-rule (1) of Rule 23 shall register the establishment and issue a certificate of registration in



Form 2 to the applicant if such applicant has complied with all the requirements as laid down in these rules and has made application within such period specified under clause (a) and clause (b) of Section 7 of the Act, registering officer can grant or refuse or object to grant otherwise the registration shall be deemed to be granted. Applicant may submit his application on departmental web portal along with necessary documents and payment of fee. In such case automatic registration shall be done by web portal, provided application is complete in all respects and applicant is eligible, registration certificate shall be sent to applicant through e-mail : Provided if registration is obtained by misrepresentation of facts or concealment of facts or on the basis of forged document, such registration shall be deemed null and void and can be cancelled by registering officer and legal action may be taken against applicant. (2) The registering officer shall maintain register in Form III annexed to these rules showing the particulars of establishment in relation to which certificates of registration have been issued, in such manner and procedure as directed by State Government. (3) If in relation to an establishment, any change occurs in the ownership or management or other particulars specified in certificate of registration, the employer of the establishment shall intimate the registering officer in such manner and procedure as directed by State Government within 30 days from 1. and issue a certificate of registration in Form-2 to the applicant; if such applicant has complied with all the requirement as laid down in these rules and has made application within such period specified under clause (a) and clause (b) of Section 7 of Act. (2) In on an application for registration referred to the Rule 20 send to the Registering Officer and no order is communicated to the applicant within three months from the date on which it is so sent, the registration applied for in the said application shall be deemed to have been granted and in that event the certificate of registration shall be issued by the Registering Officer. (3) The Registering Officer shall maintain a register in Form III annexed to these rules showing the particulars of establishments in relation to which certificates of registration have been issued by him, (4) If in relation to an establishment, any change occurs in the ownership or management or other particulars specified in the certificate of registration, the employer of the establishment shall intimate the Registering Officer within thirty days from the date when such changes take place along with amendment fee of rupees ten, the date and particulars of such change, and the reasons thereof in Form I-A. 54 THE U.P. BUILDING & CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 27 the date when such changes take place along with amendment fee, the date and particulars of such change and reason thereof.] 25. Payment of additional fee and amendment of register Where on receipt of the intimation under sub-rules (3) and (4) of Rule 24 an amount higher than the amount, which has been paid by the employer as fee for the registration of the establishment is payable, the Registering Officer shall require such employer to pay the requisite additional fee. (2) Where on receipt of the intimation referred to in sub-rule (3) of Rule 24, the registering officer is satisfied that there has occurred a change in the particulars of the establishment, as entered in the register in Form-III annexed to these rules, he shall amend the said register and record therein the change which has occurred. 26. loss of Certificate of a certificate of registration granted under the rules is lost, mutilated or accidentally destroyed, a duplicate certificate of registration may be granted on payment of a fee of rupees ten

27. Conditions of registration.—(1) Every certificate of registration issued under Rule 24 shall be subject to the following conditions, namely (a) (b) (c) the certificate of registration shall be non-transferable; the number of workmen employed as building workmen in an establishment shall not, on any day, exceed the maximum number specified in the certificate of registration; and save as provided in these rules, the fees paid for the grant of a certificate of registration shall be non-refundable. Since the certificate is issued on the basis of self-declaration of applicant so if issued on the basis of misrepresentation of facts or concealment of facts or forged documents such certificate shall be deemed to be null and void and cancellation of certificate and legal action may be taken against the applicant.] (2) The employer shall intimate the change, if any, in the number of workmen or the conditions of work to the registering officer seven days. (3) The employer shall, before fifteen days of the commencement and completion of any building or other construction work, submit a written notice to the Inspector, having jurisdiction in the area where the proposed building and other construction work is to be executed, intimating the actual date of the commencement or, as the case may be, completion of such building or other construction work in



Form-IV annexed to these rules. (4) The certificate of registration of establishment shall be valid only -for such building and other construction work carried out by such establishment for which intimation required under sub-rule (3) has been given. Ins. by NOH. No., 989/XXXV1-2-2017 dt. 23.8.2017, published in the U.P. Gazette, •1. Extraordinary, Part 4, Section (Ka), dt. 23.8.2017. R. 31) THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 55 (5) A copy of the certificate of registration shall be displayed at a conspicuous place at the premises where the building and other construction work is being carried on

28. Fee for The fee to be paid for the grant of a certificate of registration under Rule 24 shall be as specified below, namely If the number of workers proposed to be employed as building workers, for a building or other construction work on one day Rs.1,000.00 (a) Is up to 100 (b) Exceeds 100 but does not exceed 500 Rs. 5,000.00 (c) Exceeds 500 Rs. 10,000.00 CHAPTER V APPEALS, COPIES OF ORDERS, PAYMENT OF FEES ETC

29. Filing of appeal before the appellate officer.—(1) Every appeal under sub-section (I) of Section 9 of the Act shall be preferred in the form of a memorandum signed by the aggrieved person or his authorised advocate and presented to the appellate officer in person or sent to him by registered post. (2) The memorandum shall be accompanied by a certified copy of the order appealed against and a demand draft for rupees one hundred. (3) The memorandum shall set forth concisely and under distinct heads the grounds of the appeal. (4) Where the memorandum of appeal does not comply with the provisions of sub-rule (2) and sub-rule (3), it may be returned to appellant for the purpose of being amended within a time to be fixed by the appellate officer, which shall not exceed thirty days from the date on which the order appealed against has been communicated to the appellant. (5) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, endorse thereon the date of hearing of such appeal, and shall register the appeal in a book to be kept for the purpose called the register of appeals, (6)(i) • When the appeal has been admitted under sub-rule (5), the appellate officer shall send the notice of the appeal to the registering officer against whose order the appeal has been preferred and the registering officer shall thereupon send the record of the case to the appellate officer. (ii) On receipt of the record, the appellate officer shall send a notice to the appellant to appear before him at such date and time as may be specified in the notice for the hearing of the appeal; 30. Failure to appear on the of hearing.—If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellant

31. Restoration of appeals.—Where an appeal has been dismissed under Rule 29, the appellant may apply to the appellate officer for the restoration of the appeal and if the appellate officer is satisfied that the appellant was THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 38 prevented by sufficient cause from appearing the appellate officer shall restore the appeal on its original number . Provided that an application for restoration under this rule shall not be entertained by the appellate officer after thirty days from the date of such dismissal. —(1) If the appellant is present when the appeal 32. Hearing of appeals. is called on for the hearing, the appellate officer shall proceed to hear the appellant or his authorised advocate and pass an order on the appeal, either confirming, reversing or varying the order appealed against. (2) •The order of the appellate officer shall state the points for determination, the decisions thereon and reasons for such decisions. (3) The order shall be communicated to the appellant and copy thereof shall be sent to the registering officer against whose order the appeal has been preferred

33. Copy of order of registration or of order in appeal.—Copy of the order of the registering officer under Section 8 or of the appellate officer may be obtained by the person concerned or a person authorized by him on payment of fee of rupees fifty for each order on making application to the registering officer or the appellate officer, as the case may be, specifying the date and other particulars of the order made by the officer concerned. A copy of the certificate of registration on loss or mutilated or accidentally destroyed, a duplicate certificate of registration may be -granted on of a fee of rupees ten

34. Payment of fee.—All amounts of money payable on account of registration, appeal, supply of copies or duplicate copies Of certificate of registration shall be paid in such manner as may be directed by the State Government from time to time. CHAPTER VI HOURS OF WORK, WAGES AND WELFARE

(Section 28) 35. Hours of work—No building worker employed in building or other construction work shall be required or allowed to work for more than nine hours a day or 48 hours a week

36. Interval of building worker employed in building or other construction work shall be required or allowed to work continuously for more than five hours unless he had an interval of rest of not less than half an hour.37, Spread, oyez—The working day of a building worker employed in building or other construction work shall be so arranged that inclusive of the intervals of rest, if any, shall not spread over more than twelve hours on any day

38. Weekly building worker employed in building and other construction work shall be allowed a day of rest every week thereafter referred to as the rest day which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day : Provided that the building worker shall be informed of the day fixed as the rest day and of any subsequent change in such rest day before the change R THE U.P. & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, may be effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector having jurisdiction in this behalf



39. Over time (Section 29).—When a building worker works in any building or other construction work for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages at double the ordinary rate of wages and a register of overtime work shall be maintained in



Form-5

40. Substituted rest day and payment for work done on the rest day No building worker employed in building or other construction work shall be required or allowed to work on a rest day unless he already had or will have a substituted rest day for a whole day on one of the five days immediately before or after such rest day : Provided that no substitution shall be made which results in a building worker working for more than ten days consecutively without a rest day for a whole day.(2)

Where a building worker employed in building or other construction work has worked on a rest day and has been given a substituted rest day on any one of the five days before or the rest day, as provided in Rule 38 and sub-rule (i) of this mle, such rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which such substituted rest day occurs. (3) .A building worker employed in building or other construction work shall be granted wages for a rest day, calculated at the rate applicable to the day preceding such rest day and in case he has worked on a rest day and has been given a substituted rest day he shall be paid wages for such rest day on he worked, at the overtime rate and wages for such substituted rest day at the rate applicable to the day preceding such substituted rest day. Explanation I.—For the purpose of this rule "preceding day/" means the last day preceding a rest day or a substituted rest day, as the case may be, on which a building worker had worked and where such substituted rest day falls on a day immediately after such a rest day such "preceding day" means the last day preceding such rest day on which such building worker had worked. Explanation II.—For the purposes of this rule, "week" shall mean a period of seven days beginning at midnight on a Saturday night

41. Night shifts.—Where a building worker employed in building or other construction work works on a shift which extends beyond midnight— a day for the purposes of Rule 38 and Rule 40 shall mean a period of twenty-four consecutive hours beginning from the time when such shift ends.] 1. Subs. by Nod. No. dt. 23.8.2017, published in the U.R Gazette Extraordinary, Part 4, Section 3, dt. 23.8.2017. Prior to substitution, it stood as under : (a) a rest day for the purposes of Rule 33 and Rule 35 shall mean a period of twenty-four consecutive hours' beginning from the time when such shift ends. 58 THE U.P. & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (R. 45 (b) the hours after midnight during which such building worker has worked shall be: counted towards the previous day; and (c) the following day shall be deemed to be the period of twenty- four hours beginning from the time when such shift ends

42. Working hours for female workers.—(1) No female building worker shall be employed by the employer in a building or other construction work before 6.00 am or after 7.00 p.m. : Provided that the provision of this rule shall not apply to the employment of women in aches and canteens and other emergent work which, for technical reason is required to be done within a time limit or which once started has to be carried on till it is finished. (2) The State Government may, by notification in the Official Gazette, in respect of building or other construction work vary the limits laid down in sub-rule (1), but so that no such variation shall authorize the employment of any female workers between the hours of 10 p.m. and 5 a.m

43. Application of foregoing provisions.—The provisions of this chapter shall apply to the classes of building workers specified under clauses (a) to (d) of sub-section (2) of Section 28 of the Act subject to the following, namely— (1) no building worker employed in building or other construction work shall be required or allowed to work continuously for more than fifteen hours a day inclusive of intervals of rest or sixty hours in a week: Provided that intervals of rest not less than half an hour are given after every five hours of continuous work as per Rule 36. (2) no building worker employed in building and- other construction work shall be required or allowed to work for more than fourteen consecutive days unless a rest of twenty-four hours is given for rest to such worker; (3) where the working hours in respect of a building worker employed in building or other construction work have exceeded the hours of work as laid down in Rule 35 or where such worker has been deprived Of a rest day due to application of sub-rules (1) and (2) of this rule, such worker shall be paid at double the rate of normal wages in respect of the work done in excess of such daily or weekly hours and for work done on such rest-day

44. Notice of -wage period [Section of rates of wage, date of payment of wage and names and address of the inspectors of concerned region to such establishment and date of payment of unpaid wages to such workers, in English, Hindi or in the local language understood by the majority Of such building workers shall be displayed by the employer at the conspicuous place in each establishment by every employer

45. Notice of commencement and completion of work [Section Every employer shall, at least thirty days before the commencement of any building- or other construction work under his control, send or cause to be R.511 THE up. BUILDING & OTHER CONSTRUC. WORKERS

(REGULATION,,...SERVICE) RULES, 2009 59 sent to the Inspector having jurisdiction, a written notice intimating the actual date Of the commencement, the probable date of completion and other such particulars as referred to in sub-section (1) of Section 46 of the Act relating to such building or other construction work in



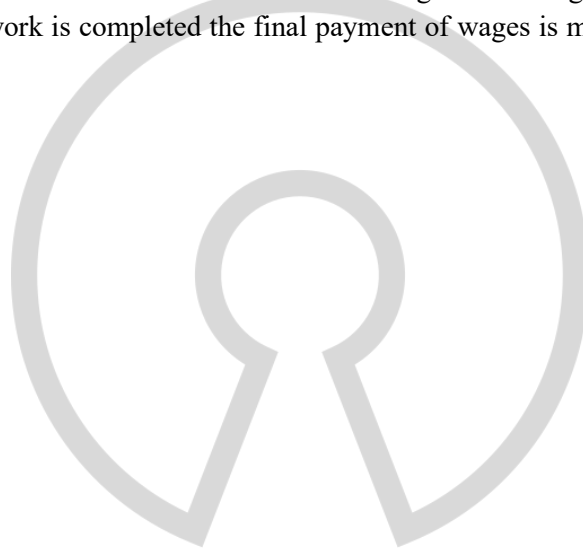
Form 4 annexed to these rules

46. Display of abstract of Act and Rules.—Every employer shall display at the conspicuous place of the work site where he employs building workers, an abstract of the Act and these Rules in English and in Hindi and in a language understood by the majority of such building workers

47. Register of building workers [Section 10]—Every employer shall maintain in respect of each registered establishment, where he employs building workers, a register in Form-6 annexed to these rules

48. Muster roll, wages register and deduction register [Section 11] Every employer shall maintain in respect of each work on which he employs building workers—(a) Muster roll and a register of wages in Form-7 and Form-8, respectively— Provided that a combined register of wage-cum-muster roll in Form-9 annexed to these rules shall be maintained by the employer where the wage period for such building worker is a fortnight or less; (b) a register of deductions for damage or loss, register of fines and register of advances in Form-10, Form-11, and Form-12, respectively annexed to these rules

49. Payment of wages. (1) The wage of every building worker employed at such construction site where less than one thousand such building workers are employed are paid before the expiry of the seventh day and in other cases before the expiry of tenth day after the day of the period in respect of which such wages are payable. (2) In case the employment of such building worker is terminated by or on behalf of such employer, the wages earned by such building worker are paid before the expiry of the second working day from the day on which employment of such building worker is terminated. (3) All payments of wages are made on a working day at such construction site and during the working time and on a date notified in advance and in case the work is completed the final payment of wages is made within forty-eight hours of such completion of work



50. Wage books and service' Every employer, in respect of each work On which he engages building workers shall issue, where the wage period of one week or more wage book to each of such building worker in



Form-13.(b) The employer shall issue a service certificate to each of such building workers in Form-14 on termination of his service on account of completion of such work or for any other reason



51. Maintenance Qf records in respect of :establishment [Section In respect of an establishment to which the Payment of Wages Act, u.p. BUILDING & CONSTRUC. WORKERS

(REGULATION.....SERVICE) RULES,2009 54 60 1936 (4 of 1936) or Minimum Wages Act, 1948 the Contract Labour (Regulation and Abolition) Act, 1970 applied the following registerng and records required to be maintained by an employer under any of such Acts or the rules made thereunder, shall be deemed to be the registers and records maintained by the employer under these rules, namely— (i) (ii) (iii) (iv) (v) (vi) (vii) muster roll; register of wages; register of deductions; register of overtime; register of fines; register of advances; combined register of wages-cum-muster roil. (2) Notwithstanding anything contained in these rules, where a combined or alternative Form, in lieu of any Form specified under these rules, is sought to be used by an employer to avoid duplication of work for compliance with the provisions of any other Act or the Rules framed thereunder or for adminis- Yative convenience, such combined or alternative



Form may be used with the prior approval of the State Government. (3) Every register or other record shall be preserved by employer, with whom such register or other record belongs, in original for a period of three calendar years from the date of last entry therein

52. Production of registers and records.—Every register, record or notice maintained under the Act or these rules shall be produced or caused to be produced by the employer concerned and the Inspector or any other authority under the Act or any other person authorized by the State Government for such purpose

53. Returns.—Every employer of a registered shall send, annually, a return relating to such establishment in duplicate in Form-15 annexed to these rules to the registering officer so as to reach him not later than the fifteenth February following the end of each calendar year with a copy to the Inspector of the concerned region

54. Latrine and urinal : accommodation (Section 33).—Latrines or urinals, as the case may be required to be provided under Section 33 of the Act shall be of the types as specified below namely : (a) every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings; (b) sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are at work— (i) where both male and female building workers are employed, there shall be displayed outside each block of latrines or R. 56] THE U.P. & OTHER CONSTRUCTION WORKERS (REGULATION, SERVICE) RULES, 1961 urinals a notice containing therein "For Men Only" or "For Women Only" as the case may be written in the language understood by the majority of such workers; (ii) such notice shall also bear the figure of a man or of a woman, as the case may be. (c) every latrine or urinal shall be situated and accessible to building workers at all times; (d) every latrine or urinal shall be adequately lighted and shall be maintained in clean and sanitary condition at all times; (e) water shall be provided by means of a tap or otherwise so as to be conveniently accessible in or near every latrine or urinal; (f) every latrine or urinal other than those connected with a flush sewage system shall comply with the requirements of the public health authorities; (g) the walls, ceilings and partitions of every latrine or urinal shall be white washed or colour washed once in every period of four months

55. First aid facilities (Section 34).—(a) Sufficient number of first aid boxes or cupboards are provided and maintained for providing first aid to the building workers and every such box or cupboard is distinctly marked 'First-Aid' and is equipped with the articles specified in Schedule III.] (b) Nothing except appliances or requisites for first aid is kept in first aid box or cupboard and such box or cupboard is so kept as to protect it against contamination by dust or other foreign matter and against moisture and such box or cupboard is kept in the charge of a person named in first aid and is always readily available during working hours. 56. :Canteen (Section 37).—(i) In every place wherein not less than 250 building workers are ordinarily employed, the employer of such building workers shall provide an adequate canteen in the manner as specified in this rule for the use of such building workers. (ii) The canteen referred to in sub-rule (i) shall consist of a dining hall with furniture sufficient to accommodate building workers using such canteen, a kitchen, a storeroom, pantry and washing places separately for building workers and for utensils and shall be sufficiently lighted at all times when any person has access to it, (iii) The floor of such canteen shall be made of smooth and impervious material and inside walls of such canteen shall be lime-washed or colour-washed at least once in every six months I.L by NOH. No. 989/000-111-2-2017, dt. 23.8.2017, published in the U.P. Gazette Extraordinary, Part 4, Section (Ka) dt 23.8.2017. to substitute it stood as under : (a) Sufficient number of first aid boxes or cupboards are provided and maintained for providing first aid to the building and such box or cupboards is distinctly marked 'First Aid' and is equipped with the articles specified in Schedule No. 1. 62 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION, SERVICE) RULES, 1961 [R. 59 Provided that inside walls of the kitchen of such canteen shall be lime-washed once in every three months. (iv) Waste water from such canteen shall be carried away in suitable covered drains and shall not be allowed to accumulate in the surroundings of such canteen. (v) Building of the canteen referred to in sub-rule (1) shall be situated at the distance not less than 15.20 metres from any latrine or urinal or any source of dust, smoke or obnoxious fumes. (vi) Suitable arrangement shall be made for the collection and disposal of garbage from such canteen

57. Foodstuff to be served in the canteen.—The foodstuffs and other items to be served in the canteen, referred to in sub-rule (i) of Rule 56, shall be in conformity with the normal dietary habits of the building workers

58. Serving of tea and snacks .at the work places.—At a building or other construction work where a work place is situated at a distance of more than 200 meter from the canteen provided under sub-rule (1) of Rule 56, arrange-ut shall be made by the employer employing building workers at such place for serving tea and light refreshment to such building workers at such place. 59. • •Charges of foodstuff.—(a) The charges of foodstuffs, beverages and other items served in the canteen provided under sub-rule (1) of Rule 56, shall be based on "no profit no loss" and the price list of such items shall be conspicuously displayed in such canteen. (b) In arriving at the prices of items referred to in sub-rule (1) the following shall not be taken into consideration as expenditure, namely : (i) the rent for land and building of such canteen; (ii) the depreciation and maintenance charges for the building and equipment provided in such canteen; (i.ü) the cost of purchase repairs and replacement of equipment including furniture, crockery, cutlery, utensils and uniforms provided to the employees of such canteen; (iv) the water charges and other charges incurred for lighting and ventilation of such canteen; and (v) the interest on the amounts spent for providing and maintaining furniture and other equipment for such canteen. At such places, where more than fifty building construction workers are employed, the employer shall establish a kitchen. The Board, may provide one time grant for equipments, which may include furniture; crockery, cutlery and utensils for kitchen, 1. Ins. by Noti. No. 989/0000-2-2017, dt. 23.8.2017, in the U.P. Gazette Extraordinary, Part 4, Section (Ka) dt. 23.8.2017. R. 63] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION....SERVICE) RULES, 2009 63 (d) Being such number of building construction workers, the employer shall provide subsidised food. The quantum of subsidy will be decided by the Board and its burden would be borne by the employer.) CHAIRMAN CONSTRUCTION SAFETY AND HEALTH (Section 40) SCAFFOLD [Section 60. Scaffold construction.—The employer shall ensure at a construction site of a building or other construction work that— (a) every scaffold and its component shall be of good construction made of sound materials and free from defects and is safe for the purposes for which it is intended for use; (b) in case bamboo is used for scaffolding, such bamboo is of suitable quality, good condition, free from protruding knots and stripped off to avoid any injury to building workers during handling such bamboo: (c) all metal scaffolds used in building or other construction work conform to the relevant national standards

61. Supervision by a responsible person.—The employer shall ensure at a construction site of a building or other construction work that no scaffold is erected, added, altered or dismantled except under the supervision of a responsible person for such erection, addition, alteration or dismantling

62. Maintenance of scaffolds.—The employer shall ensure at a construction site of a building or other construction work that : (1) the scaffold used in building or other construction work is maintained in good repairs and the measures are taken against its accidental displacement or any other hazard; (2) no scaffold or part thereof is partly dismantled and allowed to remain in such a condition unless : (i) the stability or safety of the remaining portion of such scaffold has been ensured by a responsible person for the safety of such scaffolds; (ii) in case the remaining part of such scaffold cannot be used by the building workers, necessary warning notice written in Hindi and in a language understood by the majority of the building workers that such scaffold is unfit for use, is displayed at the place where such scaffold is erected

63. Standards and ledgers.—The employer shall ensure at a construction site of a building or other construction work that : (a) Standards of a scaffold are (i) . plumb, where practicable; fixed sufficiently close together to secure the stability of such scaffold having regard to all the possible working situations and conditions for the intended use of such scaffold;— THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION....SERVICE) RULES. 2009 (ii) spaced as close as practicable to ensure safety and stability of such scaffold; (b) Adequate measures are taken to prevent displacement of a standard of a scaffold either by providing sole plate or a base plate, as necessary; (c) Ledgers of metal scaffold are placed at vertical intervals due regard to safety and stability of such scaffold; (d) Bamboo ledgers are kept as nearly as possible and are placed and fastened to the standards of a scaffold with due regard to the stability of such scaffold

64. Working platform.—The employer shall ensure at a construction site of a building or other construction work that— (a) working platform is provided around the face or edge of a building adjoining at every upper most permanent floor of such building under construction and at any level where construction work of such building is carried out; (b) a platform is designed to suit the number of building workers to be employed on each bay of a scaffold work on such platform and the materials or articles and tools to be carried with them in such bay; (c) the safe working load and the number of building workers to be employed in each bay of a scaffold are displayed for the information of all the building workers at such construction

65. Board, plank and decking.—The employer shall ensure at a construction site of a building or other construction work that— (a) (b) (c) (d) (e) (f) board, plank and decking used in the construction of a working platform is of uniform size and strength and is capable of supporting the load and number of building workers in accordance with the relevant national standards keeping in view the safety of such building workers; metal decking, which forms part of a working platform, is provided with non-skid surface; no board or plank which forms the working platform is projected beyond its end support unless it is effectively prevented from tipping or lifting; board, plank or decking is fastened and secured; at any one time, not more than two working platforms per bay are used to support building workers or materials or articles at such bay; adequate measures are taken to prevent injury which may be caused by falling material and objects by using safety nets or other suitable means; R. 701 65 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION...SERVICE) RULES, 2009 (g) concrete, other debris or materials are not allowed to accumulate at any platform on a scaffold; (h) where a work is to be done at the end of a wall, working platform at such workplace is faced or, wherever practicable, at least 60 centimeter beyond the end of such wall

66. Repair of damaged scaffold.—The employer shall ensure at a construction site of a building or other construction work that— (a) no building worker is permitted to work on a scaffold which has been damaged or weakened unless adequate safety measures have been taken to ensure the safety of such building worker; (b) necessary warning signs are displayed at such places where repairs of scaffold are undertaken

67. Opening.—The employer shall ensure at a construction site of a building or other construction work that— (a) No opening is allowed in any working platform except for access to such working platform; (b) Wherever opening on a platform is unavoidable, necessary measures for protection against falling of objects or building workers from such platform are taken by providing suitable safety nets, belts or any other similar means; (c) Access from one working platform to another platform or scaffold, if required, is provided with suitable and safe ladder for the use of building workers working on such platforms

68. Guardrails.—Every side of a working platform from which a person is liable to fall is provided with suitable and safe guardrails and to board of adequate strength to prevent fall of any building worker, material or tools from such platform

69. Scaffold used by building workers of different employers.—The employer shall ensure at a construction site of a building or other construction work that— (a) Where a scaffold or a part of scaffold is used, which has previously been used by another employer for his building workers, such scaffold or part thereof is used only after its inspection and examination by a responsible person for its use that such scaffold or part is safe and fit for such use; (b) If any rectification, alteration or modification in a scaffold or part thereof is needed to suit its use, such rectification, alteration or modification is made in consultation with the responsible person referred to in clause (a) before using such scaffold or part

70. Protection against electric power line.—The employer shall ensure at a construction site of a building or other construction work that all necessary and practical measures for protection of a building or other construction works are to prevent any building worker, working on a scaffold from coming into contact with the electric wires dangerous equipment. 66 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION...SERVICE) RULES, 2009 [R. 75 71. Screening net and wire net].
71. Screening net and wire net.—The employer shall ensure at a construction site of a building or other construction work that where a scaffold is erected in an area where the construction activities may pose hazards to pedestrians or vehicular traffic nearby from the falling of objects, wire nets or screening nets are used to envelope such scaffold.
72.1 Tower scaffold.—The employer shall ensure at a construction site of a building or other construction work that— (a) the height of every tower scaffold used in building or other construction work is not more than eight times, the lesser of a base dimension of such scaffold; (b) a tower scaffold is lashed to building or a

fixed structure before being used by the building workers; (c) any tower scaffold which can be moved or castered is : (i) constructed with due regard to the stability and, if necessary, adequately weighted at the base; (ii) used only on plain and even surface; and (iii) has casters provided with positive locking devices to hold such scaffold in position. (d) no building worker remainS on board scaffold, tools, material when it is being shifted from one position to another position. n. Gear for suspension of scaffold.—lhe employer shall alsu.re at a construction site of a building or other construction work that— (a) chains, ropes or lifting gears used for suspension of a scaff]ld are 'Of adequate strength, made of sound material and stütuble for-the purposes of thdr use and are mâintained in good repairs; (b) chains, wire ropes or metal tubes used for the suspension of a scaffold are— (i) properly andsecurely fastened to every anchorage point and the scaffold ledgers of other main supporting members use tor the support of such scaffold; and (ii) so positionèd as to ensure stability of the scaffold

74. Trestle employer shall ensure at a construction site of a- building or other construction work that—(a) no trestle scaffold is constructed with more than three tiers or if its working platform is more than 4.50 metres above the ground or floor or other surface upon which such scaffold is erected, such trestle scaffold is designed by professional engineer and has the approval of Chief Inspector before being taken into use; (b) no trestle scaffold is erected on a suspended scaffold

75. Cantilever scaffold.—The employer shall ensur at a construction site of a building or other construction-work that. : (a) no cantilever or .jib scaffold is used • unless it is adequately supported, fixed and anchoredwon opposite side of its support R. 781 THE UP. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION....,SERVICE) RULES, 2009 67 has out-riggers of adequate length and where necessary sufficiently supported and braced to ensure safety and stability of such scaffold; (b) no working platform resting on bearers let into a wall at one end. and without other support is used unless such bearers are of adequate strength, braced through the wall and securely fastened on the other side

76. Scaffold supported by building.—The employer shall ensure at a construction site of a building or other construction work that : (a) no part of a building is used as support or part of a scaffold unless such part of the building is made of sufficient strength and made of sound material to afford safe support; (b) overhanging eaves gutters are not used for supporting scaffold; (c) suspended scaffold is made of in actordance with the relevant national standards before being used by the building workers

77. Use of winches and climbers for suspended scaffold.—The employer shall ensure at a construction site of a building or other construction work that (a) (b) (c) (d) no suspended scaffold is raised or lowered by winches or climbers unless such scaffold is made of sound material, adequate strength and has been tested and certified safe for use of winches or climbers for such. raising or lowering by a competent person before being taken into use; all suspended scaffolds counter balanced by counter weights üe of types, approved by the Chief Inspector before being taken into use for building or other construction work; the working platform of a suspended scaffold is securely fastened to the building or structure as to be safe and to prevent such platform from swing; The safe working load which a suspended scaffold can carry, is displayed where such scaffold is being used

78. Safety devices for suspended scaffold.—The employer shall ensure at a construction •site of a building or other construction work that every suspended scaffold, Yaised or lowered by the winches or climbers, is provided at each of its suspension point with a safety rope with automatic safety device mounted on each of such rope so that such safety rope with such automatic safety device supports the platform of such scaffold in the event of failure of a primary suspension wire ropes, winches, climbers or any part of the mechanism used for raising or lowering such suspended scaffold : Provided that this rule shall not apply — (a) where the platform of such scaffold is supported at two independent suspension wire rope at or near each end of such platform so that in the event of failure of one of such suspension wire rope, the other wire rope is capable of sustaining the 38 THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.... SERVICE) RULES, 2009 [R 82 weights of such platform and its load and prevent it from tilting; or (b) where a system is incorporated which operates automatically to support the platform of such scaffold and its load in the event of failure of the primary suspension wire rope of such scaffold. LADDERS [Section 79. Construction and use of ladders.—The employer shall atsure at a construction site of a building or other construction work that— (a) every ladder or step-ladder used in building or other construction work is of good construction, made of sound material and of adequate

strength for the purpose for which such ladder or step-ladder is used; (b) when a ladder is used as a means of communication, such ladder is lashed to a fixed structure so that while working on such ladder it does not slip; (c) a ladder or step-ladder does not stand on loose bricks or other loose packing and has a level and firm footing; (d) where it is required, in case of use of fixed ladders, sufficient foot-hold and hand-hold are provided for use by the building workers; (e) every ladder is— (i) secured so as to prevent undue swaying; (ii) equally and properly supported on each of its upright; (iii) so used as not to cause undue sagging; and (iv) placed as nearly as possible at an inclination of four in one. (f) the use of all ladders and step-ladders conform to the relevant national standards for their use

80. Rungs.—No ladder is used which has a missing or defective rung or a rung which depends for its support solely on nails, spikes or other similar

81. Materials for ladders.—The employer shall ensure at a construction site of a building or other construction work that all wooden ladders used in building work— (a) are constructed upright of adequate strength and are made of straight-grained wood, free from defects and having the grain of such wood running lengthwise; (b) have rungs made of straight-grained wood free from defects and mortised or securely notched into the upright; and (c) have reinforcing metal ties, if the of such ladders are not secured by-wedges.

