

NATIONAL CAMPAIGN COMMITTEE

For Central Legislation on Construction Labour

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7-11-2019

NCC-CL Rally to Save the BOCW Acts **at Parliament on 2nd December, 2019**

Dear Friends,

This circular is further to the 2nd October, 2019 meeting of the NCC-CL which was followed by the rally of the Construction Workers at Rajghat on the occasion of the 150th Anniversary of Mahatma Gandhi.

This 2nd October, 2019 meeting of the NCC-CL endorsed the recent activities following the 30th July 2019 meeting of the NCC-CL at Chennai such as writing letters to the Prime Minister of India from different parts of the country to **Save the BOCW Acts** and the yatras of construction workers in different parts of the country.

The Code on Wages, 2019 was passed by the last session of Parliament and the enactment was notified. The Central Rules of the Code on Wages 2019 have been circulated for public comments on the Website of the Labour Ministry.

What is there and what is not there in the Code on OSH & WC and Code on Social Security

The Code on Occupational Health, Safety and Working Conditions, 2019 has been referred to the Joint Parliamentary Committee. The NCC-CL requests all its constituents to raise public awareness, particularly among construction workers on this Code. **Under Section 157 of this Code the BOCW Welfare Cess Act, 1996 will be repealed along with seven other labour legislations**, although it contains none of the provisions from the BOCW Welfare Cess Act, 1996 in it. This is very absurd that the Act which will repeal the Cess Act does not have even a single provisions to replace the said Act.

The government has invited public comments on the Code on Social Security, 2019. **According to Section 134 of the Code on Social Security, 2019 the Building & Other Construction Workers Welfare (RE&CS) Act 1996 will be repealed along with twelve other labour**

legislations. In this Code out of 64 section only 3 sections of the BOCW Act, 1996, Section 18, 19 and 22, have been included under Section-7 of the Code on Social Security. Under Section 157 of the Code on Social Security only Six of the 15 Section of the BOCW Welfare Cess Act 1996 have been included. According to Labour Ministry Officials the left out provisions of the two BOCW Acts will be included in the Rules of the Code on Social Security. But this Code does not even have a provision like **Section 62 – Power to make Rules** with 33 sub-clauses of the **BOCW Acts, 1996** under which Central and State Governments have framed the Rules of the Building & Other Construction Workers Acts,1996. **Therefore it is clear that the ten crore construction workers will have to campaign once again to ‘Save the BOCW Act’ as they did from 1986 to 1996 for the enactment of the twin Acts of Construction Workers. Only such a campaign can ensure adequate arrangements to save the BOCW Acts and the BOCW Board and the Welfare Cess Amount, which has been collected so far all over the country.**

The present provisions of forming the BOCW Board in all the States & UT under Section 7 of the Code on Social Security is not adequate as there are **no provisions for the registration of construction workers as beneficiaries on par with the similar provisions under the BOCW Act, 1996.**

2nd December, 2019 Rally to Parliament.

The 2 Oct. 2019 meeting of the NCC-CL at Delhi decided to organized a National Rally of Construction Workerson 2nd December,2019 to consolidate the nationwide protest and convey the voice of ten crore Construction Workers to the Parliament. All constituents of NCC-CL and all organisations of Construction Workers are requested to ensure their participation and financial support for this.

How to ensure implementation of the Supreme Court Judgment on NCC-CL Petition.

In spite of the above setbacks to the twin legislations of Construction Workers there are few gains achieved during last six months also.

The Monitoring Committee meeting, held on 4th June, 2019 was informed that pursuant to the directors of the Honorable Supreme Court, the Central Government has prepared the **Model Welfare Scheme** and an **Action Plan** for **strengthening the registration machinery** both of workers and establishment and Cess collection machinery. Both of these were sent to the Chief Secretaries of all the States &UTs governments on 30th October, 2018 by the Union Labour Secretary.

The **Framework for Social Audit** was sent by the Director General (Labour Welfare) to the **Principal Secretary Labour** of all State &UTs in August,2019. A copy is enclosed for your ready reference, (you can check the link http://nirmana.org/Documents/Social_AuditofBOCWActs-August.pdf website www.nirmana.org

NCC-CL constituents and all other organizations of Construction Workers needs to follow-up with their respective State/UT government and BOCW Boards to ensure that the Social Audit Unit is constituted in your State/UTs if it does not exist. If there is a Social Audit Unit in your State/UT then it should take up the program for the Social Audit of the implementation of the COCW Acts in your State in accordance with the above mentioned Frame Work, all over the State. You can reach the trade unions of Construction Workers and the Civil Society Organizations working in your State/UT with Construction Workers who are familiar with the Social Audit process for guidance or contact NCC-CL

A Study on the status of the implementation of BOCW Acts

You are reminded once again that the NCC-CL is collaborating with two organisations for conducting a rapid study of the implementation of the BOCW Acts in **ten States and ten Cities**. All the constituents of NCC-CL are requested to inform the NCC-CL office their willingness to participate in this study. The purpose of this study is to collect data on the status of the implementation of BOCW Acts in as many States/UTs as possible with the limited resources available for this study. This study will be of great help if NCC-CL will have to approach the Supreme Court of India in a Petition for **contempt of Court** to its 19th March, 2018 judgment.

Please do remember to keep the NCC-CL office updated with the development on the implementation of the BOCW Acts in your State/UTs and the yatra programme of Construction Workers to save BOCW Acts and also about the continuation of writing letters by the Construction Workers to the Prime Minister of India to **Save the BOCW Acts**.

Please contact Standing Committee Members

A list of the Members of the Standing Committee of the Labour, Consisting of Member of Parliament in Lok Sabha or Rajya Sabha is enclosed for your information. You are requested to contact the MPs near your place and approach them to support the cause of Construction Workers. As is mentioned earlier in this circular, the Code on OSH & Condition of work/WC has been referred to the Standing Committee. This Code proposes under Section 157 the repealing of the BOCW welfare Cess Act, 1996 along with seven other Labour Legislations. Not even a single clause out of the Cess Act has been included in this Code therefore this is a very absurd and illogical proposal. You must register your protest against this type of proposal to repeal the BOCW Welfare Cess Act. Please update yourself with the Proposed Codes and the BOCW Act 1996 provisions before approaching a Member of Parliament. You can approach NCC-CL office for any clarification. Please remember to inform the NCC-CL office about the outcome of your meeting with the member of the Standing Committee of the Ministry of Labour.

With thanks.

Your Sincerely

Subhash Bhatnagar