

IMPLEMENTATION OF THE BUILDING AND OTHER CONSTRUCTION WORKERS ACT, 1996

A CASE STUDY OF MAHARASHTRA



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ABBREVIATIONS

BOC	Building and Other Construction	MS-CIT	Maharashtra State Certificate in Information Technology
BOCW	Building and Other Construction Work	NCC-CL	National Campaign Committee for Central Legislation on Construction Labour
CAGR	Compound Annual Growth Rate	NFCW	National Federation of Construction Workers
EGS	Employment Guarantee Scheme	NMS	Nirman Mazdoor Sanghatana
ESI	Employee's State Insurance	PMAY	Pradhan Mantri Awas Yojana
GDP	Gross Domestic Product	RECS	Regulation of Employment and Conditions of Service
GR	Government Resolution	RPL	National Scheme of Recognition of Prior Learning
INR	Indian Rupee	RTI	Right to Information
MMC	Mumbai Mobile Creches	SEWA	Self Employed Women Association
MP	Member of Parliament	UT	Union Territory

EXECUTIVE SUMMARY

The construction sector is a vital and growing industry in India. In 2015–16, it contributed more than 7.7 per cent to the country's gross domestic product (GDP) with a compound annual growth rate (CAGR) of 10.3 per cent, becoming one of India's fastest growing sectors (Roy, Manish, & Naik, 2017). In the last decade, construction was the third fastest growing industry, after other industry groups such as trade, hotel, transport, etc. Growth translated into employment opportunities and the number of jobs more than doubled from 1.4 crore to 3.2 crore between 1999–2000 and 2009–10 (Soundararajan, 2013). As per the Twelfth Five Year Plan (2012–2017) Planning Commission report on Economic Sectors (2013), it is estimated that building and construction (BOC) workers number 41 million in 2011 in India. According to the government, BOC workers include any person doing 'skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical' work in 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, water works (including channels for distribution of water), oil and gas installations, electric lines, wireless, radio, television, telephone, telegraph 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 [BOCW (RECS) Act, 1996].

However, despite the large size of the construction sector in India and the legal safeguards provided, construction workers have been facing systemic exclusion and violations of their rights. Around 75.58 per cent of the workers in the construction sector were informally employed in 2004–05 (Naik, 2009). Many of them are paid wages less than the permissible minimum wage for unskilled workers in the country

(Acharya & Reddy, 2017). Also, a large number of construction workers are still deprived of the welfare schemes implemented for them by the government (Banerjee & Raibagi, 2019; Prasad, Rao, & Nagesha, 2011).

The construction sector is also highly unorganised because of the temporal nature of employment that is usually project-based or seasonal. The workers usually live a nomadic life, from one construction site to another, sometimes across cities or states. Many workers are also farmers, taking up jobs as labourers at construction sites during the off-season (Tiwary, et al., 2012). Studies suggest that migrant workers are exploited more, paid less, and are more deprived of basic services and facilities during their employment in the construction industry (Acharya & Reddy, 2017; Roy, Manish, & Naik, 2017). Additionally, construction workers from marginalised groups such as women and Dalits, many of whom are also migrant workers, are further worse off (Acharya & Reddy, 2017; Kumari, 2017; Vartak, 2016).

For example, construction workers in Delhi earn less than the state prescribed minimum wage, and women workers receive even less in comparison to men. About 25 per cent of all women construction workers get INR 10–50 less than men workers, six per cent earn less than INR 50–100 than men workers, and for two per cent the difference is more than INR 100 (Acharya & Reddy, 2017). Thus, about one-third of all women construction workers in Delhi receive unequal wages, in violation of both the Minimum Wage Act 1948 and the Equal Remuneration Act, 1976 (Ibid.). Many workers in the construction industry also experience health hazards at the workplace without support for recovery and are subsequently unable to work for the rest of their lives (Acharya & Reddy, 2017; Akram, 2014; Jaiswal & Veerkumar, 2016). Measures for protection against these risks are absent at construction sites, which violates the Employee State Insurance Act, 1948 and Workmen Compensation Act, 1906.

THE BOCW ACT: ADOPTION AND IMPLEMENTATION

The Government of India enacted the Building and Other Construction Workers (BOCW) (Regulation of Employment and Conditions of Service) (RECS) Act in 1996, to bring construction workers within the ambit of social security. The BOCW Act intends to protect the rights and safety of workers, looking into aspects

such as health, education and employment for the welfare of construction workers across the country. It has been 22 years since the Act was adopted. Yet, the implementation of the BOCW Act remains very poor, and workers engaged in the construction sector largely do not receive benefits.

AIMS OF THIS STUDY

While the BOCW (RECS) Act, 1996 protects the rights of construction workers, state mechanisms do not adequately implement the Act. This study attempts to understand and document the national and state (Maharashtra) implementation of the BOCW Act, 1996. The study presents an overview of the Act, the history of civil movements and parliamentary actions (from 1956–96) that led to its enactment, status of the implementation of the Act at the state-level, and a brief summary of the parliamentary questions and debates post the enactment. The post enactment parliamentary discussions used in this study include contemporary Lok Sabha (Lower House) questions and their responses on the implementation of the BOCW Act from 2015 to 2018. The study presents the emergent

challenges in the implementation of the BOCW Act and makes some recommendations for improving its effectiveness.

The report uses secondary sources to discuss the formulation, implementation and policy level discussion of the BOCW Act, 1996 in India. The secondary sources for data collection include information collected through Right to Information (RTI) tools, parliamentary discussions, government reports, journals, articles, and news reports in regional and English languages. The report has also analysed the available annual reports and data on the BOCW Act, 1996 by the Maharashtra BOCW Welfare Board on their website.

I.

EFFORTS LEADING TO THE ENACTMENT OF BOCW ACT, 1996

The Building and Other Construction Workers (BOCW) (Regulation of Employment and Conditions of Service) (RECS) Act was enacted in 1996 following the efforts of several civil society organisations,

the labour movement in the country and parallel parliamentary debates focused on the rights of construction workers. This chapter presents a summary of these efforts.

THE ROLE OF CIVIL SOCIETY

Civil society organisations, with constant advocacy and legal support for construction workers, played an important role in the enactment of the BOCW Act, 1996. National Campaign Committee for Central Legislation on Construction Labour (NCC-CL) played a major role in this movement by bringing diverse groups of construction workers under the same umbrella. As a result of the organising by NCC-CL, NIRMANA was founded in 1988 to provide support to the campaign. Other organisations like Self Employed Women Association (SEWA), National Federation of Construction Workers (NFCW), and mobile crèches such as Mobile Creches in Delhi and Mumbai Mobile Creches (MMC) also stood behind workers, supporting a healthy and secure workplace and life.

The unionisation of the labourers in the country and the growth of trade unions was another reason that tremendously helped workers raise their voices against injustice. Nirman Mazdoor Sanghatana (NMS) is

one such union started in Mumbai. While the BOCW Act, 1996 was enacted at the national level, the Maharashtra state implementation was not taking place. NMS took up the challenge of getting the Act implemented in the state through regular advocacy and organising of construction workers. After a long struggle of about 10 years by NMS in Mumbai, the Maharashtra State Government declared about 13 schemes for building and other construction (BOC) workers in the state (Patharia, 2012). The union then worked towards ensuring the proper implementation of these schemes so that their benefits reach deserving construction workers. They used social tools such as mass agitations, political advocacy and negotiations with state agencies and employers. NMS developed a leadership among vulnerable BOC workers, especially *naka*¹ (daily wage) workers, and is one of the important ongoing movements working for construction workers in India since the 1990s.

LOOKING BACK AT PARLIAMENTARY ACTIONS, 1956–96

As a directive principle of state policy, Article 43, Part IV of the Indian Constitution guides the state to protect the rights of workers through wages, compensation, mobility of work, and conditions of work that ensure a decent standard of life. While the directive principles of the Indian Constitution are by themselves not enforceable, they direct the state to protect and secure the interest of the marginalised and excluded sections, through suitable legislation. The BOCW Act, 1996 is one such legislative

outcome of the state directive principles for workers in the formal and informal labour market. It follows a history of 49 years in parliamentary debates for construction workers (See Figure 1.1). Since a large proportion of the informal labour force is employed in the construction sector, the government policies for informal workers pay special attention to construction workers, and in particular migrant workers and workers in urban areas.

1 | *Naka* means a traffic checkpoint or signal at a square. *Naka* workers are daily-wage workers who wait at traffic checkpoints every morning for any employer or contractor to approach them for construction work. If negotiations materialise, *naka* workers are taken to work sites and dropped back to their *naka* at the end of their shift.

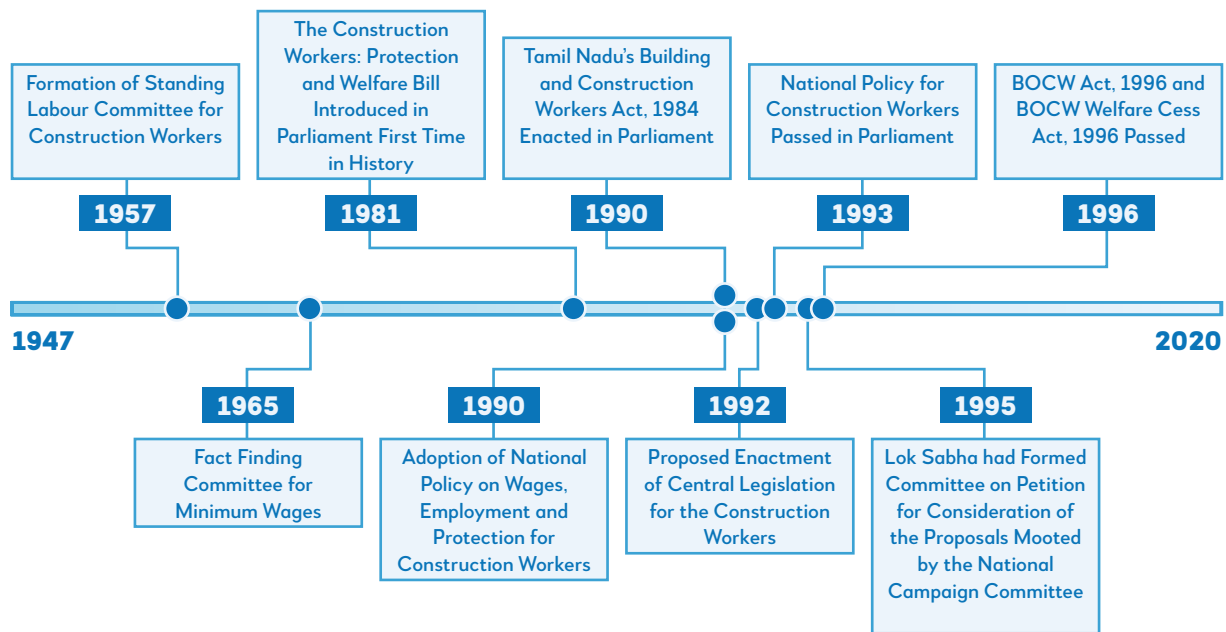


Figure 1.1 | Timeline of post-independence parliamentary actions of significance in Rajya Sabha (Upper House) on BOCW workers leading to the BOCW Act, 1996