CATCH PLATFORM AND HOARDINGS CHUTES 82. Catch platforms.—The employer shall ensure at a construction site of a building or other construction work that— **THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009** 69 (a) catch platform is not used for storage of material or as a working platform and is at least two metres wide and is inclined so that the position of outer edge of such platform is 1.50 metres higher than the inner edge; (b) the open end of catch platform is properly fenced to the height not less than one meter

83. Hoardings.—The employer shall ensure at a construction site of a building or other construction work that hoardings are constructed when the Chief Inspector considers it necessary for protection of building workers and directs such employer to construct such hoardings

84. Construction and use of chutes.—The employer shall ensure at a construction site of a building or other construction work that— (a) (b) (c) (d) (e) wooden or metal chutes which are at an angle of more than forty-five degrees to the horizontal and used for the removal of materials are closed on all sides except at their openings used for receiving or discharging of materials or articles; all openings of chutes except their top openings are closed when not in use; every chute .— (i) is constructed of sound material adequate strength and is suitable for the purpose it is intended for use; (ii) exceeding twelve metres in height is constructed in accordance with the design and drawings of a professional engineer for such construction and approval of the Chief Inspector. a suitable warning -notice is displayed at conspicuous location, written-in Hindi and in a local language, at the discharge end of every chute; every chute is cleared when debris has accumulated to a height which can pose danger to building worker but such clearance is done in no case less frequently than once a day.

DEMOLITION [Section 85. Preparations before demolition.—The employer shall ensure at a construction site of a building or other construction work that— (1) all glass or similar material or article in exterior openings are removed before commencing any demolition work; (2) all demolition operation shall be performed in presence of a responsible supervisor; (3) 'all water, steam, electric, gas and other similar supply lines are put-off and suitably capped and the concerned department of appropriate Government' or local authority is informed and wherever permission is required will be obtained from the such authority before commencement of such demolition work; **THE U.P. BUILDING & CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009** [R. 88 wherever it is necessary to maintain water, gas, electric line or power during such demolition work such line shall be protected with substantial covering to afford safety to the building workers and the general public so as to protect it from damage; (4) demolition work shall not be carried out unless remedial measures like sheet piling, shoring, bracing or similar other means so as to ensure safety and stability of unsafe adjacent structure from collapsing are taken

86. Protection of adjacent structures.—The employer responsible for a demolition work at a construction site of a building or other construction work shall, during demolition process of such demolition work, examine the wall structures adjacent to the structure to be demolished to determine the thickness, method or support to such adjacent structures and in case, such employer has reason to believe that any of such adjacent structure is unsafe or may become unsafe during such demolition process, he

shall not perform demolition activity..affecting such unsafe adjacent structure unless and until remedial measures like sheet piling, shoring, bracing, or similar other means so as to ensure safety and stability to such unsafe adjacent structure from collapsing are taken

87. Demolition of walls-Partitions etc.—The employer shall ensure at a construction site of a building or other construction work that— (a) any demolition of walls or partitions is proceeded in a systematic manner as per the standard safe operating practices and all work above each floor of any floor beams is completed before the safety of the supports of such beam is impaired; (b) masonry is neither loosened nor permitted to fall in such masses or volume or weight as to endanger the structural stability of any floor or structural support; (c) no wall, chimney or other structure or part of a structure is left unguarded in such a condition that it may fall, collapse or weaken due to wind pressure or vibration; (d) in the case of demolition of exterior walls by hand, safe footing is provided for the building workers employed for such work, in the form of sound flooring or scaffolds; (e) walls or partitions which are to be demolished by hand are not left standing more than one storey high above the uppermost floor on which persons are working

88. Demolition of structural steel.—The employer shall ensure at a construction site of a building or other construction work that— (a) all steel structure are demolished column by column and tier by tier and every structural member which is being demolished is not under any stress and such structural member is suitably lashed to prevent it from any uncontrolled swinging or dropping. 93] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 71 (b) large structural members are not thrown or dropped from the building but are carefully lowered by adopting suitable safe method; (c) where a lifting appliance like a derrick is used for demolition, the floor on which such lifting appliance rests is completely planked over or supported and such floor is of adequate strength to sustain bearing load for such lifting appliance and its operation

89. Method of operation.—The employer shall ensure at a construction site of a building or other construction work that debris, bricks and other materials or articles are removed (i) by means of chutes; (ii) by means of buckets or hoists; (iii) through openings in the floors; or (iv) by any other safe means

90. Floor openings.—The employer shall ensure at a construction site of a building or other construction work that every opening used for the removal of debris from every floor which is not closed to access, except the top or working floor is provided with an enclosure from such floor to its ceiling, or such opening is so barricaded that no building worker has access to within a horizontal distance of six metres from such opening through which debris is being dropped

91. Inspection of demolition work—The employer shall ensure at a construction site of a building or other construction work that a person responsible for demolition work makes continuous inspections during demolition process of such demolition work so as to detect any hazard resulting from weakened or deteriorated floors or walls or loosened materials or articles during such demolition process and that no building worker is permitted to work where such hazard exist unless remedial measures like shoring or bracing are taken to prevent such hazards

92. Access to floor.—The employer shall ensure at a construction site of a building or other construction work that safe access to and egress from every building is provided at all times in course of demolition by means of entrances, hallways, stairways or ladder runs which are so protected as to safeguard the building worker using such means from falling material or articles

93. Storage of materials or articles.—The employer shall ensure at a construction site of a building or other construction work that— (a) all materials or articles are not stored or kept on platform floor or stairways of building being demolished Provided that this clause shall not apply to the floor of a building when such floor is of such strength as to support safely the load to be superimposed by storing such materials or article; (b) an access to any stairway or passageway is not affected or blocked by storing any material or article; 72 THE U.P. BUILDING & CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 [R 95 (c) suitable barricades are provided so as to prevent materials or articles from sliding or rebounding into any space used by the building workers

94. Entry restriction.—The employer shall ensure at a construction site of a building or other construction work that— (a) Barricades and warning signs are erected along every side throughout the length and breadth of a building or other construction work to be demolished to prevent unauthorized persons from entering into the site of such building or other construction work during demolition

operations; (b) During the demolition of an exterior masonry wall or a roof from a point more than twelve metres above, the adjoining ground level of such wall or roof, if persons below such wall or roof are exposed to falling objects, suitable and safe catch platforms shall be provided and maintained at a level not more than six metres below the working level except where an overhead built-up scaffold is provided for safe and adequate protection of such persons; (c) suitable and standard warning signs in accordance with national standards are displayed or erected at conspicuous places or position at the workplace

95. Mechanical method of demolition.—The employer shall ensure at a construction site of building or other construction work that the following requirements are fulfilled in case the mechanical method of demolition like use of swinging weight, clamshell bucket, power shovel, bulldozer or other similar mechanical methods are used for the purpose of demolition, namely : (a) that the building or structure or remaining portion thereof shall be not more than twenty-four metres in height; (b) that where a swinging weight is used for demolition, a zone of such demolition having a radius of at least one and a half times the height of the structure or portion thereof being so demolished shall be maintained around the points of impact of such swinging weight; (c) where a clamshell bucket is being used for demolition, a zone of demolition shall be maintained within eight metres of the line of travel of such bucket; (d) that where other mechanical methods are being used to affect total or partial collapse of a building or other construction work, there shall be maintained, in the area into which the affected portion of such building or other construction work may fall, a zone of demolition at least one and a half times the height of such affected portion thereof; and (e) no person other than building workers or other persons essential to the operation of demolition work shall be permitted. R. 98] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF SERVICE) RULES, 2009 73 to enter a zone of demolition referred to clause (a) which shall be provided with substantial barricades. ERECTION OR DISMANTLING OF STEEL STRUCTURES [Section 96. General provision.—The employer shall ensure at a construction site of a building or other construction work that— (a) The trained building worker under the direct supervision of a person, responsible for structural frame and form work, are employed for erection of such structural frame or form work, dismantling of building and structure and performance of an engineering work form work, false work and shoring work; (b) Adequate measures are taken to guard against hazards arising from any temporary state of weakness or unsuitability of structure

97. Form work, false work and shoring.—The employer shall ensure at a construction site of a building or other construction work that— (a) form work and false work are so designed, constructed and maintained that such form work and false work support the load that may be imposed on them; (b) such formwork is so erected that working platform, means of access, bracing, means of handling and stabilizing could easily be fixed with such form work

98. Erection or dismantling of steel and prefabricated structure.—The employer shall ensure at a construction site of a building or other construction work that— (a) the safety of building workers employed for the erection or dismantling of steel structures and prefabricated structures is ensured from danger by using appropriate means such as the following, namely :— (i) ladders, gangways or fixed platforms; (ii) platforms, buckets, boatswain's chair or other appropriate means suspended from lifting appliances; (iii) safety lines, catch net or catch platform; (iv) power-operated mobile working platforms. (b) the work of erection or dismantling of buildings or structures or form work or false work or shoring or any other civil engineering work is carried out by trained building workers under the supervision of a person responsible for such work; (c) steel or prefabricated structures are so designed and made that such structures can be safely transported or erected and weight of each of such structures is clearly marked on such unit; (d) the design of each such part maintains stability of each part of the structures referred to in clause (a), clause (b) and clause (c), 74 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF SERVICE) RULES, 2009 (R.98 when erected and to prevent danger, the design shall explicitly take in account— (i) the relevant conditions and methods of attachment in the operations of stripping, transport, storing and temporary support during erection of such parts; and (ii) safeguards, such as provision of railings with working platforms and for mounting such railings and platforms easily on the structural steel or prefabricated parts. (e) the hooks and other devices built in or provided on structural steel or prefabricated parts that are required for lifting and transporting such parts are so shaped, dimensioned and positioned to withstand the stresses to which such hooks or other devices are subjected. (f) prefabricated parts made of concrete are not stripped or erected before such concrete has set and

hardened sufficiently to the provided for tile plans, and. such parts are examined by the responsible person for any sign of damage before their use; (g) store places are so constructed that— (i) there is no risk of structural steel or prefabricated parts falling or overturning; (ii) storage conditions generally ensure stability and avoid damage having regard to the method of storage and atmospheric conditions; and (iii) racks are set on firm ground and designed so that units cannot move accidentally in such store places. (h) structural steel or prefabricated parts are not subjected to Stress prejudicial to their stability while they are stored or transported or raised or set down. (i) tongs, clamps and other appliances for lifting structural steel and prefabricated parts are— (a) in such shape and dimensions as to ensure a secure grip without damaging such parts; and (b) marked with the maximum permissible load in the most unfavourable lifting conditions. (j) parts are lifted by such methods and appliances that prevent them from spinning accidentally; (k) structural steel or prefabricated parts are provided with railings and working platforms before raising such parts to prevent any danger of falling of building workers, materials or articles at the time of any work with such parts; (l) all reasonably practical measures are taken to avoid injury to building workers, building structure or equipment while structural steel or prefabricated parts are handled or stored or transported or raised or lowered; R. 1001 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 75 (m) structures are not worked on during violent storms or high winds or any other such hazardous situation; (n) the risk of falling to which building workers, moving on high or sloping girders, may be exposed is limited by all means of adequate collective protection or by the use of a safety harness which is well secured to a sufficiently strong support; (o) structural steel parts which are to be erected at a great height are, as far as practicable, assembled on the ground; (p). when Structural steel or pre-fabricated parts are being erected, a sufficiently extended area underneath the workplace shall be barricaded or guarded; (q) steel trusses which are being erected are adequately shored, braced or guyed until they are permanently secured in position; (r) Structural members are not forced into place by the hoisting machine while any building worker is in such a position that he is likely to be injured by such operation

99. Form work—The employer shall at a construction site of a building or other construction work that— (a) all form work are properly designed keeping in view the safety of building workers, building or structures; (b) A responsible person for structural frame and form work- (i) inspects and examines the material, timber, structural steel and scaffolding for its strength and suitability before being taken into use; (ii) lays-down procedures to cover all stages of such structural frame and form work; (iii) supervises Such structural frame and form work; (iv) take all necessary steps or measures to correct any situation with a view to prevent accident or dangerous occurrence during performances of such structural frame and form work. 100. Deshoring.—The employer shall ensure at a construction site of a building or other construction work that— (a) when shoring is removed, sufficient props are left in place of such shoring to prevent any possible hazard; and (b) deshoring is adequately braced or tied together with support to prevent any hazard, 1. Ed. : Since matter is not clear in the Gazette, the Hindi version is being reproduced below "(4)'QQ qf, 76 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SENICE) RULES. 2009 [R. EXPLOSIVES [Section 40(2) e employer shall ensure at a 101. Handling of explosives.— construction work that— (a) all explosives are handled, used or stored in accordance with construction site of a building or other construction work and the material data sheet supplied by the manufacturer Of such explosives; (b) the use of explosives is carried out in safe manner to avoid injury to any person and under the direct supervision of a responsible person; (c) before using any explosive, necessary warning and danger signals are erected, at conspicuous places of such use to warn the building workers and the general public of the danger involved in such use

102. Precautions.—The employer shall ensure at a construction site of a building or other construction work that— (a) notwithstanding the provisions of Rule 101 the following precautions are observed at those places of transporting, handling, storage and use of such explosives, namely— (i) prohibition of smoking, naked lights and other sources of ignition in the vicinity where explosives are handled, stored and used; (ii) to keep safe distance and to use non-sparking tools while opening packages containing explosives; (iii) to stop the use of explosive and handling thereof while the weather conditions are not suitable for such use or handling. (b) in addition to the provisions of this chapter all above provisions, all such measure and precautions required to be observed for use, handling, storing or transportation of explosives under the rule framed under the Explosives Act, 1884 (Act No. 4 of 1884) are observed.

TRANSPORT AND EARTH MOVING EQUIPMENT 103. Earth moving equipment and vehicles.—The employer shall ensure at a construction site of a building or other construction work that— (a) all vehicles and earth moving equipment are of good material, proper design and construction and are sufficiently strong for the purpose for which such equipment are used and are maintained in good state of repair and are properly used in accordance with standard safe operating practices. Provided that the truck or trailer employed for transporting freight containers are of the size sufficient to carry the containers, without overhanging and are provided with twist locks conforming to national standards, at all the four corners of each of such truck or trailers and such truck or trailers are certified for such use by an authority under R. 104] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 the relevant law for the time being in force and is inspected by a responsible person, at least once in a month and record of such inspection is maintained (b) all transport or earth moving equipment and vehicles are inspected at least once a week by a responsible person and in case any defect is noticed in such equipment or vehicle, it is immediately taken out of use; (c) power trucks and tractors are equipped with effective brakes, head lights and tail lamps and are maintained in good repair and working order; (d) side stanchions on power trucks and trailers for carrying heavy and long objects are— (i) of sound construction and free from defects; (ii) provided with the chains attached to the top across the loads for preventing such stanchions from spreading out; and (iii) kept in position while loading and unloading; (e) safe gangways are provided for to and from movement of building workers engaged in loading and unloading of lorries, trucks, trailers and wagons; (f) trucks and other equipment are not loaded beyond their safe carrying capacity which shall be clearly marked on such trucks and other equipment; (g) handles of hand trucks are so designed as to protect the hands of the building workers working on such trucks, or such handles are provided with knuckle guards; (h) no unauthorized person rides the transport equipment employed in such work; (i) a driver of a transport equipment hands over such equipment under the direction of a signaller; (j) adequate precaution such as isolating the electric supply or erecting overhead barriers of a safe height is taken when earth moving equipment or vehicles are required to operate in dangerous proximity to any live electric conductor; (k) vehicles and earth moving equipments are not left on a slope with the engine of such vehicles or equipment running; (l) all earth moving equipments, vehicles or other transport equipment are operated only by trained persons who are adequately trained and possess such skill as are required for safe operation of such equipment, vehicle or other transport equipment

104. Power shovels and excavators.—The employer shall ensure at a construction site of a building or other construction work that— (a) a shovel or an excavator whether operated, by steam or electric or by internal combustion used for such work is constructed, installed, operated, tested and examined as required under any 78 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 107 law for the time being in force and the relevant national standards; (b) excavator equipped for use as a mobile crane is (i) examined and tested in accordance with the requirements for such mobile crane under these rules; and (ii) fitted with an automatic safe working load indicator. (c) buckets or grabs of power shovels are propped to restrict the movement of shovel buckets or grabs while being repaired or while the teeth of such buckets or grabs are being changed

105. Bulldozers.—The employer shall ensure at a construction site of a building or other construction work that— (a) an operator of a bulldozer before leaving such bulldozer. (i) applies the brakes; (ii) lowers the blade and dipper; and (iii) puts the shift lever into neutral. (b) a bulldozer is left on level ground at the close of the work for which such bulldozer is used; (c) The blade of bulldozer is kept low when such bulldozer is moving uphill; (d) The bulldozer blades are not used as brakes except in an emergency

106. Scrapers.—The employer shall ensure at a construction site of a building or other construction work that— (a) a tractor and scraper is joined by safety line at the time of its operation; (b) scraper bowls are propped while blades of such scraper are being replaced; (c) a scraper moving downhill is left in gear.

107. Mobile asphalt layers and finishers.—The employer shall ensure at a construction site of a building or other construction work that— (a) (b) (c) (d) (e) (f) a mixture elevator is within a wooden or sheet metal enclosure with a window for observation, lubrication and maintenance; bituminous scoops have adequate covers; when asphalt plants are working on a public road, adequate traffic control is established on such road and the building workers working with such plant are provided with reflecting jackets; a sufficient number of fire extinguishers are kept in readiness on such work place where fire hazards may

exist; the materials are loaded on the elevator after the drying drain has warmed up of such elevator; no open light is used for ascertaining the level of asphalt. THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 C) inspection opening is not opened till there is a pressure in the boiler which may cause injury to a building worker

108. Pavers.—The employer shall ensure at a construction site of a building or other construction work that pavers are equipped with guards suitable to prevent building workers from walking under the skip of such pavers

109. Road rollers.—The employer shall ensure at a construction site of a building or other construction work that the bearing capacity of ground is examined before a road roller is used on such ground and a roller is not allowed to move downhill with the engine out of gear

110. General safety of vehicles and earth moving equipment.—The employer shall ensure at a construction site of a building or other construction work that— (a) every vehicle and earth moving equipment is equipped with : (i) silencers; (ii) tail lights; (iii) power and hand brakes; (iv) reversing alarm; and (v) search light facilities for forward and backward movement which are required for safe operation of such vehicle and earth moving equipment. (b) the Cab of vehicle earth moving equipment shall be at least 1.00 meter from the adjacent face of a ground being excavated; (c) when a crane or shovel is travelling, the boom of such crane or shovel is in the direction of such travel and the bucket or scoop attached to such crane or shovel is raised and without load, except when such travelling is downhill. **LIFTING APPLIANCES AND GEAR** [Section 40(2) 111. Construction and maintenance of lifting appliances.—The employer shall ensure at a site of a building or other construction work that— (a) all lifting appliances, including their parts and working gear, whether fixed or movable and any plant or gear used in anchoring or fixing of Such appliances, are— (i) of sound construction, sound material and of adequate strength and shall be free from patent defects, and maintained in good repair and working condition. (b) (i) every drum or pulley around which the rope of any lifting appliance is carried, is of adequate diameter and sound construction in relation to such rope; (ii) any rope which terminates at the winding drum of a lifting appliance is securely attached to such drum and at least three U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (R 112) dead turns of such rope remain on such drum in every operating position of such lifting appliance; (iii) the flange of a drum projects twice the rope diameter beyond the last layer of such rope and if such projection is not available, other measures like anti-slackness guards shall be provided to prevent such rope from coming off such drum. (c) every lifting appliance is provided with adequate and efficient brakes which : (i) are capable of preventing fall of a suspended load (including any test load) and of effectively controlling such load while it is being lowered; (ii) act without shock; (iii) have shoes that can be easily removed for running; and (iv) are provided with simple and easily accessible means of adjustment : Provided that nothing contained in this clause shall apply to steam winch which can be operated as safely as with brakes as provided in accordance with this clause. (d) controls of every lifting appliances— (i) are so situated that the driver of such appliance at his stand (ii) (iii) (iv) (v) (vi) (vii) or seat has ample room for operating and has an unobstructed view of building or other construction work, as far as practicable, and that he remains clear of the load and ropes, and that no load passes over him; are positioned with due regard to ergonomic considerations for proper operation of such appliances; are so located that the driver of such appliance remains above the height of the heel block during the whole operation of such appliance; have upon them or adjacent to them clear markings to indicate their purpose and mode of operations; are provided where necessary with a suitable locking device to prevent accidental movement or displacement; move, as far as practicable, in the direction of the resultant load movement; and wherever automatic brakes are provided, automatically come to the neutral position in case of power failure

112. Test and periodical examination of lifting appliances.—The employer shall ensure at a construction site of a building or other construction work that— (a) all lifting appliances including all parts and gears thereof whether fixed or movable are tested and examined by competent person before, being taken in, use for the first time or after it has R. 114] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 81 undergone any alterations or repairs liable to affect its strength or stability or after erection on a construction site and also once at least in every five years, in the manner specified in Schedule-I annexed to these rules; (b) all lifting appliances

are thoroughly examined by a competent persons at least once in every twelve months wherein the opinion of competent persons that the lifting appliances or gears cannot continue to function safely he shall forthwith give notice in writing to the owner of the such appliances. Explanation.—For the purpose of this rule, thorough examination means a visual examination, supplemented, if necessary, by other means such as hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined; and, if necessary, for such examination, parts of the lifting appliance and gear, shall be dismantled

113. Automatic safe load indicators.—The employer shall ensure at a construction site of a building or other construction work that : (a) (i) every crane, if so constructed that the safe working load may be varied by raising or lowering of the jib or otherwise, is attached with an automatic indicator of safe working loads which gives a warning to the operator wherever the load exceeds the safe working load; (ii) cut out is provided which automatically arrests the movements of the lifting parts of every crane if the load exceeds the safe working load, wherever possible. (b) the provisions of sub-clause (i) of clause (a) apply, except where it is not possible to install an automatic safe load indicator, in which case, provision of a table showing the safe working loads at the corresponding inclinations or radii of the jib on the crane shall be considered sufficient

114. Installation of lifting appliances.—The employer shall ensure at a construction site of a building or other construction work that : (a) Fixed lifting appliances are installed— (i) by competent persons; (ii) in a manner that such appliances cannot be displaced by the load, vibration or other influences; (iii) in a manner that the operator of such appliances is not exposed to danger from loads, ropes or drums; and (iv) in a manner that the operator can either see over the zone of operation or communicate with all loading and unloading points by signal or other communications systems. (b) Adequate clearance is provided between parts or loads of lifting appliances and— (i) fixed objects such as wall posts; or 82 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 2009 [R. 115 (ii) electrical conductors; (c) the lifting appliances, when exposed to wind loading are given sufficient additional strength, stability and rigidity to withstand such loading safely; (d) no structural alterations or repairs are made on any part of the lifting appliances that affect the safety of such appliances without obtaining the opinion of the competent person to this effect

115. Winches.—The employer shall ensure at a construction site of a building or other construction work that (a) (i) Winches are not used if control levers operate with excessive friction or play; (ii) double gear winches are not used unless a positive means of locking the gear shift is provided; (iii) there is no load other than the fall and the hook assembly on the winch while changing gears on a two gear winch; (iv) adequate protection is provided to winch operator against abnormal weather; (v) temporary seats or shelters for winch operators which may pose hazard to the winch operator or any other building workers are not allowed to be used; (vi) control levers are secured in the neutral position and, whenever possible, the power is shut off whenever winches are left unattended. (b) in use of every steam winch- (c) (d) (i) measures are taken to prevent escaping steam from obscuring any part of the construction site or other work place or from otherwise hindering or injuring any building worker; (ii) extension control levers which tend to fall of their own weight are counter balanced; (iii) winch operators are not permitted to use the winch control extension levers except for short handles on wheel type controls and that such levers are of adequate strength, secured and fastened with metal connections at the fulcrum and at the permanent control lever; in use of every electric winch, a building or other construction worker is not permitted to transfer, alter or adjust electric control circuits in case of any defect in such winch. electric winches are not used for building work where— (i) the electro-magnetic brake is unable to hold the load; or (ii) one or more control points, either hoisting or lowering, are not operating properly. test and examination of winches; derricks and their accessory gears is maintained in



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(REGULATION.....SERVICE) RULES, 2009 83 116. Marking and display of safe working load.—The employer shall ensure at a construction site of building or other construction work that ; (a) every lifting appliance and loose gear is clearly marked and displayed for its safe working load by stamping and other suitable means; (b)(i) every derrick (other than derrick crane) is clearly marked for its safe working load when such derrick is used either in single purchase with a lower block or in union purchases in all possible block position; (ii) the lowest angle to the horizontal, to which the derrick may be used, is legibly marked. (c) every lifting appliance having more than one working load is fitted with effective means to enable the operator to determine safe working load at each point under all conditions of use. (d) means to ascertain the safe working load for lifting gears under such conditions in which such gears may be used or provided to enable, a worker using such gears and such means shall consist of— (i) marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of durable material attached securely thereto in case of chain slings; and (ii) either the means specified in sub-clause (i) or notices so exhibited as can be easily read by any concerned building worker stating the safe working load for the various sizes of the wire rope slings used in case of wire rope slings

117. Loading of lifting appliances and gears.—The employer shall at a construction site of a building or other construction work that : (a) no lifting appliance, lifting gear or wire rope is used in an unsafe way and in such a manner as to involve risk to life of building workers and that they are not loaded beyond their safe working load except for testing purposes under the direction of the competent person in the manner specified in Schedule-I annexed to these rules; (b) no lifting appliance, lifting gear or any other material handling appliance is used, if— (i) the Inspector having jurisdiction is not satisfied with reference to a certificate of test or examination or to an authenticated record maintained as provided under these rules; and (ii) in the view of such Inspector, the lifting appliances, lifting or any other material handling appliance is not safe for use in building or other construction work; (iii) no pulley block is used in building or other construction work unless the safe working load and its identification are clearly marked on such block. u THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 [R 119 118. Operator's cab or cabin.—The employer shall ensure at a construction site of a building or other construction work that : (a) • the „operator of every lifting machine in outdoor service is provided with a cab or cabin which— (i) is made of fire-resistant material; (ii) has a suitable seat, a footrest and protection from vibration; (iii) affords the operator an adequate view of the area of operation; (iv) affords the operator adequate protection against the weather; (v) is adequately ventilated; and (vi) is provided with a suitable fire extinguisher

119. Operation of lifting appliances.—The employer shall ensure at a construction site of a building or other construction work that— (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) every crane driver or lifting operator possess adequate skill and training in the operation of the particular lifting appliances; no person under #teen years of age is in control of any lifting appliance, scaffold winch, or to give signals to the operator; precaution is taken by the trained operator to prevent lifting appliance from being set in motion; the operation of lifting appliance is governed by signals, in conformity with the relevant national standards; the lifting appliance operator's is not distracted while he is working; no crane, hoist, winch or other lifting appliance or any part of such crane, hoist, winch or other lifting appliance is, except for testing purposes, loaded beyond the safe working load; during the hoisting operations- effective precaution is taken to prevent any person from standing or passing under the load in such operations; operator does not - leave lifting appliance Unattended while power is on or load is suspended to such appliance; no person rides on a suspended load or on any lifting appliance; every part of a load in course of being hoisted or lowered is adequately suspended and supported to prevent danger; every receptacle used for hoisting bricks, tiles, Slates or other materials- is suitably enclosed so as to prevent the fall of any such materials; the hoisting platform is enclosed when loose materials or loaded wheel-barrow are placed directly on such platform or lowering, such materials or wheel-barrow; no material is raised, lowered or slowed with any lifting appliance in such a way as to cause sudden jerks to such appliance; R. 1201 THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 85 (n) (o) (p) (q) (r) in hoisting a barrow, any wheel of such barrow is not used as a means of support unless adequate steps are taken to prevent the axle of such wheel from slipping out of its bearings; long objects like planks of girders are provided with a tag line to prevent any possibility of danger while raising or

lowering such objects; during the process of landing of material, a building worker is not permitted to lean out into empty space for finding out the loading and unloading of such material; the hoisting of loads at places where there is regular flow of traffic is carried out in an enclosed space, or in case such hoisting is impracticable in enclosed space, measures are taken to hold up or divert the traffic during the time of such hoisting; adequate steps are taken to prevent a load, in the course of being hoisted or lowered from coming into contact with any object to avoid any displacement of such load; (s) appliances are provided and used for guiding heavy loads when raising or lowering heavy loads to avoid crushing of hands of building workers during such raising or lowering of loads 120. Hoist—The employer shall ensure at a construction site of a building or other construction work that : (a) hoist towers are designed according to relevant national standards; (b) hoist shafts are provided with rigid panels or other adequate fencing— (i) at the ground level on all sides of such shafts; and (ii) at all other levels on all sides of the access to such shafts. (c) the walls of hoist shafts, except at approaches, extend at least two metres above the floor or platform of access to such shafts; (d) approaches to a hoist are provided with gates which are— (i) gridded to maintain visibility; (ii) at least 2.00 metre height; and (iii) equipped with a device which requires such gate to be closed before the platform of such hoist can leave the landing and prevents the gate from being opened unless such platform, is at the landing. (e) approaches to a hoist are adequately lit; (f) the guides of hoist platforms offer sufficient resistance to bending and, to bucking, in the case of jamming by providing a safety catch; (g) overhead beams and their supports are capable of holding the total maximum live and dead loads that such beams and supports will be required to carry, with a safety factor of at least five; 86 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 [R. 120 (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (t) (u) (v) (w) (x) a clear space is provided- (i) above the highest stopping place of a cage or platform to allow sufficient unobstructed travel of such cage or platform in case of overwinding; and (ii) below the lowest stopping place of such cage or platform. adequate covering is provided above the top of hoist shafts to prevent materials from falling into such shafts; outdoor hoist towers are erected on adequately firm foundations and are securely braced, guyed and anchored; a ladderway extends from the bottom to the top of every outdoor hoist tower in case no other ladderway exists within easy reach and such ladderway comply with the relevant national standards; the rated capacity of a hoisting engine is at least one and half times of the maximum load that such engine will be required to move; all gearing on a hoisting engine is securely enclosed; steam piping of a hoisting engine is adequately protected against accidental contact of such piping with a building worker; electrical equipment of a hoisting engine is effectively earthed; a hoist is provided with suitable devices to stop a hoisting engine as soon as the platform of such hoist reaches its highest stopping place; a hoisting engine is protected by a suitable cover against weather and falling objects; hoisting engine set up in a public thoroughfare is completely enclosed: all hoist steam pipes discharge steam in such a manner that the steam so discharged does not scald any person or obstruct the operator's view; the motion of hoist shall not be reversed without first bringing it to rest to avoid any harm from such reverse motion; a hoist, not designed for the conveyance of person, is not set in motion from the platform of such hoist; pawls and ratchet wheels of a hoist, requiring of such pawls from such ratchet wheels, before the platform of such hoist is lowered, are not used; a platform of a hoist is capable of supporting such maximum load, that such platform may carry, with a safety factor of at least three; a platform of a hoist equipped with suitable safety gears which can hold such platform with its maximum load in case its hoisting rope breaks; R. 121 87 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (y) on platform of a hoist, the wheelbarrows or truck are efficiently blocked in a safe position; (z) a cage of a hoist or a platform Where the building workers are (za) (zb) (zc) (zd) (ze) (zf) required to enter into such cage or to go on such platform at landing level, is provided with a locking arrangement to prevent such cage or platform from moving during the time a worker enters or leaves such cage or platform; the sides of a platform of a hoist which, are not used for loading or unloading, are provided with toe-board and enclosures of a wire mesh or any other suitable means to prevent the fall of any part of a load from such platform; a platform of a hoist, which has any probability of falling and part of load from it, is provided with an adequate covering with such fall; the counter-weights of a hoist consisting of an assemblage of several parts are- so constructed that such parts are rigidly connected together; the counter-weights of a hoist run between guides; at every level of work the building workers are provided with adequate platforms for performing such work; a legible notice in Hindi as well as in local language is displayed at:

(i) a conspicuous place of the platform of a hoist and such notice states the maximum carrying capacity of such hoist in kilograms; (ii) a conspicuous place on the hoisting engine and that such notice states that maximum lifting capacity of such hoist in kilograms; (iii) a conspicuous place on a hoist authorized and certified for the conveyance of the person on the platform or cage and such notice states the maximum number of persons to be carried on such hoist at one time; (iv) a conspicuous place on a hoist carrying goods and other materials and such notice states that such hoist is not meant for carriage of persons, 121.

