

Notes by-

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CONSTRUCTION MANAGEMENT

ASSIGNMENT NO. 06

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Assignment No. 6.

Q. 1. Explain different laws.

The different laws are as follows:-

1) Minimum Wages act:-

Objective of Act:-

The act aims at making provisions for the statutory fixation of minimum rate of ~~retur~~ wages in a number of industries where there are extensive chances for exploitation of labour.

Provision of act:-

1) The setting up advisory committee which have power to collect information on which minimum wages is based.

2) The wages of a worker shall be paid on a working day by -

a) The 7th day after the last day of wage period in case of establishment having less than 1,000 workers.

b) The 10th day after the last day of wage period, in case of establishment had more than 1,000 workers.

c) Wages of employees should be paid without any decision, except in respect in of items mentioned below.

i) Fines in respect of act of provision.

ii) Absence of duty.

iii) Loss of goods/money, direct because

of default of employee.

- iv> House accomodation of other amenities provided by employees.
- v> Recovery of advances of over payment.
- v> Income tax.
- vi> Subscription & refund to the provident fund.
- vii> Payments to co-operative societies insurance co-operatives. operations.
- viii> Purchase of govt. securities with permission of employees.
- ix> Deduction ordered by court.

Violation of act:-

The employees have the right under act to claim payment for violation of act like payment less than min. rate & payment overtime rates.

Application for such a claims. should be preferred without six months from date on which the payment is due.

The payment amount payable to employee may be recorded by a magistrate having inridiction over the employer.

2) Payment of bonus act : 1965 -

Objective of act:-

It specifies a minimum amount of bonus payment payable to worker. It is a socio economics piece of legislation.

Provision of act:-

- 1) An employee should have worked at least for 30 days in a year to qualify for bonus.
- 2) An employee, if dismissed from service for fraud violence, theft etc. should be disqualified from receiving bonus.
- 3) In case, the employee is not dismissed but subjected to other punishment the employee is eligible for bonus.
- 4) The employer is subjected to pay a minimum bonus of 8.33% of salary or Rs 100/- whichever is higher.
- 5) The quantum of bonus is calculated according to the available surplus which is derived from the company.
- 6) The max. bonus shall not be exceed 20% of annual wages.
- 7) An employee may provide a provisional bonus or advance payment before the festival.
- 8) If an employee is found quality of misconduct

causing financial loss of company ; employee may deduct the loss from bonus, payable for accounting year.

- 9) The bonus is required to be paid within 8 months from close of accounting year.

Violation of act :-

In case bonus remains unpaid the competent government officers is unauthorised to recover bonus as an areas of land revenue.

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3] Maternity Leave act :-

- 1) A competent authority may subject to the provisions of this rule, grant to a permanent female, who does not have three or more living children on the date of application, maternity leave for a period of ~~3~~ ninety days from date of its commencement.
- 2) A female employee not in permanent employ who has put in at least one year of continuous service shall also subject to provision of this rule to eligible for maternity leave refered to sub rule to condition that leave salary admissible during period of maternity leave shall be regulated as follows:

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- a) In the case of a female employee who had put in two or more years continuous service, the leave salary admissible shall be as provided in sub rule (1) of rule 40 of these rule.
- b) In case of female employee who has put in two or more years continuous service, the leave salary admissible shall be as provided in sub rule (2) of rule 40 of these rules.
- 3) The application for maternity leave shall invariably be supplied by medical certificate as to the probable date of conjunction & understanding to the effect that employee shall report the date of conjucement supported by medical certificate. In class of class IV employee in which insistence an regular medical certificate is likely to cause hardship the authority competent to grant leave may accept such certificate as it may be sufficient.
- 4) A female employee may be allowed leave of kind due, including commuted leave if she is so desired.
- 5) Leave under this rule shall be admissible in a case of mis-carriage or abortion including aborsion under medical termination including abortion of pregnancy act 1971 subjected to following conditions

a) leave not exceed 6 weeks.

b) The application for leave is supported by medical certificate.

4) Workmen's compensation act : 1923:

Objectives of the act :-

To protect victims of the accidents and their families from hardship arising out of and in the course of employment.

