

NATIONAL CAMPAIGN COMMITTEE

For Central Legislation on Construction Labour

Justice V.R. Krishna Iyer
Founder Chairman

R. Venkataramani
Sr. Advocate- Supreme Court
Convener

Geetha R.
South Regional
Coordinator

S. Bhatnagar
Coordinator
Correspondence Address:
B-19, Subhavna Niketan
Pitampura, Delhi-110034
Ph: 91-11-27013523, 27022243

Email: ncccl2010@gmail.com

www.nirmana.org

Mobile: 9810810365

01-05-2019

Dear Friends,

This Circular is further to the 11th Feb. 2019 Circular giving details of 7th Feb. 2019 Rally and Petition to Parliament. To continue '**Save the BOCW Acts Campaign**' NCC-CL will take up this petition again after the formation of the next Central Government.

With the elections for the 19th Lok Sabha ending on 23rd May 2019 with the counting and results the Ministry of Labour has called a **meeting of the Labour Secretaries of all the States part of the Monitoring Committee to review the implementation of the directions issued by the Central Government u/s 60 of the Building and Other Construction Workers Welfare Board Act on 28th May 2019.**

After the concluding of the NCC-CL petition before the Supreme Court for 4th Oct. 2018, the Union Labour Secretary had circulated the **Modified Welfare Scheme** and the **Action Plan** to the Chief Secretary/Administrators of all States & UTs on 30th Oct. 2018 along with the request to its compliance and a status report by 31st Dec. 2018.

The Joint Secretary looking after the responsibility of the Director General Labour Welfare was transferred just before the conclusion of the NCC-CL Petition before the Supreme Court. The new officer who joined as DGLW in November 2018 remained very busy and could meet the NCC-CL representative only on 16th April 2019.

To the best of our knowledge almost none of the State/UTs/BOCW Boards have called their Board meeting to discuss the Action Programme and the Model Welfare Scheme circulated by the Central Government on 30th Oct. 2018. Perhaps because another section of the Union Labour Minister had circulated the **Labour Code on Occupational Safety and Health** on 16th Nov. 2018 providing for the **deletion of the BOCW Acts 1996.**

No concrete action has been taken at State & UT Government level or at BOCW Board levels towards the implementation of the Model Welfare Scheme and the Action Plan circulated by the Union Labour Secretary on 30th Oct. 2018.

Only in Punjab, after one of the constituent of NCC-CL, Shri Vijay Walia filed a Petition in the Punjab High Court on non-implementation of the Supreme Court Judgment, **the Secretary Punjab BOCW Board** has issued Orders that from now onwards **all benefits will be delivered as per the Model Welfare Scheme, implying the withdrawal of the Punjab BOCW Board schemes framed so far. For achieving uniformity all over the country this needs to be taken up at all State/UT BOCW Board levels immediately.**

There are various **shortcomings in the Action Plan and Model Welfare Scheme** circulated by the Central Government which NCC-CL has pointed out in its letter to the DGLW, Petition to Parliament and Hindi Circulars. NCC-CL will circulate a critic of the Action Plan and Model Welfare Scheme separately.

All the constituents of NCC-CL are requested to take up the issue of the implementation of the Supreme Court judgment on the NCC-CL Petition with their Labour Secretaries well before they come to 28-5-2019 Meeting of the Monitoring Committee so that they can seek

the clarifications from central government at this meeting. The most crucial is the **Pan India Registration of the construction workers as beneficiaries** by all State/UT BOCW Board levels. It also means achieving **uniform registration fees, uniform annual contribution and uniform welfare schemes, as provided by the Model Welfare Scheme.**

Action Plan

You are also requested to inform the NCC-CL office at Delhi regarding the steps taken in your state on the implementation of the Action Plan with para wise details e.g. on **Machinery for Registration of Establishment** what steps have been taken under **para A to E** separately and similarly on **Machinery for Registration of Workers and Machinery for Collection of Cess.** Please write para wise comments on their implementation in your State/UT BOCW Board.

Model Welfare Scheme

- (1) Please inform NCC-CL office at Delhi if the compensation for accidental and natural death in your State/UT BOCW Board has been enhanced to Rs. 4 lakh and Rs. 2 lakh respectively or not yet. We had recommended that **the creation of a corpus fund will be better than adapting the Pradhan Mantri Jeevan Jyoti Beema Yojna and PM Suraksha Beema Yojna.** Please inform us if your organization has been able to work on acceptability of the NCC-CL recommendation at your State BOCW Board level.
- (2) NCC-CL has been asking for the ESI coverage on concessional rate at the payment of 20% of the cess collected in each State/UT through BOCW Board. **Ayushman Bharat** coverage is **not suitable** for the BOCW Board beneficiary/ construction workers.
- (3) We request you to please inform the NCC-CL what financial assistance for education of ward of the beneficiaries was or is being paid in your State BOCW Board for the category (a) to (e) and further. We need to compare the Model Welfare Scheme recommendation with what is already being paid in various State/UT BOCW Boards.
- (4) NCC-CL is **not in agreement with the expenditure of 10% Cess fund** for social security on the **construction of collective housing for renting to the construction workers.** You are requested to convey the opinion of Construction Workers in your State to NCC-CL office.
- (5) We are also **not in agreement with the expenditure of 10% Cess fund on skill-building.** You are requested for conveying the opinion of the Construction Workers in your state to NCC-CL office.
- (6) You must keep track of the administrative expenses on awareness campaign in your state.
- (7) NCC-CL is not in agreement with the proposed **minimum requirement of 10 year for the payment of Pension** because the failure of the implementation of the BOCW Act has already denied 65% construction workers their right over such social security since over 22 years of the enactment.

Social Audit Frame Work

On 16th April 2019 meeting with the DGLW NCC-CL was informed that the work on Social Audit Frame Work is likely to be over and with the Social Audit provision are likely to be finalized soon and will be put on the website the Labour Ministry.

Please get ready for next NCC-CL meeting at Delhi soon after the formation of new Central Government to plan the strategy to save the BOCW Act. Please confirm your participation with your travel expenses at Delhi, in advance. Contribution for accommodation, boarding and sharing the Meeting expenses for Delhi you are welcome.

Yours Sincerely,

Subhash Bhatnagar