Access to lifting appliances.—The employer shall ensure at a construction site of a building or other construction work that every crane or tip driven by mechanical power is securely fenced and is provided with safe means of access and where access to such platform is by a ladder— The height of such ladder exceeds metres, the resting platforms are provided on such ladder at every six metres of its height and where the distance between last platform so provided and the top end of such ladder is more than two metres then on such top end, THE u.p. & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 [R. 125 122. **Rigging of derricks.**—The employer shall ensure at a construction site of a building or other construction work that every derrick has and relevant rigging plans and any other information necessary for the safe rigging of such derricks and its gear

123. Securing of derrick foot.—The employer shall ensure at a construction site of a building or other construction work that appropriate measures are taken to prevent the foot of a derrick being lifted out of its socket or support

124. Construction and maintenance of lifting gear.—The employer shall ensure at a construction site of a building or other construction work that— (a) every lifting gear is— (i) of good design and construction, sound material and adequate strength to perform the work for which it is used, (ii) free from patent defects, and (iii) properly maintained in good repair and working order. (b) of the loose gear, at the time of its use, are renewed if one of its dimensions at any point has decreased by ten per cent or more by user. (c) a chain is withdrawn from use when- it is stretched and increased in length which exceeds five per cent of length or when a link of such chain is deformed or is otherwise damaged or raised scars of defective welds is appeared on it; .. (d) rings, hooks, swivels and end links attached to a chain are of the same material as that of such chain; (e) the voltage of electric supply to any mechanical lifting device does not fluctuate by more than plus ten per cent or minus ten per cent

125. Test and periodical examination of lifting gears..The employer shall ensure at a construction site of building or other construction work that : 1. a lifting gear is initially tested for the manufacturer by a competent person in a manner specified in Schedule I annexed to these rules before taking into use or after undergoing any substantive alterations which renders it's any part liable to affect its safety and such gear after such test shall subsequently be re-tested for the use of its owner atleast once in every five years.] subs. by NOH. No. dt.. 23.8.2017, in the U.P. Gazette -Extraordinary, Part 4, Section (Ka) dt. 23.8.2017.

Prior to substitution it stood as under : (a) a lifting gear is initially tested for the manufacturer by a competent person in a manner specified in Schedule-2 annexed to these rules before taking into use or after undergoing any substantive alterations which renders any part liable to affect its safety and such gear after such test shall subsequently be re-tested for the use of its owner at least once in every five years. R. 1261

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2009 89 (b) a lifting gear in use is thoroughly examined once at least in every twelve months by a competent person; (c) a chain in use is thoroughly examined once at least every month by a responsible person for its use; (d) certificate of initial and periodical tests and examinations of lifting gears under these rules are maintained in



Form-17

126. Ropes.—The employer shall ensure at a construction site of a building or other construction work that: (a) no rope is used for building or other construction work unless— (i) it is of good quality and free from patent defects; and (ii) in the case of wire rope, it has been tested and examined by a competent person in the manner specified in Schedule-I annexed to these rules. (b) every wire rope of lifting appliance or lifting gear used for building or other construction work is inspected by a responsible person for such use, once at least in every three months: Provided that after any such wire is broken in such rope, it shall thereafter be inspected once at least in every month by the responsible person; (c) no wire rope is used for building or other construction work if in any length of eight diameters of such wires, the total number of visible broken wires exceed ten per cent of the total of wires in such rope, or such rope shows sign of excessive wear, corrosion or other defects which in the opinion of the person who inspects it or the Inspector, having jurisdiction, is unfit for use. (d) eye splices and loops of ropes for the attachment of hooks, rings and other such parts to wire ropes are made with suitable technique; (e) a thimble or loop splice made in any wire rope sling conforms to the following standards, namely— (i) wire rope sling shall have at least three tucks with full strand of rope and two tucks with one-half of the wires cut out of each of such strand-in all cases, such strands shall be tucked against the lay of the rope; (ii) protruding ends of such strands in any splice of wire rope slings shall be covered or treated so as to leave no sharp points; (iii) a fibre rope or a rope sling shall have at least four tucks; tail or such tuck being whipped in a suitable manner; and (iv) a synthetic fibre rope or rope sling shall have at least four tucks with full strand followed by further tuck with one-half filaments cut out of each of such strand and final tuck with one-half of the remaining filaments cut-out from such strands. Any portion of the splices containing such tucks, 90 THE UP. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 [R. 127 with reduced number of filaments, shall be securely covered with suitable tape or other materials. Provided that nothing contained in this sub-clause shall apply where any other form of splice, which may be shown to be as efficient as the splice with above standards, is used.

127. Heat treatment of lifting gears.—The employer shall ensure at a construction site of a building or other construction work that— (a) all chains other than bridle chains attached to derricks and all rings, hooks, shackles and swivels used in hoisting or lowering of such derricks are effectively annealed under supervision of a competent person at following intervals, namely— (i) such chains, rings, hooks, shackles and swivels which are not more than five and a half millimeter of length are so annealed at least once in every six months; and (ii) all other such chains, rings, hooks, shackles and swivels are so annealed at least once in every twelve months. Provided that such annealing as referred to in sub-clause (i) and sub-clause (ii) shall not be required if the Inspector, having jurisdiction, after obtaining the approval of the Chief Inspector, directs that such chains, rings, hooks, shackles and swivels undergo some other treatment and in such cases the treatment directed by such Inspector shall be followed: Provided further that in case of such chains, rings, hooks, shackles and swivels used solely on such derricks and other hoisting appliances which are worked by hand, the provisions of sub-clause (i) and sub-clause (ii), as the case may be, shall apply as if for the period of six months and twelve months and two years have respectively been substituted therein: Provided also that in case where the Inspector, having jurisdiction, is of the opinion that owing to the size, design, material or frequency of use of any such chains, rings, hooks, shackles and swivels, the requirement of this clause for annealing is not necessary for the protection of building worker, he may after obtaining the approval of the Chief Inspector, certify in writing to such employer that subject to the conditions specified in such certification, such chains, rings, hooks, shackles and swivels are exempted from such annealing and thereafter the provision of this clause shall apply subject to such exemption. Provided also that this clause shall not apply to— (i) pitched chains, working on sprocket or sprocketed wheels; (ii) rings, hooks and swivels permanently attached to pitched chains, pulley blocks or weighing machines; and (iii) hooks and swivels having ball bearings or other case hardened parts. R. 129] 91 THE UP. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 (b) a chain or loose gear made of high tensile steel or alloy steel is plainly marked with a mark indicating that it is so made; (c) no chain or loose gear made of high tensile steel or alloy steel is subjected to any form of heat treatment except where such treatment is necessary for the purpose of repair of such chain or loose gear and that such repair is made under the direction of competent person; (d) that the wrought iron gear, the past history of which is not traceable, is suspected of being heat treated at incorrect

temperature, is normalized before using it on any building or other construction work, 128. Certificate to be issued after actual testing and examination, etc.—The employer shall ensure at a construction site of a building or other construction work that a competent person issues a certificate for the purpose of Rules 112, 117, 126 and 127 only after actual testing or, as the case may be, examination of the apparatus specified in the said rules



129. Register of periodical test, examination and certificates thereof.— The anployer shall ensure at a constrÜction site of a building or other work that— (a) a register in



Form-16 annexed to these rules, is maintained and particulars Of and examination. of lifting appliances, lifting gears and heat treatment as required under Rules 112, 117 and-127 are entered in such register; (b) certificate in respect of each of the following is obtained from competent Person in the Forms as mentioned below, namely— (i) - in case of initial and periodical test and examination under Rule 112 and Rule 126 for : (a) winches, derricks and their accessory gears in Form 16-A; (b) cranes or hoists and their accessory gears in Form-17. (ii) incase of test, examination and re-examination of loose gears under clause (d) of Rule 125 in Form-16; (iii) in case of test, and examination of wire rope under Rule 127 in Form-19; (iv) in case of test and examination of loose gears under Rule 125 in Form-18; (v) in case of annual thorough examination of the loose gears under clause (b) of Rule 125 except where required particulars Of such exemption have been enclosed in the register referred toin clause (a), in Form-16 annexed to these rules and such certificates are attached to the register referred to in clause (a); (c) the register. referred to in clause (a) and •the certificates referred toin clause attached to such register are—:- 92 THEU.P.

BUILDING & CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 [R. 132 (i) kept at such construction site in case •such register and certificate relate to lifting appliances, loose gear and wire (ii) produced on demand before an Inspector having jurisdiction; and (iii) retained for at least five years after the date of the last entry made in such register; (d) no lifting appliance or lifting gear in respect of which an entry is required to be made in register referred to in clause (a) and certificate of test and examination are required to be attached in such register in the manner as specified in clause (a) or clause (b), as the case may be, is used for building or other eonstruction work. urdless the required Qtries have been made in such register and certificates

130. Vacuum and Magnetic Lifting Gear.—The employer shall ensure at a construction site of building and other construction work that— (a) no vacuum lifting gear, magnetic lifting gear or any other lifting gear where the load on it is held by adhesive power is used while workers are performing opaations beneath such F.r; (b) a magnetic lifting gear used in connection with building or Other construction work is provided with an alternative supply of power suchas batteries which may come into operaåon-immediately in the event of failure of the main power supply; (c) no building worker shall work within the swinging zone of the lifting gear or load or building or otha. construction- material suspended to such lifting gear

131. Knotting of Chains and Wire shall ensure at a cpnstruction site of building and other construction work that no chain or wire rope with a knot in it is used in building or another construction work

132. Carrying of persons by means of lifting appliance, etc.—The employer shall ensure at a construction site of a building or other construction work that— (I) no building worker is raised, lowered or carried by a power- driven lifting appliance, except : (a) on the driver's platform in the cage of a crane; or (b) on a hoist} or (c) on an approved suspended scaffold : Provided that a building worker may be raised, lowered or carried by a power-driven lifting appliance— (i) in'cimumstances where theuse of a hoist or ofa suspended scaffold is 'not reasonably and the requizernålt's of sub-rule (2) are complied with; or (ii) -on an aerial' cableway or aerial ropeway in case where the requirements of sub-rule (2) are complied with; 93 R. 1331 THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 (2) The. requirements referred to in proviso to sub-rule (1) are as below, namely : (i) that the appliance referred to in such proviso can be operated from one position only; (ii) that any winch used in connection with the appliance referred to in such proviso comply with the requirements of Rule 107; (iii) that no person shall be carried by the appliance referred to iti such proviso except— (a) in a Chair or cage, or (b) in a skip or other receptacle at least 90 centimetre deep which is suitable for safe carriage of a person and any such chair, cage, skip or other receptacle is made of good construction, sound material and has adequate strength and is properly maintained with suitable means to pævent any occupant therein from falling out of it and is free-from any material or tools which may interfere with the handhold or foothold of such occupant or otherwise endanger him; and (iv) that suitable measures shall be taken to prevent the chair, cage, skip or other receptacle from spinning or tipping in a marmer dangerous to any occupant therein

133. Hoists carrying persons.—The employer shall alsure at a .consfruction site of a building or other construction work that : (a) no building worker. is carried-by a hoist unless it is provided with a cage•.which— (i) is so constructed as to prevent, when gates are shut, any building worker carried by such

hoist from falling out of it or from being trapped between any part of such cage and any fixed structure or the other moving part of such hoist or from being struck by articles or materials falling down the hoistway on which such moving; and (ii) is fitted on each of its side from which, access is provided to a landing place with a gate which has efficient interlocking or other devices to secure so that such gate cannot be opened except when such cage is at a landing place and that such cage cannot be moved away from any such place until such gate is closed. (b) every gate in the hoist way enclosure of such hoist used for carrying persons is fitted with efficient inter-locking or other devices to secure so that gate cannot be opened except when the cage of such gate is at the landing place, and that such cage cannot be moved away the landing place until such gate 94 THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 [R. 135 (c) in every hoist used for carrying building workers these are provided suitable and efficient automatic devices to ensure the cage of such hoist comes to rest at a point above the lowest poin.t to which such cage may travel

134. Attachment of loads.—The employer shall ensure at a construction site of a building or other construction work that : (a) when a sling is used to hoist long materials, a lifting beam is used to space the sling legs for proper balance and when a load is suspended at two or more points with slings, the eyes of the lifting legs of such slings are shackled together and such shackle or eyes of the shackles slings are placed on the hook or the eyes of such lifting legs shackled directly to the hoisting block, ball or balance beam, as the case may be; (b) every container or receptacle used for raising or lowering stone, bricks, tiles, slates or other similar objects is so enclosed with the hoist as to prevent the fall of such objects; (c) a loaded wheel-barrow placed directly on a platform of a hoist for raising or lowering of such wheel-barrow is so secured t}ut such wheel:barrows cannot move and such platform is enclosed to p!event the fall of the contents kept in such wheel-barrow; (d) landings of a hoist are so designed and arranged that building workers on such hoist are not required to lean out into empty space for loading and unloading any material from such hoist

135. Tower cranes.—The employer shall ensure at a construction site of a building or other construction work that : (a) (b) (d) (f) no person other than the operator trained and capable to work at heightS are employed to operate tower cranes; the ground on which a tower crane stands has adequate bearing capacity; bases for tower and trucks for rail-mounted tower cranes ae firm and levelled and such cranes are erected at a reasonably safe distance from excavations and are operated within gradient llimits as specified by the manufacturer of such cranes; tower cranes are sited where there is a clear space available for erection, operation and dismantling of such cranes; tower cranes are sited in such a way that the loads on such cranes axe not handled over any occupied premises, public th0iOU- ghfares, railways or near power cables, other than constructin works for which such cranes are used; where two or more tower cranes are sited and operated, every care is taken to ensure posiãve and proper communication between operators Qf such cranes to avoid any danger or dangerQUS occurrences. R. 139] THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION,..SERVICE) RULES/ 2009 (g) tower cranes are used for loading magnet or demolition ball service, piling operations which could impose excessive load stresses on the crane structure of such cranes; and (h) the instructions of the manufacturer of a tower crane and standard safe practices regarding such crane are followed while operating or using such crane

136. Qualification of operator of lifting appliances.—The employer shall Qsu.æ at a construction site of a building or other construction work that no person is employed to drive or operate a lifting appliance whether driven by mechanical power or otherwise or to give signals to driver or operator of such lifting appliances or to work as an operator of a rigger or derricks unless he— is above eighteen years of age; (ii) is sufficiently competent and reliable; (iii) possesses the knowledge of the i.nherent danger involved in the operation of lifting appliances; and (iv) is medically examined periodically as specified in Schedule-VII by construction Medical Officer

137. Dusti gases, fumes etc.[Section employer shall prevent concehl•ation of dust, gases or fumes by providing suitable means to control their coricentration within the permissible •limit so that they may not cause injury or pose health hazard to a building worker at a building •or other construction work

138. Eye protection [Section a worker is engaged in operations like welding, cutting, chipping, grinding, breaking, dressing of stones, concrete or slag; or other similar operations which may cause injury to his eyes suitable personal protective equipment shall be provided by an employer for the

Use of building and other construction workers. Stacking and Unstacking [Section 139. Stacking and unstacking of materials and articles.—The employer shall ensure at a construction site of a building or other construction work that : (a) where stacking, un-stacking, stowing or un-stowing of construction material or article, or handling in connection therewith cannot be safely (sic safely) carried out unaided, reasonable measures to guard against accident or dangerous occurrences are taken by shoring or otherwise to prevent any danger likely to be caused by such handling; (b) stacking of material or article is made on firm foundation not liable to settle and deviate such material or article and does not overload the floor on which such -stacking is made; (c) the materials or. articles are not stacked against partition or walls of warehouse or store place unless it is known that such 96 . THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 141 partition or the wall is of sufficient strength to withstand the pressure of such materials or articles; (d) the materials or articles are not stacked to such a height and in such a manner as would render the pile of such stack unstable and.. cause hazards -to the building workers or the public' in general; (e) where the building workers are working on, stack exceeding 1.50 metres in height, safe means of access to the stack is provided; (f) all stacking or unstacking operations are , performed under the supervision of a responsible person for such stacking or unstacking; (g) the stacking of construction materials or articles is not made near the site of excavation, shaft, pit or any other such opening; (h) stacks which may lean heavily or become unstable or collapse are barricaded

140. Stacking of cement bags' and materials.—The employer shall ensure at a construction site of a building or other construction work that— (a) (b) (c) (d) (e) (f) (g) (h) (i) A stack pile is not more than ten bags in height unless such stack pile is stacked in a suitable enclosure or otherwise adequately supported; While removing bags from the stack pile, the stability of such stack pile is ensured; Bags containing cement or lime are stored in dry places; The materials like bricks, tiles or blocks stored on firm ground; Reinforcing Steel is stored according to its shape, size and length; Stack of reinforcing steel is kept as low as possible; No pipe is stored on rack or in stack where such pipe is likely to fall by rolling; The angle of repose is maintained where loose materials are stacked; When dust-laden material is to be stored or handled, measures are taken to suppress the dust produced by such storing or handling and adequate personal protective equipment are supplied to and used by the building workers working for such storing or handling. 141 . Fencing of moving part of plant or equipment etc. [Section employer shall ensure at: a construction site of a building or other construction work that— (a) all motors, cogwheels, electric generator, rotary converter; transmission machinery, chains, friction -gearing, flywheels, shafting, dangerous and moving parts. of machinery (whether R. 1421 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 97 or not driven by mechanical power) shall be securely fenced by safeguards of substantial construction which shall be constantly maintained and kept in position while the parts of machinery, they are fencing are in motion or in use; (b) no part Of any machinery, which is in motion and which is not securely fenced is examined, lubricated, adjusted or repaired except by a person trained for such examination, lubrication, adjustment or repairs; (c) moving parts of the elevators, hoists, screens, bunkers, chutes, grouting equipment used for concrete work and of other equipment used for storing, transport and other handling ingredients of concrete are securely fenced to avoid contact of building workers with such moving parts; (d) screw conveyors used for cement, lime and other dusty materials are completely enclosed; (e) any part of machines shall not be cleaned or repaired unless such machine is stopped; (f) when a machine is stopped for servicing or repairing, adequate measures are taken to ensure that such machine does not re-start inadvertently

142. Pressure plant and equipment [Section 40-2(j)]—(a) The employer shall ensure at a construction site of a building or other construction work & tat æ pressure plant and equipment— (i) are examined and tested by the competent person before being put in use for such work; (ii) is of proper design .•and construction, sound material and adequate strength to perfoi•m the work for which it is used; (i.ü) is properly maintained in repairs and working condition. (b) The pressure plant and equipment referred to in clause (a) is fitted with— (i) a suitable safety valve or other effective device to provide maximum safe discharge pressme from being exceeded at any (ii) a suitable gauge with a dial range not less than one point five times and not exceeding twice the maximum working pressure, ea'ily visible and designed to show at all times, the internal pressure in kilogtarn per square centimeter and marked with the maximum safe working pressure at such plant and equipment; (iii) a suitable stop valve or valves by which the pressure plant or the system of the pressure plant may be isolated from the source of supply of pressure or otherwise. (c) Every pressure plant or equipment shall be thoroughly examined by the competent person— THE U.P. BUILDING & OTHER CONSTRUC WORKERS (REGULATION.....SERVICE) RULES, 2009 (i) externally, once in every period of six months; (ii) internally, once in every period of twelve months; and (iii) by hydraulic test once in a period of four years; (R 144 (iv) an examination of such pressure plant and equipn-mt is maintained on



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143. Fire protection [Section employer shall ensure at a construction site of a building or other construction work that—(a) Every building or other such construction site is provided with— (i) fire-extinguishing equipment sufficient to extinguish any probable fire at such construction site; (ii) an adequate water supply at ample pressure as per national standards; (iii) number of Yained persons required to operate the fire- extinguishing equipment provided under sub-clause (i). (b) Fir-O(tinguishing equipment provided under sub-clause (i) of clause (a) is properly maintained and inspected at regular intervals of not less than Once in a year by the responsible person and a record of such is maintained. (c) In case of every launch or boat or other a•aft used for transport of building workers and the cabin of every-lifting appliance including mobile crane; adequate number of portable fire-extin- guishing equipment of suitable type shall be provided at each of such launch or boat or craft or lifting appliance

144. Lifting and carrying of excessive weights [Section 401.—The • employer shall ensure at a construction site of a building or other construction work that— 1. No building and other construction worker shall be permitted to lift by hand, carried overhead, over his back of shoulders any material, article, tool or appliances exceeding the maximum limits in weight set out in the followmg table— subs. by NOH. No. 989/xxxu-2-2017, dt. 238.2017, in the U.P. Gazette Extraordinary, Part 4, Secüon (Ka) dt. 23.82017. Prior to suistitution it stood as under : (a) No building and other construction worker shall •bé permitted to lift by hand, carries overhead, over his back of shoulders any material, article, tool or appliances exceeding maximum limits in weight set out in the following table to these rules : Ma)ünun weight of material, article, tool or appliance Person —man Adult —woman Adolescent — male Adolescent — female 30 kg. 20 kg. Unle" aided by any other building worker or a mechanical device. R. 145] THE UP. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 99 Person Adult man Adult woman Adolescent male Adolescent female Maximum wei t of material, article, tool or a liance When the work is intermittent When the work is continuous 50 kg. 30 kg. 25 kg. 18 kg. 50 kg. 20 kg. 20 kg. 15 kg. Unless aided by any other building worker or a mechanical device.] (b) No building worker aided by other building workers, lift by.hand or carry overhead or over their back or shoulders, any material, article, tool or appliance exceeding in weight the sum total of maximum limits set out for each building worker separately under clause (a), unless aided by a mechanical device. Work on Adjacent to Water [Section 40-2(m)] 145. Transport by water.—The employer shall ensure at a construction site of a building or other construction work that— (a) When any building worker has to proceed to or from any working place by water for purposes of carrying on a building or other construçãon work, proper measures are taken to provide for his safe transportation and vessels used for such purpose are used in charge of responsible person and are properly equipped for safe navigation and maintained in good condition. (b) Maximum number of persons which can be safely carried in a vessel as certified under the relevant law in force is marked plainly and conspicuously on such vessel and such number is not exceeded during use of such vessel for carrying persons. (c) The vessel referred to in clause (a) shall conform to the following namely (i) (ii) (iii) (iv) that adequate protection is to the building workers in such vessel from inclement weather; that such yessel is manned by adequate and experienced crew, as per the relevant law for the time being in force; that in case the bulwarks of such vessel are lower that 60.0 centimetre from the level of the deck of such vessel, the open edge of such bulwarks are fitted with suitable fencing to a height of at least 1,00 metre above such deck and the post and stanchions and similar parts used in such fencing are not spaced more than 2.00 metres apart; that the. number of life buoys on deck of such vessel is at least equal to the number of crew members of such vessel and is not less than two; 100 THE up. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 (R. 147 (v) that all life buoys. on deck of such vessel are kept in good state of maintenance and also so placed that if vessels sinks then they remain to float and one of such buys (sic buoys) is within the immediate reach of the steersman of such vessel; and (vi) that the position of the steersman of the vessel is such that he has a reasonably free view of all sides

146. Prevention from drowning [Section employer shall ensure at a construction site of building or other construction work that where, on or adjacent to the work place of any construction site to which these rules apply, there is water into which a building worker employed for work on such site is, in the course of his employment, may fall and has the risk of drowning, suitable rescue equipment is provided and kept in an efficient state for ready use and measures are taken to arrange for the

prompt rescue of such building worker from the danger of drowning and where there is a special risk of such fall from the edge of adjacent land or from a structure adjacent to or above the water or from floating stage on such water, secure fencing is provided near the edge of such land, structure or floating stage, as the case may be, to prevent such fall, and such fencing may be removed or allowed to remain unerected for the time and to the extent necessary for the access of building workers to such work or the movement of material for such work.Electrical Safety [Section 40-2(n)] 147.