Here are some of the significant parliamentary decisions that led to the BOCW Act, 1996:

- In 1957, the first Standing Labour Committee was formed to look into the conditions of workers in construction industries. Eight years later in 1965, the government tasked the committee to decide the minimum wage for workers employed in building and other construction work industries. In 1974, the Federation of All India Hindustan Construction Workers Union raised demands for fixing the minimum daily wage for construction workers as notified on 20 May 1972. Later in 1976, the government revised the Minimum Wage Act and mandated minimum wage for unskilled workers to be INR 4.45 to INR 6.50 per day.
- 4 December 1981 was a historical day for construction workers in India. A bill called The Construction Workers: Protection and Welfare Bill 1981 was proposed by the Labour Minister in the Rajya Sabha (Upper House). The bill was discussed for a long time in Rajya Sabha until 1990 when, under the leadership of then Labour Minister Shri. Ram Vilas Paswan, a National Policy on Wages, Employment and Protection of Construction Workers was adopted.
- In September 1991, the Tamil Nadu government enacted the bill for the state as Tamil Nadu Building and Construction Workers (Conditions of Employment and Miscellaneous Provision) Act, 1984. On 13 December 1993, the Central Government introduced the policy for construction workers as National Policy for Construction Workers.
- In 1995, discussions started in the Rajya Sabha on the status of the Construction Workers Bill. The bill was deferred on recommendation of the Lok Sabha, which formed a committee on petitions in consideration of proposals mooted by the National Campaign Committee. This year too saw no final decision taken by the government on the Bill.
- 2 August 1996 is a historic date, when the Bill was finally passed under the leadership of then Labour Minister M. Arunachalam. There were long discussions in the Lok Sabha on the Building and Other Construction Workers' (BOCW) Welfare Cess Bill, 1996. The bill was also considered as a money bill and passed in the Lok Sabha and the Rajya Sabha and was notified by the speakers of both houses on the same date. A similar process was followed for the BOCW (Regulation of Employment and Conditions of Service) Bill, 1996 which was tabled by the Labour Minister and accepted by both houses. Thereafter, from 19 August 1996, both the BOCW (RECS) Act, 1996 and BOCW Welfare Cess Act, 1996 were implemented all over India.

II. BUILDING AND OTHER CONSTRUCTION WORKERS ACT, 1996: MAJOR PROVISIONS

The construction labour market is highly fragmented. There are 41 million workers in 31,000 registered enterprises in the construction industry, of which only a little over one per cent—350 enterprises—employ more than 500 workers (Planning Commission, Government of India, 2013). These statistics imply the high prevalence of contractors and contract labour in the industry, which tremendously reduces the chances of a steady job for workers. The Building and Other Construction Workers (BOCW) (Regulation

of Employment and Conditions of Service) (RECS) Act, 1996 aims to provide welfare for workers through registration of workers under Section 11, and registration of employers under Section 6 of the Act. This chapter outlines some of the major provisions of the Act. The provisions are discussed in three different groups depending on who they are meant for—government bodies, employers of building and other construction (BOC) workers, and BOC workers.

PROVISIONS FOR GOVERNMENT BODIES UNDER THE BOCW ACT, 1996

1. ADVISORY COMMITTEES

Sections 3 and 4 of the BOCW Act, 1996 allow for the constitution of advisory committees at the central and state level, respectively [BOCW (RECS) Act, 1996]. These bodies are to advise the government regarding matters concerning the administration of the Act. The Central Advisory Committee should consist of a Chairperson, three Members of Parliament (MPs), a specially appointed Director-General of Inspection, and other members to represent various stakeholders. The number of members should not be less than nine or more than 13. Similarly, all the State Advisory Committees

should consist of a Chairperson, two State Legislature Members, a member nominated by the Central Government, a specially appointed Chief Inspector, and other members to represent various stakeholders. The members of the committee should not be less than seven and not more than 11. The Central and State Governments may nominate members to represent the employers, building workers, associations or architects, engineers, accident insurance institutions and other suitable members for positions in the advisory committee.

2. EXPERT COMMITTEES

Under Section 5 of the BOCW Act, 1996, central and state governments can constitute one or more Expert Committees of people qualified in BOC work.

These Expert Committees will advise the government regarding existing or new rules under this Act.

3. BOCW WELFARE BOARDS

Section 18 of the Act allows the constitution of a BOCW Welfare Board in every state and union territory (UT) of India. Welfare Boards are primarily responsible for disbursing financial assistance to registered BOC workers, either directly or

indirectly through their employers. The other major responsibility of Welfare Boards is to constitute a BOCW Welfare Fund at the state level, maintain it through collecting cess from the employers of BOC

workers, and utilise it for various schemes and financial assistance for BOC workers.

BOCW Welfare Boards should consist of a Chairperson, a person nominated by the Central Government and others, not exceeding a total of 15

members appointed by the State Government. These members should have equal number of representatives from the government, employers and workers and must include at least one woman. A Welfare Board may appoint a secretary, officers and employees as necessary.

4. WELFARE FUND

Section 24 of the BOCW Act creates a provision for a Welfare Fund called the BOCW Welfare Fund. The Fund is to be maintained at the state/UT level by respective Welfare Boards. It is to include all

contributions from the Central Government as well as those by beneficiaries, their employers, and other sources.

5. COLLECTION OF CESS

The BOCW Cess Act, 1996 deals with a provision to levy and collect a cess on the cost of construction incurred by employers with a view to augment the resources of the BOCW Welfare Boards constituted under the Act. Section 3 of the Act makes a provision

for a cess to be levied and collected at a rate not exceeding two per cent and not less than one per cent of the cost of construction incurred by an employer of BOC workers. The final amount payable by an employer is to be calculated by an authorised officer.

6. INSPECTING STAFF

The Director-General of Inspection, appointed at the Central Government level, has the power of laying down the standards of inspection and can also exercise the power of an Inspector throughout India. The Chief Inspectors appointed at the state/UT level have the responsibility of ensuring effective implementation of the BOCW Act, 1996 in their territories and also hold the power of an Inspector

in their territories. Additional Inspectors can be appointed to ensure local reach and effective inspection. Inspectors have the power to enter any site of building and construction work, examine any person there, demand information regarding BOC work and payments, and seize any evidence of offenses under this Act.

7. RULES FOR SAFETY AND HEALTH, SAFETY POLICY, AND MODEL RULES

Section 40 of the Act authorises the government to make rules for ensuring workplace safety and health of BOC workers. These can include use of any appropriate equipment or appliance as well. The government can also draft a Safety Policy that includes guidelines to ensure workplace safety and health of BOC workers. The policy can be used as a guide for establishments and contractors to ensure

safety in the work undertaken. Section 41 also enables the Central Government to create model rules with the help of Expert Committees for the safety and health of BOC workers. These model rules, once framed, need to be conformed to while drafting rules for safety and health of workers or any safety policy as per Section 40.

RULES FOR EMPLOYERS OF BOC WORKERS AS PER BOCW ACT, 1996

1. REGISTRATION OF ESTABLISHMENTS EMPLOYING BOC WORKERS

Under Section 6 of the Act, Gazetted Officers are to be appointed as registering officers. Section 7 lays down the provision of application of any eligible establishment for registration under the Act. Registered establishments get a certificate

of registration from registering officers. Section 8 specifies conditions under which the registrations of establishments can be revoked by registering officers.

2. INTIMATION AND REPORTING TO THE GOVERNMENT

In addition to registration with the government as employers of BOC workers, establishments need to intimate the government in some matters and, also, report a few details as per the BOCW Act, 1996. These include changes in ownership or management to be reported to registering officers, accidents resulting in serious physical injury or death of any

worker to be reported to relevant authorities, and commencement of BOC work to be notified to a BOCW Inspector. Also, establishments are to maintain registers of BOC workers employed with entries about their work, attendance, number of work hours, and wages earned.

3. WORK HOURS, WELFARE PROVISIONS AND CONDITIONS OF SERVICE OF WORKERS

Section 28 and 29 ensure fixed work hours and wages for overtime work to BOC workers. Section 32 to 37 mandate various facilities such as drinking water, latrines and urinals, accommodation, crèche, first-aid, and canteens at work sites for BOC workers. Section 38 mandates Safety Committees in the establishments employing 500 or more workers. Safety Committees, to be formed by establishments,

are to have a Safety Officer each and representatives of employers as well as of workers. Safety Officers would be qualified in workplace safety to assess occupational health hazards and ensure safety. Section 40 gives the State Government the authority to define rules for the safety and health of building workers.

PROVISIONS FOR BOC WORKERS AS PER THE BOCW ACT, 1996

1. REGISTRATION OF WORKERS

Sections 11 and 12 of the BOCW Act authorise registration of BOC workers as beneficiaries of the BOCW Welfare Fund. Eligible construction workers should be within the age limit of 18 to 60 years and should have been engaged in any building or other construction work for not less than 90 days during the preceding 12 months. To complete their registration process, the workers should submit the application

form and requisite documents to an officer appointed by the Board. The registered workers should receive identity cards to identify them as beneficiaries under the Act. These cards also need to be authenticated by their employers. If any application is rejected, the BOCW Welfare Board should hear an appeal from the concerned workers.

2. CONTRIBUTION OF REGISTERED WORKERS

As per Sections 16 and 17, a BOC worker who has been registered as a beneficiary under the BOCW Act should, until the age of 60 years, contribute to the fund on a monthly basis, at a rate specified by the State Government, by notification in the Official Gazette. Different rates of contribution may be specified for different classes of BOC workers. If a

worker is unable to pay the fees, the government may waive this contribution for a period not exceeding three months at a time. A worker who has not paid the requisite contribution under Article 1 of Section 16 for a continuous period of a year or more, shall cease to be a beneficiary.

