भारत सरकार Government Of India
रेल मंत्रालय Ministry Of Railways
(रेलवे बोर्ड) (Railway Board)

No. 2008/CE-I/CT/6 **New Delhi, dated 09.08.2019**

To,
As per attached list.

Sub: Building and Other Construction Workers' Welfare Cess (BOCWWC), Act, 1996 – Clarification reg.

Ref: (i) NWR's letter No. R/HQ/AJ/A/Cs/Corres./03/2019-20 dated 04.07.2019
(ii) SECR's letter No. SECR/HQ/Engg./Genl./T&C Policy/18/1/5971 dated 22.07.2019
(iii) Dy. CAG's letter No. Rly/NR/12-10/2016 Pt-I dated 16.05.2019

A number of references have been received from Zonal Railways seeking clarification whether 'Building and Other Construction Workers' Welfare Cess' is applicable on the total cost of construction including the cost of material or the cost of material has to be kept out of the purview of cess, when supplied under a separate schedule item. Audit vide their letter under reference (iii) above has also observed that Railways were not recovering Cess on the cost of materials supplied by the contractors and recommended to modify the tender conditions to correctly reflect the provisions of the BOCWWC Act & to issue Instructions to all field formations to recover the Cess in line with the BOCWWC Act.

2. In this context, it is clarified that the provision of 'Building and Other Construction Workers' Welfare Cess (BOCWWC) Act, 1996' as communicated vide Railway Board letter No. 2008/CE-I/CT/6 dated 09.07.2008 (incorporated as Clause 55-C of GCC-2014), has already been modified and incorporated in Clause 55-D of GCC-2018 w.e.f. 05.11.2018, and is reproduced as under:

"The tenders, for carrying out any construction work, shall get themselves registered with the Registering Officer under Section-7 of the Building and Other Construction Workers' Welfare Cess Act, 1996 and rules made thereto by the concerned State Govt., and submit certificate of Registration issued from the Registering Officer of the concerned State Govt. (Labour Dept.). The Cess shall be deducted from the contractor's bills as per provisions of the Act."

3. Railways are requested to take action accordingly.

अनिल कुमार 09/8/19

(अनिल कुमार)
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(A)

1. CAO/CAO(R), COFMOW, Tilak Bridge, New Delhi.
2. CAO/CAO(R), Diesel Loco Modernization Works, Patiala(Punjab).
3. CAO, Rail Coach Factory/Rae Bareli Project, Kishanganj, Delhi -110007.

(B)

1. Director General, RDSO, Manak Nagar, Lucknow.
2. Director General, NAIR, Vadodara
3. Director, IRICEN, Rail Path, Pune – 411 001 (Maharashtra).

(C)

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4. MD, RITES Ltd., RITES Bhawan, Plot No. 1, Sector-29, Gurgaon.
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8. MD, DFCCIL, 5th Floor, Pragati Maidan Metro Station Building Complex, New Delhi-110001
9. MD, RLDA, Near Safdarjung Railway Station, Moti Bagh, Phase-I, New Delhi- 110021
10. MD, CRIS, Chanakyapur, New Delhi.
11. CMD, RailTel Corporation of India Ltd. Plot No. 143, Institutional Area, Sector-44, Gurgaon – 122003.
12. Indian Railway Catering and Tourism Corporation (IRCTC), 9th Floor, Bank of Baroda Building, 16, Parliament Street, New Delhi-110001
13. RCF, Rae Bareilly, Kishan Ganj, Delhi-110007.
14. CME, IROAF, 12th Floor, Core-1, Scope Minar, Distt. Centre, Laxmi Nagar, Delhi- 110092
15. CAO (Workshop Projects), Chamber Bhawan, Judge's Court Road, Anta Ghat, Patna-800001, Bihar.

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CRB, ME, M(Tr.), M(RS), FC, DG(S&T), DG(RS), DG(RHS), DG(RPF), AM(CE), AM(Works), AM(B), AM (Planning), AM(Elec.), AM(RS), PED(Projects), PED/SDE, PED(Bridges), PED(Vigilance), PED/Transformation, EDCE(G), EDCE(P), EDTK(M), EDTK(MC), EDTK(P), EDCE(B&S), EDF(X)-I, EDF(X)-II, ED(Works), EDW(Plg.), ED/Project(Mon.), ED(L&A), ED/SDE, ED(PSU).