Electrical hazards.—Before commencement of any building or other construction work (1) (2) (3) (4) The employer shall take adequate measures to prevent any worker from coming into physical contact with any electrical equipment or apparatus, machines or live electrical circuit which may cause electrical hazard during the course of his employment at a building and other construction work. The employer shall display and maintain suitable warning signs at conspicuous places at a building or other construction work in Hindi and in a local language understood by the majority of the building workers. In workplaces at a building and other construction work where the exact location of underground electric power line is not known, the building workers using jack hammers, crow bars or other hand-tools which may come in contact with a live electrical line, shall be provided by the employer with insulated protective gloves and foot-wear of the type of in accordance with the national standards. The employer shall ensure that, as far as practicable, no wiring, which may come in contact with water or which may be mechanically damaged, is left on ground or floor, at a building and other construction work. R. 151) THE up. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 101 (5) (6) (7) The employer shall ensure that all electrical appliances and current carrying equipment used at building and construction work are made of sound material and are properly and adequately earthed. The employer shall ensure that all temporary electrical installations at a building or other construction work are provided with earth-leakage circuit breakers. The employer shall ensure that all electrical installations at a building or other construction work comply with the requirements of any law for time being in force. Safety Belt and Nets (Section 40-2(0)] 148. Safety belt and its use.—The employer shall ensure at a construction site of a building or other construction work that : (a) safety belt, life lines and devices for the attachment of such life lines conform to the relevant national standards; (b) every building worker is supplied with safety belt and safety life lines for his protection and such building worker uses such belts and life lines during the performance of his work; (c) all building workers using safety belts and safety life lines have the knowledge of safe use and maintenance of such belts and life lines and are supplied with necessary instructions; (d) the responsible person for supervising the use of safety belt and safety life lines referred to in clause (a) inspects and ensures that such safety belts and life lines are fit for use before being taken into use at every time

149. Safety net and its use.—The employer shall ensure at a construction site of a building or other construction work that : (a) every safety net is of adequate strength, made of sound material and is suitable for use and conforms to the relevant national standards; (b) the responsible person for maintenance of safety nets and their use ensures safe fixing of such safety nets and provides such safety nets with suitable and sufficient anchorage so that the purpose for which such safety net is intended for use, is served

150. Storage of safety belts and nets.—The employer shall ensure at a construction site of a building or other construction work that proper arrangement is made for the safe storage of safety belts, safety life lines and safety nets when they are not in use and are protected against mechanical damage, and damages from chemicals and biological agents. Runways and Ramps [Section 40-2(p)] 151. Use of runways and ramps by building workers.—The employer shall ensure at a construction site of a building or other construction work that up. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (R. 155 102 runways and ramps used for construction of building and other works shall be : (a) runways or ramps provided for use by building workers is not less than four hundred and thirty millimetres in width and is constructed of not less than twenty-five millimetres thick planking or any other material of adequate strength to withstand the required load supported substantially in relation to the span and braced of such runway or ramp and design and construction of such runways or ramp is in accordance with the relevant national standards; (b) every runway or ramp provided for use of building workers located more than three metres above the floor or ground is on open sides provided with a guard rail of adequate strength and height of not less than one thousand millimetres

152. Use by vehicles.—The employer shall ensure at a construction site of a building or other construction work that : (a) all runways and ramps are of sound construction strength and are Securely braced and supported; (b) every runway or ramp for the use of transport equipment like trailers, trucks or heavier vehicles has a width of not less than three point seven metres and is provided with timber curbs or any other material of adequate strength with not less than two hundred millimetres by two hundred millimetres in width placed parallel to and secured to the sides of such runways or ramps and are designed in accordance with the relevant national standards

153. Slope of ramps.—The employer shall ensure at a construction site of a building or other construction work that every ramp has a slope not exceeding one in four and total rise of a continuous ramp used by building workers carrying material or using wheelbarrows does not exceed three point seven meter unless broken by horizontal landing of at least one point two meter in length are as provided in accordance with the national standards

154. Use by wheelbarrows etc.—The employer shall at a site of a building or other construction work that : (a) every runway or ramp used for wheelbarrows, hand carts or hand trucks is not less than one meter in width and is constructed of not less than fifty millimetres thick planking and is supported and braced suitably for such use; (b) every runway or ramp located more than three metres above the floor or ground is provided on the open sides with suitable guard rails of adequate strength. Piling [Section 155. General provisions of piling.—The employer shall ensure at a construction site of a building or other construction work that : R, 150) THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 103 (a) (b) (c) (d) (e) (f) (g) all pile-driving equipment are of good design and sound construction, taking into account the ergonomic principles and are properly maintained; a pile driver is firmly supported on a heavy timber sill, concrete bed or other secured foundation; in case of pile driver is required to be erected in dangerous proximity to an electrical conductor all necessary precautions are taken to ensure safety; the hoses of steam and air hammer are securely lashed to such hammer so as to prevent them from whipping in case of connection or break; adequate precaution is taken to prevent the pile driver from overturning; all necessary precaution is taken to prevent hammer from missing the pile; a responsible person for inspecting pile driving equipment, inspects such equipment before taking it into use and takes all appropriate measures as required for the safety of building workers before commencing piling work by such equipment

156. Stability of adjacent structure.—The employer shall ensure at a construction site of a building or other construction work that where there is any question of stability of a structure for its adjoining areas to be piled, such structure is supported, where necessary, by underpinning, sheet piling, shoring, bracing or by other means to ensure safety and stability of such structure and to prevent injury to any person

157. Protection of operator.—The employer shall ensure at a construction site of a building or other construction work that an operator of every pile-driving equipment is protected from falling objects, steam, cinders or water by substantially covering or otherwise or by other means

158. Instruction to and supervision of building workers working on a pile driving equipment.—The employer shall ensure at a construction site of a building or other construction work that every building worker working on a pile-driving equipment is given instructions regarding safe work procedure to be followed in piling operation and is supervised by a responsible person throughout such Work, 159. Entry of unauthorized person.—The employer shall ensure at a construction site of a building or other construction work that all piling areas where pile-driving equipment is in use are effectively cordoned off to prevent entry of unauthorized persons

160. Inspection and maintenance of pile-driving equipment.—The employers ensure at a construction site of a building or other construction work that • 104 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 164 (a) pile-driving equipment is not taken into use until it has been inspected by a responsible person and found to be safe for such use; (b) pile-driving equipment is in use and is inspected by a responsible person for such inspection at suitable intervals to ensure safety to the building worker working on such equipment; (c) all pile lines and pulley blocks are inspected by a responsible person before the beginning of each shift of piling operations

161. Operation of pile-driving equipment.—The employer shall ensure at a construction site of a building or other construction work that : (a) only experienced and trained building worker operates pile-

driving so as to avoid any probable danger from such operation; (b) pile-driving operations are governed by prevalent and accepted signal so as to prevent any probable danger from such operations; (c) every building worker employed in pile-driving operation or in the vicinity of such pile-driving operation wears ear protection and safety helmet or hard hat and safety shoes; (d) piles are prepared at a distance, at least equal to twice the length of the longest pile, from the place of pile-driving operations; (e) a pile driver is not in use, the hammer of such pile driver is blocked at the bottom of the heads of such pile driver

162. Working platform on piling frames.—The employer shall ensure at a construction site of a building or other construction work that where a structural tower supports the lead of a pile driver, suitable working platforms of adequate strength are provided on levels of such leads at which it is necessary for the building workers to work and such platforms are provided with a safety railing and two boards on each side of such platforms. except on the hammer of such pile driver or lead sides of such platform and where such platforms cannot be provided with such railing and two boards, a safety belt is provided to each such building worker

163. Pile testing.—The employer shall ensure at a construction site of a building or other construction work that : (a) the testing of pile is conducted under the supervision of a responsible person for such testing; (b) all practicable measures like displaying of warning notices, barricading the area and other similar measures are taken to protect the area where the pile testing is carried out; (c) entry to a pile testing area is prohibited to general public to ensure safety. Concrete Work [Section 40-2(q)] 164. General - provisions regarding use of concrete—The employer shall ensure at a construction site of a building or other construction work that : R. 1661 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 105 (a) all construction with the use of concrete or reinforced concrete are based on plans as— (i) include specifications of steel and concrete and other material to be used in such construction; (ii) give technical details regarding methods for safe placing and handling of such materials as specified in sub-clause (i); (iii) indicate the type quality and arrangement of each part of a structure of such construction; and (iv) explain the sequence of steps to be taken for completion of such construction. (b) formwork and shores used for concrete work are structurally safe and are properly braced or tied together so as to maintain position and shape of such formwork or shores; (c) formwork structure used for concrete work has sufficient cat-walks and other secure access for inspection of such structure if such structure is in two or more tiers

165. Preparation and pouring of concrete.—The employer shall ensure at a construction site of a building or other construction work that : (a) a building worker handling cement or concrete— (i) wears close-fitting clothing, gloves, helmet or hard hat, safety goggles, proper foot wear and respirator or mask to protect him from danger in such handling; (ii) keeps as much of his body covered as is required to protect him from danger in such loading; (iii) takes all necessary precaution to keep cement and concrete away from his skin in such handling. (b) lime pits are fenced or enclosed; (c) lime pits are filled and emptied by such devices which do not require workers to go into the pit; (d) moving parts of the elevators, hoists, screens, bunkers, chutes, grouting equipment used for concrete work and of other equipment used for storing, transport and other handling ingredients of concrete are securely fenced to avoid contact of building workers with such moving parts; (e) screw conveyors used for cement lime and other dusty materials are completely enclosed. 166.1 Buckets.—The employer shall ensure at a construction site of a building or other construction work that— (a) Concrete buckets used with cranes or aerial cableways are free from projections from which accumulations of concrete could fall; (b) movements of concrete buckets are governed by signals necessary to avoid any danger by such movements; 106 THE U.P. & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (c) tip-up buckets are equipped with a device that effectively prevents accidental tipping

167. Pipes and pumps.—The employer shall ensure at a construction site of a building or other construction work that— (a) a scaffolding carrying a pipe for pumped concrete is strong enough to support such pipe at time when such pipe is filled with concrete or water or any other liquid and to bear all the building workers who may be on such scaffold at such time, safely; (b) every pipe for carrying pumped concrete is— (i) securely anchored at its end point and at each curve on it; (ii) Provided near the top of such pipe with an air release valve; and (iii) securely attached to a pump nozzle by a bolted collar or other adequate means; (c) the operation of concrete pumps are governed by standard signals relevant in

accordance with the relevant national standards; (d) building workers employed around a concrete pump wear safety goggles

168. Mixing and pouring of concrete.—The employer shall ensure at a construction site of a building or other construction work that— (a) the concrete mixture does not contain any material which may unduly affect the setting of such concrete, weaken such concrete or corrode steel used with such concrete; (b) when dry ingredients of concrete are being mixed in confined spaces such as silos (i) the dust shall be exhausted at the time of such mixing; and (ii) in case the dust cannot be exhausted, as specified in sub-clause (i), the building workers shall wear respirators at the time of such mixing. (c) When concrete is being tipped from buckets, building workers are kept out of the range of any kickbacks of such buckets; (d) loads are not dumped or placed on settling concrete.

169. Concrete panels and slabs.—The employer shall ensure at a construction site of a building or other construction work that— (a) all parts of a concrete panel or concrete slab are hoisted uniformly; (b) concrete panels are adequately braced in their final positions and such bracing shall remain in such position until such panels are adequately supported by other parts of the construction for which such panels are used; (c) temporary bracing of concrete panels are securely fastened to prevent any part of such panels from falling when such panels are being moved. 107 R. 172] THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 170. Stressed and tensioned elements.—The employer shall ensure at a construction site of a building or other construction work that— (a) building workers do not stand directly over jacking equipment while stressing of concrete girders and beams is being done; (b) a pre-stressed concrete unit is not handled except at points on such unit and by the devices specified for such work by the manufacturer of such devices; (c) during transport, pre-stressed concrete girders or concrete beams are kept upright by bracing or other effective means; (d) anchor fittings for pre-tensioned strands of prestressed concrete girders or concrete beams are kept in a safe condition in accordance with the instructions of manufacturer of such anchor (e) building workers do not stand behind jacks or in line with tensioning elements and jacking equipment during tensioning operations of prestressed concrete girders or concrete beams; . (f) building workers do not cut wires of pre-stressed concrete girders or concrete beams under tension before such concrete used for such girders or beams is sufficiently hardened

171. Vibrators.—The employer shall ensure at a construction site of a building or other construction work that— (a) a building worker, who is in good physical condition operates vibrators used in concreting work. (b) all practical measures are taken to reduce the amount of vibration transmitted to the operators working in concreting work; (c) when electric vibrators are used in concreting work shall be earthed, heavily insulated and current shall be switched off when such vibrators are not in use

172. Inspection and supervision.—The employer shall ensure at a construction site of a building or other construction work that— (a) a person responsible for a concreting work supervises the erection of the formwork, shores, braces and other supports used for such concreting work; (b) a person responsible for a concreting work makes a thorough inspection of every formwork after erection of such form work in such concreting work to ensure that such formwork is safe; (c) a person responsible for a concreting work regularly inspects the formwork, shores, braces, reshores and other supports during the placing of concrete. any unsafe condition which is discovered during the inspections mentioned under clause (b) and (c) is remedied immediately; (e) a person responsible for a concreting work keeps all records of inspections referred to in clause (a) and clause (b) at the work 108 THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 175 place relating to such inspection and produces them for inspection upon the demand of an Inspector having jurisdiction

173. Beams, floor and roofs.—The employer shall ensure at a construction site of a building or other construction work that horizontal and diagonal bracing are provided in both longitudinal and transverse directions as may be necessary to provide structural stability to formwork used in concreting work and shores used in such concreting work are properly seated top and bottom and are secured in their places : (a) shores used in concreting work rest upon the ground, base plates are provided for keeping such shores firm and in level; (b) where the floor to ceiling height of a concreting work exceeds nine metres or where the formwork deck used in such concreting work is supported by shores constructed in two or more tiers, or where the dead, live and impact loads on the formwork used in such concreting work exceed seven

hundred kilogram per square meter, the structure of such formwork is designed by a professional engineer in the relevant field and the specifications and drawings of such formwork are kept at such construction site and produced on demand before the Inspector having jurisdiction; (c) where the structure of the formwork used in concreting work is designed by a professional engineer, such engineer shall be responsible for the supervision of construction and stability of such structure

174. Stripping.—The employer shall ensure at a construction site of a building or other construction work that— (a) stripping of formwork used in concreting work until the concrete on such formwork is fully set, examined and certified to this effect by the responsible person and record of such examination and certification is maintained; (b) stripped forms concreting work are removed or stock-piled promptly after stripping from all areas in which building workers are required to work or pass; (c) protruding nails, wire ties and other formwork accessories not required for subsequent concreting work are pulled, cut or otherwise made safe

175. Reshoring.—The employer shall ensure at a construction site of a building or other construction work that— (d) reshoring used in concreting work is provided to a slab or beam for its safe support after its stripping or where such slab or beam is subjected to superimposed loads due to construction above such slab or beam; (b) the provisions applicable to shoring in a concreting work under this chapter shall also be applicable to reshoring in such work; R. 179] THE UP. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION,.....SERVICE) RULES, 2009 Excavation and Tunneling Works [Section 109 176. Notification of excavation and tunneling work.—(a) The employers shall be intimated prior to the thirty days before commencement of excavation or tunneling work in writing the detailed lay-out plans, procedure of construction and schedule of tunneling and excavation work to the Chief Inspector and Inspector of concerned region. (b) In case, compressed air is used for excavation or tunneling work the technical details and drawings of all man locks and medical locks with name and address of all medical officers as appointed for such excavation or tunneling work shall be sent to the Chief Inspector and Inspector of concerned region

177. Appointment of Project Engineer.—(1) Every employer undertaking any excavation or tunneling work shall appoint a project engineer for safe operation of such projects of such excavation or tunneling work for which such engineer is appointed. (2) Such project engineer shall exercise overall control of the operations and the activities at such project and be responsible for carrying out the activities safely

178. Appointment of responsible person.—(1) Every employer undertaking excavation or tunneling work at a construction site of a building or construction work shall appoint a responsible person for safe operation for such excavation or tunneling work. (2) Duties and responsibilities of the responsible person referred to in Sub-rule (1) shall include— (a) to carry out smoothly such excavation or tunneling work; (b) to inspect and rectify any hazardous situation relating to such excavation or tunneling work; (c) to take remedial measures to avoid any unsafe practice or conditions relating to such excavation or tunneling work. (3) The name and address of the responsible person referred to in sub-rule (1) shall be forwarded to the Chief Inspector by the employer

179. Display of notices at excavation or tunneling work.—The employer shall ensure at a construction site of a building or other construction work that— (1) (2) suitable warning notices or signs required for safety of workers employed in an excavation or tunneling work shall be displayed at conspicuous place in Hindi and in a language understood by majority of such building workers; notice and warning signs regarding use of compressed air shall be displayed and such notice consists of fire, explosion and its danger involved with a control procedure which is to be followed in an emergency; 110 THE UP. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 182 (3) the standard audio or video signals are used in excavation or tunneling work and are located or displayed near entrance to the work place

180. Attendance register for excavation or tunneling work—The employer shall ensure at a construction site of a building or other construction work that a register of employment of building workers carrying an excavation or tunneling work is maintained in a register on day-to-day basis and such register shall be provided by the employer to the Inspector on his demand

181. Emergency generators.—The employer shall ensure at a construction site of a building or other construction work that the employer shall provide an emergency generator on a site of excavation or

tunneling work and on a system of compressed air to ensure adequate illumination and continuous supply of compressed air at all such places in case of power failure

182. Stability of adjacent structure.—The employer shall ensure at a construction site of a building or other construction work that : (a) where there is any question of doubt as to the stability of any structure for it adjoining the workplace or other areas to be excavated or where tunneling work is to be carried out, the project engineer referred to in Rule 125 arranges for measures like underpinning, sheet piling, shoring, bracing or other similar means to support such structure and to prevent injury to any building worker working adjacent to such structure or damage to property or equipment adjacent to such structure; (b) where any building worker engaged in excavation is exposed to hazard of falling or sliding material or article from any bank or side of such excavation which is more than one and a half meter above his footing, such worker is protected by adequate piling and bracing against such bank or side; (c) the excavation and its vicinity* is checked by a responsible person referred to in Rule 126 after every rain, storm or other occurrence carrying hazard and in case a hazard is noticed at such checking, adequate provision against slides and cave-in to prevent such hazard is provided; (d) temporary sheet piling installed for the construction of a retaining wall after excavation is not removed except on the advice of the responsible person referred to in Rule 126 after an inspection carried out by such responsible person; (e) where banks of an excavation are undercut, adequate shoring is provided to support the material or article over-hanging such bank; (f) excavated material is not stoked at least zero point six five metre from the edge of an open excavation or trench and the banks of such excavation or trench are stripped of loose rocks and other materials which may slide, roll or fall upon a building worker working below such bank; R. 1881 THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 111 (g) adequate and suitable warning signs are put up at conspicuous places at the excavation work to avoid any person falling into the excavations or trenches; (h) the responsible person referred to in Rule 126, ensures at the excavation work that no building worker is permitted to work where such building worker may be struck or endangered by the excavation machinery or material or article used in such excavation

183. Piling, Shoring and Bracing in Tunneling or Excavation Work.— The employer shall ensure at a construction site of a building or other construction work that— (a) plank used for sheet piling in excavation or tunneling work shall be of sound material with adequate strength; and (b) shores and braces used in excavation or tunneling work are of adequate dimensions and are so placed as to be effective for their intended purposes; (c) earth-supported or braces used in excavation or tunneling work bear against a footing of sufficient area and stability to prevent the shifting of such shores or braces

184. Safe access.—The employer ensure at a construction site of a building or other construction work that ladders, staircases or ramps are provided, as the case may be, for safe access to and egress from, excavation where the depth of such excavation exceeds one point five metres and such ladders, staircases or ramps comply with the relevant national standards

185. Trenches.—The employer shall ensure at a construction site of a building or other construction work that a trench or excavation is protected against falling of a person by suitable measures if the depth of such trench or excavation exceeds one and a half meter and such protection is an improved protection in accordance with the design and drawing of a professional engineer, where such depth exceeds four metres

186. Depth of trenches.—The employer shall ensure at a construction site of a building or other construction work that— (a) where the depth of a trench requires two lengths of sheet piling, one above the other, the lower piling is set inside the bottom strings or wales of the upper piling and such sheet piling is driven down and braced as the excavation continues; (b) all metal sheet piles used in excavation or a trench are welded end to end and Secured by other similar means

187. Machine Position for Tunneling or Excavation Work—The employer shall ensure at a construction site of a building or other construction work that any machinery used in excavation and tunneling work shall be positioned and operated in such a way that such machinery does not endanger the operator of such machinery or any other persons in the vicinity

188. Breathing Apparatus.—The employer shall ensure at a construction site of a building or other construction work that building worker, while THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 192 112 working in compressed air environment, a suitable

breathing apparatus is provided for his use at excavation or tunneling work and such apparatus is kept maintained in good working order at all times

189. Safety measures for Tunneling Operations.—The employer shall ensure at a construction site of a building or other construction work that— safe precautions such as shoring, supporting shall be provided (a) where there is a danger of falling or. sliding of material from the roof face or wall of a tunnel by means of rock bolts, segments or steel sets for the safety of building workers; (b) the excavated areas are made safe by use of suitably designed and installed steel sets, rock bolts or similar other safe means; (c) the responsible person referred to in Rule 178 examines and inspects the workplaces in a tunnel '1 "Sore the commencement of work in such tunnel, and at intervals thereafter, to ensure safety of the building workers in such tunnel; (d) the portal areas of a tunnel with loose soil or rock, likely to cause injury to a person are adequately protected with supports

190. Pneumatic tools.—The employer shall ensure at a construction site of a building or other construction work that supply lines to pneumatic tools used within a tunnel are fitted with water trap or safety chain or safety wire, as the case may be

191. Safety of shafts in tunnel or excavation.—The employer shall ensure at a construction site of a building or other construction work that : (b) (c) (d) (e) surroundings of a shaft used in excavation or tunnel work are protected from being washed away by construction of sufficient height; where a building Worker is required to enter a shaft at an excavation or tunneling work, safe means of access is provided for such entry; every shaft at excavation or tunnel work is provided with a steel casing, concrete piping, timber, shoring or other materials of adequate strength for the safety of building workers working in such shaft; such casing and bracing are provided to a shaft at an excavation or tunneling work upto 'the depth of such shaft at an excavation or tunneling work according to the appropriate design for such casing and bracing; a reinforced concrete raft and beam is provided around the opening of a shaft at' an excavation or tunneling work if the ground surroundings of such opening is unstable or unsafe• 192. Communication system.—The employer shall ensure at a construction Site of building or other construction work that effective communication system, telephone or walkie-talkie shall- be provided by an employer at R. THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 113 excavation or tunneling work and are maintained in good working order at following locations, namely : (i) (ii) (iii) (iv) (v) (vii) working chamber at the face of an excavation; intervals of hundred metre along the tunnel; working chamber side of a man lock near the door of such man lock; interior of each chamber of man lock and at lock attendants station; a compressor plant a first aid station; outside portal or the top of a shaft: and bells and whistles are also provided and available at all times at locations referred in (i) to (vi) for the safety of persons at such locations

193. Lift for shaft—The employer shall ensure at a construction site of a building or other construction work that a lift is provided for transport of materials and building workers at an excavation or tunneling work required to descend more than 50 meters in a shaft. 194.. Signals.—The employer shall ensure at a construction site of a building or other construction work that the standard audio or video signals are used in excavation or tunneling work and are conspicuously located or displayed near entrance to the workplace and in such other location as may be necessary to bring such signals to notice of all building workers employed in such excavation or tunneling work 195. Lateral and. Overhead Clearance.—

The employer shall ensure at a construction site of a building or other construction work that— (a) the minimum clearance of half a meter is maintained between any part of a vehicle and any fixture or any equipment used. in an excavation or tunneling work after allowing the throw or swing of such fixture or equipment; (b). the overhead clearance for a 'locomotive drive at excavation or tunneling work is not less than one point one zero meters above the seat of such driver and not less than two meters above the platform where such driver. stands or of any other dimension in accordance with the relevant national standard

196. Shelters.—The employer shall ensure at a construction site of a building or other construction work that the adequate number of shelters for the safeguard of the building workers are provided Where, in the course of working, they are liable to be struck by moving vehicle or other material- handling equipment in a tunnel

197. Use of Internal Combustion Engine.—The employer shall ensure that at construction site of a building or other construction work no internal combustion engine is used underground in excavation or tunneling work unless such engine is so constructed that the : 114 NE UP. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (a) air entering the engine gets cleared before entry; and (b) no fumes or sparks are emitted by the engine. [R. 201 198. Storage of Oil and Fuel Underground.—The employer shall ensure at a construction site of a building or other construction work that : (i) inflammable oil with the flash point below the working temperature that is likely to be encountered in a tunnel are not used in excavation or tunneling work; (ii) all oils, greases or fuels stored underground in excavation or tunneling work are kept in tightly sealed containers and in fire-resistant areas at safe distances away from explosive or other flammable chemicals and such area shall be provided with appropriate flame-proof installation

199. Coupling and Hoses Insulation.—The employer shall ensure at a construction site of a building or other construction work that : (a) only high pressure hydraulic hoses and couplings are used on hydraulic plants underground and such hoses and couplings are adequately protected against any possible damage in excavation or tunneling work; (b) all hydraulic lines and plants working at a temperature more than 750C are protected by adequate insulation against accidental human contact in excavation or tunneling work; (c) only fire-resistant hydraulic hoses are used when hydraulically activated machinery and equipment is employed in tunnels

200. Use of Hazardous Substances and Gases.—The employer shall ensure that : (a) petroleum or liquefied petroleum gases or any other flammable substances are not used, stored inside the tunnel except with the prior approval in-writing of the project engineer under Rule 1 n and after use of such hazardous substances remaining substances are removed immediately from such tunnel; (b) in a tunnel or, a shaft in which building workers are employed does not contain any of the hazardous substances in concentrations beyond their permissible limits as specified in the Schedule 12; (c) no oxy-acetylene gas is used in a compressed air environment in excavation or tunneling work; (d) necessary test before commencement of tunneling work to ensure that permissible limits of exposure of chemicals is not exceeded shall be conducted by person as record of such test is maintained for inspection to the Inspector on his demand

201. Water for Fire-Fighting in Excavation or Tunneling Work.—The employer shall ensure at a construction site of a building or other construction work that : R. 204) THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 115 (a) adequate number and types of fire extinguisher and water outlets are provided by an employer on excavation or tunneling work and are made accessible throughout the tunnel for fighting work; (b) all air-locks are equipped with fire-fighting facilities and an audible fire alarm is provided in an excavation or tunneling work; (c) fire extinguishers with vapouring liquids and high pressure carbon-dioxide are not used in tunnels or other confined spaces; (d) the instruction regarding steps to be followed to fight outbreak of fire is understood by majority of building workers employed at such-work

202. Flooding.—The employer shall ensure at a construction site of a building or other construction work that (i) Watertight bulkhead doors are installed at the entrance of a tunnel to prevent flooding during a tunneling work where more than one tunnel is driven from a shaft; (ii) All necessary measures are taken to ensure that no building worker is trapped in any isolated section of a tunnel when any bulkhead door of such tunnel is closed; (iii) Where there is likelihood of flooding or water rushing into a tunnel during a tunneling work, arrangements are made for immediate starting of water pumps to take out water of such flooding or water rushing and for giving alert signals to the building workers and other persons to keep them away from danger; (iv) Steel curtains—The employer shall ensure at a construction site of a building Or other construction work that air-tight steel curtains are provided in areas liable to flooding or tunnel work and in case of descending tunnel such curtains are provided in the top half of such tunnels to ensure the retention of pockets of air for rescue purpose, 203. Rest Shelters,—The employer shall ensure at a construction site of a building or other construction work that where building workers are employed in a compressed air environment in a tunnel work and are required to remain at the work site for one hour or more after de-compression from pressure exceeding one bar adequate and suitable rest-shelter facilities are provided for such building workers to rest

204. Quantity of Air and Ventilation.—The employer shall ensure at a construction site of a building or other construction work that (a) every working chamber at an excavation or tunneling work where compressed air is used the supply of such air is maintained not less than 0.30 cubic meter per minute per person working therein and such air is, as far as practicable be free from dust, fumes and other toxic substances; 116 u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SER"CE) RULES,2009 (b) all working areas in a free air tunnel are provided with ventilation system as approved by Chief Inspector and the fresh air supplied in such tunnel is not less than 6.0 cubic meter per minute for each building worker employed underground in such tunnel and the free air flow movanent inside such tunnel is not less than 9.0 meter per minute 205. Portable Electric Lamps.—The employer shall ensure at a cons- fruction site of a building or other construction work that all portable elec&ical hand tools and inspection lamps used underground or in a confined space at an exeavation or tunneling work are operated at voltage not exceeding 24 volt

206. Cirtuit beaker •and transformer.—The employer shall ensure at a construction site of a building or other construction work that : (a) Adequate number of differential groundfault circuit breakers are installed for every electrical distribution system and its sub- system used at an excavation or tunneling work and the salsitivity of each of circuit breaker is adjusted in accordance with the requirement set out in accordance yät.h relevant national standards; (b) No semi-enclosed fuse unit is in use at an underground place at an excavation or tunneling work; (c) No transformer is used in any section of tunnel under compressed air unless such transformer is of the dry type and conforms with the relevant national standards

207. Working temperature.—Theemployer shall at a construcaõn site of a building or construction work that the temperature in any working chamber at an excavation or tunneling work where building workers are employed does not exceed 290C and the arrangement are maintained for keeping records in which the temperature measured by dry bulb and wet bulb inside such working chamber once in every hour and to pioduce such records for inspection on demand Ito the Inspector having jurisdiction

208. Man-locks working in comprused air environment—The employer shau ensure at- a- construction site of a building or other construction work that : (a) (ii) (iii) man-locks used at tunneling work are of adequate strength, made of sound material and designed to withstand any air pressure internal or external, to which it may be subjected to in the normal use or in an emergency; doors of man-locks at an oscavation or tunneling work are made of steel; man-locks used at a tunneling work are airtight and devices are povidred for sealing the doors when such locks are under pressure; the anchorage of a man-lock used •at tunneling work have adequate strength to withstand the pressure exerted by air on the man-lock; R. 208) THE U.P. BUILDING a OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 117 (iv) there is adequate room available for the building worker for working in the man-lock used at tunneling work; (v) wh&e work is carried out in any compressed air tunnel, a man-lock in accordance with the relevant national standards is used for such tunnel. a rnan-lock is used at tunneling work, safety instructions in Hindi and in local language understood by majority of building workers employed therein are displayed at conspi- cuous place at such tunneling work; (i) except in an emergency, compression and decompression opera- tions are carried out in a man-lock used at tunnelling work; (iii) in an emergQcy any material lock may be used at tunnelling work for compression and decompression of building workers and a record is kept in writing and produced for inspection on demand to the Inspector having jurisdiction; (iv) material lock is used with the permission of Chief Inspector for compression and decompression of building workers where it is impracticable to install both the man-lock and the material- lock. at a tunnelling work; (v) de-compression of all building workers to atmospheric condition at tunnelling work is carried out in accordance with a de- compression procedure approved by the Chief Inspector; (vi) the man-lock at tunnelling work is not used for any purpose other- than compression or de-compression Of building workers; (vii) no de-canting of building workers at tunnelling work is arried out without prior approval of Chief Inspector, ecept in an emergauy; (vi.ii) in case a building worker collapses or is taken ill during his de-compression in a man-lock used at tunnelling work, the lock attendant of such inan-lock raises the prBsure in such man- lock until such pressure is equal to the maximum pressure which that building worker was exposed to in the working chamber prior to such decomp*on and such lock attendant immediately reports the matter relating to such collapse to the medical lock attendant and medical officer on duty at such tunnelling work; (ix) a building workefwho had previously received training with a traihed building worker to work in a compassed air environment at tunnelling work is employed to work

independently in such a compressed air (x); a building worker who had undergone three de-compressions from a pressure exceeding one bar in period of eight hours at tunnelling work is not allowed to alter a compressed air environment except for the purpose of carrying out rescue work; (xi) a building worker employed in a compressed air environment for a period of eight hours in a day at tunnelling work is not employed again in such environment unless he has spent not less than twelve consecutive hours of rest at atmospheric pressure; (xii) no building worker is engaged in a compressed air environment at a pressure which exceeds three bars at tunnelling work unless prior permission, in writing has been obtained from the Chief Inspector for such engagement; (xiii) no building worker employed in a compressed air environment for more than fourteen consecutive days in a month at tunnelling work; (xiv) register of employment of all building workers employed in compressed air environment at tunnelling work, is maintained; (v) an identification badge is supplied to a building worker employed in compressed air environment work; (xvi) the badge of a building worker referred to in sub-clause (xv) contains particulars of his name, location of the medical lock allotted to him for work, the telephone number of the Construction Medical Officer concerned for his treatment and the first-aid instructions in case of his illness, of unknown and doubtful causes; (xvii) record of all identification badges supplied to building workers under sub-clause (xvi), is kept in a register; (xviii) every building worker whose name appears in the register referred to in sub-clause (xvii), wears the badge supplied to him under clause (xv) at all times during his duty hours at tunnelling work; (xix) suitable warning signs are displayed, in the compressed environment at tunnelling work, for the prohibition of following, namely— (a) use of alcoholic drinks; (b) use and carrying of lighters, matches or other sources of ignition; (c) smoking; and (d) an entry to person who has consumed alcoholic drinks

209. Safety instruction.—The employer shall ensure at a construction site of a building or construction work that all building workers employed in compressed air environment at tunnelling work follow the instructions issued for their safety in the course of such employment

210. Air mains.—The employer shall ensure at a construction site of a building or other construction work that every air main supplying air to the working chamber, man-lock or medical-lock used at an excavation or tunnelling work is protected against accidental damage and where it is not practicable to provide such protection, a stand-by air main is provided

211. Bulkhead and employer shall at a construction site of a building or other construction work that—R. 2161 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 119 (a) a bulkhead or air-tight diaphragms retaining compressed air, when used within a tunnel or a shaft, is constructed to withstand the maximum pressure at one point five times the maximum working pressure of such bulkhead or diaphragm and such bulkhead or diaphragm is tested before its each use by a responsible person referred to in Rule 126 to ensure that such bulkhead or diaphragm is in proper working order; (b) such responsible person keeps the record of each test referred to in clause (a) and such record is produced for inspection to the Inspector having jurisdiction on demand; (c) the bulkhead or diaphragm referred to in clause (a) are made of sound material of adequate strength and are able to withstand the maximum pressure on which they are subjected to at any time of their use; (d) a bulkhead anchorage and air lock is tested at its workplace at an excavation or tunnelling work immediately after their installation at such place

212. Diaphragms.—The employer shall ensure at a construction site of a building or other construction work that all diaphragms which are in the form of horizontal decks across a shaft used at excavation or tunnelling work are securely anchored

213. Live wire sets.—The employer shall ensure at a construction site of a building or other construction work that there is no exposed live wire in working areas at an excavation or tunnelling work which are accessible to building workers other than those authorized to work on such live wires

214. Welding sets.—The employer shall ensure at a construction site of a building or other construction work that all welding sets used in tunnel are of adequate capacity and of suitable type approved by Chief Inspector