3. FINANCIAL ASSISTANCE FROM BOCW WELFARE BOARDS AND FUNDS

Section 22 of the BOCW Act, 1996 secures the right of registered beneficiaries to financial assistance from BOCW Welfare Boards. The assistance is mandated in cases of accidents, illness or maternity, or for pension, housing loans, group insurance, and education

of workers' children. The registered workers are additionally eligible for any other scheme introduced by State/UT Governments for the welfare of BOC workers.

III.

IMPLEMENTATION OF THE BOCW ACT, 1996 IN MAHARASHTRA

The implementation of the Building and Other Construction Workers (BOCW) (Regulation of Employment and Conditions of Service) (RECS) Act, 1996 aims to facilitate the welfare of workers in the construction sector through their registrations and benefits. However, the implementation has fallen far short of the goals. Initially after the Act's inception

the rate of registration of workers remained negligent (Soundararajan, 2013) and has very slowly improved only within the last six years. The situation is the same when it comes to the utilisation of the Welfare Funds. This chapter details the case of implementation of the BOCW Act in Maharashtra.

BOCW WELFARE BOARD IN MAHARASHTRA

While economically, Maharashtra is one of the best performing states of India (India Today, 2018), it falls behind in its implementation of the BOCW Act. Maharashtra was among the last few states to make the rules for the Act. On 5 February 2007, the Industries, Energy and Labour Department of Maharashtra approved the formation of BOCW Rules for the state as suggested by the BOCW Act, 1996 and the BOCW Welfare Cess Act, 1996. The Maharashtra BOCW Welfare Board came into being on 4 August 2007. However, it was functional only in a few districts—Mumbai, Pune, Nagpur, Aurangabad, and Nashik.

For the initial four years from 2007–2011 the Welfare Board held two meetings every year, except for the 2010–11 reporting period when it held only one Board meeting. Moreover, the Board neither collected any Welfare Fund nor registered any building and other construction (BOC) worker during this period. The work picked up speed only in the 2011–2012 period when eight Board meetings were held, 33,794 BOC workers got registered as beneficiaries, and INR 425.28 crore was collected as Welfare Fund. However, the Board did not provide any benefit to the registered workers. Also, it did not expand its reach in terms of its presence in all the districts in the state and maintained

presence in only five districts, listed in the previous paragraph (Maharashtra BOCW Welfare Board, 2019).

Through about 26 Government Resolutions (GRs) since 2014, the Welfare Board has introduced a number of welfare schemes at the state-level for BOC workers. These include various kinds of financial assistance, provision of safety kits, extension of schemes on housing, health and insurance to registered beneficiaries, and extension of BOCW Welfare Board's work to villages through presence at the Gram Panchayat level. Some of the schemes adopted by the Maharashtra BOCW Welfare Board include Mahatma Jyotiba Phule Jan Arogya Yojana, Janashree Bima Yojana, and Pradhan Mantri Awas Yojana (PMAY). A special housing scheme, Maharashtra Construction Workers Awas Yojana, was announced under PMAY for BOC workers in Maharashtra in 2018. The scheme mainly focused on providing housing to homeless BOC workers in the cities of the state. Under the PMAY–Rural scheme, Atal Construction Workers Awas Yojana (Rural) was launched in 2019 to encourage housing in rural Maharashtra for all the registered BOC workers who do not own *pucca* houses (Ibid.).

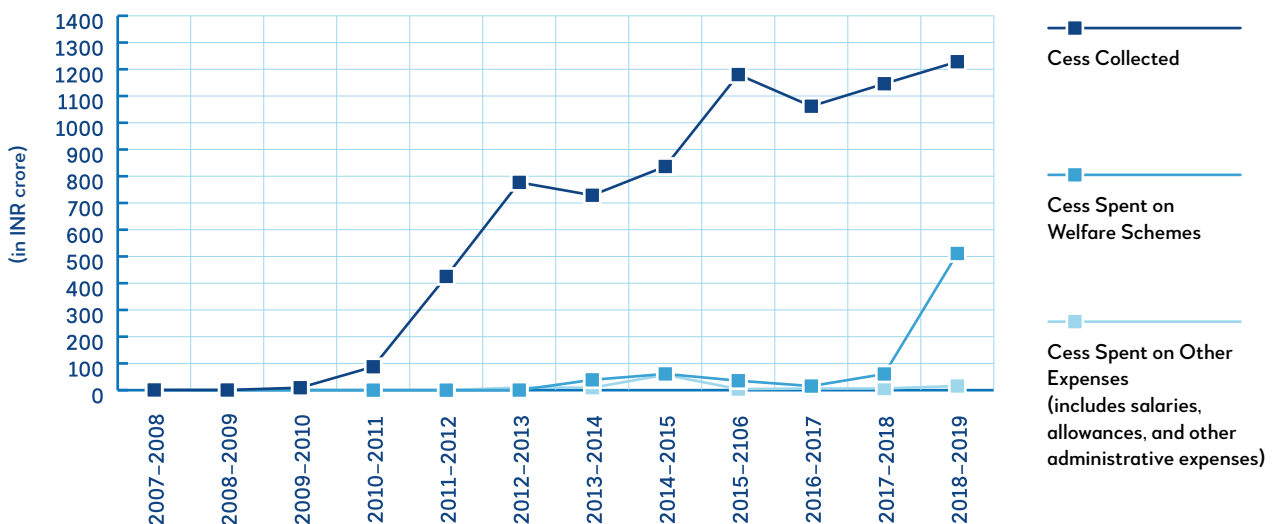
BOCW WELFARE FUNDS AND BENEFICIARIES

According to the BOCW Welfare Cess Act, 1996, the government collects a cess of one per cent from registered establishments every year. As per the Act, the cess collection should not exceed more than two per cent and not be less than one per cent. However, most of the cess has been collected at one per cent. By the end of the 2018–2019 work period, the total cess collected in Maharashtra was INR 7,482.33 crore (Maharashtra BOCW Welfare Board, 2019).

Also, while the Maharashtra Government started collecting cess from 2007 itself, it failed to utilise the BOCW Welfare Funds raised for three years (See Graph 3.1). From 2007–2019, the Maharashtra Government collected a total cess of INR 7,482.33 crore and used only INR 722.06 crore for welfare schemes and another INR 108.45 crore for other expenditure, with INR 7,373.88 crore still unutilised by the state construction Welfare Board (Maharashtra BOCW Welfare Board, 2019; Ministry of Labour & Employment, 2018). Graph 3.1 highlights the huge

gap in the collection of cess funds and utilisation of the same. The utilisation rate remained between two to six per cent from 2015 till 2018 and suddenly increased to about 43 per cent only in the year 2018–2019. By the end of the 2018–2019 period, the total spent amount remains merely INR 830.51 crore, i.e., about 11 per cent of the total available fund.

Additional data shows a significant disparity in registration and implementation of worker's benefits under the BOCW Act in Maharashtra. As mentioned before, BOC workers' registration did not start until 2011. A total of 16,10,619 workers were registered in the state from 2011–2019 out of which 9,27,583 are still alive and reachable (Maharashtra BOCW Welfare Board, 2019). This is mere 57.6 per cent of the total number of registrations. A lapse of over 40 per cent of members over only 8 years of functioning is a concerning figure and raises questions on the quality of implementation.



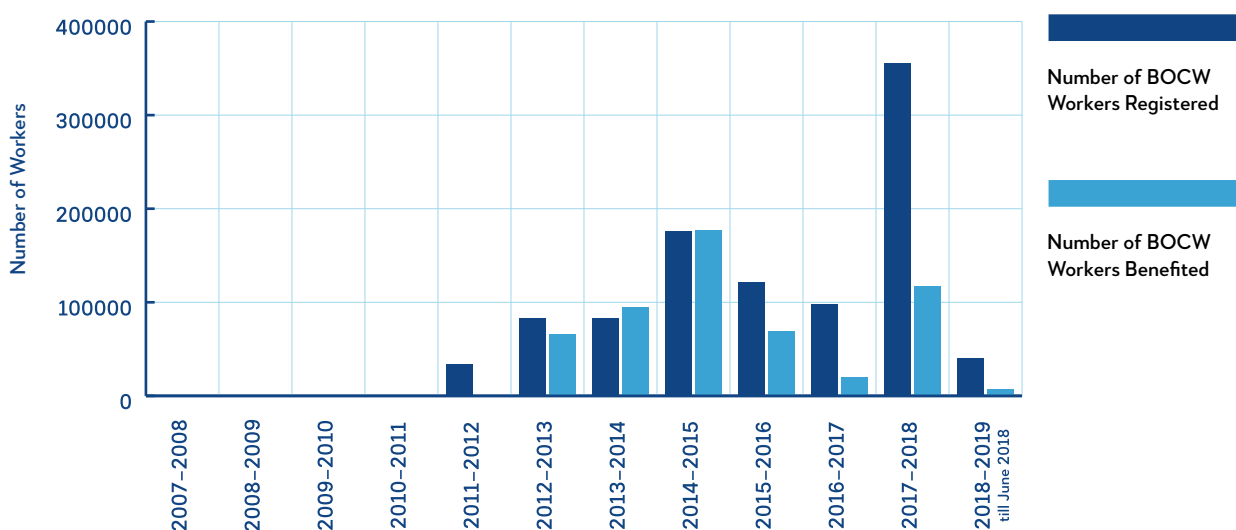
Graph 3.1 | Cess collected and utilised from 2007–2019 by Maharashtra BOCW Welfare Board as per information drawn from an RTI application by YUVA and the data available on Maharashtra BOCW Welfare Board website (Maharashtra BOCW Welfare Board, 2019; Ministry of Labour & Employment, 2018). See Appendix 1 for details.

GROUND REALITY

While assisting BOC workers in Maharashtra, especially in Mumbai, with their registration formalities, we have observed that the state BOCW Welfare Board offices do not work actively for the registration of submitted applications. For a membership that needs to be renewed every year, they have kept the applications unprocessed for as long as up to 6 months as well. In cases when workers have been finally registered, they do not get any benefits despite submitting applications in the same registration year. In such cases, they lose interest and faith in the system to renew their registration for another year, thereby increasing the number of workers who are no longer registered.

While 97,745 workers were registered by the Maharashtra BOCW Welfare Board in 2016–2017, the number increased to 3,55,118 in 2017–2018 and 6,62,088 in 2018–2019, indicating a sudden increase in the yearly number of registrations since 2017 as compared to the previous few years. However, we do not see a similar increase in the number of workers receiving benefits from the Maharashtra BOCW Welfare Board. As per the response to an RTI, by June 2018 the registered workers were 9,89,018 in total and only 5,49,834 workers, that is about 55.6 per cent workers, had received any benefits from the Maharashtra BOCW Welfare Board in all these years.

