

# NATIONAL CAMPAIGN COMMITTEE

## For Central Legislation on Construction Labour

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Dear Friends,

This NCC-CL circular is further to the 14<sup>th</sup> April, 2020 circular in which it was highlighted that the statement of a Central Government official that **“About 2 crore registered construction workers have been given Rs. 3000 Crore till now.”** was **baseless and imaginary.**

NCC-CL enquired from its constituents in different States/UTs around the country about the amounts which have been actually sanctioned and spend by first week of March 2020. NCC-CL learnt that only Rupees 936.62 crore were announced initially by the Eleven BOCW Boards as given in Table 1 A annexed at the end of this Circular.

Subsequently Punjab BOCW Board issued 2<sup>nd</sup> instalment of Rs. 3000 each and four more BOCW Boards also started making commitment for the disbursement of Rs 812.2 crore as given in Table 2A annex at the end of this circular.

As we can see from these two Tables that there are wide variations in the benefits which are being delivered from a common type of cess fund under a National Act to the Construction Workers by different State/ UT BOCW Boards.

A friend of the Construction Workers Campaign Prof. Himanshu Upadhyay from Azeem Premji University compiled a list of 31 State/UTs Board based on the announcement made by State/UT Government, State BOCW Websites, Annual Report of Labour Department, Newspapers etc. Fifteen of the State/UTs covered by him and NCC-CL are common. We are thankful to Dr. Himanshu Upadhyay for sharing the data on state BOCW board which he has

collected with lots of efforts. The other 16 states data compiled by Dr. Himanshu is reproduced in Table 3. We have splited the data collected by NCC-CL and by Prof. Himanshu in to Table IA and IB and II A and II B .

There are also very wide variations in the two sets of data for the same States/UTs. It is the responsibility of governments/BOCW Boards of the related States/UTs and the Central Government to explain what has been the real expenses and on what items expenses have been incurred in these states. Therefore instead of dealing with the statistical variations reported by different sources we will focus on the more serious practical issues in this circular. The organizations of construction workers are also requested to please find out in your State/UT how much relief has been delivered per person or family, how many construction worker have been provided the relief and what is the total amount of relief provided form the BOCW Board. The organization of the construction workers are also requested to seek / demand relief from the State Disaster Management Fund and the PM CARE Fund for the construction work in your State/UT.

### **1.VARIATIONS IN THE RELIFES BETWEEN STATES/UTs NEEDS TO BE AVOIDED -**

What is most important to notice is the **wide variations** in the approaches of different state/UT BOCW Boards/ governments in declaring support on a nation-wide common disaster from the common BOCW Cess amount which is being collected under a common national legislation. These differences in the amount of reliefes announced or delivered vary from Rs.1000 to Rs. 6000 is not based on any rational reason such as total cess available or number of registration fund totally arbitrary .

This needs to be highlighted by reminding that the Supreme Court of India, in its judgment on the NCC-CL Petition (CWP318 of 2006) had made its displeasure with the multipherty of schemes very clear while giving the third specific direction on model welfare schemes to be made available to all the State Government and Welfare Boards by the Union Labour Ministry. **Portability** across states and **uniforunity** were the two criterias insisted by Supreme Court during its proceedings.

It is really sad that inspite of all the improvement in the communication system comprehensive data is not available from the State Governments and Central Government on the amounts sanctioned as relief, the number of beneficiaries to be delivered the relief and the total amount delivered by all State/UT Boards. Therefore NCC-CL stated in its last circular that the statement of the Home Ministry official that **“About 2 crore construction workers have been given Rs.3000 crore till now” is baseless and imaginary.**

As can be seen from the enclosed Tables, with this circular only around one thousand Crore Rupees reliefs were declared, not delivered, when the Central Home Ministry Official said that **three thousand Crore rupees have been given.** Since the BOCW Cess fund is a every special public fund, ment for very specific purposes, any large expense from this, even in an emergency like in present Lockdown , the details of the expencess must be disclosed for public scrutiny. NCC-CL would like to remind here of the fourth specific direction of the Supreme Court regarding the ‘Social Audit’ of the implementation of the BOCW Act which in judge is yet to be implemented properly by all State/UT governments.

## **2. ACCUMULATED CESS IS NOT A LARGE AMOUNT.**

NCC-CL wants to point out that the BOCW Cess amount accumulated so far, 31000 crore Rupees, belong to all the ten crore construction workers working in the country although according to central government only 3.5 crore of them, are registered. Thus on an average the available amount is only Rs.3100 per construction workers, which cannot be exhausted on the reliefs from Lockdown because many more equally crucial commitments are to be met out of this amount such as old age pension and medical support for the education of children. Therefore it is very important that help from the State Disaster Management Fund should not be denied to the construction workers merey because the accumulated cess fund amount is available for them.