215. Medical lock—The employer shall ensure at a construction site of a building or other construction work that (a) A suitably constructed medical lock is maintained at tunnelling work where building workers are employed in a working chamber at a pressure exceeding one bar; (b) Where more than one hundred

building workers are employed in a compressed air working environment exceeding one bar at tunnelling work, one medical lock is provided for every one hundred building workers or part thereof and such medical lock is situated as near as possible to the main lock used at such tunnelling work

216. Health and safety policy [Section (a) Every establishment employing fifty or more building workers shall prepare a written statement of policy in respect of safety and health of building workers employed therein and submit such policy in triplicate to the Chief Inspector for his satisfaction.]¹²⁰ THE UP. & CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 217

(b) The policy referred to in clause (a) shall contain the following, namely— (i) the intentions and commitments of the establishment regarding health, safety and environmental protection of building and other construction workers; (ii) organizational arrangements made to carry out the policy referred to in clause (a) specifying the responsibility at different levels of hierarchy; (iii) responsibilities of the principal employer, contractor, sub-contractor, transporter or other agencies involved in the building or other construction work; (iv) techniques and methods for assessment of risk to safety, health and environment and remedial measures therefor; (v) arrangements for training of building and other construction workers, supervisors or other persons engaged in the construction work; (vi) other arrangements for making the policy referred to in clause (a), effective; (c) The intention and commitment referred to in sub-clause (i) of clause (b) shall be taken into account in making decisions relating to plant, machinery, equipment, material and placement of building and other construction workers. (2) A copy of the policy referred to in clause (a) of sub-rule (1), signed by an employer shall be sent to the Inspector of area concerned or local authority. (3) The establishment shall revise the policy referred to in clause (a) of sub-rule (1) as often as necessary under the following circumstances, namely :— (i) whenever any expansion or modification having implication on safety and health of the building workers is made in such building or other construction work; or (ii) any new building or other construction work substances, articles or techniques are introduced having implication on health and safety of building workers. (4) A copy of the policy referred to in sub-clause (a) of sub-rule (1) shall be displayed at the conspicuous places in Hindi and a local language understood by the majority of building and other construction workers at a construction site

217. Emergency action plans [Section employer shall ensure at a construction site of a building or other construction work that an employer, with satisfaction of Chief Inspector, shall draw up site emergency plan and detailed control measures for his building and other construction site in case if more than 500 building workers are employed at such construction site, and make known to the workers employed therein and to the general public living in the vicinity of the construction site in event of emergencies.] R. 218 I P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION....SERVICE) RULES, 2009 121 (i) (ii) (iii) (iv) (v) fire and explosion; collapse of lifting appliances and transport equipment; collapse of building, sheds or structures etc.; gas leakage or spillage of dangerous goods or chemicals; drowning of building workers, sinking of vessels; and land slides getting building workers buried, floods, storms and other natural calamities, is prepared and submitted to the Chief Inspector

218. Safety Committee [Section Every establishment wherein five hundred or more building workers are ordinarily employed, there shall be a Safety Committee constituted by the employer which shall be represented by equal number of representatives of employer and building workers employed in such establishment.] In no case the number of representatives of the employer shall exceed the representatives of building workers. The committee shall be represented by representatives of the recognized unions, wherever such unions exist. (2) The main functions of the Safety Committee shall be— (a) to identify probable causes of accident and unsafe practices in building or other construction work and to suggest remedial measures; (b) - to stimulate interest of employer and building workers in safety by organizing safety weeks, safety competition, talks and film shows on safety, preparing posters or taking similar measures as and when required or as necessary; (c) to go round construction site with a view to check unsafe practice and unsafe conditions and to recommend remedial measures for their rectification including first aid medical welfare facilities; (d) to look into the health hazards associated with handling different types of explosives, chemicals and other construction material and to suggest remedial measures including use of proper personal protective equipment; (e) to suggest measures, for improving welfare amenities in the construction site and other miscellaneous aspects of safety, health and welfare in building or other construction work; (f) to bring to the notice of the employer the hazards associated with use, handling and of the equipment used during the course of building and other construction work. (3) The

Safety Committee shall meet at regular intervals at least once in a month and it shall be chaired by the senior person having overall control over the affairs of the construction site. (4) The agenda and minutes of the meeting shall be circulated to all concerned and it shall be in the language understood by majority of the building workmen and shall be produced to the Inspector on demand for inspection. THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 2009 122 (5) The decisions and recommendations of the Safety Committee shall be complied with by the employer within reasonable time limits



219. Appointment of Safety Officer [Section 40-2(r)].—(1) In every, establishment wherein five hundred or more building workers are ordinarily employed, the employer shall appoint safety officers as per the scale laid down in Schedule-VII annexed to these rules. Such safety officers may be assisted by suitably and adequate (2) Duties, qualifications and the condition of service of safety officers appointed under sub-rule (1) shall be as provided in Schedule-VIII annexed to these rules. (3) Whenever number of workers employed by single employer is less than five hundred, such employers may form a group and appoint a common safety officer for such group of employers with prior permission of Chief Inspector. Information to Bureau of Indian Standards [Section 40-2(s)] 220. Information to Bureau of Indian employer shall ensure at a construction site of a building or other construction work that (a) Every architect and other professional like structural engineer (b) or project engineer involved in the execution of building or other construction project, furnishes to the Bureau of Indian Standards, the details regarding the performance of and deviations or shortcoming, if any, of the building materials, articles or process used in such building and other construction project for which the Indian Standards are already available; The architect and other professional referred to in clause (1) inform to the Bureau of Indian Standards, the details of building materials, articles or processes used in the building and other construction activities for which the Indian Standards do not exist with the Bureau of Indian Standards and the performance of such materials, articles or processes along with the suggestions for their improvement to enable the Bureau of Indian Standards to consider and form necessary standards. Medical Facilities [Section 40-2(t)] 221. Medical examination.— The employer shall ensure at a construction site of a building or other construction work that— (a)(i) a building worker who is employed for a work involving such risk or hazards, inherent in such work as the Chief Inspector considers appropriate for the periodical medical examination such worker, is medically examined at such intervals as the Chief Inspector may direct from time to time; (ii) every operator of a crane, winch or other lifting appliances, transport equipment or vehicle, is medically examined before R. 222] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION,....SERVICE) RULES, 2009 123 (iii) (iv) (b) (c) (d) (e) employing such operator and again periodically, at such intervals as the Chief inspector may direct from time to time; the medical examination referred to in sub-clause (i) and sub-clause (ii) is in accordance with Schedule-VII, annexed to these rules and is conducted by such medical officers or at such hospitals as are approved by the State Government for the purpose from time to time; in case of a building worker who is exposed to special occupational health hazard owing to job or work assigned to such worker, the periodical medical examination referred to in sub-clause (i) Or sub-clause (ii) includes such special investigation as may be deemed necessary by the construction medical officer examining such building worker for the diagnosis of occupational disease; no building worker is charged for the medical examination referred to in sub-clause (i) or sub-clause (ii) of clause (a) and the cost of such examination is borne by the employer employing such building worker; certificate of medical examination referred to in sub-clause (i) or sub-clause (ii) of clause (a) is issued in

Form-22 annexed to these rules; the record of the medical examination referred to in sub- clause (i) or sub- clause (ii) of clause (a) of every building by him is maintained in a register in Form-22 annexed to these rules and such register shall be made available to the Inspector having jurisdiction, on demand; in case a construction medical officer examining a building worker under sub-clause (i) or sub-clause(ii) of clause (a) is of the opinion that such building worker so examined is required to be taken away from the building or other construction work at which he is employed for health protection, such medical officer shall inform the employer of such building worker accordingly and such employer shall inform such opinion to the

Board where such worker is registered as a beneficiary

222. Duties of construction medical officers.—(1) The medical examination referred to in sub-clause (i) or sub-clause (ii) of clause (a) of Rule 221 shall be carried out by construction medical officer. (2) The duties and responsibilities of such construction medical officer shall be as given below, namely (a) (b) (C) (d) medical examination of building workers; first-aid care including emergency medical treatment; notification of occupational diseases to the concerned authorities in accordance with these rules; immunisation services; THE u.p. BUILDING & OTHER CONSTRUCT. WORKERS (REGULATION.....SERVICE) RULES,2009 (e) medical record upkeep and maintenance; (f) health education including advisory services on family planning; personal hygiene, environmental sanitation and safety; (g) referral services

223. Occupational Health Centre.—The employer shall ensure at a construction site of building or other Construction- work that : Where building or other construction work involving hazardous processes as specified under Schedule-IX shall be provided with : (a) an occupational health centre, mobile or static, is provided and is maintained in good order at such site; (b) services and facilities as per the scale laid down in Schedule-X are provided at the occupational health centre referred to in clause (a); (c) a construction medical officer appointed at a occupational health centre possesses the qualification as laid down in Schedule-II

224. Ambulance Room.—The employer shall ensure at a construction site of a building or other construction work that :— (a) in case five hundred or less workers are employed at such construction there is an ambulance room at such construction site or an arrangement with a nearby hospital for providing an ambulance room and such ambulance room-is in the charge of a qualified nurse and the service. of such ambulance room is available to building worker employed at such construction site at every time when he is at work; (b) in case more than five hundred building workers are employed at such construction site there is an ambulance room with effective communication system and such ambulance room is in the charge of a qualified nurse and the service of such ambulance room -is available to a- building worker employed to such construction site at every time when he is at work, and such ambulance room is in overall charge of a construction medical officer; (c) an ambulance room referred to in clause (a) or clause (b) is equipped with the articles specified in Schedule (IV), annexed to these rules; (d) record of all cases of accidents and sickness treated at the ambulance room referred to in clause (a) or clause (b) is maintained and produced to the Inspector on demand

225. Ambulance van.—The employer shall ensure at a construction site of building or other construction work that an ambulance van is provided at such construction site or an arrangement is made with a nearby hospital for providing ambulance van for transportation Of serious cases of accidents or sickness Of the building or other construction workers to the hospital promptly R.227] THE u.p. BUILDING & CONSTRUCT WORKERS (REGULATION.....SERVICE) RULES,2009 125 and such ambulance van is maintained in good repair and is equipped with standard facilities specified in Schedule-V annexed to these rules

226. Stretchers.—The employer shall ensure at a construction site of a building or other construction work that sufficient number of stretchers is provided at such construction site so as to be readily available. in an emergency

227. Occupational health services for the building workers.—(1) The employer shall ensure at a construction site of a building or other construction work, where more than five hundred building workers are employed, that :— (a) a special medical service or an occupational health service is available at such construction site at all times and such service (i) (ii) (iii) (iv) (v) (vi) (vii) provide first-aid and emergency treatment; conduct special medical examination for occupational hazards to such building workers before

their employment and thereafter at such intervals as may be specified by the Chief Inspector from time to time; conduct training of first-aid personnel Of such medical service; render advice to such employer on conditions of work and improvement required to avoid hazards to the health of such building worker; promote health education, including family welfare among such building workers; co-operate with the Inspector having jurisdiction in the and evaluation of chemical, physical or biological factors suspected of being harmful to such building worker; undertake immunization for all such building workers against tetanus, typhoid, cholera and other infectious diseases. (b) the special medical service referred to in clause (a) collaborates with the labour department or any other concerned department or service of the Government of India in matters of treatment, job, placement, prevention and welfare of such building workers; (c) the special medical service referred to in clause (a) is headed by a construction medical officer and is provided with adequate staff, laboratory and; other equipment; (d) the premises of the special medical services referred to in clause (a) are conveniently accessible, comprise at least a waiting room, a consulting room, a treatment room, a laboratory and suitable accommodation for nurses and other staff of such service; (e) the special medical service referred to in clause (a) maintains records pertaining to its activities referred to in sub-clause (i) to 126 11-fE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 [R. (vii) of clause (a) and sends to the Chief Inspector, once in every three months, information in writing on— (i) the state of health of such building workers, and (ii) the nature and causes of occupational injuries or disease suffered by any of such building workers, provided to such worker and measures taken to prevent recurrence of such injury or disease



228. Notice of poisoning or occupational diseases,—The employer shall ensure at a consffuction site of a building or other corstruction work that— (a) When a building worker contacts any disease specified in Schedule-II a notice in



Form-23 is sent by employer without delay to the Inspector having jurisdiction and to the Board With which such building worker is registered as a beneficiary; (b) If any medical or construction medical officer attends on a building worker suffering from any disease referred to in clause (a) such medical practitioner or construction medical officer sends information regarding the name and full particulars of such building worker and the disease suffered by him, to the Chief Inspector without any delay

229. First-aid boxes.—The employer shall ensure at a construction site of a building or other construction work, that— (a) sufficient number of first-aid boxes or cupboards are provided and maintained for providing first-aid to the building workers; (b) every first-aid box or cupboard is distinctly marked 'First-Aid' and is equipped with the articles specified in Schedule-m annexed to these rules; (c) nothing except appliances or requisites for first-aid is kept in a first-aid box or cupboard and such box or cupboard is so kept as to protect it against contamination by dust or other foreign matter and against penetration of moisture and such box or cupboard is kept in the charge of a person trained in first-aid and is always readily available during working hours. 230. Emergency care services or emergency treatment.—The employer shall ensure at a construction site of a building or other construction work (a) essential life saving aids and appliances required to handle : (i) head injuries and spinal injuries; (ii) bleeding; (iii) fractures and dislocations of bones and joints; (iv) crush injuries; (v) shock, including electric shock; (vi) dehydration due to any cause; (vii) snake bite, insect bite, scorpion and bee stings; (viii) Burns, including chemical burn; (ix) burns or divers paralysis; (x) other surgical, gynaecological, obstetric; or paediatrics emergencies; (xi) drowning; (xii) sunstroke and frost bite to building workers; are provided and properly maintained under the supervision of a construction medical officer. (b) the essential life saving aids for any emergent situation referred to in sub-clause (i) to (xii) of clause (a) are provided to an injured or a sick building worker during his transportation from such building site to a hospital and till such building worker is attended by a doctor in such hospital; (c) any other equipment or facilities required for emergency care or treatment to the building workers arising from special local conditions and construction processes at such building site, as specified by the State Government from time to time, are provided. Other Provisions of Safety and Health [Section 40-2(u)] Construction, Repair and Maintenance of Steep Roof 231. Work on steep employer shall ensure at a construction site of a building or other-construction work that all practicable measures are provided to protect the building workers against sliding when carrying out work on steep roofs. 232.- Construction and installation Of roofing brackets.—The employer shall ensure at a construction site of a building or other construction work that : (a) roofing brackets are constructed to fit the pitch of steep roof and such brackets are used to provide level working platform; (b) a roofing bracket referred to in clause (a) is secured in its place by nailing pointed metal projections attached to the underside of such bracket and securely driven into a steep roof on which it is or secured by a rope passed over the ridge pole and tie of such roof

233. Crawling board.—The employer shall ensure at a construction site of a building or other construction work that : (a) all crawling boards used for work on steep roofs are of adequate strength, made of sound material and of the type approved for the purpose of their use as per relevant national standards; (b) crawling board referred to in clause (a) are kept in good repairs and inspected by a responsible person before being taken into use; (c) crawling board referred to in clause (a) is secured to a steep roof on which it is used by ridge hooks or other effective means; (d) a firmly fastened life line of adequate strength is strung beside each crawling board referred to in clause (a) throughout its length while using such crawling boards. Cofferdams and Caissons 234. General provision of cofferdams and caissons.—The employer shall ensure at a construction site of a building or other construction work that :— (a) every cofferdam and caisson is— (i) of good construction, sound material and of adequate strength; (ii) provided with adequate means for building workers to reach safely at the top of such cofferdam or caisson, as the case may be, in the event of an inrush of water; (iii) provided with safe means of access to every place where building workers are employed in such cofferdam and caisson, as the case may be. (b) the work relating to construction, positioning, modification or dismantling of cofferdams or caissons is carried out under the supervision of a responsible person; (c) all cofferdams and caissons are inspected by a responsible person at intervals as specified by the Chief Inspector; (d) a building worker is allowed to work in a cofferdam or caisson such cofferdam or caisson is inspected and found safe by responsible

person within such preceding period as approved by the Chief Inspector and a record of such inspection is maintained in a register; (e) the work in compressed air in a cofferdam or caisson is— (i) carried out in accordance with the procedure laid down in the relevant national standards; (ii) carried out by such building workers who have completed eighteen years of age and are medically examined as required under Rule 221; (iii) carried out under the supervision of a responsible person. (f) if the work in cofferdam or caisson is carried out shifts, a of the time spent by each building worker is maintained in a register with particulars of time taken for the compression of such building Worker, if any; (g) at every work site or project in a cofferdam or caisson, where building workers are employed to work in compressed air environment, a construction medical officer assisted by a nurse or trained first-aid attendant, is available at all times at such site or project during such work; R." THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 129 (h) there is one stand by reserve compressor to meet the emergency at each workplace or project in a cofferdam or caisson

235. Excessive noise, vibration.—An employer shall ensure at a cons- tuction site of a building or other construction work that adequate measures are taken to protect building workers against the harmful effects of excessive noise or vibration at such construction site and the noise level in no case exceeds the limits laid down in Schedule-VI annexed to these rules

236. Illumination of passageways.—The employer shall ensure that illumination sufficient for maintaining safe working conditions at a site of a building or other constru&ion work is provided where building workers are required to work or pass and for passageways, stairways and landing, such illumination is not less than that provided in the relevant national standards

237. Vehicular Whenever any building or other construction work is being carried on, or is located in close proximity to a road or any other place where any vehicular traffic may cause danger to building workers, the employer shall ensure that such building or other construction work is barricaded and suitable waming signs and lights displayed or a•ected to prevent such danger and if necessary, he may make a request in writing to the concemed authorities to control such traffic.(2) The employer shall ensure that all vehicles used at construçãon site of a-bunding or other conseuction work comply with the requirements of ete Vehicles Act,. 1988 (Act No. 59 of 1988) and the rules made &tereunder. (3) The employer shall enSure that all vehicles used at construction site of a building or other construction work holds a valld driving licence under the Motor Vehicles Act, 1988 (Act No. 59 of 1988)

238. Stability of unguarded structures.—The employer shall ensure at a constructioni site of a building - or other construction work that no wall, chimney or other stucture or part of a structure i' left unguarded in such condition that it may fall, collapse or weaken due to vyind pressure, vibration . or due to any other reason at a site of a building or other construction

239. Storageof materials.—The employer Shall ensure at a construction site of a building or other construction work that : (a) all building materials are stored or stacked in a safe and orderly manner to avoid obstruction of any passageway or place of work; (b) material piles are stored or stacked in such a manner as to ensure stability; (c) mateial or equipment is not stored upon any floor or platform in such quantity as to exceed its safe carrying capacity; (d) material or equipment is not stored or placed so close to any edge of a floor or platform as to endanger the safety of persons below working in the vicinity, 240. Disposal of debris.—The employer shall ensure at a construction site of a building or other construction work that— 130 THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 [R, 244 (a) debris are handled and disposed of by a suitable method which does not cause danger to the safety of person; (b) debiis are not allowed to accumulate so as to constitute a hazard; (c) debris are kept sufficiently moist to bring down the dust within the limit; (d) debris are not thrown inside or outside from any height of such building or another construction work; (e) on completion of work, left over building material, article or other substance or debris are disposed as soon as possible to avoid any danger to any traffic or a person

241. Numbering and marking of floors.—Thé employer shall ensure that each floor or level of a building pr other construction work is appropriately numbered or marked at the landing of such floor or level

242. Use of safety helmets and shoes.—The employer shall ensure that all persons who are performing any work or services at a building or other construction work, wear safety shoes and helmets conforming

to the national standards. 2" Dangerous and harmful environment.—An employa• shall ensure at a construction site of a building or other construction work that : (a) When an internal combustion engine exhausts into a confined space or excavation or tunnel or any workplace where neither natural ventilation nor artificial ventilation system is adequate to keep the •carbon monoxide content of atmosphere below fifty parts per million, adequate and suitable measures are takal at such workplace in order to avoid exposure of building workers to health hazards; (b)- •No building worker is allowed to enter any confined space or tank or trench or excavation wherein there is given off any duct, fumes ör other impurities of such •nature and to such extent as is likely to be injurious orv dangerous to the building worker or in which explosives, poisonous, noxious or gaseous material or other harmful articles have been carried or stored or in which dry ice has been used as a refrigerant, or which has been fumigated or in which there is a possibility of oxygen deficiency, unless all practical steps have been taken to remove such dust, fumes, or other impurities and dangers which may be present and to prevent any further ingress thereof, and such workplace or tank or trench or excavation is certified in writing by a competent person to be safe and free from dust, fumes, gas etc. for the entry of such building and other construction workers

244. Overhead protection.—(1) The employer shall ensure at the building or other construction work that overhead protection is erected along the periphery of every building unda• construction which shall be of fifteen metres or more in height when cöpleted. R.2471 THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 131 (2) Overhead protection referred to in sub-rule (1) shall not be less than ovo metres wide and shall be erected at a height not more than five metres above the base of the building and the outer edge of such overhead protection shall be one hundred fifty millimeters higher than the inner edge thereof shall be erected at an angle of not more than twenty degrees to its horizontal sloping into the building. (3) The employer shall ensure at the building and other construction work that any area exposed to risk of falling material, articles or objects is roped off or cordoned off or otherwise suitably guarded from inadvertant entry of persons other than building and other construction workers at work in such area

245. Overhead clearance.—(a) The employer shall provide an erected overhead protection along periphery of every building and other construction site which shall be 15.00 metre 0! more in height when completed. (b) Overhead clearance referred to in sub-rule (a) shall not be less than 2.0 metre and shall be erected at height not more than 5.0 metre above a base of building or at an angle of not more than 20 degree to its horizontal sloping into the building

246. Contract for execution.—All employers, contractors and also other concerned departments of the appropriate Government shall include compliance of these rules as one of the condition of the contract for execution of building or other construction work

247. Slipping, drowning, tripping, falling and covering of openings.— (a) All passageway, platform or any other places of construction work at the building or other construction work shall be kept by the employer free from accumulååon of dust, debris or similar material and from other obstrucåõns that may cause tripping. (b) Any sharp projections or protruding nails or similar projections which may cause any cutting' hazard to a building worker at the building or other construction work shall be removed or otherwise made safe by taking suitable measures by the employer. (c) No employer shall allow any building worker at building or other construction work to use the passageway, or a scaffold, platform or any other elevated working surfaces which is in a slippery and dangerous condition and shall ensüre that water, grease, oil or other similar substances which may cause the surface to be slippery, be removed or sanded, saw-dusted or covered with suitable material to make it safe from slipping hazard at a building or other construction work, (d) Wherever, building workers exposed to hazard of falling into water shall be provided with adequate equipment for saving from drowning and rescuing from such hazards and if Chief Inspector considers necessary will (sic provide) equipped boat or launch manned with trained personnel shall be provided by the employer at the site of such work. (e) Every open side, or opening into or through which a building worker, vehicle or lifting appliance or other equipment may fall at a building or other 132 IYE BUILDING & OTHER CONSTRUC WORKERS (REGULATION...,SERVICE) RULES, 2009 {R •250 construction work shall be covered or guarded suitably by the employer to prevent such fall except where free access is necessary by reasons of the nature of the work. (f) Wherever building workers at a building or other construction work are exposed to the hazard of falling from height while employed on

such work, they shall be provided by the employer with adequate equipment or means for saving them from such hazards. Such equipment or means shall be in accordance with the national standard. (g) Whenever there is a possibility of falling of any material, equipment or building worker at a construction site relating to a building or other construction work, adequate and suitable safety net shall be provided by employer in accordance with the national standards

248. Corrosive substances.—The employer shall ensure that corrosive substances, including alkalies and acids shall be stored and used by a person dealing with such substances at a building or other construction work in such a manner that it does not endanger the building worker and suitable protective equipment shall be provided by the employer to a building worker during handling or use of such substances at a building or other construction work and in case of spillage of such substances on the building worker, immediate remedial measures shall be taken by the employer



249. Head and other protective apparel.—(a) Every building worker required to pass through or work within the areas at building or other construction work where there is hazard of his being struck by falling objects or materials, shall be provided by the employer with safety helmets of type and tested in accordance with the national standards. (b) Every building worker, when he is required to work in water or in wet concrete or in other similar work at a building or other construction work shall be provided with suitable water-proof boots by the employer. (c) Every building worker, when he is required to work in rain or in similar wet condition shall be provided with waterproof coat with hat by the employer. (d) Every building worker required to use or handle alkalies, acid or other similar corrosive substances at a building or other construction work shall be provided with appropriate protective equipment by an employer, in accordance with the national standards. (e) Every building and other construction worker, required to handle sharp objects or materials at a building or other construction work site which may cause hand injury shall be provided with suitable hand gloves by the employer in accordance with national standard, 250. - Responsibility of the employer [Section Every employer shall ensure, so far as reasonable and practicable, the health, safety and welfare of all workers while they are at building and other construction work. (b) Without prejudice to the generality of the provisions of sub-section (a), the matters to which such duty extends, shall include— R. 251] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 133 (i) the provisions and maintenance of plant equipment and systems of construction work at construction site that are safe and without risk to health; (ii) the arrangements at the construction site for ensuring safety and absence or risks to health in connection with the use, handling, storage and transport of articles and substances; (iii) the provisions of such information, instruction, training and supervision as are necessary to ensure the health and safety of all building and other construction workers at site; (iv) the maintenance of all places of work at construction site in a condition that is safe and without risks to health and the provision and maintenance of such means of access to, and egress from, such places as are safe and without such risks; (v) the provision, maintenance or monitoring of such working environment at construction for the workers that is safe, without risk to health and adequate as regards facilities and arrangements for their welfare at work. (c) Except in such cases as may be prescribed, every employer shall prepare, and, as often as may be appropriate, revise, a written statement of his general policy with respect to the health and safety of the workers at work and the organization and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision thereof to the notice of all the workers in such manner as may be prescribed.

Accidents [Section 39] 251. Notice of accident.—(1) Notice of any accident on the construction site which either— (a) causes loss of life; or (b) disable a building worker from working for a period of forty-eight hours or more immediately following the accident, shall forthwith be sent by telegram, telephone, fax or similar other means including special messenger within twelve hours in case of fatal accidents and seventy-two hours in case of other accidents on involving building workers, to— (i) (ii) (iii) (iv) (v) The Chief Inspector having jurisdiction in the area in which the establishment in which such accident or dangerous occurrence took place is located. Such Chief Inspector shall be authority appointed under Section 39 of the Act; Board with which the building worker involved in accident was registered as a beneficiary; The District Magistrate; The Inspector of the region concerned; In-charge of nearest police station. 134 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (R. 251 (2) Notice of any accident at a construction site of a building or other construction work which— (a) causes loss of life; or (b) disables such building worker from work for more than ten days following the accident, shall also be sent to— (i) the officer-in-charge of the nearest police station; (ii) the District Magistrate or if the District Magistrate by order so to the Sub-Divisional Magistrate. (3) In the case of an accident falling under clause (b) of sub-rule (1) or clause (b) of sub-rule (2), the injured building worker shall be given first-aid and immediately thereafter be transferred to a hospital or other place for medical treatment. (4) Where any accident causing disablement subsequently results in death of a building worker, notice in writing of such death shall be communicated to the authorities as mentioned in sub-rule (1) and sub-rule (2) within seventy-two hours of such death. (5) The following classes of dangerous occurrences shall be reported to the Inspector having jurisdiction, or not any death, disablement is caused to a building worker, in manner prescribed in sub-rule (1), namely : (a) (b) (c) (d) (f) (h) collapse or failure of lifting appliances or hoist or conveyors or breakage or failure of rope, chain, or loose gears, overturning of cranes used in building or other construction work, falling of objects from height; collapse

or subsidence of soil, any wall, floor, gallery, roof or any part of any structure, platform, staging, scaffolding or any means of access including from work; contract work, excavation, collapse of transmission; explosion of receiver or vessel used for storage, at a pressure greater than atmospheric pressure, of any gas or gases or any liquid or solid used as building material; fire and explosion causing damage to Any place on construction site where building workers are employed; spillage or leakage of hazardous substances and damage to their container; collapse, capsizing, toppling or collision of transport equipment, leakage or release of harmful toxic gases at the construction site. (6) In case of failure of a lifting appliance, loose gear, hoist or building and other construction work machinery and transport equipment at a construction site of a building or other construction work, such appliance, gear, hoist machinery or equipment and the site of such occurrence shall, as far as practicable, be kept undisturbed until inspected • by the Inspector having jurisdiction. R.252] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS RULES, 2009 135 Every notice given under sub-rule (1), sub-rule (2) or sub-rule (4) shall be followed by a written report to the Inspector, authority under Section 39 of the Act, the Board and the Chief Inspector in