Graph 3.2 compares the number of registrations with the number of beneficiaries since the beginning of beneficiary registrations in the state till June 2018. The figure shows the ratio of beneficiaries to new registrations of BOC workers has been dwindling over the past few years. By June 2018, only about 55.6 per cent of the registered workers received any kind of benefit from the Board. Graph 3.2 depicts the increasing gap between new registrations and beneficiaries of the BOCW Act in Maharashtra over the years.



Graph 3.2 | Number of BOC workers registered, and number of workers who have received benefits from 2007–June 2018, based on Government of Maharashtra data drawn from an RTI application by YUVA. (Ministry of Labour & Employment, 2018) See Appendix 2 for details.

GROUND REALITY

Many of the BOC workers we have interacted with in Maharashtra have informed us that the process of registration as a BOCW beneficiary is difficult as it requires workers to have a certificate confirming work for at least 90 days in a year. Many of the workers we have talked to include *naka* (daily wage) workers, small-scale construction site workers, migrants, and daily-wage workers whose work certificates from employers need to be validated by Ward Officers. However, Ward Officers do not see this as their responsibility and refuse to provide attested certificates. As a result, the schemes targeting building and construction workers do not reach a significant number of them.

Additionally, there are some reports of the BOCW Welfare Fund getting diverted to other government schemes in the name of inability to reach out to enough number of construction workers. In 2013, it was reported that the Maharashtra BOCW Welfare Board had decided to use the BOCW Welfare Fund of the state for providing benefits to the workers employed under the employment guarantee schemes (EGS) in rural areas of the state (Gangan, 2013). The fund, however, would not be used for inter-state migrant construction workers in Maharashtra. This has been decided even though no such disqualification of

inter-state migrants is mentioned in the BOCW Act, 1996 or the Maharashtra BOCW Rules, 2007.

Then Labour Minister in Maharashtra, Hasan Mushrif, also gave a statement to news media confirming this formal move, 'We want the benefits to be enjoyed by people of the state. We have made adequate changes in the Building and Other Construction Act 1996 to include the labourers working under the EGS' (Ibid.). However, this diversion of fund has never been distinctly reported in the expenditures shown by the state Welfare Board.

REGION WISE IMPLEMENTATION OF THE BOCW ACT, 1996 IN MAHARASHTRA

Maharashtra BOCW Welfare Board started beneficiary registrations only in five districts initially—Mumbai, Pune, Nagpur, Aurangabad, and Nashik (Maharashtra has a total of 36 districts). By 2019, the Board has created multiple registration centres in 12 more districts (see Appendix 3) and registered workers in 14

additional districts in total – Ahamad Nagar, Amravati, Chandrapur, Dhule, Gondia, Hingoli, Kolhapur, Nanded, Nandurbar, Parbhani, Ratnagiri, Solapur, Washim, and Yavatmal. Table 3.1 enlists the number of active registered workers in each of them as of November 2019.

Sr. No.	District	Active Registered Workers	
		In June 2018	In November 2019
1	Ahmednagar	10,928	10,953
2	Amravati	-	24,179
3	Aurangabad	-	23,963
4	Chandrapur	10,548	10,074
5	Dhule ¹	7,818	2,298
6	Gondia	21,493	21,826
7	Hingoli	15,373	14,794
8	Kolhapur	6,001	4,358
9	Mumbai	-	65,457
10	Nagpur	-	32,014
11	Nanded	9,849	9,735
12	Nandurbar	-	5,184
13	Nashik	-	18,172
14	Parbhani	9,912	9,755
15	Pune	-	53,641
16	Ratnagiri	8,872	2,244
17	Solapur	14,150	14,178
18	Washim	5,456	2,286
19	Yavatmal	22,874	27,797
Total		1,43,274	3,52,908

Table 3.1 | Number of registered workers in major districts of Maharashtra (Maharashtra BOCW Welfare Board, 2019; Ministry of Labour & Employment, 2018)

Within a little over one year from June 2018 till November 2019, some of the districts show a sharp drop in number of workers who are registered. These include Kolhapur, Ratnagiri and Washim. The only district that has seen a major improvement in the registered BOC workers is Yavatmal. There was no data provided in 2018 in the RTI response for Mumbai, Pune, Nashik, Aurangabad, Nagpur and Amravati

districts. Also, combined data was provided for Dhule and Nandurbar. It is therefore not possible to comment on the performance of these districts in terms of the number of registrations completed. In the remaining districts listed in Table 3.1, the number of registered workers in the last 1.5 years has changed only marginally, indicating an utter lack of improvement in the situation.

GROUND REALITY

The officers at Maharashtra Welfare Boards prefer to go to big construction sites and register BOCW workers en masse, probably to show high number of new registrations. However, a lot of these workers are inter-state migrants who go back to their native places after their work sites close. The registrations, done hastily and without enough background checks, do not provide sufficient information for the Welfare Boards to be able to contact such migrant workers post their return. Such cases further bring down the number of registered beneficiaries who are reachable for membership renewal or disbursement of benefits. Also, because of this practice, a large number of Maharashtra-based BOC workers who are *naka* (daily-wage) workers or work at small commercial or residential sites have remained unregistered and excluded from the benefits of BOCW Act, 1996.

1 | The number of registrations in June 2018 for Dhule district also includes that of Nandurbar.

STATUS OF WELFARE SCHEMES

In the last seven years, the Government of Maharashtra has created more than 20 schemes to distribute the cess collected for various benefits for construction workers. These schemes are related to health and workplace safety, education of the children

of BOC workers, or personal needs such as in case of death, widowhood or marriage. Table 3.2 enlists 28 such schemes active in the Maharashtra state in 2018 (Ministry of Labour & Employment, 2018).

	Names of Schemes
1	Financial assistance of INR 15,000/- for natural delivery and INR 20,000/- for delivery by caesarean operation to the wife of registered male worker and/or to the registered female worker. (Benefit extended for maximum up to two deliveries only)
2	Educational assistance of INR 2500/- for children studying in 1st to 7th std. and INR 5000/- for children studying in 8th std. to 10th std. of the registered worker whose attendance is at least 75%. (Benefit extended for maximum up to two children and to the wife of registered male worker)
3	Educational assistance of INR 10,000/- to the children of the registered worker scoring 50% or more marks in 10th and 12th standard examination. (Benefit extended for maximum up to two children and to the wife of registered male worker)
4	Educational assistance of INR 10,000/- to the children of the registered worker, studying in 11th and 12th standard. (Benefit extended for maximum up to two children and to the wife of registered male worker)
5	Educational assistance of INR 20,000/- to the children of the registered worker, studying in 1st, 2nd, 3rd and *4th (*4th year only if applicable) year of graduation. (Benefit extended for maximum up to two children and to the wife of registered male worker only)
6	Educational assistance to the children of the registered worker for admission, purchase of books and educational resources of INR 1,00,000/- in Medical and INR 60,000/- in Engineering courses in the Government recognised college or institute. (Benefit extended for maximum up to two children and to the wife of registered male worker)
7	Educational assistance of INR 20,000/- to the children of the registered worker studying in Govt. recognised graduation courses and INR 25,000 for post-graduation courses. (Benefit extended for maximum up to two children and to the wife of registered male worker)
8	Financial assistance of INR 1,00,000/- to a female child of the registered worker who or whose spouse has done family planning operation (to be fixed in the bank in the name of female child till they attain 18 years of the age)
9	Financial assistance of INR 2,00,000/- to the registered worker in case of 75% or more permanent disability. (the benefit can be availed only after 26th July 2014 as the benefit is covered under the Mediclaim & Personal Accident Insurance scheme)
10	Funeral benefit of INR 10,000/- to the nominated heir of deceased registered worker.
11	Financial assistance of INR 24,000/- p.a. up to 5 years to the widow or widower in case of death of registered worker during the course of employment.
12	Financial assistance of INR 5,00,000/- to the legal heir, in case of death of registered worker.
13	Medical assistance of INR 1,00,000/- for the treatment of serious ailments for registered worker and his/her family members. (the benefit can be availed only after 26 July 2014 as the benefit is covered under the Mediclaim & Personal Accident Insurance scheme)
14	Reimbursement of the MS-CIT course fees to the children of registered worker. (Benefit extended for maximum up to two children only)
15	Financial assistance of INR 30,000/- towards the first marriage of the registered worker.
16	Financial assistance of INR 3,000/- for purchase of daily needs products for the workers registered till the date of 31 August 2014 and are still alive.
17	Distribution of personality development books for the children of registered workers.
18	Financial assistance of INR 6,000/- for treatment of registered workers at the Maharashtra Building and Other Construction Workers' Anti-Addiction Treatment Centre

19	Financial assistance of INR 5,000/- for registered workers for buying construction equipment by Maharashtra Building and Other Construction Workers' Welfare Board
20	Registered workers at Maharashtra Building and Other Construction Workers' Welfare Board who are alive will be eligible for Pradhan Mantri Jeevan Jyoti Bima Yojana.
21	Registered workers at Maharashtra Building and Other Construction Workers' Welfare Board who are alive will be eligible for Pradhan Mantri Suraksha Bima Yojana.
22	Registered workers at Maharashtra Building and Other Construction Workers' Welfare Board who are alive will be eligible for basic skills training.
23	Registered workers at Maharashtra Building and Other Construction Workers' Welfare Board who are alive will be eligible for Mahatma Jyotiba Phule Jan Arogya Yojana.
24	Financial assistance of INR 2,00,000/- in case of natural death of registered worker.
25	Subsidy of INR 2,00,000/- to registered worker who is eligible for Pradhan Mantri Awas Yojana.
26	Financial assistance of interest on home loans up to INR 6,00,000/- and an amount of INR 2,00,000 for registered workers from the board.
27	Distribution of Safety Kit to registered workers by the board.
28	Distribution of Essential Kit to registered workers by the board.

Table 3.2 | Name of the schemes under BOCW Act, 1996 in Maharashtra as per the response to an RTI application by YUVA (Ministry of Labour & Employment, 2018)

However, in many regions of the state, the schemes do not reach the construction workers and implementation has not translated into results (see Table 3.3). For example, in Pune region, the government mostly spends money on scholarship for the worker's children and family for education, including schooling and higher education. However, no money is spent by the government there on safe equipment or health and life insurance to BOC workers. The same happens in Aurangabad.