The act covers the workers employed in hazardous occupation as specified in the schedule & whole wages are up to Rs 1000/- per month.

Provision of act :-

The act provides for payment of compensation in case of accident on work site; but is not payable for injuries due to:

- 1) Disobedience or negligence.
- 2) Willful removal of safety guards.
- 3) Consumption of figures.
- 4) Diseases not contracted because of occupation.
- 5) However in case of death of a worker.

compensation is paid under all circumstances.

compensation for various disablement due to accidents.

i) Temporary disablement:-

Compensation is made in form of half monthly payments. The amount varies from Rs 36/- for employee getting payment up to 60/- per month to Rs 175/- for an employee getting payment Rs 1000/- p.m.

The compensation is payable for duration of disablement is payable for max. 5 years.

ii) Permanent total disablement:

It renders the workers incapable of performing any work in any employment. The act specifies the following injuries as resulting in total disablement.

- a) Loss of both hands & ~~tools~~.
- b) Double amputation of lower extremities or amputation of one leg & loss of a foot of the other.
- c) Loss of one hand & foot.
- d) Loss of sight of both eyes.
- e) Very severe facial disfigurement.
- f) Absolute deafness.

The compensation payable in these cases depends upon salary & varies from 10,000 to 42,000 Rs.

iii) Permanent disablement:-

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The act specifies a large number of injuries that reduce the earning capacity has also laid down in the act for different injuries. The compensation payment in such cases is equal to compensation payable for total disability multiplied by percentage of loss of earning capacity.

iv) Death act:-

⇒ Death act:

In case of total accidents the amount of compensation varies from Rs 7,200 to Rs 30,000/- depending upon wages.

Violation of act:-

The act provides for appointment of commissioners for the quick & inexpensive disposal of claims for compensation. All payments of compensation are required to be made through commissioners & not directly to the employee. Lumpsums or half monthly payments or compensation are not liable to attachment except provided in act.

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5. child labour act:

According to child labour act (1933) was enacted to prohibit the making of agreement & pledge the labour of children.

child means a person who is under age of 14 years. The act is designed to stop the malpractice of pledging of labour of children.

It declares void an agreement, written or oral to pledge, the labour of a child below 14 years by the child's parents or a guardian in return for any payment or benefit on agreement without detriment to a child & not made in consideration of any benefit other than reasonable wages to be paid for child services.

1) Whenever makes with the parent or guardian of a child an agreement punished with fine which may extend to Rs 200/-

2) Whoever being the parent or guardian of a child makes an agreement to pledge the labour of that child shall be punished with fine which may extend to Rs 50/-

The purpose of this act are more or less served by child labour act 1986. This is an act to prohibit the engagement of children in certain employment & to regulate the condition of work children in certain other employment.

This act is extend to the whole of India & come in to force on 23rd Dec. 1986.

6/ Employees provident fund: 1952

The act is applicable to any factory or industry specified in schedule I of this act & employing more than 20 persons. Constⁿ companies are required under the act to maintain provident funds for their employees.

Provident fund is administered by a board of trustees appointed by the government. These are both state board & central board for administration.

Both the employer & employee are required to contribute funds. The employers contribution is $6\frac{1}{4}\%$ of basic wage & employee contribution is also $6\frac{1}{4}\%$. In certain cases the govt. might issue direction to raise the contribution to 8% for both employers & employees.

The basic wages shall include salary or wage allowable, house rent, allowance, overtime allowance & bonus. However it does not include travelling allowance & fund allowance.

The employer is required to contribute to both employers & employees share within

15th of every month. The employer in turn may deduct employees contribution from his salary. The employer is under obligation to pay to the board regardless of the deduction made to the employees.

The employer is under obligation to submit all the dues to the provident fund. If the dues that arise out of the act remain unpaid, the authority has right to initiate criminal process against employer. (The employer is under obligation to submit all the dues to the provident fund. If the dues that arise out of the act remains unpaid, The authority has right to initiate criminal process against employer.) The employer after payment to fund may recover lawful dues from any sum payable to the employee or sub contractor under whom the employees are engaged.

The appropriate govt. authorities have right to inspect for such implementation of provision of such act. Such inspectors may visit premises & examine the documents & advise the employees on various aspect of law.

Badhaw
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