Form 24 under proper acknowledgement

252. Procedure for enquiry into causes of accident or dangerous occurrence.—(1) The enquiry under sub-section (2) or sub-section (3) of Section 39 of the Act, as the case may be, shall be conducted by the authority referred to in sub-clause (i) of clause (b) of sub-rule (1) of Rule 251 in the following manner, namely— (a) (b) (c) (d) the enquiry shall be commenced as early as it may be; and in any case, within fifteen days of the receipt of notice of accident or dangerous occurrence under Rule 251; the enquiry may be conducted by the authority referred to in sub-clause (i) of clause-(b) of sub-rule (1) of Rule 246 himself or by an enquiry officer appointed by such authority; the authority or enquiry officer, as the case may be, shall serve or cause to be served, notices in writing, informing the date, time and place of such enquiry to all persons entitled to appear in such enquiry and whose names and addresses are known to such authority or enquiry officer; notwithstanding the provision of clause (b), for the purpose of notifying other persons who may in any way be concerned or be interested in such enquiry, the authority or enquiry officer, as the case may be, may publish notice of such enquiry in one or more local newspapers, informing the date, time and place of such enquiry. (2) The person entitled to appear at the enquiry may include . (a) (b) (c) (d) (e) an Inspector or any officer of the State Government or an under- taking or public body, concerned with the enforcement or compliance of safety provisions of the Act and these rules in the concerned establishment; a trade union or a workers,' association or an employers' association; the worker involved in the accident or his legal heir or authori- zed representative; the owner of the premises in which the accident took place; any Other person, at the discretion of the authority or the inquiring Officer, as the case may be, who may be interested in or be concerned with the cause of an accident or may have knowledge about such cause or is likely to give material evidence or produce a relevant document in connection with such accident or dangerous occurrence. (3) In case the entitled person referred to in sub-rule (2) is a body corporate, a company, or any other organization, association, group of persons, such THE UP. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 [R. 252 136 group may be represented through an authorized representative including a counsel or a solicitor. (4) Subject to the provisions of sub-rule (5) the enquiry shall be held in (5) In cases where— (a) the State Government is of the opinion that the matte of the enquiry or any part of it are of such nature that it would be against the interests of national security to hold the enquiry in public and directs the said authority or the alquiry officer, as the case may be, to hold the enquiry in camera; or (b) on an application made by any party to ü•te enquiry, the authority or the enquiry officer, as the case may be, referred to in sub-rule (1), if it or he is of the opinion that the holding of public enquiry will lead to disclosure of information relating to a trade secret, decides to hold the enquiry of such part of it in camera, such enquiry shall' not be held in public. (6) Information disclosed by any person during the course of hearing or evidence in the cases covered under sub-rule (5) shall not be disclosed to any person•except for the purpose of enquiry. (7) The person entitled to appear under sub-rule (2), called for evidence or representating• in an enquiry shall be entitled to make an opening statement, give evidence, request the enquiry officer to call for specified documett or evidence, cross-e«amine other person to the extent and at the stage permitted by the authority or enquiry officer holding the enquiry. (8) Any evidence in an enquiry may be admitted at the discretion of the authority or enquiry officer during the Qquiry, who may, also direct that documents to be tendered in evidence may be inspected by any person entitled or permitted to appear at such enqui.ry and that facilities be afforded to such person to take or obtain copies thereof. (9) The authority or the enquiry officer holding an enquiry may authorize any person, being an officer of State Government, to assist such authority or enquiry officer where necessary, for the purpose of conducting the enquiry, and the offcer so au&uorized may enter premises of the concemed establish- malt during working hours, inspect the records relevant to such enquiry, investigate and take such evidence as may be required to conduct such -enquiry. (10) • The findings of the enquiry along with all evidence, in original, including statements of witnesses shall be forwarded to the authority specified under Section 39 of the Act, within five days of the completion of the enquiry in cases where. suéh enquiry was not conducted by such authority itself. (11) A copy of the findings along with a' brief statement of facts relating to an enqui.ry conducted under this rule shall be forwarded to the Chief Inspector and State Government by the au&tority referred to in sub-rule (1) Of Rule 251. R.2541 IME U.P. CONSTRUO, WORKERS (REGULATION.....SERVICE) RULES, 2009 CHAPTER CHIEF INSPECTOR AND INSPECTORS [Sections 42 and 43] 137 253. Power to engage experts or agencies.—(1) The Chief •Inspector may engage experts or agencies, ag deemed necessary, from

the fields of civil engineering, structure engineering, architecture, and other disciplines of occupational safety, health and environment as and when required for the purpose of conducting any inspection, investigation or enquiry into the cause of an accident or a dangerous occurrence or otherwise. (2) The to in sub-rule (1) shall= (a) possess a degree in the relevant field from a recognized university; (b) possess not less than ten years experience of working in the relevant field out of which at least five years shall be in the field of occupational safety, health and environment. (3) Agencies referred to in sub-rule (1) shall be of national standing in the relevant field and registered under the relevant law. (4) The State Government may, from time to time prepare a panel of expert# and agencies referred to in sub-rule (1). (5) An engineer or expert or ageuy employed under sub-rule (1) shall be paid such travelling allowance and daily allowances as are allowed to him by organiuHon where he is employed or such travelling allowance and daily allowance as is admissible to officer of the rank of a Deputy Secretary to the Government of Uttar Pradesh. (6) In add-idon to travelling allowance and daily allowance refaxed to in sub-rule (5) to an engineer or architect or agency, they shall also be paid honorarium at the rates as may be specified by the State Government by notification in the Official Gazette from time to Hme

254. Powers of An hspector may, at a construction site of a building or other construction work within local limits for which he is appointed—(i) examine such construction site or place or pentises used or to be used for such building or other construction work; (ii) take on the spot or otherwise such evidence of any person which he may deem necessary for the purpose of any examination or enquiry connected with such building and other construction work diæctly or indiréctly : Provided that such person shall not be compelled to answer any question or give any evidence tending to incriminate him. (iii) také photographs, video clips, sample weight or measure or record or make such sketches as he may consider necessary for the purpose of any examination or injury under these rules. (iv) • hold an inquiry into the cause of any accident or dangerous . occurrence which he has reasons to believe was the result of any operation connected with or incidental to such building or other 138 THE U.R BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES.2009 255 construction work, or of non-compliance with any of the provisions of the Act or these rules. (2) An Inspector may, within the local limits for which he is appointed, issue show cause notice or warning to employers regarding the safety, health or welfare of building workers provided under the Act or the rules. (3) An Inspector may, within the local limits for which he is appointed, file in a court having jurisdiction a complaint or other proceeding relating to an offence under the Act. (4) An Inspector may, within the local limits for which he is appointed, direct any contractor or any employer for* getting the building workers medically examined in accordance with the provisions of these rules. (5) An Inspector may, within the local limits for which he is appointed, require a person having power of supervision and control of a construction site of a building or other construction work or employer, project in-charge, site in- charge and supevisor of such c0nstruction site, as the case may be, to provide such means or assistance as may be required by such Inspector for enby, inspections, examination or enquiry for the exercise of the powers under sub-section (1) of Section 43 of the Act or these rules in relation to such construction site cr project

255. Prohibiting order.—(1) If it appears to the Inspector that any site or place at which any building or other construction work is being carried on, is in such condition &uat it is dangerous to life, safety or health of building workers or the general public, he may, in writing, serve on employer or building workers or on the owner of the •establishment. or on the person in-charge of such site or place an order prohibiting any building or other cons&uction work at such Site or place until measures have been taken to rctove ffe cause of the danger to his satisfaction. (2) An Inspector serving an order under sub-rule (1) shall endorse a copy to the Chief Inspector. (3) Such prohibition order shall be complied with by the employer forthwith. (4) Any person aggrieved by an order under sub-rule (1) may, within fifteen•t days from the date on which the order is communicated to him, prepare an appeal to the Chief Inspector or where such order is by the Chief Inspector, to die Secretary, Labour, State Government, as the case may be, who shall, after giving •the appellant-an opportunity of being heard, dispose of the appeal as expeditiously as possible : Provided that the Chief Inspector or the Secretary to the Government of Uthl Pradesh in the Ministry of Labour, as the case may be, may entertain the •appeal after the expiry of the said period of fifteen days if he is satisfied that the appellaht was by sufficient cause from filing the appeal in dine : Provided further that the prohibiting, shall be complied with peAding the decision of Chief Inspector or the Secretary to the Government of Uttar Pradesh in æ Ministry of Labour. R.256] THE U.P. BUILDING & OTHER

CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 CHAPTER IX [Section 18(1)]
 139 THE UTTAR PRADESH BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD 256. Constitution of the Board.—(1) The Board shall consist of— (i) The Principal Secretary, Labour, Government of Uttar Pradesh, as the ex officio Chairperson} (ii) A member to be nominated by the Central Government; (iii) The Chief Inspector appointed under sub-section (2) of Section 42 of the Act, as an ex-officio Member; (iv) Three official members not below the rank of Special Secretary, Govenment of Uttar Pradesh, nominated by the State Govern- ment from the Housing Deparbnt, Finance Department and the Department engaged in building and other construction work; (v) Three persons, out of which one shall be a woman, representing ffe employers of the bulding and other construction industry, to be nominated by the State Government; (vi) Three persons, out. of which one shall be a woman, representing the building workers, to be' nominated by the State Government. (2) Where for any reason whatsoever, it appears to the State Government that it is not in a position to constitute a Board in accordance with the provisions of sub-rule (1), the State Government considers it expediat to do so it may by notification in the Official Gazette, appoint a person to be known as Admi.nistrator for a period and exceeding six months or till the Beard is duly constituted under sub-rule (1), whichever is earlier. NOTIFICATION English translation of Shram Anubhag-2, Noti. No. 1411 / XXXVI-2-2009, dt.. 20.112009, published in the U.P. Gazette, Extra. , Part 4 (Kha), dt. 20.11.2009 In exercise of the powers under sub-rule (2) of Rule 256 of the Building and Other Construction Workers (Regulation of Employment and Conditions of. Service) Rules, 2009, the Governor iS pleased to appoint the Principal Secretary, in the Deparbnt of Laboure Goveriunent of Uttar Pradesh as ' Administrator' with effect from the date of publication of this notification in theGazette for a period of six months or till the constitution of Uttar Pradesh Building and Other Construction Workers Welfare Board under sub-rule (1) •of Rule 256,, whichever ism earlier- and to: direct that the. 'Administrator' appointed as such shall ocrise all powers. and shall perform all duties and functions as are envisaged in the Rules 272 and 274 of the rules mentioned hereinabove. 140 THE u.p. & OTHER CONSTRUC. WORKERS (REGULATION.....SERViCE) RULES,2009 257. Term of office.—[x Each of the member of the Board, nominated by the State Gpvernment under clause (v) and (vi) of sub-rule (1) of Rule 256, shall hold office as such for a term of three years with effect from the date of appointment as notified in the Official Gazette : Provided that where the appointment of the successor of any member has not been notified in the Gazette on or before the expiry of the period of his office, notwithstanding the expiry of the term of his office, such member shall continue to hold such office until the appointment of successor is notified in the Official Gazette : Provided further that in no case the members shall continue in office beyond a period of four years from the date of their appointment.] 258. Resignation.—A member of the Board, not being an ex-officio member or a member representing the. State Government, may resign his office by a letter in writing addressed to the State Government and on such resignation being accepted by the Stare Government, his office shall fall vacant on the date on which such resignation is accepted

259. Cessation of membership.—If any member of the Board, not being an ex-officio member or a member representing the State Government, fails to attend three consecutive meetings of the Board, without obtaining. the leave of Yre Chairperson. for such absence, he shall Cease to be a member of the Board : Provided that the State Government may, if it is sa6sfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Board, direct that such cessation shall not' take place and on such di.rection being made, such member shall continue to be member of the Board

260. Disqualification for A person shall be disqualified for being nominated and for being a member of the Board—1

2. Omitted by Noti No.989/000'1-2-2017, dt. 23.8.2017, in the U2. Gazette Extraordinary, Part 4, Section (Ka) dt. 23.8.2017. Prior to omission it stood as under : (a) TheChairpersonoftheboard shallholdhis office as suchforaperiod of threeyears from the date on which his appointnment is first notified in the Gazette. Subs. by Nod. No. 989/xxxu-2-2017, dt. 238.2017, published in the U.P. Gazette Extraordinary, Part4, Section (Ka) dt. 23.8.2017. Prior tö suEtitution it stood as under : (b) Each of the members, of ate Board, nominated by the State Government under clauses (9 and (g) of sub-rule (1) shall hold office as such for a term of three years with effect from the date of appointoent as notified in the Official Gazette : Provided that where the appoinbment of the of any member has not been notified in the Gazette on or before the e*piry of the period of his office, notwiäustÄnding the expiry of the term of his office, such member shall

continue to hold such office until the appointment of his successor is notified in the Official Gazette : Provided further that in no case the members shall continue in office beyond a period of four years from the date of their appointment. 142 THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES.2009 Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice of not less than three days shall be deemed sufficient. (2) No business, which is not on the list of business for a meeting, shall be considered at that meeting without the permission of the Chairperson

266. Quorum.— [No business shall be transacted at any meeting unless at least 6 members are present, of whom one shall be from among those nominated under clause (v) and (vi) of sub-rule (1) of Rule 256 : Provided that if at any meeting less than 6 members are present, the Chairperson may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the member or members attending.] 267. Chairperson to preside at Meeting.H1) The Chairperson shall preside over every meeting of the Board in which he is present, and if, for any reason the Chairperson is unable to attend the meeting any member nominated by the Chairperson in this behalf shall preside over the meeting. (2) When the Chairperson is absent and no member has been nominated by the Chairperson under sub-rule (1), the members present shall elect one of them to preside over the meeting and the member so elected shall exercise all the powers of the Chairperson in conducting the meeting

268. Transaction of business.—Every question considered at a meeting of the Board shall be decided by a majority of the votes of the members present and in the event of equality of votes, the Chairperson shall have and exercise a second and a casting vote

269. Fee and allowances.—(1) The travelling allowance and daily allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary (2) The non-official members of the Board shall be paid travelling allowance and daily allowance for attending the meeting of the Board at such rates as are admissible to Group-A officers of the State Government. 1., Subs. by Nod. No. 989/XXW1-2- 2017, dt. 23.8.2017, in the U.P. Gazette Extraordinary, Part 4, Section (Ka) dt 23.8.2017. Prior to substitution it stood as under : No business shall be transacted at any meeting unless at least six members are present* of whom one shall be from among those nominated under clauses (O and (g) Of sub-rule Provided that if at any meeting less than six members are present the Chairperson may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is a prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending. R.272] THE U.P. BUILDING & OTHER CONSTRUC WORKERS (REGULATION.....,SERVICE) RULES, 2009 143 270. Committees of Board may appoint such Committees as it may deem fit for the proper discharge of its duties and the members of such Committees shall be allowed travelling allowance and daily allowance at the rates and subject to the conditions specified under rule . (1) While constituting a Committee, the Board may nominate one of its members to be the Chairman of the Committee. (2) The Committee shall meet at such time as the Chairman of the said. Committee may decide and the Committee shall observe such rules of procedures in regard to the transaction of business at its meeting as it may decide upon. (3) The recommendations of the Committees shall be placed before the Board for its decision

271. Minutes of the meetings.—Every decision taken at a meeting of the Board shall be recorded in a minutes book and signed by the Chairperson. The minutes book shall be a permanent record

272. Powers, duties and functions of the Board shall be responsible for the management and administration of the fund and all related matters in accordance with .the Act and Rules applicable for the purpose. (2) Without prejudice to the generality of the powers conferred in the foregoing clause the Board' shall be responsible for— (a) (b) (c) (d) (f) (g) (h) (j) (k) (1) all matters connected With the administration of the fund; preparation and submission of annual budget to the Government for sanction; preparation and submission of the annual report to the Government on the activities of the Board; proper maintenance of accounts; collection of contributions to the fund and other charges; appoint Committees for disposal of the business of the Board or for advice in various matters .pertaining to the objects of the

Board; hear and deal, with the complaints; secure the fulfillment of any contract and agreement entered into; authorize any person to enter into negotiations and execute contracts and to rescind and vary all such contracts; open account with the Bank and authorize officers of the Board to on them as well as draw, accept, endorse and execute cheques, bills of exchange etc. on behalf of the Board; lay down rules for affixation and safe custody of common seal of the Board; invest the fund money and deposits within Nationalized Banks, Government securities or in wholly owned by the Government; 144 THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 B. 276 (m) delegate from time to time all or any of its powers to the Secretary or any other officer of the Board as may be necessary for the efficient administration of the affairs of the Board

273. Powers and functions of the Secretary.—(1) As the Chief Executive Officer of the Board, the Secretary shall be responsible to conduct the activities of the Board. (2) The Secretary shall exercise such administrative and financial powers as are authorized to him from time to time by the Board. (S) The Board may from time to time delegate, subject to such conditions as it may deem fit, administrative and financial powers to any other officer under its control and supervision to the extent necessary for its efficient functioning



274. The Uttar Pradesh Building and Other Construction Workers Welfare Fund.—(1) The Board may as soon as may be after the coming into force of these rules, constitute a Fund by the name "The - Uttar Pradesh Building and Other Construction Workers 'Welfare Fund' " in accordance with the provisions of the Act and the rules made under the Act. (2) The fund shall vest in and be administered by the -Board. (3) There shall be credited to the Fund— (a) grant or loan advances if any, made by the Government of India or by the State Government or any Government body or local authority; (b) the contribution paid by the beneficiaries under these rules; (c) all sums received by the Board from such other sources as may be decided by the State or State Government. Registration of Building Workers as Beneficiaries [Section 12] 275. Eligibility of Registration.—Every building worker who has completed eighteen years of age, but has not completed sixty -years of age, and who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months and who is not registered as a beneficiary in any other Welfare Fund established under any law for the time being in force, shall be eligible for registration as the beneficiary of the fund. 1[276. Application for registration of beneficiaries.—(1) An application for registration of beneficiary shall be submitted in one copy in



Form-25 to office of Beneficiary Registering Officer of the area authorized by the Board under sub-section (2) of Section 12 of the Act by the applicant with two copies of photographs or the application shall be submitted online on the website of Uttar Pradesh Building and other Construction Workers Welfare Board.

(2) Every application shall be accompanied by Bank Draft/ Bankers Cheque of Rs. 20 (Rs. Twenty only) as a registration fee payable to the Board: 1. suk by Nod. No. and published in the U.P. Gazette, Extra., Part 4, sec. dt. 1.10.2020 (w.e.f. -1.10.2020). R. 276] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 145 The Registration Officer shall provide counterfoil of the form prepared by the Secretary of the Board forthwith to the applicant as a receipt acknowledging the payment. This amount may be deposited by the applicant in the bank account of Board directly in cash or through electronic means : Provided that, if the State Government is duly satisfied that any disaster, as defined in Section 2(d) of the Disaster Management Act, 2005, is prevalent in whole of Uttar Pradesh or in any part thereof, then in that condition in sequence of any such order issued by State Government in this behalf, the Secretary of the Board may issue an order for such time period for whole of, Uttar Pradesh or in any part thereof, as specified by the State Government in this behalf, that no amount would be payable by the applicant as registration fees. (3) Every application for registration as a beneficiary shall be accompanied by self-attested copy of Aadhaar card and Bank Passbook, the application shall also be accompanied by proof from the employer or contractor or inspector of the area concerned or registering authority that the applicant is a construction worker. The applicant himself can give a self-declaration certificate along with the application that he has been engaged in building and other construction work for ninety or more than ninety days in twelve months of the year and he is not registered as a beneficiary of Uttar Pradesh Building and other Construction Workers Welfare Board or in any Other Welfare Fund established under any law for the time being in force. During the process of online registration, the consent given by the applicant on declaration as shown by the software would be treated as consent of applicant and self-declaration. In the self-declaration; the workman shall necessarily state that in which construction site and which period the work has been done by him. (4) Where the Beneficiary Registering Officer authorized by the board is satisfied that the applicant fulfils the conditions of such building or other construction worker, he shall be registered as beneficiary within a period not exceeding 15 working days and the applicant's details as beneficiary shall be maintained in Register of Beneficiary at the web-portal of Board in electronic manner. In case of an application submitted online on the web-portal of Uttar Pradesh Building and Other Construction Workers Welfare Board. If such application is complete and the applicant is eligible for registration, the registration would automatically be granted by web-portal of the Board within three days from the date of submission of application. The Beneficiary Registering Officer may refuse to grant or object to grant or amend registration, otherwise the registration shall be deemed to be granted : Provided that if registration is obtained by misrepresentation or concealment of facts or based on forged documents such registration shall be deemed null and void and legal action may be taken against applicant, If any benefit has been received from the Board by such an applicant, then it may be recovered like arrears of land revenue by issuing a recovery certificate. The applicant will be informed about the acceptance or rejection of his application or the objection made thereto through SMS on the mobile phone number given by him at the time of submission of application. 146 THE U.P. & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 277. Beneficiary Identity Card.—(i) . The registering officer of beneficiary shall issue an identity card to the beneficiary with his photograph duly affixed thereon in Form-27. (ii) Where identity card issued under sub-rule (1) is, lost or accidentally destroyed a duplicate identity card may be issued on payment of Rupees Five to the Board. 278, Register of employment of beneficiary—The details of employment of beneficiaries employed in building or other construction work shall be maintained by an employer in a register on Form-28

279. Contribution to the Fund.—[(1) A beneficiary under this Act shall until the age of 60 years, make yearly contribution of Rs. 20 (Rs. Twenty only) to the fund either by cash or a bank draft or payment by electronic method. This contribution shall be paid in advance : Provided that the aforesaid contribution may be deposited at one time for a maximum period of three years. The membership duration of one year means the completion of 365 days from the date of registration. •The date of contribution Liability will be determined after calculating the time period on this (2) If a beneficiary commits default in the payment of contribution after one year of the completion of his validity period, he shall cease to be a beneficiary of the

fund. However, -with the permission of the registering/ authorized officer, his membership may be resumed on payment of a penalty of Rs. 5 per month subject to the maximum of Rs. 200 (meaning thereby, if the duration of delay is more than 40 months, even then, the amount of penalty charged would not exceed Rs. 200). permission of Registering Officer • would be dependent on due satisfaction of causes with rational evidences that during the duration of delay he was engaged in building and other construction Work procedures presented before him.] If the State Government is satisfied that any such disaster, as defined in Section 2(d) of the Disaster Management Act, 2005, exists in the whole of Uttar Pradesh or any part thereof then in such a situation, in sequence of any order issued by the State Government in this behalf, the Secretary of the Board may issue an order for the whole of Uttar Pradesh or in any part thereof, as specified by the State Government, that no amount shall be payable by the beneficiary in the form of late fee payable as contribution or penalty, and there will be no adverse effect on the membership for such disaster period, and benefits of such beneficiary and his membership period for such disaster period from the contribution liability date, will be automatically expanded.] 280. Maintenance and production of records and registers.—(1) Every employer shall maintain such records and registers showing the particulars of the building workers and the beneficiaries among them as may be directed by the Board from time to time. 1. subs. by NOH. No. dt. 1.10.2020 and published in the U.P. Gazette, Extra., Part 4, sec. (ka), dt. 1.10.2020 (w.e.f. 1.10.2020)

2. Ins. by ibid. R. 2811 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 147 (2) Every employer shall produce the record and registers and make them available for inspection and scrutiny whenever so required by the Secretary or any other officer authorized by him CHAPTER X ASSISTANCE AND BENEFITS [Section 22] • The money payable by way of an 281. Assistance and benefits. assistance or a benefit, enumerated in the table given below, shall be credited into the Bank Account of, as the case may be, the beneficiary or other eligible recipient, maintained in a Nationalised Bank, a Regional Rural Bank or a District Central Co-operative Bank.] I. Maternity 2. Pension Benefit 1 benefits 1 TABLE Minimum number of years for which a beneficiary should have contributed to the Fund for becoming eligible for the benefit One year One year 2 2[3. Financial Assistance for purchase or construction of house. One year and having five years of service for Provided that the financial assistance for construction of housing superannuation] does not exceed 25% of the amount of cess collected in a given financial year and the unutilised amount of the cess including interest of the preceding years under the Building and Other Construction Workers Welfare Cess Act, 1996

4. Disability Pension 5. Funeral assistance 6. Death benefit, including death due to an accident during the course of employment 7. Cash award of meritorious students 8. Medical assistance to beneficiaries Nil Nil Nil One year One year (except in case of accident; in which there will be no requirement of minimum number of years 3[9. Financial assistance of education of One year or as may be prescribed in the children of beneficiaries scheme, whichever is less 4[10. Financial assistance for marriage of One year or as may be prescribed in the children of beneficiaries 11. Family pension scheme, whichever is less] Three years 1. 2. 3

4. Subs. by Noti. No. 989/XXXV1-2-2017, dt. 23.8.2017, published in the U.P. Gazette Extraordinary, Part 4, Section (Ka) dt. 23.8.2017. Subs. by Noti. No. dt. 10.01.2018, published in the U.P. Gazette, Extra., Part 4, Sec. (ka), dt. 10.01.2018. subs, by NOH. No. 989/XXXV1-2-2017, dt. 23.8.2017,, published in the U.P. Gazette Extraordinary, Part 4, Section (Ka) dt. 23.8.2017. Subs. by Noti. No. 989/XXXV1-2-2017, dt. 23.8.2017, published in the U.P. Gazette Extraordinary, Part 4, Section (Ka) dt. 23.8.2017. 148 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 [R. 283 (2) Subject to the provisions of the Act and these rules, the Board may extend all or any of the assistances or benefits specified in Column I of the Table specified in sub-rule (1) above, to the beneficiaries (including in appropriate cases, to their dependants), who have contributed to the Fund for the minimum period specified in Column 2 of the Table specified in sub-rule (1) above. (3) In computing the period of contribution for the purposes of sub-rule (2), any period for which the Board may have waived payment of contribution under proviso to sub-section (1) of Section 16 of the Act, shall be excluded. The State Government may change the minimum number of years for which a beneficiary should have contributed to the Fund for becoming eligible for the assistance or benefit as prescribed in the Column 2 of the table of sub-rule (1), if such change is proposed by the Board.] 282. Board to notify schemes, laying down procedural and other residual matters -regarding assistance and benefits.—The Board shall draw up and

with the previous approval of the State Government, notify, in respect of each assistance or benefit or group of assistance or benefits, specified in Rule 281, schemes and all other residuary matters not expressly provided in the Act and these rules, which shall include— (i) rates at which various benefits shall be payable; (ii) procedure and Form for making application; (iii) procedure for and authority competent to grant sanction; (iv) procedure for disbursement; and (v) any other incidental matters

283. Other welfare activities.—In addition to granting benefits referred to in Rules 281 and 282 to individual beneficiaries, the Board may undertake the following activities with a view to promoting general welfare of building workers, namely— 1. (i) commissioning surveys, studies etc. to ascertain pattern of employment, skills, income, wages and working conditions of building workers, and the impact of various programmes of the Government and the Board meant for their welfare. (ii) spreading awareness among them about their statutory rights, procedure of enforcing those rights, redressing grievances, and availing of various welfare and development schemes; (iii) promoting health of women and children, the small family norm, and elimination of social evils like drinking, dowry, child marriage etc.; (iv) organizing sports, cultural and recreational activities for building workers, and study tours for groups of beneficiaries; (v) establishment of educational institutions for children of beneficiaries; and Ins. by Nod. No: 989/XXW1-2-2017, dt. 23.8.2017, published in the U.P. Gazette Extraordinary, Part 4, SecHon (Ka) dt. 23.8.2017. THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF SERVICE) RULES, 2009 149 (vi) any other activities, with the prior approval of the State Government aimed at promoting welfare of building workers as a whole. 1 [(vii) Conduct G.I.S. or survey through any other modern technology to identify constructions and assess the amount of cess payable by these constructions, so that cess can be collected from each eligible construction and amount of cess so collected may be utilised for welfare activities of construction workers.] 2[284. Power of the Board to modify certain formats.—The Board may modify any format prescribed in these rules regarding registration of establishments or workers, application for assistance or benefits or any other purpose Provided that such modifications would not effect the basic structure of the formats and this would be done for the simplification of general purpose and process.] Schedule I [See Rules 112(a) and 126(a)] Manner of test and examination before taking lifting appliance, lifting gear and wire rope into use for the first time. Test Loads : (1) Lifting appliance.—Every lifting appliance with its accessory gear, shall be subjected to a test load which shall exceed the safe working load (SWL) as specified in the following table

Safe working load	Test load
U to 20 tonnes	25 cent in excess of safe working load.
20 to 50 tonnes	50 cent in excess of safe working load
Over 50 tonnes	100 per cent in excess of safe working load

(2) Lifting gear.—(a) Every ring, hook, chain, shackle, swivel, eye-bolt, plate clamp, triangular plate or pulley block (except single sheave block) shall be subjected to a test load which shall not be less than the load as specified in the following table

Safe working load in tonnes	Test load in tonnes
U to 25	2 x safe working load
Above 25	1.22 x safe working load + 20

(b) In the case of a single sheave block, the safe working load shall be the maximum load which can safely be lifted by the block when suspended by its head fitting and the load is attached to a rope which passes around the sheave of the block and a test load not less than four times the proposed safe working load shall be applied to the head of the block

1. Ins.byN0ti. No. dt. 16.1.2018, published in the U.P. Gazette, Extra., Part 4, Sec. (ka), dt. 16.1.2018 (w.e.t 16.1.2018). 2. by Noti. No"89/XXXV1-2-2017, dt. 23.8.2017, published in the U.P. Gazette Extraordinary, Part4, Section (Ka) dt. 23.8.2017, ISO THE U.P. BUILDING & OTHER.CONSTRUC. VORICRS RULES, 2009 SCH. (c) In the case of a multi-sheave block, the test load shall not be less than the load as specified in the following table. Safe workn load in tonnes . U to 25 25 to 160 above 160 TABLE Tæt load in tonnes 2 x safe workin load 0.9933 x safe workin load + 27 1.1 x safe workin load. (d) In the case of hand-operated pulley blocks used with pitched chains and hooks, shackles or swivels, pennanently attached thereto, a test load not less than 50 per cent in excess of the safe working load shall be applied. (e) In the case of a pulley block fitted with a bucket, the bucket shall be tested and the load applied to the bucket when testing that block will be accepted as test'load of the bucket. (f) In the case of a sling having two legs, the safe working load shall be calculated when the angle between the legs i.S 90 degree. In case of multi- legged slings saft working load shall be calculated as.per national standards. (g) Every lifting beam, lifHng frame, container spreader, bucketi tub, or other similar devices shall be subjected to a test load which shall not be less than the load as specified in the following table : Safe wor load in tonnes 10 to 160 above 160 TABLE Tst load in tonnes 2 x safe' workin load 1.04 x safe workli load + 9.6 1.1 x safe workin load (h) Wire ropes.—In the case of wire. ropes a sample shall be tested to destruçion. The test procedure shall be in accordance wi • recognised national standards. The safe working load of the rope is to be etermined by dividing the load at which sample broke -by a of utilisation, determined as specified in the following table : TABLE (1 (a) Wire rope



forming part of sling. Safe working load of the sling : Safe working load up to and equal to 10 tonnes : Safe working load above 10 tonnes and up to and equal to 160 tonnes Safe working load above 160 tonnes

(b) Wire rope as integral part of a lifting appliance : SWL of the lifting appliance : Safe working load up to and equal to 160 tonnes Safe working load above 160 tonnes Co-efficient of utilisation $2.5 \times 1910 \div 3 \times 10^{10} / (8.85 \times \text{SWL}) \times 1910$

(i) Before any test is carried out, a visual inspection of the lifting appliance, or lifting gear involved shall be conducted and any visible defective gear shall be replaced or renewed. (SCH.)