On the other hand, the whole expenditure in the Konkan region was for the purchase of construction equipment by registered beneficiaries. This is under

the scheme of financial assistance of INR 5,000 to every beneficiary for buying construction equipment. Only this scheme has been spent upon in the Konkan region over the last seven years. Not a single rupee was spent on any other scheme. This indicates a dismal performance by the Konkan region when it comes to the overall implementation of the BOCW Act for the welfare of BOC workers. Nagpur is another region where most funds went to the provision of construction equipment to beneficiaries. However, considerable amount was also spent on schemes related to education, healthcare and other kinds of financial support to beneficiaries.

GROUND REALITY

Many registered workers do not get any benefit despite having completed registrations and received ID cards from the state BOCW Welfare Board. As a result, they feel demotivated to continue with the membership and pay again for its renewal. Also, often they demand a refund of the membership fee they have paid in the past. However, there is no such provision for refund of BOC workers' contribution to Welfare Fund in case they are not provided any benefit. Although such money, collected from workers who are not provided any benefit, is received by the welfare board, it is not distinctly shown in reported funds gathered.

Sch. No.	Scheme Name	Region	Amount Spent on Beneficiaries	Number of Beneficiaries
1	Financial assistance of INR 15,000/- for natural delivery and INR 20,000/- for delivery by caesarean operation to the wife of registered male worker and/or to the registered female worker.	Pune	3,00,000	2
		Nashik	5000	1
		Aurangabad	70000	7
		Konkan	0	0
		Nagpur	2,85,000	23
		Maharashtra	7,27,89,300	6,350
2	Educational assistance of INR 2,500/- for children studying in 1st to 7th std. and INR 5,000 for children studying in 8th std. to 10th std. of the registered worker whose attendance is at least 75%.	Pune	1,57,500	42
		Nashik	0	0
		Aurangabad	2,68,800	207
		Konkan	0	0
		Nagpur	1,57,400	106
		Maharashtra	4,23,57,200	23,774
3	Educational assistance of INR 10,000/- to the children of the registered worker scoring 50% or more marks in 10th and 12th standard examination.	Pune	0	0
		Nashik	0	0
		Aurangabad	4,65,000	93
		Konkan	0	0
		Nagpur	70,000	14
		Maharashtra	1,44,77,400	3,125
4	Educational assistance of INR 10,000/- to the children of the registered worker, studying in 11th and 12th standard.	Pune	1,90,000	19
		Nashik	0	0
		Aurangabad	20,000	4
		Konkan	0	0
		Nagpur	85,000	15
		Maharashtra	3,07,53,000	5,790
5	Educational assistance of INR 20,000/- to the children of the registered worker, studying in 1st, 2nd, 3rd and *4th year of graduation.	Pune	7,40,000	37
		Nashik	0	0
		Aurangabad	23,85,000	159
		Konkan	0	0
		Nagpur	5,25,000	34
		Maharashtra	9,68,40,000	6,358
6	Educational assistance to the children of the registered worker for admission, purchase of books and educational resources of INR 1,00,000/- in Medical and INR 60,000/- in Engineering courses in the Government recognised college or institute.	Pune	7,80,000	13
		Nashik	0	0
		Aurangabad	1,05,000	1
		Konkan	0	0
		Nagpur	12,25,000	25
		Maharashtra	11,09,65,000	3,023
7	Educational assistance of INR 20,000/- to the children of the registered worker studying in Govt. recognised graduation courses and INR 25,000/- for post-graduation courses.	Pune	7,00,000	28
		Nashik	0	0
		Aurangabad	2,60,000	26
		Konkan	0	0
		Nagpur	1,40,000	12
		Maharashtra	3,02,74,000	2,730
8	Financial assistance of INR 1,00,000/- to a female child of the registered worker who or whose spouse has done family planning operation	Pune	0	0
		Nashik	0	0
		Aurangabad	0	0
		Konkan	0	0
		Nagpur	0	0
		Maharashtra	1,00,000	3

Sch. No.	Scheme Name	Region	Amount Spent on Beneficiaries	Number of Beneficiaries
9	Financial assistance of INR 2,00,000/- to the registered worker in case of 75% or more permanent disability.	Pune	0	0
		Nashik	0	0
		Aurangabad	0	0
		Konkan	0	0
		Nagpur	0	0
		Maharashtra	9,75,000	39
10	Funeral benefit of INR 10,000/- to the nominated heir of deceased registered worker.	Pune	0	0
		Nashik	0	0
		Aurangabad	5,000	1
		Konkan	0	0
		Nagpur	25,000	5
		Maharashtra	29,07,000	526
11	Financial assistance of INR 24,000/- p.a. up to 5 years to the widow or widower in case of death of registered worker during the course of employment.	Pune	24,000	1
		Nashik	0	0
		Aurangabad	24,000	2
		Konkan	0	0
		Nagpur	48,000	4
		Maharashtra	64,11,000	491
12	Financial assistance of INR 5,00,000/- to the legal heir, in case of death of registered worker.	Pune	0	0
		Nashik	0	0
		Aurangabad	0	0
		Konkan	0	0
		Nagpur	0	0
		Maharashtra	28,00,000	14
13	Medical assistance of INR 1,00,000/- for the treatment of serious ailments for registered worker and his/her family members.	Pune	0	0
		Nashik	0	0
		Aurangabad	0	0
		Konkan	0	0
		Nagpur	2,00,000	8
		Maharashtra	1,05,25,000	346
14	Reimbursement of the MS-CIT course fees to the children of registered worker	Pune	0	0
		Nashik	0	0
		Aurangabad	1,33,500	39
		Konkan	0	0
		Nagpur	7,200	2
		Maharashtra	10,67,240	325
15	Financial assistance of INR 30,000/- towards the first marriage of the registered worker	Pune	30,000	1
		Nashik	0	0
		Aurangabad	30,000	3
		Konkan	0	0
		Nagpur	10,000	1
		Maharashtra	72,00,000	644
16	Financial assistance of INR 3,000/- for purchase of daily needs products for the workers registered till the date of 31 August 2014 and are still alive	Pune	0	0
		Nashik	0	0
		Aurangabad	0	0
		Konkan	0	0
		Nagpur	0	0
		Maharashtra	43,00,02,000	1,43,334

Sch. No.	Scheme Name	Region	Amount Spent on Beneficiaries	Number of Beneficiaries
17	Distribution of personality development books for the children of registered workers	Pune	0	48
		Nashik	0	0
		Aurangabad	0	278
		Konkan	0	8
		Nagpur	0	65
		Maharashtra	10,00,00,000	66,023
19	Financial assistance of INR 5,000/- for registered workers for buying construction equipment by Maharashtra Building and Other Construction Workers' Welfare Board	Pune	0	0
		Nashik	0	0
		Aurangabad	0	0
		Konkan	4490000	898
		Nagpur	8050000	1,610
		Maharashtra	1,25,40,000	2,508
-	Healthcare insurance of registered building workers and five members of family (1 + 5) up to INR 2,00,000 (not operational as of now)	Pune	0	0
		Nashik	0	0
		Aurangabad	0	0
		Konkan	0	0
		Nagpur	0	0
		Maharashtra	59,50,37,105	1,94,244
	Janshree Bima Yojana (not operational as of now)	Pune	0	0
		Nashik	0	0
		Aurangabad	0	0
		Konkan	0	0
		Nagpur	0	0
		Maharashtra	32,69,450	65,389
	Total	Pune	2921500	191
		Nashik	5000	1
		Aurangabad	3766300	820
		Konkan	4490000	906
		Nagpur	10827600	1924
		Maharashtra	1,57,12,89,695	5,25,036

Table 3.3 | Schemes implemented by the Maharashtra government in different regions from 2011–2018 as per the response to an RTI application by YUVA (Ministry of Labour & Employment, 2018)

The data also reveals that Nashik is worst in the implementation of the BOCW Act. In the entire region, the government has only spent INR 5,000 and on one beneficiary in the last seven years.

There are also some discrepancies in terms of the amount spent under the different schemes and the number of beneficiaries. For example, in many cases, the average amount spent per beneficiary is about half, one-third or even a quarter of the total amount promised to the beneficiary under that scheme (see Table 3.3). Another discrepancy is that in some cases

the average amount spent per beneficiary is far more than the promised amount under that scheme (for example, amount spent in Pune under scheme 1 in Table 3.3). These discrepancies raise questions on the funding practices of the Maharashtra BOCW Welfare Board.

As per the data in Table 3.3, from 2011–2018, the Maharashtra government has spent about INR 157.13 crores on various schemes, for 5,25,036 registered workers. These schemes are usually grouped under four categories by the state BOCW Welfare Board.

These categories are social security, educational assistance, financial assistance, and health. In November 2019, the following schemes were available under each of these categories (Maharashtra BOCW Welfare Board, 2019):

A. Social security schemes

1. INR 30,000/- towards the first marriage
2. Mid-day meal programme
3. Distribution of kits of personality development books
4. INR 5,000/- to buy construction equipment
5. Pradhan Mantri Jeevan Jyoti Bima Yojana
6. Pradhan Mantri Suraksha Bima Yojana
7. Skill development programme (Kaushalya Vruddhikaran Yojana)
8. Safety kit
9. Essential kit

B. Educational assistance schemes

1. INR 2500/- for up to two children studying in 1st to 7th standard or INR 5000/- for studying in 8th to 10th standard.
2. INR 10,000/- to up to two children for scoring 50% or more marks in 10th or 12th standard examination.
3. INR 10,000/- to up to two children for studying in 11th and 12th standard.
4. INR 20,000/- every year up to two children and wife of a male construction worker for admission, books and educational material if studying 1st, 2nd or 3rd year of graduation.
5. INR 1,00,000/- for studying for Medical degree and INR 60,000/- for Engineering to up to two children or wife of a male construction worker.
6. INR 20,000/- to up to two children studying in government recognised graduation courses and INR 25,000/- for post-graduation courses.
7. Reimbursement of the MS-CIT course fees to up to two children.

C. Financial assistance schemes

1. INR 5,00,000/- to the legal heir, in case of death of registered worker on duty.
2. INR 2,00,000/- in case of natural death of registered worker.
3. Interest on home loans up to INR 6,00,000/- and a subsidy of INR 2,00,000/-
4. Subsidy of INR 2,00,000/- to registered worker who is eligible for Pradhan Mantri Awas Yojana.
5. INR 10,000/- for the funeral of deceased registered worker.
6. INR 24,000/- per year for up to 5 years to the widow or widower in case of death of registered worker.

