

Working of Construction Welfare Boards in India

(Proposal)

Background of the Study

Construction workers who constitute a very large chunk of unorganised workers – numbering about eight crore people across the country- are to be taken care of assiduously in national interest. With economic growth, with increasing consumption and infrastructure development, housing and road construction activities are expanding exponentially. Construction ventures are spread from the mountain slopes to the corner of the villages, to the cities and to every nook and corner of the country. Because of the nature of their work, these workers remained at the construction sites, away from their hearth and home, living under the open sky, in shanties and, at the best, in the slums around the project sites. Each job comes with unique working conditions; from simple loading and unloading, to challenging heights, or exposure to hazardous materials, Construction workers need to be prepared for anything!. While projects can pause for inclement weather, one will need to be willing to work in heat, cold, rain, and just about anything else There are usually no specific educational requirements for entry level construction workers. Balance, depth-perception and eye-hand coordination are all critical to keep a worker steady on high beams and his fingers clear of chop saws. He needs to keep up and pull his weight day after day. Thus it is physical fitness for the job which is of prime qualification for the worker to do the job.

2. The construction workers are the most numerous and vulnerable section in India as elsewhere in the developing world. As the construction companies are growing more and more, many of farm labourers are joining into Reality and Construction Sector as unskilled workers because of poor income and uncertainty in the agriculture sector. The workers are being hired from the remote villages and sent to the construction sites without explaining the nature of work, complexity and intricacies of building works. The migrant workmen are forced to work at deplorable conditions without proper food, shelter and basic amenities. Many face severe health problems because of geographical condition of that particular area/place where the construction site is located.

3. All the issues of living, like, supply of drinking water, facility for toilet, provision for bath-taking, washing, availability of PDS, place for the kids to play etc. are the core issues which had been tormenting the wits of the administrators and social activists to protect the right of these workers, to life and livelihood. Construction activities were undoubtedly a boom for the economic development but it is the construction workers who endured the most of the brunt of such developments by their sweat and toil.

4. Recognising these harsh truths about conditions of work In building and other construction works that :-

- (a) this sector employs more than eight crore workers;
- (b) that these workers are one of the most vulnerable segments of the unorganized labour;
- (c) that their work is of temporary nature;

- (d) that the relationship between employer and the employee is temporary,
- (e) that working hours are uncertain,
- (f) that basic amenities and welfare facilities provided to these workers are inadequate;
- (g) that risk to life and limb is inherent;
- (h) that information system or statutory provisions to get the requisite information regarding accidents unsatisfactory ;

need was felt for a comprehensive central government legislation for regulating the safety, welfare and other conditions of service of these workers.

5. Pursuant to the above considerations the Government of India has enacted the following two Acts:

- (i) The Building and Other Construction Workers' (Regulation of Employment And Conditions of Service) Act, 1996 to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures and for other matters connected therewith or incidental thereto
- (ii) The Building And Other Construction Workers' Welfare Cess Act, 1996 in the year 1996 *to provide for the levy and collection of a cess on the cost of construction incurred by employers, government, public and private, with a view to augmenting the resources of the Building and Other Construction*

*Workers' Welfare Boards constituted under the Building and Other
Construction Workers (Regulation of Employment and Conditions of Service)
Act, 1996.*

6. At present more than Rs. 30,000 crores of cess has been collected by the different States but only a small percent of it has been utilized for the benefit of these workers. In spite of the Court's direction to the administration to energise the Construction Boards to do their best for welfare of the construction workers, the Construction Boards of the country have not yet been able to deliver the intended benefits to these helpless workers.

7. Despite such forward looking steps taken by the central government followed suit by all the States, the plight of the construction workers have remained a cause of serious concern of the policy makers and social activists.. The pitiable working conditions of the construction workers during the Common Wealth Games in Delhi between 2008-10 had attracted the critical notice of Delhi High Court which had gone to the extent of appointing one Dr LD Mihra, Special Rapporteur, National Human Rights Commission, and one of the founder members of Social Security of India, to scrutinise the facilities made available for these workers and to recommend remedial actions to it. As a result of the reporting of Dr Mishra, the Court directed the Delhi Government to flung into action. A Writ Petition© 318 of 2006, a Public Interest Litigation, is also being heard by the Supreme Court of India filed by National Committee on Construction Workers for Central Legislation against the Union of India & Others on the aforesaid very issues leading to the Central Goveremnet issuing directions to all State

Governments and the Union Territories under Sec60 of the Act of 1996 to act to enforce the provisions of BOWC Act,1996 and the Cess Welfare Act of 1006.For the sake of clarity we quote Sec 60 of the Act of 1996 as follows:-

“60. Power of Central Government to give directions.- The Central Government may give directions to tile Government of any State or to a Board as to tile carrying into execution in that State of any of the provisions of this Act.”.