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151 (j) After being tested, all the lifting gears shall be examined to see whether any parts have been injured or permanently deformed by the test. Procedure for Testing . (3) Derricks.—(a) A derrick shall be tested with its boom at the minimum angle to the horizontal for which the derrick is designed (generally 15 degrees) or at such greater angle as may be agreed. The angle at which the test has been carried out shall be mentioned in the test certificate. The test load shall be applied by hoisting movable weights. During the test, the boom shall be swung with the test load, as far as practicable, in both directions. (b) A derrick boom, designed to be raised with power, with the load suspended, shall, in addition to the tests at (a), be raised (with the load suspended) to its maximum working angle to the horizontal and the two outermost positions. (c) While test loading of a heavy lift derrick, the competent person responsible for tests using movable weights shall ascertain from the owner of the vessel or floating platform that the stability of the vessel or platform is adequate for the test. (4) The derricks tested under clause (3) shall not be used in union purchase rig unless—(a) The derricks rigged in union purchase are tested with the test load appropriate to the SWL in union purchase (at the designed headroom and with the derrick booms in their approved working positions). (b) The safe working load of that derrick in union purchase rig has also been specified by a competent person in a report in Form V; (c) Any limitations or conditions specified in the said report are complied with; and (d) The two hoist ropes are coupled together by a suitable swivel assembly. Note.—The safe working loads of derricks (for each method of rig including union purchase) shall be shown on the certificate of test and marked on the derrick booms. (5) Lifting appliances—(a) The test load shall be lifted and swung, as far as possible, in both directions, If the jib or boom of the crane has a variable radius, it shall be tested with test loads at the maximum and minimum radii. In case of hydraulic cranes when owing to the limitation of pressure, it is impossible to lift @ test load in accordance with table under item (I), it will be sufficient to lift the greatest possible load which shall be more than safe working load. (b) The test shall be performed at maximum, minimum and intermediate radius points as well as such points in the area of rotation, as the competent person may decide. The test shall consist of hoisting, lowering, breaking and swinging and swinging through all positions and operations normally performed. An additional test shall be made by operating the machinery at maximum working speed with the safe working load suspended. 152 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (SCH. (6) use of spring or hydraulic balances, etc. for test loading.—All tests shall normally be carried on with the help of dead weights. In case of periodical test, replacements or renewals, test load may be applied by means of suitable springs or hydraulic balances. In such case, test load shall be applied with the boom, as far out as practicable, in both directions. The test shall not be taken as satisfactory unless the balance has been certified for accuracy by the competent authority within 2.0 per cent and the pointer of the machine has remained constant at the test load for a period of at least five minutes. (7) Testing machines and dead weights.—(a) A suitable testing machine shall be used for testing of chains, wire ropes and other lifting gears. (b) Testing machines and balances to be used in test loading, testing and checking shall not be used unless they have been certified for accuracy at least once in the preceding twelve months by the competent authority; (c) Movable weights used for the test loading of the lifting appliances having a safe working load not exceeding twenty tonnes shall be checked for accuracy by means of suitable weighing machine of certified accuracy. (8) Thorough examination after testing or test loading.—After being tested or test loaded, every lifting appliance and associated gear shall be thoroughly examined to see that no part has been damaged or permanently deformed during the test. For this purpose, the lifting appliance or gear shall be dismantled to the extent considered necessary by the competent person. Schedule 11 Notifiable Occupational Diseases in Building and Other Construction Work Rule 1. Occupational dermatitis

2. Occupational cancer

3. Asbestosis

4. Silicosis. 5. Lead poisoning including poisoning by any preparation or compound of lead or their sequelae

6. Benzene poisoning, including poisoning by any of its homologues, their nitriles or amino derivatives or its sequelae

7. Occupational asthma

8. Pesticide poisoning, 9. Carbon monoxide poisoning. Toxic jaundice

10. Toxic anaemia

11. Compressed air illness (Caissons disease)

12. Noise-induced hearing loss

13. Isocyanates poisoning. 14

15. Toxic nephritis. SCH. U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 Schedule III Contents of a first-aid box [See Rule 229(b)]

153 (i) A sufficient number of eye wash bottles filled with distilled water or • suitable liquid clearly indicated by a distinctive sign which shall be visible at all times. (ii) 4 per cent xylocaine eye drops, and boric acid eye drops and soda bicarbonate eye drops. (iii) Twenty-four small sterilised dressings. (iv) Twelve medium size sterilised dressings. (v) Twelve large size sterilised dressing. (vi) Twelve large size sterilised burn dressings, (vii) Twelve (fifteen packets of sterilised cotton wool. (viii) (Two hundred ml.) bottle of certimide solution (1 per cent) or suitable antiseptic solution. (ix) One (two hundred ml.) bottle of mercurchrome (2 per cent) solution in water. (x) One (one hundred twenty ml.) bottle of sal volatile having the doses and mode of administration indicated on the label. (xi) One pair of scissors. (xii) One roll of adhesive plaster (six cm. x one metre). (xiii) Two rolls of adhesive plaster (two cms. x one metre). (xiv) Twelve pieces of sterilised eye pads in separate sealed packets. (xv) A bottle containing hundred tablets (each of three hundred twenty-five mg.) of aspirin or any other analgesic. (xvi) Twelve roller bandages ten cms. wide. (xvii) Twelve roller bandages five cms. wide. (xviii) One tourniquet. (xix) A supply of suitable splints, (xx) Three packets of safety pins. (xxi) Kidney. tray. (xxii) A snake bite lancet. (xxiii) One (thirty ml.) bottle containing potassium permanganate crystals. (xxiv) One copy of first-aid leaflet issued by the Directorate-General. (xxv) Six triangular bandages. (xxvi) Two pairs of suitable, sterilised, latex hand gloves. 154 THE U.P. & OTHER CONSTRUCTION WORKERS RULES, ISCH Schedule IV [See Rule 224(a)] Articles for ambulance room : (i) A glazed sink with hot and cold water always available. (ii) A table with a smooth top at least 180 an. x 105 cm. (iii) Means for sterilising instruments. (iv) A couch. (v) Two stretchers. (vi) Two buckets or containers with close-fitting lids. (vii) Two rubber hot water bags. (viii) A kettle and spirit stove or other suitable means of boiling water. (ix) plain wooden splints 900 an. x 100 cm. x 6 cm. (x) Twelve plain wooden splints 350 an. x 75 cm. x 6 cm. (xi) Six plain wooden splints 250 an. x 50 cm. x 12 an. (xii) Six woollen blankets. (xiii) Three pairs of artery forceps. (xiv) One bottle of spiritus annemiae preparations (120 ml.). (xv) Smelling salt (60 gms.). (xvi) medium size sponges. (xvii) Six hand towels. (xviii) Four kidney trays. (xix) Four cakes of toilet, preferably antiseptic soap. (xx) Two glass tumblers and two wine glasses. (xi) Two clinical thermometer (xxii) Two tea spoons. (xxiii) Two graduated (120 ml.) measuring glasses. (xxiv) minimum measuring glasses. (xxv) One wash bottle (1000 cc.) for washing eyes. (xxvi) One bottle (one litre) carbolic lotion 1 to 20. (xxvii) Three chairs. (xxviii) One screen. (xxix) One electric hand torch. (xxx) Four first-aid boxes or cupboards stocked to the standards prescribed in the Schedule VII. (xxxi) An adequate supply of tetanus toxoid. SCH. I THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 155 (xxxii) Injections—morphine, pethidine, atropine, adrenaline, coramine, novocaine (6 each). (xxxiii) Cramine liquid (60 ml.). (xxxiv) Tablets—antihistaminic antispasmodic (25 each). (xxxv) Syringes with needles—2 cc., 5 cc. and 500 cc. (xxxvi) Three surgical scissors. (xxxvii) Two needle holders, large and small. (xxxviii) Suturing needles and materials. (xxxix) Three dissecting forceps. (xl) Three dressing forceps. (xli) Three scalpels. (xlii) One stethoscope and a B.P. apparatus: (xliii) Rubber bandage-pressure bandage. (xliv) Oxygen cylinder with necessary attachments. • (xlv) Atropine eye ointments. (xlvi) I.V. fluids and sets 10 nos. (xlvii) Suitable, foot-operated, covered, refuse containers. (xlviii) Adequate number of sterilised, paired, latex hand gloves. Schedule V [See Rule 225] Contents of Ambulance Van or Carriage The Ambulance Van shall have equipments prescribed as under : (a) General.—A portable stretcher with folding and adjusting device with the head of the stretcher capable of being tilted upward.

Fixed suction unit with equipment. Fixed oxygen supply with equipment. Pillow with case, sheets, blankets, towels, emergency bag, bed pan, urinal glass. (b) Safety equipment.—Flare of three thousand minutes, flood lights, flash lights; fire extinguishers (dry power type), insulated guntlets. (c) Emergency care equipment.—(i) Resuscitation—Portable suction unit, portable oxygen unit, bag-valve mask, hand-operated artificial ventilation unit, airways, mouth gag tracheostomy adaptors, short spine board, I.V. Fluids with administration unit, B.P. manometer cuff stethoscope. (ii) Immobilisation—Long and short padded boards, wire ladder splints, triangular bandage, long and short spine (iii) Dressing—Gauze pads.—100 mm. x 100 mm. universal dressing 250 mm. x 1000 mm. 1011 of roller bandages 150 mm. x 5 mm. yards adhesive tape in 75 mm. roll safety pins; bandage sheets, burn sheets. (iv) Poisoning.—Syrup of Ipecac, activated charcoal snake bite kit, drinking water. (v) Emergency medicines.—As per requirement (under the advice of construction Medical Officer). THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 2009 Schedule VI Permissible Exposure in Cases of Continuous Noise [See Rule 235] Total time of exposure (continuous or a number of sound pressure level (in dBA) [SCH. short-term exposures in hours 1 8 6 4 3 2 1 3/4 1/2 2 90 92 95 97 100 102 105 107 110 115 Notes.—(1) No exposure in excess of 115 dBA is to be permitted. (2) For any period of exposure falling in between any figure and the next higher or lower figure as indicated in column the permissible sound pressure level is to be determined by extrapolation on a proportionate basis. Schedule VII [See Rule 81(iv) and 221 Periodicity of Medical Examination of Building Workers 1. The employer shall arrange a medical examination of all the building workers employed as drivers, operators of lifting appliances and transport equipment before employing, after illness or injury, if it appears that the illness or injury might have affected his fitness and, thereafter, once in every two years up to the age of forty and once in a year thereafter

2. Complete and confidential records of medical examination shall be maintained by the employer or the physician authorised by the employer

3. The medical examination shall include—(a) full medical and occupational history, (b) clinical examination with particular reference to— (i) General Physique; (ii) Vision—Total visual performance using standard orthorator like Titmus Vision Tester should be estimated and suitability for placement ascertained in accordance with the prescribed job standards. SCH 157 THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) RULES, 2009 (iii) Hearing—Person with normal hearing must be able to hear a forced whisper at twenty-four feet. Person using hearing aids must be able to hear a warning shout under noisy working conditions. (iv) Breathing—Peak flow rate using standard peak flow meter and the peak flow rate determined out of three readings of the test performed. The results recorded at pre-placement medical examination could be used as a standard for the same individual at the same altitude for reference during subsequent examination, (v) upper Limbs—Adequate arm function and grip (both arms). (vi) Lower Limbs—Adequate leg and foot function. (vii) Spine—Adequately flexible for the job concerned. (viii) General—Mental alertness and stability with good eye, hand and foot coordination. (c) Any other tests which the examining doctor considers necessary. Schedule VIII [See Rules 219(1) and 219(2)] Number of Safety Officers, Qualification, Duties etc. Appointment of Safety Officers Number of Safety Officers.—Within six months of coming into operation of these rules, every establishment employing more than five hundred building workers and every other employer of building worker shall appoint safety officers, as laid down in the scale-given below : 1. Up to 1000 building workers—one safety officer+. 2.. Up to 2000 building workers—two safety officers. 3.1 Up to 5000 building workers—three safety officers

4. Up to 10,000 building workers—four safety officers, For every additional 5000 building workers or part thereof—one safety officer, Any appointment, when made shall be notified to the Inspector having jurisdiction in the area, giving full details of the qualifications, terms and conditions of service of such safety officer. A person shall not be eligible for appointment as a safety officer 'Unless he : (i) possesses a recognised degree in any branch. of engineering or technology or architecture and had a practical experience of working in a building or other construction work in a supervisory capacity for a period' of not less than two years or possesses a recognised diploma in any branch of engineering or technology and has had practical experience of building or other construction work for a period of not less than five years; (ii) possesses a recognised degree or diploma in industrial safety with at least one paper in construction safety (as an elective subject); (iii) has adequate knowledge of the language spoken by majority of building workers from the construction site in which he is to be appointed, (b) Notwithstanding the provision contained in clause (a), any person who— (i) possesses a recognised degree or diploma in engineering or technology or architecture and has had experience of not less than five years in the field, dealing with the Administration of Factories Act, 1948 or the Dock Workers (Safety, Health and Welfare) Act, 1986 or the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996. (ii) possesses a recognised degree or diploma in engineering or technology and has had experience of not less than five years or has undergone training in education, consultancy or research in the field of accident prevention in industry, port, or in any institution or an establishment dealing with building or other construction work, shall also be eligible for appointment as a safety officer. Provided that, in case of a person who has been working as safety officer in industry or port, institution or an establishment dealing with building or other construction work for a period of not less than three years on the date of commencement of these rules, the Director- General may; ' subject to such conditions that he may specify, relax all or any of the abovesaid qualification. Condition of Where number of safety officers appointed exceeds one, one of them shall be designated as Chief Safety Officer and shall have status higher than the others. The Chief Safety Officer shall be in overall charge of the safety functions as envisaged in sub-clause (iv) and also other safety officers working under his control, (b) The Chief Safety Officer or Safety Officer, where only one safety officer is appointed, shall be given the status of a Senior Executive and he shall work directly under the control of his Chief Executive. All other safety officers shall be given appropriate status to enable them to discharge their functions effectively. (c) The scale of pay and allowances to be granted to the safety officers including the Chief Safety Officer and the other conditions of their service shall be the same as those of the officers of corresponding status of the establishment in which they are employed. SCH.] THE UP. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 159 Duties of Safety Officer.—(a) The duties of a safety officer shall be to advise and assist the employer in the fulfilment of his obligations, statutory or otherwise, concerning prevention of personal injuries and maintaining a safe working environment. These duties shall include the following, namely : (i) (ii) (iii) (iv) (vii) (viii) (ix) (x) (xi) (xii) to advise the building workers in planning and organizing measures necessary for effective control of personal injuries; to advise on safety aspects in a building or other construction work and to carry out detailed safety studies of selected activities; to check and evaluate the effectiveness of action taken or proposed to be taken to prevent personal injuries; to advise purchasing and ensuring quality of personal protective equipment conforming to national standards; to carry out safety inspections of building or other construction work in order to observe the physical conditions of work and the work practices and procedures followed by building workers and to render advice on measures to be adopted for removing unsafe physical conditions and; preventing unsafe actions by building workers* to investigate all fatal and other Selected accidents; to investigate the cases of occupational diseases connected and reportable dangerous occurrences; to advise On the maintenance of such records as are necessary with regard accidents, dangerous and occupational diseases; to promote the Working of safety committees and to act as an advisory to- such committees; to organise, in association with concerned departments, campaigns, competitions, contests and other activities which will develop and maintain the interest of building workers in establishing and maintaining safe conditions of Work and to design and conduct, either independently or in collaboration with other agencies, suitable training and educational programmes for prevention of accidents- to building workers; to frame safe rules and safe working practices in consultation with senior officials of the establishment}

(xiii) supervise and guide safety precautions to be taken in building and other construction work of the establishment. Facilities to be provided to safety officers.—The employer shall provide each safety officer with such facilities, equipment and information that are necessary to enable him to discharge his duties effectively. Prohibition of Mommce of other, duties.—No safety officer shall be required or permitted to do any work which is unconnected to, inconsistent with or detrimental to the performance of the duties prescribed in this Schedule. 160 THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS

(REGULATION.....SERVICE) RULES, 2009 Exemptions.—Director-General may, in writing, exempt any employer or group of employers from any or all of the provisions of these rules subject to compliance with such alternative arrangements as may be approved and notified by him in the order of such exemption.

Schedule IX (See Rule 223) Hazardous process . (1) Roof work (2) Steel erection (3) Work under and over water (4) Demolition (5) Work in confined spaces Schedule X (See Rule 223) Services and facilities to be provided in Occupational health centres.—(1) One full-time construction medical officer for building or other construction work, employing workers up to one thousand and one additional construction medical officer for every additional one thousand workers or part thereof. (2) The staff, including one nurse, one dresser-cum-attendant, sweeper-cum-ward boy with each construction medical officer full work hours. (3) The occupational health centre with a floor area of minimum fifteen square metres constituting two rooms with smooth walls and intern service, adequately illuminated and ventilated. (4)

Adequate equipment for day-to-day treatment. (5) Necessary equipment to manage any medical emergency. Schedule XI [See Rule 223(c)] Qualification of construction medical officer.—(1) MBBS degree from a medical institute recognised by the Medical Council of India; and (2) Diploma in Industrial Health or equivalent post-graduate certificate of training in industrial health or health. (3) A medical officer having working experience in organisation establishment involved in policy, execution and advice and safety and health of workers employed in mines, ports and docks, factories and building and other construction work, for a period of not less than three years may, subject to the satisfaction of the Director-General, not be required to possessing the training referred to in item (2) above. (4) The syllabi of the courses leading to the above certificates and the organisation conducting such courses shall be approved by the Central Government who may also from time-to-time prepare a panel of such organisations. (5) Complete particulars including name, qualification and experience of the construction

medical officer will be intimated to the Inspector having jurisdiction. SCH. I THE u.p. & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 Schedule [See Rule 200(d)] 161 Permissible Levels of Certain Chemical Substances in the Work Environment Sl. 1 1 2 4 5 6 7 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 1. Substance 2 Acetaldehyde Acetaldehyde Aerosol

Ionitrile—Skin Aldrin—Skin All I chloride Aniline—Skin Permissible limit of exposure Time-weighted Short-term exposure average concentration A 8 hrs. (STEL) 15-min 3 ppm 3 100 10 0.1 2 1 25 2 0.1 10 1 0.1 150 50 200 0.5 10 50 5 1 mg/m³ ppm Anisidine O- isomers -Skin Arsenic and soluble compounds as As - Benene S.C. Ilium and Compound as Be S.C. - Boron Difluoride Bromine Benzene 2-Butanone ethyl

Ethyl n-Bu I acetate A-Bu I alcohol—Skin-C Sec/bert. Butyl acetate & Butyl methyl ketone (MBK) 200 Cadmium Dust and Salts Calcium oxide Carbaryl Sevin Carbofuran Furadan Carbon disulfide—Skin Carbon monoxide as Cd Carbon Tetrachloride—Skin Chlordane—Sulfur Chlorine 4 130 25 1700 0.25 4.5 0.25 3 18 10 0.2 30 - 0.002 3 1900 no 150 950 1.5 0.05 2 5 0.1 30 55 30 0.5 3. 5 150 1000 0.3 2 35 0.3 3 6 270 37 2375 (18 6 2 950 950 440 9 Line free as measured by the vertical elutriator cotton dust sampler. 162 1 31 32 33 34 35 36 37 38 39 40 41 42 43 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 67

68 69 70 IME u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 [SCH. 6 2 Chlorobenzene Monochlorobenzene Chloroform S.C. Bis Chloromethyl ether H.C. Chromic acid and chromates as Chromium soluble Chromous salts as Chromium fume Cotton dust raw Cresol all isomers—Skin Cresol—Skin 3 75 10 0.001 5 -10 0.01 0.1 0.15 0.2 1000 10 1 1.0 5 300 5 10 3 1 10 0.1 100 100 50 4 350 50 0.005 0.05 0.5 0.2 22 1 20 1 0.1 0.1 5 1 0.25 1 1.5 1.5 0.1 0.1 1400 1900 18 2.5 2 1.5 9 900 0.1 7 10 2.5 1.5 14 1 5 525 360 150 5 DDT -Chlordane - Dieldrin - DDT - Dieldrin - Demeton—

Shin Diaxon-Skin Dibutyltin dilaurate Dichlorvos Dieldrin—Skin Dinitrobenzene all isomers —Skin Dinitrotoluene—Skin Dieldrin - Endosulfan Endrin-Skin Ethyl Ethyl alcohol Ethylamine Fluorides as Fluorine Formaldehyde SC.

Formic acid Gasoline H drazine—Skin (S.C, H dm chloride—C H dro en anide—Skin—C H dro fluorine as H dro emxide H sul hide Iron Oxide Fume Fe O (as Fe) Isoam Isoam Isobu I aceate I alcohol I alcohol 2 500 15 125 4 3 1500 21 450 THE up. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 163 1 71 72 73 74 75 76 (i) (iii) 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 2 Lead ino . dusts and fumes as Pb Lindane—Skin Malathion—Skin - Manganese dust and compounds Man anese fumes as Mn as H —Skin Me Alk I com unds All forms exce t alk I va our A I and ino anic com ounds Meth I alcohol ethanol kin 3 (as - 200 Methyl collosolve (2-Methoxy ethanol)— 5 Skin Meth I Isobu I Ketone Meth I is anate—Skin Naphthalene Nickel carbon I as Ni Nitric acid Nitric oxide Nitrobenzene-Skin Nitro dioxide Oil mist Mineral Ozone Paraffon—Skin Phenol—Skin Phorate Thimet —Skin Phos e Carbon I chloride Phos hine Phos horic acid Phos horus ellow Phos horus entachloride Phos horus trichloride Pieric acid- Skin ridine Silane Silicon tetrah dride Sodium h droxide-C e monomer hen leth S Sul hur dioxide Su hur.hexafluoride Sul huric acid Skin Tetraeth I lead as Tolune Oluol lene 50 0.02 10 0.05 2 25 1 3 0.1 5 0.1 0.3 0.1 0.2 5 5 50 2 1000 100 4 0.15 0.5 10 5 1 0.01 0.05 0.1 260 16 205 0.05 50 0.35 5 30 5 6 5 0.2 0.1 19 0.05 0.4 0.4 1 0.1 1 1.5 0.1 15 7 215 5 6000 1 0.1 375 5 75 15 4 5 0.3 1 1 100 5 150 6 0.03 310 75 10 10 10 0.6 0.2 1 1, 3 3 0.3 425 10 560 164 1 108 109 110 111 112 113 114 115 116 u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,mog 2 O-Toluidine-Skin .C. Tribut I hos hate frichloroeth lene Uranium natural as U Vin 1 chloride H.C. Weldin fumes X lene O-m P- isomers Zinc oxide ii Dust otal dust Zirconium com ounds as Zr 3 2 0.2 50 5 100 4 9 2.5 270 0.2 10 5- 435 5.0 10.0 5 5 200 150 6 1080 0.6 655 10 ppm Parts of vapour or gas per million parts of contaminated air by volu-me at 250C and 760 mm. of Hg. mg/m3 milligram of substance per cubic metre Of air. * Not more than 4 times-a day with at least 60 •min interval between successive exposures. 3 _ Molecular weight x ppm 24.45 C denotes Ceiling Limit. Skin dauotes potential contribution to the overall aposure by the cutaneous route including mucous membranes and eye. S.C. denötesSuspected Human Carcinogen. H.C denotes confirmed Human Carcinogen. .Subshnce Silica, SiO Permissible time-wei hted avera .concentration TWA 8 Hrs (a) Crystalline (i) Quartz— 10600 In termg of dust count mmpcm % Quartz + 10 10 (2) In terms of respirable dust % respirable Quartz + 2 30 (3) %Quartz+3 mg/m3 In terms of total dust mg/m2 (ii) Cristobalite (iii) Tridvmite (iv) Silica, fused (v) Tripoli Half the limits given against quartz. Half the limits given against quartz. Same limits •as for quartz. Same limits as in formula in item' (2) given -against quartz. 10 mg/m3, total dust. (b) Amorphous Silicates .*2 fibres/ml, greater than 5 um in Asbestos (H.C.) FORMS] THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION...,SERVICE) RULES, 2009 165 length and less than 3 um in breadth with length to breadth ratio equal to or greater than 3 : 1. Portland Cement Coal Dust mmpcm Respirable Dust • 10mg/m , Total dust containing less than 1% quartz. 2 mg/m3, respirable dust fraction containing less than 5% quartz. Million particles per cubic metre of air, based on impinger samples counted by lightfield techniques. As determined by the membrane filter method at 400-450 x magnification (4 mm. objecHve) phase contrast illumination. Fraction ass' a' size-selector with the followin characteristics : Aerod mic Diameter um) (Unit densi s here) % assin selector 2.5 3.5 5.0 10 90 75 50 25 00 Form No. 1 [See Rule 23(1)] Application for Registration of establishments employing building workers 1. Name and location of the establishment where building or other construction work is to be carried on

2. Postal address of the establishment : 3. Full name and permanent address of the establishment, if any
4. Full name and address of the Manager or person responsible for the supervision and control of the establishment
5. Nature of building or other construction work carried/is to be carried on in the establishment
6. Maximum number of building workers to be employed on any day : 7. Estimated date Of commencement of building or the other construction work • 8, Estimated date of completion of the building or other construction work
9. Particulars of demand draft, enclosed (name of the Bank, amount, demand draft no. and date)
Declaration by the employer (i) I hereby declare that the particulars given above are true to the best of my knowledge and belief, (ii) I undertake to abide by the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Rules made thereunder.
Principal Employer Seal and Stamp 166 THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 (FORMS Office of the Registering Officer appointed -under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Cenfral Rules made thereunder. Date of Receipt of application :



Form No. 2 Certificate of Registration No. -4 Department of Labour Government of Uttar Pradesh Date OFFICE OF THE REGISTERING OFFICER A Certificate of Registration is hereby granted under sub-section (3) of Section 7 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act,, •1996 and the rules made thereunder, to M/s . having the following particulars subject to conditions laid down in the Annecure : 1. 2. 3. 4. 5. 6



7. Postal Address/location where building or other construction work is to be carried on by the employer. Name and address of employer including location of the building and other construction work
Name and permanent address of the establishment. Nature of work in which building workers are employed or are to be employed Maximum number of building workers to be employed on any day by the employer Probable of commencement and completion of work. Other particulars relevant to the employment of building workers, Signature of Registering Officer with Seal ANNEXURE The registration granted hereinabove is subject to the following conditions, namely : (a) (b) (c) the certificate of registration shall be non-transferrable; the number of workmen employed or building workers in the establishment shall not, on any day, exceed the maximum number specified in the certificate of registration; save as provided in these rules, the fees paid for the grant of registration certificate shall be non-refundable: FORMS) THE UP. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 '167
(d) the rates of wages payable to building workers by the employer shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (11 of 1948) for such employment where applicable, and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed; and (e) the employer shall comply with the provisions of the Act and the rules made thereunder.



Form No. 3 [See Rule 25 Registration of Establishment Nature of Registration Name and address of Name of the no. and date construction site where employer and his building or other SV No. 1 Name and permanent address of 6 address a building or other construction work is to 2 Probable date of end of work 7 be carried on 3 Maximum no. of building workers to be employed on any day 8 4 Probable duration of building or other construction work and probable date of completion 9 construction work 5 Remarks 10

Form No. 4 [See Rules 27(3) and 46k?] Written Notice of Commencement/Completion of the Building or Other Construction Work 1. (i) Name and address (permanent) of the establishment (ii) Name of the employer and address 2. Name and situation of place where the building and other construction is proposed to be carried on 3. No. and date of certificate of registration 4. Name and address of the person incharge of the construction work 168 U.P. & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 [FORMS 5. Address to which the communications relating to building or other construction work may be sent 6. Nature of work involved and the facilities including plant or machinery provided 7. The arrangement and storage of explosives, if any, to be used in building or other construction work 8. In case the notice is for commencement of work, the approximate duration of work I/ We hereby intimate that the building or other construction work (Name of work) having registration no.....dated.....is likely to commence/ is likely to be completed with effect from (date)/ [on (date)]. Signature of the Employer To, The Inspector 1 Total hours of overtime worked or production in case of piece-rated 7 Form No. 5 (See Rule 39) Register of Overtime Name of building worker 2 Normal rates of wages 8 Father's/ Husband's name 3 Overtime rate of wages 9 Form No. 6 [See Rule 47] 4 Overtime earnings 10 Deputation/ Nature employment 5 Date on which overtime wages 11 Date on which overtime worked 6 Remarks 12 Register of Building Workers Employed by the Employer Name and address of establishment where building and other construction work is to be carried on Name and permanent address of establishment Name and location of work..... FONSI THE U.P. & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 Sl.No. Name of Father's/Husband's 8 Name of Date of workers name 3 Employment/ commence- Designation of employee 4 1 termination of 7 2 Reasons for termination 8 Signature or thumb impression of workers 6 Remarks 10 If the building worker is/ was beneficiary, the date of registration as a beneficiary, the registration no. and the name of Welfare Board 9

Form No. 7 Rule Muster Roll Name and permanent address of the establishment Nature of building or other construction Name and address of establishment where building or other construction work is carried on/is to be carried on Name and address of employer For the Month....., work Sl. No. 1 2 3 4 5 Name of the building worker 2 Father's/Husband's Name 3 Sex 4 Dates 5 1 2 3 4 5 Remarks 6 m

THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 [FORMS Form No. 8 [See Rule 48(a)] Register of Wages Name and address of the establishment Name and permanent address of establishment where building or other construction work is carried on Name of building or other construction Name and address of the employer work Sl. No. 1 Name of workers 2 Designation/nature of work done 3 No. of days worked 4 Wage period Monday Daily rate of wages/ Piece rate Basic Dearness allowances Amount of wages earned Overtime Others Other cash payment (Nature of amount to be indicated) 6 7 8 5 Total 11 Deductions, if any indicate nature 12 9 Net amount paid 13

10 Signature/ Thumb impression of worker Initial of employer or his representative 15 Form No. 9 [See Rule Form of Register of Wages-cum-Muster Roll Name and address of the establishment where building or other construction work is carried on/is to be carried on. Nature of building or other construction work Sl. No. Sl. No. in Register of Name and permanent address of establishment Name of Designation/ • Daily attendance/ employee 1 building Workers 2 nature Of work 3 4 units worked 5 NRMS] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 Amount of wages earned piece rate 171 6 9 Form No. 10 [See Rule Register of Deductions for Damage or Loss 10 Name and address of establishment Name and permanent Name and permanent where building or other construction address of building workers address of the employer work is carried on is to be carried on Nature of building or other construction work Sl. Name of Father's/ Husband- No. worker band's name Designation/ Particulars Date of Whether building of damage damage worker showed nature of or loss or loss cause against employment deduction 7 1 Name of person in whose presence building worker's explanation was heard 8 Amount of deduction imposed 9 No. of instalments 10 Date of recovery First Last instalment instalment 11 12 Form No. 11 [See Rule Register of Fines Name and address of establishment where building or other construction work is carried on/is to be carried on Nature of building or other

construction work Sl. No. Name and permanent address of establishment Name and permanent address of the employer Name of building Father's/ Designation worker 2 Husband's Nature of name 3 employment

4 Act/ Omission for which fine imposed 5 Date of offence 6 172 THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 Whether building worker showed cause Wage Amount of Date on Remarks Name of person in periods the fine which fine whose presence and wages imposed realised building worker's against fine explanation was heard a table 11 12 7 8 9 Form No. 12 [See Rule 48(b)] Register of Advances Name and of establishment Name and permanent address of establishment where building or other construction work is carried on/is to be carried on Nature of building or other construction Name and permanent address of the employer work Father's/ Designation/ Wage period Sl. No. Name of building worker Husband's 2 name 3 Nature of an establishment 4 and wages a table 5 Date and amount of advance given 6 Purpose (s) for No. of instalments Date and amount Date on which last Remarks *Each advance by which advance of each instalment instalment was repaid *even 7 to be paid

11 Form No. 13 [See Rule Wage Book Name and address of the employer Name and address of establishment where building or other construction work is carried on Name and permanent address of establishment Nature of building or other construction work For the Week/ Fortnight/ Month ending..... 1. 2. 3. 4. 5. No. of days worked.....,t..... No. of units worked in case of piece-rate workers.....,..... Rate of daily/monthly wages/ piece-rate.....,..... . Amount of Overtime Gross wages payable..... . FONSI THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 6. Deductions, if any, on account of the following : In (a) (b) (c) (d) (e) (f) fines damage or loss loans and advances subscription towards provident fund subscription towards the Building Workers Welfare Fund any other deductions e.g. subscription to co-operative society on account of loans from co-operative society/ housing loan or contribution to any fund as per provision of clause (p) Of sub-section (2) of Section 7 of the Payment of Wages Act or for payment of any premium of Life Insurance Corporation

7. Net amount of wages paid..... Initials of the Employer or his Representative Form No. •14 Rule 50(b)] Service Certificate Name and permanent address of establishment Name and location of work Name and address of the workman Age or Date of Birth Identification Marks Name and Address/ Location where the building or other construction work is carried on/ is to be carried on No. •Total Nature Rate of period of work wages (with for which done particulars of If the building worker & as a beneficiary his loan unit in case •Registration No., Reasons/ grounds on which the employee of piece date and the name terminated From To of the Board work) Form No, 15 (See Rule 53) Annual. Returns Remarks 7 Signature Annual Return of employer to be to the Registering Officer year ending 31st December 174 THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 1. Full name and address of the establishment of the building and other construction work (Place, Post., Distt.)