D. Health related schemes

1. INR 15,000/- for natural delivery and INR 20,000/- for delivery by caesarean operation.
2. INR 1,00,000/- for the treatment of serious ailments for registered worker and his/her/their family members.
3. Fixed deposit of INR 1,00,000/- to a female child up to the age of 18 years if the registered worker or spouse has done family planning operation.
4. INR 2,00,000/- in case of 75% or more permanent disability.
5. Mahatma Jyotiba Phule Jan Arogya Yojana.
6. INR 6,000/- for treatment at Anti-Addiction Treatment Centre.

As per these categories and the expenses listed in Table 3.3, the maximum amount, INR 32.67 crore, was spent on educational assistance schemes that reached 45,125 beneficiaries while maximum number of beneficiaries, 69,175, were reached by social security schemes that disbursed INR 11.97 crore. Far smaller number of beneficiaries were provided financial assistance (1,031 beneficiaries) and health-related support (6,738 beneficiaries) although significant amount of money was spent on these categories, INR 1.21 crore and INR 8.43 crore respectively. Outside these categories, the highest amount, INR 43 crore, was spent on providing financial assistance for the daily needs of the registered beneficiaries.

IV. STATUS OF BOCW ACT (AS DISCUSSED IN PARLIAMENT BETWEEN 2015–2019)

Even after two decades since the the Building and Other Construction Workers (BOCW) (Regulation of Employment and Conditions of Service) (RECS) Act came into being in 1996, its enactment has not solved issues faced by informal workers in the country. The

concerns that come under the purview of the Act have been discussed in parliamentary debates in recent years. The parliamentary debates from 2015 to 2019 on the topic are summarised below.

DISCUSSIONS DURING 16TH LOK SABHA SESSIONS

On 14 December 2015, during discussion in the Lok Sabha, opposition leader Kavitha Kalvakuntla Ansure raised a question regarding the status of the National Scheme of Recognition of Prior Learning (RPL) of construction workers. Labour Minister Bandaru Dattatreya responded with information given by the Ministry of Skill Development and Entrepreneurship. For the RPL scheme that was launched in October 2014 and operationalised in the states of Delhi, Haryana, Telangana, Odisha, Chhattisgarh and Himachal Pradesh, the number of candidates pre-assessed till December 2015 were 26,236 and the number of candidates that passed pre-assessment were 19,392 (Lok Sabha, 2019). Maharashtra was not among these states implementing RPL for construction workers.

On 2 May 2016, Member of Parliament (MP) Udit Raj pointed out that a large number of establishments including private construction companies deny provident fund benefits to their workers. He asked the Labour Minister about the legal action taken against such companies or employers and the social security measures taken to protect the interest of construction workers. Labour Minister Dattatreya provided the number of defaulting establishments and the number of establishments being formally inquired in states/ union territories (UTs) from 2012 till 2015 (Ibid.). In Maharashtra, from April to December 2015 the number of establishments defaulting provident fund requirements was 1,692, second highest among all

states/UTs in the country. This was about 77 per cent increase over the previous reporting cycle 2014–2015 that had 955 defaulters. Also, the number of these cases in which inquiries were initiated decreased from 1551 in 2014–2015 to 1,026 in 2015, despite the increase in number of defaulters. These numbers suggest loosening regulation and a drastic increase in the informalisation of the construction sector in Maharashtra in the last few years. The number of defaulting establishments in Maharashtra in 2012–2013 was 538 and in 2013–2014 was 181 while inquiries were initiated in 1,314 and 781 cases, respectively.

On 1 August 2016, MP Yerram Venkata Subba Reddy raised questions on the government's implementation of schemes and programmes for construction workers, any other actions taken for their welfare, and the details of the roles of BOCW boards in the country. This was a lost opportunity to ask more specific and detailed questions regarding the implementation of the BOCW Act, 1996. As a result, in response to the questions, Labour Minister Dattatreya merely described the BOCW Act, 1996 and the BOCW Welfare Cess Act, 1996. He also shared that the Central Government has directed states/UTs to ensure coverage of death and disability due to accident, natural death, pension during old age, health and maternity benefits, financial support for education and skills training for workers and their wards. He then shared some dates of the formulation and functioning

of the monitoring committee at the central level (Lok Sabha, 2019). No details of the implementation of these Acts at the state-level were shared.

Another set of such questions that did not elicit much information were asked on 8 August 2016 by MP Shashi Tharoor. He questioned the Labour Minister Dattatreya in the Lok Sabha on government formulated schemes and the mechanism put in place through Swachh Bharat Abhiyan for access to toilets for construction workers, especially women workers. The Labour Minister responded with section 33 of BOCW Act, 1996 read with rule 243, through which it is mandatory for employers to provide accessible and clean latrine and toilets (Ibid.).

On 21 November 2016, MP Mala Reddy and others questioned the utilisation of the welfare cess since 2013 and asked whether there was any diversion

of this fund at the state-level. The Labour Minister Dattatreya shared state-wise data on the total cess collected and utilised since the beginning of the welfare cess (see Table 4.1) (Ibid.). The average rate of cess utilisation in the country remains at a mere 21.4 per cent. The data points out the non-utilisation of funds in many states except Kerala—the only state where over 90 per cent of the cess collected was used. While Maharashtra collected the highest funds till 2016, it had used only a little over 5 per cent of its funds. The unutilised fund suggests a lack of seriousness of the Maharashtra BOCW Welfare Board towards construction workers. The Minister did not provide any explanation of how the funds were utilised and how many beneficiaries were covered. He also avoided directly answering the question on diversion of funds meant for the welfare of construction workers.

Sr. No.	Name of the State/UTs	Amount of Cess Collected (INR in Crore)	Amount Spent (INR in Crore)
1	Andhra Pradesh	1,153.61	205.46
2	Arunachal Pradesh	65.36	51.60
3	Assam	512.24	12.57
4	Bihar	809.06	70.91
5	Chhattisgarh	581.84	355.19
6	Goa	70.89	0.79
7	Gujarat	1,323.85	32.91
8	Haryana	1,546.56	115.87
9	Himachal Pradesh	313.18	33.01
10	Jammu and Kashmir	455.73	154.83
11	Jharkhand	267.65	122.38
12	Karnataka	3,625.56	214.64
13	Kerala	1,299.46	1,206.46
14	Madhya Pradesh	1,575.62	552.04
15	Maharashtra	3,799.74	217.66
16	Manipur	21.00	10.99
17	Meghalaya	80.02	0.93
18	Mizoram	34.10	20.80
19	Nagaland	20.06	3.34
20	Odisha	941.19	120.06
21	Punjab	820.50	320.45
22	Rajasthan	1,316.24	276.98
23	Sikkim	64.67	20.68
24	Tamil Nadu	1,527.74	522.96

25	Telangana	443.12	98.69
26	Tripura	121.36	81.92
27	Uttar Pradesh	2,603.01	492.28
28	Uttarakhand	159.41	21.37
29	West Bengal	1,149.12	531.42
30	Delhi	1,536.00	174.71
31	Andaman & Nicobar Island	5.69	3.94
32	Chandigarh	87.60	2.81
33	Dadra & Nagar Haveli	3.08	0.00
34	Daman and Diu	37.17	0.54
35	Lakshadweep	4.26	0.00
36	Puducherry	78.93	45.86
Total		28,454.62	6,097.05

Table 4.1 | National-level cess collected and utilised until 21 November 2016 (from the response to unstarred question no. 800 to Labour Minister in Lok Sabha on 21 November 2016)

On 6 February 2017, MP Arka Deo, Rayapati Rao and Vijay Hansdak also asked questions about the collection and utilisation of the cess fund, as well as about the universal account numbers for employees under the provision of the Employee's Provident Fund Act. Labour Minister Dattatreya reported that no company contributed more than one per cent to the cess fund. Also, by 20 December 2016, the total amount of cess collected had increased to INR 31,694 crore from INR 28,454.62 on 21 November 2016. However, the utilised fund increased to only INR 6,866 crore from INR 6,097.5 a month back. The cess utilisation rate remains at about 21.6 per cent. Also, 50,09,413 workers in India had qualified for the employment provident fund scheme until 17 January 2017 (Lok Sabha, 2019). No state-level data was provided.

In another inquiry on 17 July 2017 by MP B. V. Naik and S. P. Muddahanume Gowda, the Labour Minister reported that INR 33,602.61 crore was collected by 30 June 2017, of which INR 7,601.38 crore had been spent (cess utilisation rate of 22.6 per cent) (Ibid.). Minister Dattatreya was also asked the reasons for delay in working out utilisation and disbursement mechanism for the cess funds to which he offered no explanation. The balance funds with the states and UTs were approximately INR 26,001.23 crore, more than three times the funds that had been spent.

On 5 March 2018 MP Rajesh K. Diwaker questioned in the Lok Sabha the compliance of the scheme of Employee's State Insurance (ESI) and Provident Fund by construction companies. The newly appointed Labour Minister Santosh Kumar Gangwar reported that more than 20 companies from Andhra Pradesh, Bihar, Delhi, Gujarat, Goa, Madhya Pradesh, Tamil Nadu and Telangana disputed these schemes and had approached the Court and that the matter was sub-judice (Ibid.).

On 2 April 2018, during a debate session MP Kapil Moreshwar Patil raised questions about numbers of workers estimated in the construction sector and those registered with BOCW Welfare Boards. Labour Minister Gangwar cited the National Sample Survey (2011–2012) and reported that there are 5.02 crore building and other construction workers in India. However, of these only 2,86,15,785 workers were registered up to 31 December 2017 with state and UT Welfare Boards (Lok Sabha, 2019). MP Patil further asked about the need to amend the BOCW Act, 1996 to broaden its reach. However, the Labour Minister defended the efficiency of the existing act and said that the needed measures are already being taken. These included the formulation of a central Monitoring Committee under the chairpersonship of Secretary and regular meetings with representatives of different states and UTs. The monitoring committee had so far met eight times since its inception in 2015.

MP C. N. Jayadevan asked on 23 July 2018 about a model welfare scheme being planned by the government. Labour Minister Gangwar reported that the government has constituted a committee to implement the model scheme formulated in 2015 that aimed to make welfare benefits uniform for BOCW across states (Lok Sabha, 2019). This scheme would be giving preference to social security and other benefits. The minister also shared details of the state-wise total cess collected till 31 March 2018. The cess collected by Maharashtra BOCW Welfare Board had increased from INR 3,799.74 crore in November 2016 to INR 6,107.56 crore by now. The total cess collected throughout India increased to INR 42,505.78 crore, up from INR 33,602.61 crore in June 2017 about a year back.