7.2 Keeping all these developments in view, Social Security Association of India proposes to study the working of Construction Workers’ Welfare Boards in different states of India to critically analyse the reasons for tardy implementation of the various labour friendly provisions of these two labour laws.

Objectives;

8. Social Security Association of India: proposes to carry out the present Study with the following objectives in view:-

- (i) Role of State Governments and the Central Government in the implementation of “The Act of, 1996” and The “Building And Other Construction Workers’ Welfare Cess Act, 1996 in accomplishing the objective of the respective Acts;
- (ii) The constitution and functioning of Construction Welfare Boards in different Sates of India;
- (iii) The problems afflicting the Construction Welfare Boards; and
- (iv) Suggestions for better functioning of these Welfare Boards.

Scope and Methodology

9. The Study will be based on primary and secondary data. Main sources of data would be the various reports and websites of the Union Ministry of Labour and Employment and the labour departments of different States and other public and private agencies engaged in the implementation and promotion of construction workers.

10. Details of the data to be collected from primary sources will include: (i) name and address of each Board,(ii) the year of constitution, (iii) structure of the Board (number of members, part time/full time and their responsibilities in brief),(iv) details of funds collected ,(v) funds utilized,(vi) details of construction workers registered,(vi) number of workers in live register,(vii) details of benefits given to construction workers,(viii) problem of the migrant construction workers,(ix) problems faced by the Boards in due discharge of their duties etc.

11.In addition to data from the sources, the views of officials of different Construction Welfare Boards of States will be elicited with regard to the difficulties faced in planning and implementation of the provisions of the two Acts, system leakages as well as leakages in implementation hindering implementation work, ways to move forward for providing the benefits as per the Acts. The views of the representatives of the concerned trade unions, employers associations, NGOs working for the development of construction workers will also be collected through personal contact, formal meetings and through structured seminars.Relevant Information from these

organizations as well as the State Boards will be collected through semi-structured questionnaires.

Relevance of Proposed Outputs from the Research

12. The study is likely to be of interest to the planners, researchers, Construction Welfare Boards and above all, to the construction workers themselves who constitute a large part of total work-force of the country.

13. The present government is very serious about giving minimum social security to all informal workers including construction workers. The Union Labour Ministry has mooted an idea of forming a National Social Security Authority, chaired by the Prime Minister and a separate Social Security Department within that Ministry to provide social security to the entire population to strengthen social security net for the working population, according to a concept note reviewed by *The Hindu*.

14. The findings of the Study will be printed, and formally submitted to the Government of India as well as to Friedrich Ebert Stiftung, New Delhi, and distributed as a research publication to national and international labour organizations, social development schools and such like academic institutions, over and above being published in the Indian Journal of Social Security..

Time Frame :

15. Five Months

Study Team Composition:

16. The Study team will have the following structure:-

- A. Mentor of the Study --- Dr LD Mishra, Founder Member
- B. Advisory Board -- i) Dr AK Balyan, President
ii) A D Nagpal, Vice-President
iii) N Vyas , Treasurer
- C. Preparation of Study
Methodology & questionnaire --Dr Santlal Arora
- D. Team Coordinator -- Ramesh Kukreja, Addl Secretary General
- E. Planning & overseeing -- B N Som,Secretary General
- F. Study Associates - NCCCL,Delhi/BIES,Patna/ NCL,Bengaluru
- G.. Field Study Groups::
 - (a) Del/HR/PB/HP/UK/UP - Ramesh Kukreja,ASG
 - (b) Raj/Guj/MP - UC Jain,VP,Raj Chapter
 - (c) MH/Goa/ChattGH - Surinder Suri,Secretary,Mumbai Chapter
 - (d) WB/AS - S.Sarkar,Secy Kol Chapter
 - (e) OR -A P Mishra ,Secretary,Odisha Chapter
 - (e) BR/JHK - BIES,Patna
 - (f) KK//AP/KR - Ramanand,President,KKChapter/Dr A.M Raju
National Coordinator Coordinator/NP Samy,
General Secretary,NCL
 - (g) TN A.Viwanathan, Founder Member

COST ESTIMATE (PROJECTION)

17. For carrying out field study based on a pre-set questionnaire, for personal contacts, visits to Board headquarters and holding seminars of half day duration estimated costs is as follows:-

(i) Cost of Field Study incl office expense,

printing Rs.2,90,000

(ii) Cost of Seminars Rs 2, 00,000

Total Cost Rs 4, 92,000