2. Name and permanent address of the establishment

3. Name and address of the employer

4. Nature of building and other construction work carried on

5. Full name Of the manager or person responsible for supervision and control of the establishment

6. Number of building workers ordinarily employed

7. Total number of days during the year on which building workers were employed

8. Total number of man-days worked by building workers during the year

9. Maximum number of building workers employed on any days during the year

10. The number of accidents that took place during the year as under : (a) **The total number of accidents** (b) **The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost** (c). The number of accidents resulting in disablement of building workers beyond 48 hours but not resulting in any permanent total disablement, the number of building workers involved and the number of man-days lost on account of such accidents. (d). The number of accidents resulting in permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such (e) The number of accidents resulting in deaths of building workers and the number of resultant deaths The Chief

Inspector or Inspector appointed by a State Government under the Act shall direct the owners of establishments registered under this Act, to send the copies of Annual Returns submitted by the employers of registered establishments in respect of the 'concerned State Government or appropriate Government to the Director-General of Inspections by virtue of provisions of Section 60 of the Act. The Chief Inspector or Inspector appointed under this Act by State Government shall direct the owners of such establishments as are registered under this Act by Registering Officers appointed by concerned State Government to send copies of the Annual Returns to the Director-General by virtue of provisions of Section 60 of the Act. Change, if any, in the management of the establishment, its location, or any other particulars furnished to the Registering Officer in the application for Registration indicating also the dates. Place.....

Signature of Employer FORMS] THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS

(REGULATION.....SERVICE) RULES, 2009



Form No. 16 Rule 129] 175 Register of Periodical Test-Examination of Lifting Appliances and Gears etc.

Initial and periodical load test of lifting appliances and their annual thorough examination "Thorough examination" means a visual examination, supplemented, if necessary, by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined, and if necessary, for such examination parts of the lifting appliances and gear shall be dismantled. Initial and periodical load tests of lifting appliance No. of I certify that the date on which Remarks (to be Situation and description of lifting certificate of I have appended by signature the signed and appliance tested with test and lifting appliance shown in column examination (1) was tested and no defect' distinguishing affecting its safe working of marks, if of competent any 1 1. 2. condition were found—other than person those shown in column 5 Date and and signature with signature with seal seal (B) -Annual thorough examination dated) 5 I certify that on the date to which I have appended my signature, the lifting appliance shown in column (1) was thoroughly examined and no defects affecting its safe working conditions were found other than those shown in column (12) Date and Date Date and Date and signature signature signature signature signature with seal with seal • with seal Date and signature With seal 11 Date and signature With seal 12 6 1. 2. 7 8 9 10 Note.—If all the lifting appliances are thoroughly examined on the same date it will be sufficient to enter in column (1) "All lifting appliances". If not, the parts which have been thoroughly examined on the dates must be clearly indicated. 176 THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 (FORMs Part-11 Initial and periodical load test of loose gears and annual thorough examination List of loose gear . The following classes of loose gears namely— 1. Chains made of malleable cast iron; 2. Plate link chains; 3. Chains, rings, hooks, shackles and swivels made of steel; 4; Pitched chains; Rings, hooks, shackles and swivels permanently attached to pitched chains, pulley blocks, containers, spreaders, trays, slings, baskets, etc. and any other similar gear

6. Hooks and swivels having 'crew-threaded parts or ball-bearings or other case-hardened parts; and 7. Bordeaux connections. Initial Test and periodical load test of loose gears Distinguishing Description no. or marks of loose gear tested and examined No. of certificate of test and examination of competent person I certify that on the date to which I have my signature the loose gear shown in columns (1) and (2) were tested and no defects affecting the safe working condition found other than those shown in column (6) Date and signature Date and signature with seal with seal 1 1. 3. 4 5. 5 Annual thorough examination of loose gears Remarks (to be I certify that on the date to which I have appended my signature the loose signed and gears shown in columns (1) and (2) were thoroughly examined by me and dated) no defect affecting their safe working condition were found other than those shown in column 10 Date and Date and Date and Remarks (to be signature with signature with signature with seal 7 signed •and dated 10 6 1. 2. 3, 4. 5. 8 9 FORMS) THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 Part-III Annealing of Chains, Rings, Hooks, Shackles and Swivels (Other than those exempted) (See Part 11) 177 12.5 mm. and smaller chains, rings, hooks, shackles and swivels in general use. Other chains, rings, hooks, shackles and swivels in use. If used with lifting appliance driven by power must be annealed once at least in every six months. If used solely with lifting appliance worked by hand, must be annealed once at least in every twelve months If used with lifting appliance driven by power, must be annealed once at least in every six months. If used solely with lifting appliance worked by hand, must be annealed once at least in every two years. Note.—It is recommended that annealing should be carried out in a suitably constructed furnace heated to temperature between 1100 degree Fahrenheit or 600 degree and 700 degree Centigrade, for a period between 30 and 60 minutes. Distinguishing Description No. of the I certify that on the date to which I Remarks gear certificate of have appended my signature, the gear (To be no. or mark of and described in' Col. 1 and 2 was signed annealed Examined effectually annealed under my and dated) supervision: that after being so annealed every article was carefully inspected and that no defects affecting its safe working condition were found other than those shown in Col

7. Date and Date and Date and signature signature With seal With seal With seal 1 2 3 4 Form No.16-A 5 6 [See Rule Test and Examination of winches, derricks, and their accessory gear Test Certificate Name of the construction site where lifting appliances are fitted/ installed/ located : 1. Situation of lifting appliances and gear with distinguishing number or marks (if any), which have been thoroughly examined

2. Angle to the horizontal of derrick boom at which test load applied (In Degrees), 3.-Test load applied (In Tonnes)

4. Safe working load at the angle shown in (2) (In Tonnes).' 178 testing establishment making the test and examination



6. Name and position of the competent person of public service, association, company or firm or testing establishment. I ceräfy that on of 20.....the lifting appliance shown in (1) together with its necessary gear was tested in the manner set forth overleaf in my presence, that a carful examination of the said lifting appliance after the test showed that 'it had withstood the test load without injury or permanent deformation; and that the safe working load of the said lifting appliance and accessory gear is as shown in (4). mace.... THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGUL4TION...,...SERVICE) RULES,2009 [FORMS 5. Name and addIBs of public service, association, company, or firm or Date Signature of the Competent Person Seal Registration/ Authority number of the Competent Pason



Form No. 17 [See Rule Test and Examination of Hoist or Cranes and their accessory gear Test Certificate

No. Name of the construction site where cranes or hoists are 'fitted/installed/ located : 1. Situation and
description

2. For jib a-anes radius at the test load was applied (Metres)

3. Test load applied (Tonnes)

4. Safe working load for jib cranes at radius shown in (2) (Tonnes)

5. Name and address of public serVice, association or firm or testing establishment making the test and
examination



6. Name and position of competent person of public service, association or firm or testing establishment I certify that on of above Hfting appliance together with its accessory gear, was tested in the manner set forth overleaf; that a careful examination of the said lifting appliance and gear after the test showed that it had withstood the test load without injury or permanent deformation; and the safe working load of the said lifting appliance and gear is as shown in (4).Place.. Signature of the Competent Person Registration/ Authority number of the Competent Person FORMS] THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009



Form No. 18 [See Rule Test and examination of loose gears Test Certificate No. .. 179 Name of the
construction site where loose gears are fitted/ installed/ located 1. Distinguishing number or mark

2. Description, dimension and material •of gear/ device

3. Number tested

4. Date of test

5. Test load applied (Tonnes)

6. Safe working load (SWL) (Tonnes)

7. Name and address of manufacturer or suppliers

8. Initial test and examination, certificate no.and date (only in case of periodical test and examination)

9. Name and address of public service association, company or firm or testing establishment making the
test and examination



10. Name and position of competent person in public service, association, company or firm or testing establishment. I certify that on the.....,.....date of 20.....,.....the above gear was tested and examined in the manner set forth overleaf, the examination showed the said gear/device withstood the test load without injury or deformation and that the safe working load of the said gear/device is as shown in (6).
Place.....,..... Date... Signature of the Competent Person Seal Registration/ Authority number of the Competent Person



Form No. 19 [See Rule Test and Examination of the Wire Rope before being taken Test Certificate No 1.
Name and address. of maker/ supplier 2. (a) Circumference/ diameter of rope : (b) Nuniber of strands . (c)
Number of Wires per strand . (d) Lay • (e) Core : 3. Quality of wire (e.g. best plough steel) : 4. (a) Date of
test of sample or rope • (b) Load at which sample broke (In tonnes) . 180 THE U.P. BUILDING &
OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 (FOMIS (c) Safe
working load of rope (In tonnes) : (d) Intended use : 5. Name and address of Public Service, Association,
Company or tesäng establishment making the test and examination



6. Name and position of Competent Person in Public Service, Association, Company or Firm testing establishment making the test and examination : I certify that the above particulars are correct and the test examinations were carried out by me and no defects affecting its Safe Working Load (SWL) were found.Date Signature of the Competent Person Registration/ Authority number of the Competent Person



Form No. 20 [See Rule 127(c)] Heat Treatment and Examination of Loose Gears Test Certificate
No..... Name of the construction site where loose gears are fitted/ installed/ located : 1. 2. 3. 4. 5. 6



7. Distinguishing number or mark : Description of gear .Number-of the certificate of test and examination : Number annealed : Date of annealing : Defects found at careful inspection after annealing : Name and address of Public Service Association, Company or Firm or testing establishment carrying out the annealing and inspection : 8. Name and position of the Competent Person of Public Service Association, Company or Firm or testing establishment : I certify that on the date shown in (5) the gear described in (1) to (4) was actually annealed under my supervision that after being so annealed every article was carefully inspected; and that no defects affecting its safe working condition were found other than those indicated in (6). Signature the Competent Person Seal Place.....i.. Date Registration/ Authority number of the Competent Person FORMS] THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009



Form No. 21 [See Rule 142] Examination or test of pressure vessel or plant 1. Name of the employer (or establishment).....,

2. Address of construction IBI 3. Name, description and distinctive number of pressure vessel or 4. Name and address of manufacturer and reference to their test certificate or certificates of Competent 5. Nature of process in which pressure vessel or plant is used..... .

6. Particulars of pressure vessel of plant : (a) Date of (b) Thickness of walls.....,..... (c) Date in which the pressure vessel or plant was first taken into use..... (d) Maximum permissible working pressure recommended by the (e) Design pressure, if (f) The history should be briefly given and the examiner should state whether he has seen the last previous report

7. Date of last hydrostatic test, if any, and pressure applied.....

8. Is the pressure vessel or plant in Open or otherwise exposed to weather or to damp? 9. What parts (if any) were inaccessible?.....

10. What examination and tests were made? Specify pressure if hydrostatic test was carried out...-.....

11. Condition of pressure vessel of plant external (State any defects materially affecting the maximum permissible working pressure of the safe working of the pressure, vessel of plant),.....Internal 12. Are the required fittings and appliances provided in accordance with the rule.....



13. Are all fittings and appliances properly maintained and in good condition? Have the pressure settings been checked and corrected? 14. Repairs (if any) required, and period within which they should be executed and any other condition which the person making the examination thinks it necessary to specify for securing safe 15. Maximum permissible working pressure, calculated from dimensions and from the thickness, and other data ascertained by the present examination, due allowance being made for conditions of working if unusual or exceptionally (state minimum thickness of walls measured during the examination),..... 182 THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS

(REGULATION.....SERVICE) RULES. 2009 (FORMS 16. Where repairs affecting the maximum working pressure are required, state the working pressure : (a) Before the expiration of the period specified in item 14. (b) After the expiration of such period if the required repairs have not been completed. (c) After the completion of the required 17. Other observations..... .date of 20.....the pressure vessel or plant hereby that on the , described above was thoroughly cleaned and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination and that on the said date, I thoroughly examined this pressure vessel or plant including its fittings and that the above is a true report of my examination. Signature of the Competent Person Seal



Form No. 22 [See Rule 216(d)] Certificate of Medical Examination Date 1. Certificate Serial No.....

Date Identification marks : (1) (2) Father's 1...• .Son/daughter.....

5. Residence



6. Date of Birth, if available and/or certificate age 7. Physical Fitness : I hereby certify that I have personally examined (Name)..... son/daughter/wife at.....who is desirous of being employed in.....-.....building and construction work and that his/her age as nearly as can be ascertained from my examination is.. years and that he/she is fit for employment 8. Reason for : (1) refusal certificate being Signature with Seal Construction Medical Officer. FORMS] THE up. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 183 Signature/ left hand thumb impression of building worker Note : (1) Exact details of cause of physical disability should be clearly 1. 2. 3. 4. 5. 6. stated. (2) Functional/productive abilities should also be stated if disability is stated.



Form No. 23 [See Rule 228(a)] Notice of poisoning or occupational diseases Name and address of the employer. Name of the building worker and his work no., if any Address of the building worker Sex and age Occupation State exactly what the patient was doing at the time of contracting the disease 7. Nature of poisoning or disease from which the building worker is suffering from Date Signature of the Employer/ Construction Medical Officer Note.—When a building worker contracts any disease specified in Schedule-11, a notice in this Form shall be sent forthwith to the Director General. 1. 2. 3. 4

5. Form No.24 [See Rule 251(7)] Notice of Accidents and Dangerous Occurrences Name of the project/work Location and address of construction work Stage of construction work Particulars of Employer • (a) Main contractor Firm/Co. : (b) Sub-contractor's particulars Name Address Phone Nos. Nature of business Particulars of injured person . (a) Name (First) (Middle) Name Address Phone Nos. Nature of business (Surname) u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES,2009 [FORMS (b) Home Address : (c) Occupation : (e) Sex : Male/Female : (g) Experience : (d) Status of the worker : Casual Permanent (h) Marital status : Married/Unmarried/Divorced 6. Particulars of accident : (a) Exact place where accident occurred (b) Date (c) Time (d) What the injured person was doing at the time of accident? (e) Weather condition (f) How long employed by you for this particular job? (g) Particulars of equipment/machine/tool involved and condition of the same after the accident occurred

7. Nature of .(a) Fatal (b) Non-fatal (c) If non-fatal, state precisely the nature of injuries (Describe in detail the nature of injury, for instance fracture of right arm, sprain etc.) (a) First Aid : Given • : Not Given : (b) If not, give the reasons (c) Name and designation of the person by whom first aid was given : (d) If admitted to hospital, Name of the hospital : Address of the hospital : Phone No.

8. Mode of transport used : Name of the Doctor : Ambulance Truck Tempo Taxi Private Car 9.(a) How much time was taken to shift the injured person? If very late the reasons (b) How the reporting was made? : Telephone Telegram Special Letter Messenger (c) Who visited the accident site first and what action was proposed by him? : (d) •What are the actions taken for the investigation of the accident by the employer? (Describe about photographs/video film/measurement taken etc) FORMS) THE u.p. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 10. Particulars of the person given witness , (a) Name Address Occupation 1. 2. 3. 4. 5. (b) Whether Temporary / Permanent Particulars in case of fatal : 11. 'Date : 185 'Time : Whether, registered with building and other If yes, give Reg. No. Construction Workers Welfare Board I certify that to the best of my knowledge and belief, the above particulars are correct in every respect. Place : Date : Signature of employer/ Responsible Person/Supervisor Designation c.c. forwarded for information and follow-up action : 1

3. Note.—If more than one person is involved, then for each person, information is to be filled up in separate forms. 1. 2. 3. 4. 5. 6. 7

8. Notice of Dangerous Occurrences Name and address of the establishment Location and address of construction site Name of the employer Name of the Supervisor or responsible person Nature of construction work Exact place where the dangerous occurrence took place Date and time of occurrence Nature of dangerous occurrence (State exactly what happened) I certify that to the best of my knowledge and belief, the above particulars are correct in every respect.Place : Date : Signature of Employer/Responsible Person/Supervisor Designation 186 1. 2. 3. 4. 5

**6. THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,
2009 [FORMS**



Form No. 25 [See Rule 276(1)] Application for Registration of Beneficiaries Name Address Name of father
Marital status : (Married, unmarried or widow) Date of Birth Name, address and registration No. of the
establishment where the applicant is working 7. Nature of job/employment 8. ESI/PF No



9. Name and address of employer la Total service 11.Rate of subscription : Rs. 50 12. Name of Bank and Branch where subscription' is to be paid 13. If the applicant is already a member of any other Welfare Board, the name of such boards and regisfration no. of the applicant I certify that to the best of my Imowledge and belief, the above particulars are correct in every respect. mace Date . Signature of Beneficiaries Designation



Form No. 26 [See Rule 276(4)] Register of Beneficiaries SL No. 1 Name and Age of beneficiary 2 3 beneficiary of Bank and date Rs. Registrati Re • tration fee details Remarks Signature of on no. of R •
 tering Name Draft No. Amount 4 5 6 Form No. 27 [See Rule Beneficiaries' Identity Card PAGE-I 7 8 O
 cer 9 Signature, date and official designation of the registering authority (with office seal) FONSI THE
 U.P. & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 PAGE-11 Name
 of Member Address Male/ Female Name of job Registration No. District Date of Registration Name of
 Bank and Branch in which subscription is to be paid 187 Subscription rate Date of birth Completed age.
 Date of retirement Marital Status : Rs. 20 PAGE 111 (Married, unmarried or widow) Name of wife/
 husband Address Wheeler wife/ husband, a member of this Board If so, name and .regisfration No. Name
 of Nominees Relationship with the member Signature/thumb impression of the member Official
 designation and signature of registering authority. Form No. 28 [See Rule 278] Register of Employment of
 Beneficiaries Name and address of establishment : Sl. Name and A of Regis&ation No. add-ress of
 Benefida.ries Details of contribution/ Arrears Draft No. Amount Rs. 1 2 3 Yes/No Month Remarks 7 4
 Form No. 29 [See Rule 2811 5 6 Signature of Employer Application for Maternity Benefit 1. Name and
 address of applicant 2. Registration No. 3. 4. 5. 6. 7. 8

9. THE U.P. BUILDING & OTHER CONSTRUC WORKERS (REGULATION.....SERVICE) RULES, 2009 [FORMS Age and date of birth Name of husband Date of confinement Have you* applied for this benefit earlier If so how many times and give details Date of registration Date of payment of 1st subscription and amount 10. Date of payment of last subscription 11. Name of bank and place 12. List of documents submitted— (a) Copy of Challans or Copy of Pass Book (b) Medical Certificate in original The facts furnished above are true to my knowledge and information. Place : Date : Name and Signature of applicant Form of Medical Certificate (To be obtained from a Medical Officer not below the rank of an Assistant Surgeon) I have examined Smt..... ..wife of She IS age . . pregnant running.....month. She had delivered a child on..... Place • Date • 1. 2. 3. 4. 5. 6. 7

8. Name of Doctor Seal Form No.30 [See Rule 283(1)] Application for Pension Name and address of applicant Registration No, Date of completion of 60 years Date of payment of first subscription amount and name of Bank Default if any and reasons thereof Date of payment of last subscription amount, date and name of Bank List of documents— (a) Identity Card (b) Pass Book (c) Challans Address to which pension is to be sent FORMS] THE u.p. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES. 2009 139 9. Any other information (Details of benefit if any, from other Welfare Boards) The facts mentioned above are true to my knowledge and information. Place : Name and Signature of applicant Date : form No. 31 [See Rule 283(6)] Register of Payment of Pension P.P.O. Name and address of Date of Birth Date • of Total service No: and date No. 1 the pensioner with tetiren•alt Date of entry Manbership No. in ete in the scheme U.P.B.Q.C.W.W. Board Date of commence- Monthly Rate of Dated initials of ment of asion 7 ension Rs. 8 Sea•etary Officer 9 IO of order of sanctioning authority 8 Remarks Order on cancellation of palsion etc. may, be noted herewith reason and date of effect under initials of Secreta /Offica 11 Details of Pension Paid : Month/ amount of Date of sending Dated initials Renarks of Year 12 1. 2. 3. 4. paision (Rs.) of Money Order. of undelivered H.O. etc. may be C.E.O./Officer Form No. 32 [See Rule noted her 16 Application for Advancefor PurchaSe Or Construction of House (a) Name of the applicant— (b) Permanent Address (c) Present Address Date of bikh Date of retirement (a) -Register Number 190 THE U.P. BUILDING & OTYE-R CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 2009 (FORMS (b) Date of Registration (c) Rate of remittance (d) Date of first remittance (e) Date of last remittance (f) Total amount remitted (g) Whether the membership has ever been revived, if so details (h) Details of revival 5. Purpose of advance (new construction/maintenance/purchase of land with building) 6. Whether the applicant has a house of his own (Give details) 7. Amount of advance required 8. Details of land property— (a) (b) (c) (d) (e) (f) (g) Panchayat/ Town Village Taluka District Area Survey No. Valuation of the property 9. Whether the applicant has received any other loan for HBA, give details 10. Esfimate for construction/maintenance of building as per plan 11. Details of the amount raised apart from the loan 12. Whether the applicant has received loan previously from this Board DECLARATION I hereby declare that the above statements are true and correct to the best of my knowledge and belief. Place : Date • Details of documents to be produced ; Signature Name 1. 2. 3. 4. 5

6. Plan and estimate (approved) Encumbrance Certificate of 14 years Location Certificate Land tax receipt Original document •Attested copy of ration card (page 2, 4) for maintenance application FORMS] THE U.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES, 7. Ownership of the building (for maintenance only) 8. Terminal benefit declaration 9. Attested copies of identity card and passbook ICY. Title clearance certificate 11. Age certificate of the building (for maintenance only) 12. certificate of the property 13. No objection certificate from the authorities for construction 191 14. Declaration from the applicant that neither he/she/ nor his/her spouse/childæn own a house (for new construction) 1. 2

4. Branch 5.- 6. .7

8. Form No.33 [See Rule 285(2)] Application For Disability Pension Name and Address of Applicant Age and Date of Birth Date of payment of first subscription, amount and name of Bank and Date of payment of last subscription amount and name of Bank Total amount of-subscription Details of disease/ accidents Nature of disability due to disease/accident Details of treatment in Government hospitals, date of admission and date of discharge 10. Whether the patient was in so, for how m.any days? 11. Amount spent for treatment (should be supported by medical bills countersigned by treating doctor) 12. List of documents submitted 13. Details of benefits received, if any before 14. Details of benefits received, if any from Government or any other institutions, for the above &eatment The above facts ate true to best of my knowledge and Date : Fonn No. 34 [See Rule 2861 Applicationfor Funeral Expense 1. Name and Address of Applicant 2. Relationship of applicant with the worker Name : 192 THE u.p. BUILDING & on-IER CONSTRUC. WORKERS (REGULATION.....SERViCE) RULES,2009 [FORMS 3. Name and address of worker 4. Registration No

5. Date of registration 6.Date of payment and first subscription, amount and name of Bank Branch 7. Date of payment of last subscription, amount, name of Bank; Branch • 8. Duration of membership 9. Whether membership was live? 10. Date ot death of the worker 11. Reason for death 12. Whether applicant is the nominee of the worker 13. If not, whether the applicant has submitted dependence certificate

14. Name, age and date ofbirth of the nominee 15.If nominees are minor, name of guardian and his relationship 16. Whether consent letters from other nominees submitted? (Where ete no. of nominees is more than one) 17. Mlhethereertificate of guardianship submitted by the minor children : 18. Amount pf benefit, applied for The above facts are true to best of my knowledge and informaåon. Place : Date : 1. 2. 3. 4. 5. 6. 7. 8

9. Signatur : Name : Form No.35 [See Rule 287(2)] Application for Death Benefit Name and address of applicant Relationship with the worker Name and address of worker Regisfration No. Age and date of birth Worker whether married Nature of death (Give details) Details of documents submitted Amount of financial assistance applied for The above facts are bue to best of my knowledge and information. Name and Signature Date : FOMqSJ THE UP. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION....SERVICE) RULES, 2009 193 Sl. Date of No. receipt of appli- Name and regis- tradon no. of worker 3 Form No. 36 [See Rule 287(5)] Register of Death Benefit Period Date Order Name and of of No. address of remit- death and nominee Amount of death benefit 8 Refund Total Ini- cahon 2 tance 4 date with rela- tionship to of amount 9 tiai 11 1. 2. 3. 4. 5

7. Total : 8.9. 5 6 7 10 Form No. 37 [See Rule 28b] Application for Cash Award Name of examination passed Name of student Address Year of study— Month and year of passing of examination Regn. No. Age and dale of birth : 6. Whether SC/ST Marks obtained in the examination Subject . Marb obtained Maximum Marks Name of parent Address 10. Regn No. in the U.P.O.C.W.W. Board 11. Date of payment of first subscription, amount, name of bank, branch : The above facts are frue to best of my knowledge and information. Place : Name and Signature Date : Affidavit of the Parmit I, ...(name and address) am a member of U.P. Building and Othe± Construction Workers Welfare Board and my Registration No. is my son/daughter. The facts mentioned in the application are &ue, If they an found to be not b•ue later, all the money received from the Board in this account will be remitted Bick. I hereby agree that the decision takal by the Secrétary in this regard will bé final. Place : Name and Signature Date : 194 THE u.P. BUILDING & OTHER CONSTRUC. WORKERS (REGULATION.....SERVICE) RULES,2009 [FORMS (2) Enquiry Report of the District Executive Officer Sri/Smt(Name and address) is a member

of U.P. Building and Other Construction Workers Welfare Board Registration No. He has been regularly paying subscription from....., to I recommend/ reject this application (reason for rejection). 1. 2. 3. 4. 5. 6. 7. 8

9. District Executive Officer Form No.38 [See Rule 290] Application for Medical Assistance Name and address of Applicant Age and Date of Birth Registration No. Date of payment of 1st Subscription (Amount and name of Bank) Date of payment of last subscription (Amount and name of Bank) Total amount remitted Details regarding disease/ surgery Disability if any, due to disease or surgery Period of treatment as inpatient in Government Hospital (Date of admission in the Hospital and date of discharge) 10. List of documents submitted 11., Details of medical benefits received; if any, before The above facts are true to my best of knowledge and information. Place : Date : Name of Course : Name and Address of Applicant Form No. 39 [See Rule 291] Application for Educational Assistance Year Name of Student 1. Male/ Female 2. 3. (a) SC/ST (b) Whether proof is attached Name of College and affiliated 4. Name and year of course 5. Date of admission to the course 6. Age and Date of birth of the student 7. FOM.4S] THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 8., Details of qualifying examination passed 195 Name of Exam Total : Name of affiliated Month and Year of passing University/Board State qualifying examination 9. Marks scored in qualifying examination : Maximum marks Subject Marks scored Maximum marks . Percentage Total : 10. (a) Name of Parent of applicant (b) Registration no. (c) Date of payment of first subscription (d) Date of payment of last subscription (e) No. of instalments paid Total subscription paid (f) Permanent address (g) Has the membership been revived [] if so, period of revival Yes/No The facts mentioned above are true to my knowledge. If selected for the scholarship, I promise that I will abide by the condition stipulated in the Scheme..... Place : Date : Name and Signature of the Student Affidavit of the Parent of the Student I, ...(Name and address) S/o or D/o(Name and Address) solemnly affirm the following : 1. My son/daughter studying and years of course)

2. I am a member of the Board with Registration No

3. Subscription has been paid up 4.If any of the above facts are found to be wrong later, the scholarship amount granted to the student will be returned back by me. The decision of Secretary in this regard will be applicable to me and it will be final and I agree with this

5. I also agree to recover any amount of default due from me. Place : Date : Name and Signature THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, [FORMS (To be signed before MLA/MP/Panchayat President/Gazetted Officer of State or Central) I certify that Smt./Sn.... .. signature in my presence. Place : (Office Seal) Date : Head of Smt./Sri..... is a who has signed above has put the Attesting Officer Name Official Designation ...(Name of Institution) hereby certify that • year student of.... course. I have examined the application submitted by the student and I am convinced that it is correct. This institution is affiliated to the Place : Date : 1. 2. 3. 4

5. Branch 6.Branch 7. 8. 9. (Office Seal) University/Board. Attesting Officer Name Official Designation Form No. 40 , [See Rule 292] Application for Marriage Assistance Name and address of Applicant Address Registration No. Age and Date of Birth Date of payment of first subscription, Amount and name of Bank and Date of payment of last subscription, Amount and name of Bank and Duration of membership. Is membership live? If application is for the marriage of son/ daughter— (2) (3) (4) (5), (6) (7) Whether husband or wife, member of this Board If so, has he/she applied for the financial assistance Date of birth of the son/daughter Address of the bride. or bridegroom Date and place of marriage Date and No. of the certificate of marriage Name and address of the authority who issued the certificate . Have you applied for financial assistance for the marriage of any Other son, daughter; if so details of the same 10, If application is for the marriage of self (for women worker only)— • (1) Name and address of husband/bridegroom (2) Date and place of marriage THE U.P. BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION.....SERVICE) RULES, 2009 197 (3) No. and date of marriage certificate Name of authority who issued the certificate 11. Are you in receipt of any financial assistance for the purpose from Government or any other institution The above facts are true to my best of knowledge and information. Place . Date 1. 2. 3. 4. 5

6. Name and Signature of Applicant Form No.41 [See Rule 293] Application for Family Pension Name and Address of applicant Address of the pensioner/ worker Relationship with worker Date of death of

worker Monthly pension received by the worker Whether applicant .is receiving pension from Government/Semi- Government or any other institution? If yes, details thereof 7. Whether applicant is receiving salary from Government/Semi-Government/ Private Institution? If yes, details thereof 8. List of documents submitted The above facts are true to the best of my knowledge and information. Place Name and Signature of Applicant Date • List of documents to be submitted along with application 1. Death certificate of the worker 2. Village Officer's Certificate showing relationship between the applicant and the worker 3. Village Officer's certificate stating that the applicant is not receiving any pension from Government/Semi-Government/Private Institution 4. Village Officer's Certificate stating that the applicant is not receiving any salary from Government/Semi-Government/Private Institution