On 17 December 2018, the issue of diversion of cess fund collected for BOCW was raised again in the Lok Sabha, this time by MP Shrikant E. Shinde and others. He asked about funding to the employers providing paid maternity leave of 26 weeks to female workers. He also questioned why this fund was getting diverted for maternity benefits of workers in other sectors. Labour Minister Gangwar did not answer these questions directly and merely mentioned that such diversion of funds is not permissible under the BOCW Act, 1996. He mentioned that the total cess collected so far was INR 45,473.1 crore and the amount utilised was INR 17,591.59 crore till 30 September 2018 (Lok Sabha, 2019). The cess utilisation rate of 38.7 per cent indicates a considerable improvement over about 22 per cent utilisation rate the previous year.

MP Vishnu Dayal Ram asked on 7 January 2019 for details on the number of construction workers (gender-wise), the number of accidents happening at construction sites, and remedial as well as disciplinary actions taken regarding them by the government. Labour Minister Gangwar admitted that the government does not have any gender-wise data on the number of construction workers in India. However, he shared the state-wise number of workers registered under the BOCW Act, 1996. A total of 3,16,56,786 workers were registered in the country as on

30 September 2018 (Lok Sabha, 2019). Out of these, 9,89,018 workers were registered in Maharashtra as also mentioned in the Maharashtra government's RTI response mentioned earlier. Regarding accidents at work sites, the main causes reported include road accidents, falling from a height and electrocution. In Maharashtra, six workers died and two were injured in 2016, three died and one was injured in 2017, and two died in 2018 at construction sites under the purview of the central government. Also, the central government conducted inspections at 70 sites in Mumbai and 25 sites in Nagpur from January to November 2018. No such data was provided for the construction sites under the purview of state governments.

On 11 February 2019, MP A. Sampath asked the Labour Minister to share the details about shelter homes and houses provided to construction workers in metropolitan cities in the country. He also asked for the details of any other assistance or aid provided to construction workers across the country. Labour Minister Gangwar merely repeated portions of the BOCW Act, 1996 and mentioned that state governments have been advised to take proactive steps to facilitate transit accommodation/labour shed cum night shelter, mobile toilets and mobile crèche to the building and other construction (BOC) workers in search of work (Lok Sabha, 2019). No data was shared regarding the actual number of shelters and houses provided.

In another question the same day, MP Heena Gavit and others asked whether the number of deaths of construction workers were increasing. The Labour Minister shared the data on the number of deaths of workers at the construction sites under the purview of central government. In Maharashtra, six died in 2016, three died in 2017 and two died in 2018. The total number of such deaths in India also seems to be decreasing, from 58 in 2016, to 9 in 2017 and 12 in 2018 (Lok Sabha, 2019). MP Gavit also asked for updates on the total cess collected and utilised so far. The Labour Minister did not provide any new data on this.

DISCUSSIONS DURING 17TH LOK SABHA SESSIONS

On 24 June 2019, MP Shashi Tharoor also asked for updates on the total cess collected and utilised under the BOCW Act so far. By 31 March 2019, total cess collected became INR 49,674.52 crore and cess utilised was INR 19,379.25 crore. The Maharashtra government had collected INR 7,402.15 crore and utilised merely INR 402.57 crore out of it, according to the data shared in this response (Lok Sabha, 2019). The cess utilisation rate in Maharashtra had stagnated at 5 per cent since 2016. During the same time, the all-India average rate of cess utilisation improved from 21.4 per cent to 39 per cent in 2019. The underutilisation of BOCW Welfare cess fund in Maharashtra is a matter of serious concern and needs to be investigated. MP Tharoor also sought the details of actions taken to ensure better implementation of the Act. However, no such details were shared in the response.

On 1 July 2019, MP Khagen Murmu and MP Sukanta Majumdar brought up the concerns of migrant construction workers. He questioned whether they are getting housing benefits through the BOCW Welfare fund and recommended that they should be provided rental accommodation using the unutilised cess with the government. In response, Labour Minister Gangwar stated that the Inter-State Migrant Workmen Act, 1979 provides for the housing of all migrant workers, including construction workers. He also cited portions of the BOCW Act regarding the various provisions, such as temporary accommodation, and welfare measures mandated for the employers of construction workers (Lok Sabha, 2019). No data was shared regarding actual housing and shelter situation of migrant construction workers.

TRENDS AND GAPS

First, many of the questions raised in the Lok Sabha since December 2015 were merely about the amount of cess collected under the BOCW Act, 1996 and the proportion utilised. The increase in the cess amount utilised does not tell much about the nature of expenses and thereby the overall effectiveness of welfare cess funds. Very few questions were raised regarding the quality of utilisation of the BOCW welfare funds, such as whether it resulted in an actual improvement in the conditions of construction workers and to what extent.

Second, some questions sought details of existing schemes and Acts for construction workers. These questions were redundant as the requested information was already available in the public domain. Apart from these, some questions were also raised regarding benefits to construction workers under schemes and Acts other than the BOCW Act, Cess Act, and Rules.

Regarding the responses to the questions discussed in this chapter, in many cases when the Labour Minister was asked to provide the details of ground realities, he only cited different sections of the BOCW Act,

1996 and did not give any data on the actual level of implementation of the Act. For example, both the Labour Ministers mentioned were asked whether BOCW Welfare Funds were getting diverted for the welfare of other informal workers, to which both of them avoided direct responses.

Moreover, when asked about measures taken to ensure better compliance of the BOCW Act, the Labour Minister gave a uniform reply in about half of all the questions discussed in this chapter, instead of giving the details of the recent actions taken. The main content of these replies was:

The Central Government has been issuing directions under Section 60 of the Building and Other Construction Workers (RECS) Act, 1996, to the State Governments/UT Administrations from time to time for proper utilisation of cess fund in terms of the provisions of the Act.

Further, the Central Government has constituted a Monitoring Committee on 09.09.2015 under the Chairmanship of Secretary (Labour and Employment) to monitor the implementation of

directions issued under Section 60 of the Act, specifically with reference to utilisation of Cess fund for Welfare Schemes by the State Building and Other Construction Workers' Welfare Boards. The Committee has been holding regular meetings with the Principal Secretary/ Secretary/ Labour Commissioners of all the States/ UTs to monitor the progress.

The nature of directions handed down to state governments under the Section 60 of the BOCW Act was not disclosed except for in one response. Also, regular meetings of the monitoring committee does not indicate its effectiveness in ensuring proper implementation of the BOCW Act, 1996. These details were not disclosed.

This analysis also helps compare the performance of Maharashtra BOCW Welfare Boards with the boards in other states. The 5 per cent utilisation rate¹ of cess funds in Maharashtra that doesn't indicate much in itself shows underperformance when compared to the average performance rate of 39 per cent across the country in 2019. Maharashtra remains a low performing state despite having collected the highest amount of cess fund for BOCW Welfare.

Another major cause of concern identified is the rising number of establishments in Maharashtra that are defaulting on the provident fund requirements. This, in context of falling number of such cases in which inquiries have been initiated, is an alarming situation in the state.

1 | As per the data released by the Maharashtra BOCW Welfare Board on its website in November 2019, the overall utilisation rate has increased to 11 per cent by the end of 2018–2019 period, as discussed in Chapter 3.

V. REPLACING BOCW ACT, 1996 WITH NEW LABOUR CODES

In 2015, the government proposed for the first time a replacement of 44 different labour laws with four Labour Codes. These 44 laws include the BOCW Act, 1996 as well. The proposal met with huge opposition from multiple trade unions and was thereby stalled. In 2019 the government has tabled the proposal in the Parliament again and one of the four proposed

Labour Codes, the Code on Wages, 2019 has already been passed and has come into effect. The other three Codes may also come into effect during the 17th Lok Sabha itself. These include the Occupational Safety, Health and Working Conditions Code, Code on Social Security, and Code on Industrial Relations.

THE CODE ON WAGES, 2019

The Bill on Code on Wages, 2019 was tabled in the Lok Sabha for the first time on 10 August 2017 and then on 23 July 2019 for a second time. It got passed from there after a debate on 30 August 2019. The Bill got approval in Rajya Sabha on 2 August and came into effect through a gazette notification on 8 August 2019 (Lok Sabha, 2019). The Code of Wages, 2019 includes the provisions of and replaces the Payment of Wages Act, 1936; the Minimum Wages Act, 1948; the Payment of Bonus Act, 1965; and the Equal Remuneration Act, 1976.

The major sections of the Code on Wages, 2019 include that on fixation of minimum wages; payment of wages, payment of bonus, payment of dues and claims; audit; penalties in cases of offences, and the provisions to appoint a central advisory board and inspector-cum-facilitators. There is no special provision for building and other construction (BOC) workers (The Code on Wages, 2019).

THE OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE

The Bill on the second Labour Code, Occupational Safety, Health and Working Conditions, was also tabled on 23 July 2019 in the Lok Sabha. However, it has not yet been debated and approved. The proposed Bill would replace 13 labour laws which also include the BOCW Act, 1996. Other major laws to be replaced include the Factories Act, 1948; the Working Journalists Act (Fixation of Rates of Wages) Act, 1958; the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions) Act, 1955; and the Contract Labour (Abolition and Regulation) Act, 1970 (Rajalakshmi, 2019).

The major sections of the proposed Bill on Occupational Safety, Health and Working Conditions include that about registration of establishments; the duties of employers and employees; obligation to maintain healthy work conditions; provisions for setting up national and state level occupational safety and health advisory boards, safety committees; appointment of safety officers, inspector-cum-facilitators, medical officers; and special provisions for women workers, inter-state migrant workers, contract workers and sector-wise workers (Ministry of Labour & Employment, 2019).

As compared to the BOCW Act, 1996, the new Bill has restricted the definition of Building and Other Construction Work to which the Code will apply. The BOC works where less than 10 workers are employed or the BOC works on residential property in which lesser workers are employed than the government-set threshold will not be regarded as BOCW sites for the implementation of this new code. Also, while the existing Act regards employees working in supervisory capacity but earning less than INR 1,600 per month or exercise as 'building workers', they are excluded from the category of building workers in the proposed Bill.

In place of a central and state advisory committees and safety committees specifically for BOC workers as per the BOCW Act 1996, the new Bill proposes the formation of National and State Occupational Safety and Health Advisory Boards and safety

committees for all sorts of workers covered under the Bill. The boards will be responsible for setting health standards, conduct surveys and research, maintaining statistics for all sorts of workers covered under the Bill. Under Section 24 of the proposed Bill, there are also provisions for temporary residence at work sites for BOC workers. The proposed Bill also authorises a displacement allowance for inter-state migrant workers worth 50 per cent of the monthly wage payable to them.

