

# NATIONAL CAMPAIGN COMMITTEE

## For Central Legislation on Construction Labour

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**NEW DELHI:** In the wake of coronavirus outbreak and subsequent lockdown, the Union Home Ministry on Wednesday announced that Rs 3000 crores have been distributed among 2 crore registered construction workers till now.

"In 31 states/UTs, cash benefits of Rs 1000 to Rs 6000 have been announced for registered construction workers under Building&Other Construction Workers' Welfare Cess Fund. About 2 crore registered construction workers have been given Rs 3000 crores till now," Saheli Ghosh Roy, Joint Secretary at a press conference here.

<https://economictimes.indiatimes.com/small-biz/productline/building-materials/rs-3000-crore-given-to-2-crore-registered-construction-workers-mha/articleshow/75060935.cms>

Dear Friends,

From the table on next two pages The 'State wise Numbers of Registered Construction Workers, Cess Collection and Cess Amount Spent under the BOCW Acts' the above statement of the Joint Secretary of the Home Ministry appears to baseless and imaginary.

NCC-CL is pointing out this wrong because it really wants that in the present health crisis the 37 State/UT BOCW Boards should spend not only 3000 crore Rupees but even more to meet the requirement of all the registered construction workers, non-registered construction workers and migrant Construction workers, most of whom are not registered as beneficiaries in the states where they are working.

**Table-1**

<b>State-wise positions of Number of Workers Registered, Cess Collected and Amount Spent under the Building and other Construction Workers Acts, 1996 along with the % of expenses</b>										
S.No.	State / UT	number of years board formation	Estimated No. of Construction Workers for 2016-17 by NCC-CL(A)	Registered workers with the board as on 30.06.2017 (B) *	Percentage of registered workers against estimated CW(C.)	Amt of cess collected (in crore Rs.) 31.06.2017 (D) *	amt. spent 31.06.2017 (in crore Rs.) (E) *	percentage of amount spent against collection - F (D/E)	Cess Collection per CW G- (D/A) (in Rs.)	Per year per CW Cess Collection-H-G/A (in Rs.)
1	Daman & Diu	10	1,811	919	51	37	1	1	205,246	20,524.57
2	Sikkim	7	28,181	35,125	125	76	22	29	26,969	3,852.65
4	Chandigarh	8	43,136	17,821	41	109	4	4	25,253	3,156.59
9	Lakshadweep	6	5,184	179	3	7	-	-	13,040	2,173.35
5	Arunachal Pradesh	10	33,379	18,443	55	65	52	79	19,581	1,958.12
7	Goa	9	57,432	2,009	3	96	1	1	16,677	1,853.01
6	Karnataka	11	2,259,608	1,155,521	51	4,375	329	8	19,360	1,759.98
3	Delhi	15	1,000,000	501,814	50	2,548	152	6	25,479	1,698.63
8	Andaman Nicobar Islands	8	37,352	13,879	37	49	5	9	13,234	1,654.20
13	Nagaland	6	23,291	4,418	19	20	3	17	8,613	1,435.46
10	Maharashtra	10	4,484,955	610,715	14	5,484	385	7	12,227	1,222.67
12	Meghalaya	8	120,688	14,560	12	109	2	2	9,070	1,133.81
15	Mizoram	8	49,590	21,865	44	40	22	54	8,141	1,017.59
11	Haryana	11	1,769,664	703,158	40	1,974	210	11	11,153	1,013.92
17	Chhattisgarh	9	1,096,574	1,206,549	110	798	615	77	7,275	808.30
18	Assam	9	967,882	101,075	10	697	172	25	7,197	799.63
22	J & K	7	1,153,600	317,608	28	534	244	46	4,629	661.32