Second important gap NCC-CL want to point out in the above three tables is that in many states all the estimated number of construction workers have not been covered. In these table many states/UT have given the number of construction workers who are to be reached in in initial phase, most of whom

are those who have upto date renewals for the current year. Soon all those who have been registered but whose renewal for current or recent years is pending will also have to be covered.

**3. ALL THE CONSTRUCTION WORKERS, IRRESPECTIVE OF THEIR ANNUAL RENEWAL STATUS SHOULD BE DELIVERED COMMON RELIEF IMMEDIATELY ALONG WITH THE NON-REGISTERED CONSTRUCTION WORKERS AND MIGRANT CONSTRUCTION WORKERS-**

**Twenty States/UTs like Arunachal Pradesh, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram Nagaland, Odisha, Puduchery, Punjab, Rajasthan , Tamilnadu Telangana, Tripura, Uttar Pradesh, and Uttrakhand have decided to cover all registered construction workers.** Some state like Bihar, Odisha have decided to cover their state workers working in other states as migrant workers even if they are not registered with the Boar. Only Tamilnadu has covered 1.1 Lakh guest workers who are migrants from other States. But the right approach will be that each and every State/UT BOCW Board should cover all the migrant construction worker working in their state and UT belonging to any other state of India, wether they are registered or not. BOCW Act and the Cess Act, both are national Acts and the Cess amount collected by all State/UT BOCW Boards belong to all the construction workers, registered or not registered. The Supreme Court had made it very clear, during the proceeding on the NCC-CL petition, that it is the responsibility of the BOCW Board to register all the construction workers. The first specific direction giving by the Supreme Court Judgment to the Ministry of Labour of Employment and the States and UTA to strengthen the registration machining, both for the registration of establishment as well as registration of construction workers is to substantiate it. Failure of the boards to register all construction workers cannot deny the support to the unregistered construction workers. What is needed is a fast mechanism to register all as beneficiaries and to completely prevent working of a non-registered construction worker from all the construction sites.

What is most crucial after the implementation of the relief announced by the 26 State/UTs in the three table is the full coverage of the remaining

construction workers in these 26 State and reaching to other remaining 11 State/UTs. to reach ten crore construction workers.

#### **4. BESIDES USING SOME CESS FUND THE STATE DISASTER MANAGEMENT AND THE PM CARE FUND MUST PROVIDE ADDITIONAL RESOURCES FOR THE BUILDING AND OTHER CONSTRUCTION WORKER SURVIVAL.**

Preventing diversion of BOCW resources to other segments of the citizen for whom the State Disaster Management Fund is also available is very crucial e.g. The '**Gujarat Mukhay Mantri Gareeb Kalyan Yojana**' has asked Gujarat BOCW Board to contribute Rs.250 crore for the Rs. 660 crore package for the 66 lakh families of Gujarat who are to be provided Rs. 1000/- and dry ration each. There are only 6.4 lakh registered construction workers in Gujarat and if Gujarat Board is to directly provide Rs. 1000 it will cost only Rs, 63.8 crore. Rs. 250 crore comes to approximately Rs. 4000 per registered beneficiaries (Rs250 Lakh ÷6.4 lakh) while each worker will get only Rs. 1000 and some dry ration costing less than Rs. 500. In Gujarat there are two to four members of many families working as construction workers, registered with the Gujarat BOCW Boards as beneficiaries, but having a single ration card. Thus the Board will pay eight to sixteen thousands rupees per Ration Card but the construction workers will get only about Rs. 1500. **This sort of diversion of the scare cess resources of the BOCW Boards**, which fund are require for many other crucial emergencies for which no other fund is available, **must be avoided** when Disaster Management Fund is available with all the State and PM CARE Fund has also been collecting contribution for the current crisis.

#### **5. CENTRAL GOVERNMENT SHOULD ISSUE SPECIFIC DIRECTIONS TO ALL STATE/UT BOCW BOARDS UNDER SECTION 60 OF THE BOCW ACT.**

NCC-CL feels that at this juncture the General Advisory like the one issued by the Union Ministry of Labour to use Cess Fund for the Welfare of Construction Workers to all the State/UTs is **not enough**. **Specific directions** giving the **minimum support package** and **specifying coverage of the unregistered construction workers and migrant construction workers**, particularly those who are /have been staying at the permises belonging to the constructor or the employer, is moit crucial. Direction for an equal amount of support from

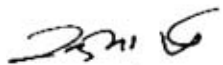
the **State/UT Disaster Management Fund** is also every causal along with the use of BOCW Cess Fund.

Even this advisory has not been followed in its letters and sprsit. This advisory has advised transfer of fund in the account of construction workers through DBT mode from the Cess Fund collected by the BOCW Board but what Gujarat has proposed is a transfer of Rs. 250 crore as lumpsum amount to the 'Mukhya Mantri Gareeb Kalayan Yojana' which will provide cash and Ration on the basis of ration cards, not on the basis of the registration of construction workers as beneficiaries under the BOCW Act with the BOCW Boards Such diversions must not be permitted.

