

## **Apathy of Building and Other construction Workers Welfare Board towards Workers & Framework of Law**

**By: Shreya Verma, Advocate**

India, with largest population in the world and large number of construction workers is developing at a fast pace. After every turn a new upcoming construction can be seen. With this rapid urbanization we need to look into the welfare of the hands that are responsible for all this new infrastructure. Building and other construction workers are most vulnerable to exploitation at the hands of their employers. Blue collar jobs are not monitored, neither regularized by any entity. Their welfare depends on the whims of the government or their employer.

### **Statutory Provisions**

In order to provide them some semblance of security in the form of pension, health benefits and other facilities, The Building and Other Construction Workers Welfare Board has been established under The Building and Other Construction Workers (Regulation of Employment and Conditions of Service Act, 1996 along with The Building and Other Construction Workers Welfare Cess Act, 1996.

These two Acts have been enacted by the Parliament in 1996 in order to regularize the employment and service conditions of construction workers. Under these Acts, Building and other Construction Workers (BOCW) Welfare Boards have been constituted in each state and union territory throughout the country. These Boards have the sole purpose of helping the building and other construction workers by providing various reliefs to them like health aid, maternity benefit, old age pension, education assistance, marriage assistance etc.

As per the provisions of the BOCW Welfare Cess Act, every employer who employs ten or more workers in a construction work in the preceding twelve months has to pay a cess between 1% to 2% as fixed by the State Government. The Himachal government has fixed the cess payable at 1% of the total construction cost.

### **Scanty Registration of Employers by the Board**

Employers include Contractors, private individuals, local authorities and the government. Throughout Himachal Pradesh, thousands of constructions are undertaken yearly but how many out of all pay the cess? Many such persons or builders or contractors evade the net of law and are never caught due to faulty enforcement.

### **Data of Beneficiaries**

For the beneficiaries to receive benefit, they have to be registered with the State BOCW Welfare Board. For being registered, they must be between eighteen and sixty years of age and are required to be engaged in any building and other construction work for not less than ninety days during the preceding twelve months. As per the report presented in answer to Rajya Sabha unstarred Question no. 1042 (2022) number of registered workers as on 01.11.2022 in Himachal Pradesh is 435197. The actual on ground number of construction workers is far larger than this and no initiative whatsoever is being taken by the BOCW Welfare Board to register all the needy.

According to the Rajya Sabha data (2022) the total amount of cess collected since the establishment of BOCW Welfare Board in Himachal Pradesh was Rs. 1136.87 Crore, total amount spent was 469.87 crore and the balance unspent amount was Rs. 667 crores. According to H.P. Economic survey (2020-2021) total amount of cess collected was 632.1 crores amount spent was 257.54 crore and balance happened to be Rs. 374.56 crore. It is evident that substantial part of the funds

collected since 1996 have gone unused. Up to 22<sup>nd</sup> November, 2023 pendency of applications submitted by workers was 84710. These claims include education assistance, health assistance, pension, maternity benefit, paternity benefit, financial aid for marriage, widow pension and various others in accordance with scheme. There is no time limit fixed for disposal of such pending applications. Building and other construction workers are the under educated and mostly illiterate section of our society. They neither have the resources nor the knowledge to pursue processing of applications and are left at mercy of the Board.

### **Conclusion**

As we can see from the above mentioned data, most of the funds have been left unused. Even after having abundance of funds, the relief is not being provided to the workers. The distribution of funds and disposal of applications should take priority for the Welfare Board. The pleas put forward by this vulnerable sector should not fall on deaf ears. The society could develop only if the weakest members are provided by means to live with dignity.