The fifth part of the proposed Bill is regarding BOC workers. It prohibits the employment of any person with hearing or visual impairment or having tendency to giddiness at unsafe construction sites. The proposed Bill does not cover the provisions regarding BOCW Welfare Boards, funds, expert committees, and registration of BOC workers as beneficiaries.

THE CODE ON INDUSTRIAL RELATIONS

The Code on Industrial Relations has been tabled in the Lok Sabha on 28 November 2019. As per Labour Minister Gangwar in response to questions by Member of Parliament (MP) B. Senguttuvan in the Lok Sabha on 7 January 2019, this code will replace the three Acts—the Industrial Disputes Act 1947, the Trade Unions Act 1926, and the Industrial Employment (Standing Orders) Act 1946 (Lok Sabha, 2019).

The major sections in the proposed code are on trade unions, standing orders, mechanism for resolution of industrial disputes, strikes and lock-outs, lay-off, and

retrenchment and closure. The establishments set up for construction work are waived from the requirement to provide the government a notice before 60 days of closure. Also, if such establishments are closing down within two years of starting, the workers employed will not be entitled to any compensation under Clause (b) of Section 70. However, if the construction work is not completed in two years, the workers shall be entitled to notice and compensation for every completed year of continuous service or any part thereof in excess of six months. There are no other special provisions for BOC workers (Lok Sabha, 2019).

THE CODE ON SOCIAL SECURITY

The draft Code on Social Security has been put on the website of the Ministry of Labour and Employment for a second time. It had invited public comments on the draft till 25 October 2019. The proposed Code on Social Security can subsume eight labour laws including Employees' Compensation Act, 1923; Employees' State Insurance Act, 1948; Employees' Provident Funds and Miscellaneous Provisions Act, 1952; Maternity Benefit Act, 1961; Payment of Gratuity Act, 1972; Cine Workers Welfare Fund Act,

1981; Unorganized Workers' Social Security Act, 2008; and Building and Other Construction Workers Cess Act, 1996 .

The proposed Bill creates provision for state building workers' welfare boards as well in addition to BOCW Welfare Cess (Ministry of Labour & Employment, 2019). However, there are no clear provisions for registration of BOC workers as beneficiaries. Also, there is no clarity on the fate of already registered

beneficiaries under the BOCW Act, 1996 if the proposed draft gets approved. Some experts fear that the membership of existing registered beneficiaries would lapse if the new code gets approval (Sharma, 2019). This would mean that benefits such as pension, maternity benefits and educational assistance currently being provided to the registered beneficiaries and their families would come to a sudden end.

The draft Code on Social Security also does not outline what will happen with the massive amount of cess collected under the BOCW Welfare Cess Act, 1996. Sharma (2019) claims that the cess fund can go into a common social assistance fund which would undo the progress made on welfare provisions for BOC workers through a special act and dedicated welfare fund.

VI. CONCLUSION

The BOCW Act, 1996 is an important legislation that aims to address the vulnerability of the construction workers in a highly informal construction sector. The Act is the result of struggles led by civil society organisations and labour movements. However, in reality, the objectives of the Act do not translate into action effectively, to change the lives of the construction workers who experience several challenges while working at construction sites.

According to the provisions of the BOCW Act, the state governments need to formulate and implement schemes and policies for the implementation of the Act. However, as this report points out, there are significant challenges and gaps in the implementation of the BOCW Act in Maharashtra. Further, the provisions of the various schemes and policies under the Act reach only a small percentage of the registered workers. Often schemes are not availed by the registered beneficiaries even though funds exist with the state BOCW Welfare Board. Since 2016, only 5 per cent of the Welfare Fund was being utilised in Maharashtra every year, which has now come up to 11 per cent as compared to the national average expenditure rate increasing from 21.4 per cent in 2016 to 39 per cent in 2019. The non-utilisation of the BOCW Welfare Fund in Maharashtra is a major cause of concern.

Another concern is ignorance of other needs of workers such as crèches, water facilities, and accommodation, as mandated by the BOCW Act. The Maharashtra BOCW Welfare Board has not formulated any scheme or spent any fund on the

provision of these facilities to workers. Further, in the last five years, no annual report has been published by the Maharashtra government to review the performance of the Maharashtra BOCW Welfare Board. This further adds to the concern over dwindling performance and seriousness in the implementation of BOCW Act, 1996 by the State Government.

While in the recent years, the issues of the implementation of the BOCW Act have come up in parliamentary debates several times, the debates most often focus on descriptions of the provisions of the Act, or data, and evade a constructive discussion on the outcomes and challenges of implementation of the Act. As a result, no major improvement has come about in the Act in these years. This tendency of avoiding in-depth discussion on the Act can severely affect building and other construction (BOC) workers now as new Labour Codes have been introduced in the parliament that might replace the BOCW Act, 1996.

As per the Labour Ministry, advisory committees should have been formed to review the state level implementation of the BOCW Act. However, this monitoring is not happening efficiently in states like Maharashtra, where funds are not spent by the state government on beneficiaries and only limited number of policies are acted upon. It is ironical that the constitutional rights of the people are not secured by the government despite having the funds available. Cess worth crores of rupees has been collected, but there is such limited registration and assistance to workers.

The implementation of the BOCW Act, 1996 in Maharashtra can be reviewed as a job half-done. Policies will remain only on paper if they are not backed with the needed infrastructure and human resources required for its proper implementation. There is an urgent need to take account of all the limitations in the implementation of the Act so far and to review, monitor and audit the collection and expenditure of funds allocated for various schemes. Towards this end, we put forward the following recommendations:

- a. The underutilisation of the Maharashtra BOCW Welfare Fund is a huge cause of concern. Officials responsible for implementing the BOCW Act, 1996 lack the attitude, speed and efficiency needed to assist BOC workers. The state government must seriously investigate the implementation of welfare schemes at the end level and reform it to cater to the needs of BOC workers.
- b. Another major area of concern is the deregistration of above 40 per cent of registered beneficiaries. A serious inquiry is needed to identify and resolve the cause of these dropouts. In order to bring any significant change in the lives of BOC workers, relevant welfare schemes should be availed to them over a long period of their work life.
- c. The approaches used for registering new BOC workers as beneficiaries need to be rethought so as to make them inclusive for daily-wage (*naka*) workers, and construction workers employed at small sites. Special attention is needed in case of migrant workers so that the contact with them is not lost when they migrate to their native places. The approach needs to be redesigned to include them better rather than excluding them entirely from the provisions for them under the BOCW Act, 1996.
- d. The provision of welfare services under the BOCW in Maharashtra appears ad-hoc. There needs to be a mechanism facilitated by the Labour Department through which all registered workers are able to access all 28 schemes provided by the state as and when needed.
- e. Detailed information from the Ministry of Labour and Employment regarding the actual status, gaps and challenges in the implementation of BOCW Act, 1996 would also be helpful in identifying and addressing issues with it.
- f. With the impending enactment of new labour codes, the social security of registered BOC workers seems uncertain. The entire cess fund collected in the name of BOC workers also needs to be protected from getting diverted. Before implementing the new labour codes, these concerns must be addressed and welfare of BOC workers must be secured.

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APPENDIX 1

Cess collected and utilised from 2007 to 2019 by Maharashtra BOCW Welfare Board, as per information drawn from an RTI application by YUVA and the data available on Maharashtra BOCW Welfare Board website (Maharashtra BOCW Welfare Board, 2019; Ministry of Labour & Employment, 2018)

Years	Cess Collected (in INR crore)	Cess Spent (in INR crore)	
		Welfare Schemes	Administrative Expenditure
2007-2008	0.77	0	0
2008-2009	0.58	0	0
2009-2010	9.18	0	0
2010-2011	87.58	0	0
2011-2012	425.29	0.0025	0.06
2012-2013	777.09	0.35	9.61
2013-2014 ¹	728.9	38.63	9.2
2014-2015	836.5	60.75	57.49
2015-2106	1,180.21	35.34	4.09
2016-2017	1,061.88	15.28	6.04
2017-2018	1,145.99	60.52	6.5
2018-2019	1,228.36	511.19	15.46
Total	7482.33	722.06	108.45

¹ | The amount for this year has been adjusted to tally the total between the data provided by the Ministry of Labour & Employment in 2018 for the period 2007 till June 2018 and the data displayed on the Maharashtra BOCW Welfare Board website in November 2019 for the period 2013 till 2019.

APPENDIX 2

Number of BOC workers registered and number of workers benefited from 2007 to June 2018, based on Government of Maharashtra data drawn from an RTI application by YUVA (Ministry of Labour & Employment, 2018)

Years	Cess Collected (in INR crore)	Cess Spent (in INR crore)
2007-2008	0	0
2008-2009	0	0
2009-2010	0	0
2010-2011	0	0
2011-2012	33,794	0
2012-2013	82,403	65,418
2013-2014	82,667	94,800
2014-2015	1,75,579	1,76,513
2015-2016	1,21,225	69,193
2016-2017	97,745	20,079
2017-2018	3,55,118	1,16,729
2018-2019 (Up to-June 18)	40,487	7,102
Total	9,89,018	5,49,834

APPENDIX 3

Number of BOCW registration centres opened in 2019 in additional districts of Maharashtra
(Ministry of Labour & Employment, 2018)

Sr. No.	District	Registration Centres
1.	Ratnagiri	1
2.	Solapur	4
3	Kolhapur	4
4	Nanded	5
5	Chandrapur	8
6	Ahmednagar	7
7	Dhule-Nandurbar	3
8	Parbhani	4
9	Hingoli	4
10	Gondia	8
11	Yavatmal	8
12	Washim	4
Total		60

ABOUT YUVA

Youth for Unity and Voluntary Action (YUVA) is a non-profit development organisation committed to enabling vulnerable groups to access their rights. YUVA encourages the formation of people's collectives that engage in the discourse on development, thereby ensuring self-determined and sustained collective action in communities. This work is complemented with advocacy and policy recommendations. Founded in Mumbai in 1984, currently YUVA operates in the states of Maharashtra, Madhya Pradesh, Odisha, Assam and New Delhi.

At the community-level, through an integrated 360-degree approach, YUVA delivers solutions on issues of housing, livelihood, environment and governance. Through research, YUVA creates knowledge that enhances capacity building. Through partnerships in campaigns, YUVA provides solidarity and builds strong alliances to drive change.