14	Gujarat	13	2,002,397	569,669	28	1,690	86	5	8,441	649.30
19	Punjab	9	2,115,200	610,816	29	1,030	497	48	4,867	540.81
16	Puduchery	15	104,981	40,755	39	82	51	62	7,815	520.98
20	Andhra Pradesh+Telan gana	10	4,848,352	2,752,748	57	2,312	548	24	4,769	476.95
27	Uttar Pradesh	6	12,138,136	3,607,498	30	3,369	799	24	2,775	462.55
25	West Bengal	12	4,124,747	3,021,365	73	1,508	764	51	3,656	304.63
23	Madhya Pradesh	14	5,014,170	2,919,105	58	2,123	900	42	4,234	302.42
24	Odisha	13	3,014,066	1,840,000	61	1,170	404	35	3,882	298.60
28	Bihar	9	3,991,224	818,920	21	1,070	138	13	2,682	297.97
31	Rajasthan	8	7,317,894	1,650,230	23	1,652	591	36	2,258	282.25
30	Uttrakhand	12	659,298	163,610	25	170	31	18	2,585	215.39
21	Kerala	24	3,253,990	1,464,621	45	1,536	1,580	103	4,720	196.66
32	Tripura	10	840,339	87,113	10	151	17	11	1,793	179.32
29	Dadar & Nagar Haveli	15	11,611	472	4	3	-	-	2,653	176.84
34	Himachal Pradesh	8	2,873,378	121,000	4	353	57	16	1,229	153.67
26	Tamil Nadu	23	5,987,008	2,700,749	45	1,871	636	34	3,124	135.84
33	Jharkhand	10	2,624,344	609,216	23	354	163	46	1,348	134.82
35	Manipur	7	263,485	48,000	18	21	11	52	797	113.86
	<b>India</b>	<b>11</b>	<b>74,316,947</b>	<b>27,751,545</b>	<b>37</b>	<b>37,483</b>	<b>9,492</b>	<b>25</b>	<b>5,044</b>	<b>477.10</b>

\* Figures From Annexure IV of Minutes of 18th Meeting of CAC held on 5-7-2017

In the above table the biggest state BOCW Board is in **Uttar Pradesh** where the NCC-CL estimate of the total number of construction workers is over 1.21 crore construction workers. In UP as on 30-6-17 the total number of registered construction workers in the UP BOCW Board was 36 lakh or 30%.

According to 5<sup>th</sup> April 2020 letter of the Principal Secretary Labour the UP BOCW Board has bank details of only 10.92 lakh Construction workers who are registered as beneficiaries. UP has announced payment of Rs 1000/- per registered construction worker. Thus U.P BOCW Board can transfer only a maximum Rs. 109.2 Crore Rupees to the Bank account of registered beneficiaries.

In the same letter it is mentioned that the UP BOCW Board has 3.21 lakh mobile numbers of the registered Construction workers from which their bank account details can be collected, which will definitely take some time.

It is absolutely clear from the above table that there are **no other 30 states like Uttar Pradesh with 36 Lakh registrations of construction workers where the transfer of 109.2 Crore rupees cess fund can add upto Rs 3000 Crore. Therefore NCC-CL declares the statement given on the top of this letter to be absolutely baseless and imaginary.**

To take up this statement seriously, the NCC-CL requests to all the organisations of construction workers all over the country to please provide the answers to the **following nine questions** on this WhatsApp Group of NCC-CL for the public sharing. The Purpose of this public campaign is to pursue the Central Government to issue specific directions to all the State/UT BOCW Boards to distribute relief to all the Constructions workers registered as beneficiaries with the State/UT BOCW Board, to all the non-registered construction workers, and to all the migrant construction workers most of whom are not registered as beneficiaries in the States/UTs where they are working. The BOCW Boards should ensure Accommodation, Food, Medicine, and some Cash for all the construction workers to face the unemployment in the present health crisis and Lockdown.

The nine question to be answered by you at the easlent are or following:

1. What is the estimated number of construction workers in your state/UT. ?
2. What is the number of construction workers registered as beneficiares in your State/UT BOCW Board ?
3. What is the number of registered construction workers whose renewals is pending?

