

GOVERNMENT OF MEGHALAYA
LABOUR DEPARTMENT

NOTIFICATION

Dated: Shillong the 4th February, 2015.

No. LBG.73/12/561:- The Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 is an Act to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures. Further, the Building & Other Construction Workers Welfare Cess Act, 1996 (Cess Act) is an Act to provide for the levy and collection of a cess on the cost of construction incurred by employers to augment the resources of the Building & Other Construction Workers Welfare Boards constituted under the Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

Section 3 of the Cess Act provides for mandatory levy and collection of cess on the cost of construction which are covered under section 2(d) of the Building & Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996. The Government of India vide Notification No S-61011 9 45-RW [S0.2899] dated the 26th September, 1996 has provided that the cess shall be levied at 1% of the cost of construction incurred by an employer which shall exclude the cost of land and any compensation paid or payable to a worker or his kin under the Employees Compensation Act, 1923.

Section 3(2) of the Cess Act provides that the cess shall be collected from every employer in such manner and at such time, including deduction at source in relation to a building or other construction work of a Government or of a Public Sector Undertaking or advance collection through a local authority where an approval of such building or other construction work by such local authority is required. Rule 2(f) of the Building & Other Construction Workers Welfare Cess Rules, 1998 defines "Cess Collector" as an officer appointed by the State Government for collection of cess under the Act.

Therefore, in exercise of the powers conferred under Section 3(2) of the Building & Other Construction Workers Welfare Cess Act, 1996, (28 of 1996) read with Rule 2(f) of the Building & Other Construction Workers Welfare Cess Rules, 1998, the Governor of Meghalaya is pleased to appoint the local authority i.e. the Shillong Cantonment Board as the Cess Collector within its jurisdiction and to perform the functions provided under Section 3(2) of the Cess Act.

The Shillong Cantonment Board shall in accordance with Section 3(2) of the Cess Act obtain the estimated cost of the construction along with the building plans which are submitted to them for approval by the concerned employers i.e. owners/contractors, builders etc and shall collect upfront an amount of 1% of the estimated cost furnished along with building plans and remit by way of a A/c Payee Cheque drawn in favour of the Secretary, Meghalaya Building & Other Construction Workers Welfare Board, Office of the Labour Commissioner, Lower Lachumiere, Shillong-793001 along with a forwarding letter within 30 days of its collection in terms of Rule 5(3) of the Cess Rules.

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In case of individual residential building plans, the 1% cess shall be collected only if the estimated cost is more than ₹ 10 Lakhs (Rupees Ten Lakhs)

Before remitting the cess amount to the Secretary, Meghalaya Building & Construction Workers Welfare Board, the local authority i.e Shillong Cantonment Board may deduct from the cess collected or claim from the Board, as the case may be, actual expenses not exceeding 1% of the total amount collected in terms of Rule 5(2) of the Rules

Sd/-

(Shri M.S. Rao, IAS)

Principal Secretary to the Govt. of Meghalaya

Labour Department

Memo No. LBG.73/12/561-A

Dated : Shillong the 4th February, 2015

Copy to :-

1. The P.S. to the Chief Minister, Meghalaya for the kind information of the Chief Minister, please.
2. The P.S. to the Minister, Labour & Urban Affairs Department for the kind information of the Minister, please.
3. The P.S. to the Chief Secretary to the Government of Meghalaya for the kind information of the Chief Secretary, please.
4. The P.S. to the Additional Chief Secretaries to the Government of Meghalaya for the kind information of the Additional Chief Secretaries, please.
5. Principal Secretary to the Government of Meghalaya, Urban Affairs Department for the kind information of the Principal Secretary, please.
6. All Deputy Commissioners.
7. All Heads of Department.
8. The CEO, Shillong Cantonment Board for information and necessary action.
9. All CEOs Municipal Boards.
10. The Director, Printing & Stationery, Meghalaya, Shillong for favour of publication of the same in the Government Gazette.
11. The Labour Commissioner, Meghalaya, Shillong.
12. The Joint Labour Commissioner, Tura.
13. All Deputy Labour Commissioners.

By orders etc.

Deputy Secretary to the Govt. of Meghalaya,
Labour Department