NCC-CL expects two way communication from all organizations of construction workers till we are jointly able to achieve a portable and uniform implementation of the BOCW Acts of 1996. all over the country.

Expecting regular communication from you.

Your's



Subhash Bhatnagar

<b>Table –1 A</b>					
<b>S.No.</b>	<b>Date</b>	<b>State</b>	<b>Amount (Rs.)</b>	<b>No. Construction Labour</b>	<b>Total Amount in Crore</b>
1		<b>Andhra Pradesh</b>	2000	1.6 Lakh	32
2.		<b>Jharkhand</b>		Under CM Dal Bhat Yojana Plus Day Ration	27 11
3.		<b>Kerela</b>	1000	20 Lakh	200
4.		<b>Madhya Pradesh</b>	1000	8,31,240	83
5.		<b>Odisha</b>	1500	4.4 Lakh	60
6.		<b>Punjab</b>	3000	3 Lakh	90+90
7.		<b>Rajasthan</b>	1000	17 Lakh	170
8.		<b>Tamil Nadu</b>	1000	12.14 Lakh	121.4
9.		<b>Telangana</b>	1500	1.37 Lakh	205
10.		<b>Uttar Pradesh</b>	1000	10.09 Lakh	100.9
11.		<b>Delhi</b>	5000	39631	19.82
		<b>Total Table 1 A</b>			<b>935.62 cr.</b>

<b>Table –1 B</b>					
1.		<b>Andhra Pradesh 2</b>		No decision on cash to construction worker	348.03 cr. Release for Premium to insurance company
2.		<b>Jharkhand 2</b>		No Information	
3.		<b>Odisa 2</b>		Around 22 Lakh for 10.33 Lakh	105.07
4.	08-04-2020	<b>Punjab 2</b>	3000×2	3.2 Lakh	175.3059
5.		<b>Rajasthan 2</b>	1000	Announced for 25 lakh	
6.	01-04-2020	<b>Tamilnadu 2</b>		5.47 Lakh +1.1 Lakh gust workers / migrants	54.7
7.	08-04-2020	<b>Telangana 2</b>	1500	Food Civil Supply of provide – BOCW Board to pay	Not disbursed
8.	23-04-2020 on 07-04-2020	<b>Uttar Pradesh 2</b>		15.02382 lakh  11.4297 Lakh	150.2832  114.297
9.	03-04-2020	<b>Delhi</b>		32,358	16.179
		<b>Total 1 B</b>			<b>1121.6661 cr.</b>

## 2. A Table

S.No	Date	State	Amount (Rs.)	No. Construction Labour	Total Amount in Crore
1.		<b>Punjab 1</b>	2 <sup>nd</sup> instalment Rs. 3000	3 Lakh	90
2.	20.04.2020	<b>Gujarat 1</b>	Contribution to the CM Garib Kalyan Yojna	Lump sum amount for 6.4 Lakh construction worker	250
3.		<b>Himachal Pradesh</b>	2000	76000	12.2
4.		<b>Karnataka</b>	2000	12 Lakh	240
5.		<b>Maharashtra</b>	2000	11 Lakh	220
		<b>Total 2 A</b>			812.2
<b>Table 2 B</b>					
1.	08.04.2020	<b>Karnataka 2</b>	2000	12 Lakh	<b>No expencess</b>
		<b>Total 2B</b>			.....



### 3. Table

S.No.	Date	State	Amount (Rs.)	No. Construction Labour	Total Amount in Crore
1.		Andman & Nikobar Islands			Nil
2.		Bihar	1000 to Migrant		Nil
3.	03-04-2020	Arunachal Pradesh	2000 Per Month	3084	6.1682 cr.
4.	30-03-2020	Assam	1000	2.78	27.80 cr.
5.	23-04-2020	Chandigarh	3000 for month Aril	6670	4.002 cr.
6.	31-03-2020	Chhattisgarh	Not Announced	sectioned	3.8 cr. Sentiond for workers in need
7.	29-03-2020	Goa	6000	15000	9 cr.
8.	06-04-2020	Haryana	1000 Per worker		61.7128 cr.
9.	28-04-2020	Jammu & Kashmir	1000	16000	16 cr.
10.	07-04-2020	Meghalaya	1000+2000		7.2096 cr.
11.		Mizoram	3000		
	08-04-2020	Nagaland	2000	24457	4.8914
12.	21-04-2020 28-04-2020	Puduchery	2000	42357	<b>Not disbursed</b>
14.	10-04-2020	Sikkim	2000	No emergency cash announced	<b>1.567 cr.</b>
15.		Tripura	1000× 3 month		
16.	08-04-2020	Uttaranchal	1000	3 Lakh	
17.		West Bengal	Not announced		
		<b>Total</b>			<b>172.151 cr.</b>