4. In your State/UT BOCW Board if renewal is not done annually then please specify after how many years renewal is done?
5. How many construction workers have received the following benefits and how much total expenditure has been spent on providing the following benefits under Sec 22 of the BOCW Acts.
  - a. Immediate help in case of accident
  - b. Pension- please mention amount of monthly or annual pension per construction worker, number of contribution workers receiving pension and the total expenditure on the pension.
  - c. Housing loans provided so for or expenses or rousing.
  - d. Expenditure on Groups Insurance- please mention the number of construction worker who have received benefit and total amount of benefit received.
  - e. Education support to the children of CW please give the amount of help for different classes, number of children getting benefit, total amount of benefit delivered.
  - f. Health support – number of person received health support and total amount spend by Board a health report.?
  - g. Maternity benefit amount per person, total number of construction worker who received maternity benefit, total amount on maternity benefit spent by the board?
  - h. Other benefit- give details e.g. marriage support.?
6. What is the total amount of cess, and interests earned on cess in your State?
7. What is the total Cess spent in your State?
8. During current Lackdown what is the relief declared by the Board for registered, non-registered and migrant construction workers?
9. What is the amount spent by the BOCW Board in your state/UT on registered construction workers, unregistered construction workers and the migrant construction workers.?

Friends, Lockdown has effected the construction workers most because majority of them live on the construction sites and spaces provided by the owner of the construction establishment or the contractor.

Within an hour of the declaration of the lockdown millions of construction workers were virtually thrown out on the roads from above mentioned

accommodations and therefore they were forced to start walking to their native places.

Neither Central nor any State Government thought of providing accommodation, food, water, sanitation and medicines to the millions of construction labour before declaring the lockdown. Not assuring these is wrong because the 37 BOCW Board all over the Country are had over 31000 Crore Rupees collected for the welfare of all construction workers of the country.

**Revised Guideline measure for 2<sup>nd</sup> phase of Lockdown**

**15. Industries/Industrial Establishments (both Government and Private), as listed below, will be allowed to operate:**

xi. Brick kilns in rural areas i.e. outside the limits of municipal corporations and municipalities.

**16. Construction activities listed as below, will be allowed to operate:**

i. Construction of roads, irrigation projects, buildings and all kinds of industrial projects, including MSMEs, in rural areas, i.e. outside the limits of municipal corporations and municipalities; and all kinds of projects in industrial estates.

ii. Construction of renewal energy projects.

iii. Continuation of works in construction projects, within the limit of municipal corporations and municipalities, where workers are available on site and no workers are required to be brought from outside (in situ construction)

Here a crucial question is how the construction workers who had started to walk towards their native place, some of whom died on the way or their family members died on the way, how they can come back to work.?

In this situation all the construction workers organisations should ensure that the construction workers are provided relief wherever they are by their respective State Governments or the respective State/UT BOCW Boards out of the cess fund available with these Boards for the welfare of all the construction workers.

The Supreme Court of India had made it very clear in its 19<sup>th</sup> March 2018 Judgment on the NCC-CL Petition (CWP 318 of 2006) that all the State/UT BOCW Board should provide nationwide portable registration which can be renewed in any state or UT.

The Central Government, because of its focus on drafting the four Labour Codes, has failed in ensuring the full implementation of this judgment of the Supreme Court.

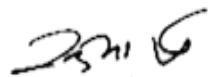
In view of the tremendous loss of the construction workers because of the lockdown, all the organisations of construction workers should join together 'To save the BOCW Acts of 1669' and to ensure the full Implementation of the BOCW Acts of 1996.

NCC-CL remind you once again to please provide answer to the nine questions given on page 4-5. If all answers are not available then please give as much information as is available.

If you have any questions or suggestions please feel free to inform us.

With greetings for the Ambedkar Jayanti

Your



Subhash Bhatnagar

Story of Mehak, who survived for several days without food with an eight days old child, covered by NDTV reached the spokesperson and MLA of AAP , Shri Dilip Pandey. Yesterday we are reported that in three houses under construction at Pushpanjali, Saraswati Vihar and Sharda Niketan, (where the Local MLA and Cabinet Minister of AAP government Shri Stendra Jain has his house), there are several families of construction workers with children who are neither provided food nor allowed by neighbor to go to school at the time of food distribution.