

CHAPTER-II: COMPLIANCE TO PROVISIONS OF BOCW ACTS AND RULES

2.1 Inconsistency between BOCW Acts, Rules and Notification issued for registration of construction workers by the Board

2.1.1 Inconsistency in the period of Registration of construction workers

Section 12 sub-clause-1 of BOCW Act, 1996 stipulates that every building worker who has completed eighteen years of age, but has not completed sixty years of age, and who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months shall be eligible for registration as a beneficiary under this Act. Further, section 14 of BOCW Act, 1996 stipulates that (1) A building worker who has been registered as a beneficiary under this Act shall cease to be as such when he attains the age of sixty years or when he is not engaged in building or other construction work for not less than ninety days in a year. (2) Notwithstanding anything contained in sub-section (1), if a person had been a beneficiary for at least three years continuously immediately before attaining the age of sixty years, he shall be eligible to get such benefits as may be prescribed.

Rule 272 (2) of CG BOCW Rule, 2008, stipulated that every application for registration shall be accompanied by a fee of twenty-five rupees payable to the BOCW Welfare Board in cash or an account payee demand draft. The State Government revised (July 2012) the registration/renewal fee from ₹ 25 to one rupee for three years. The State Government last amended (June 2013) the Rules by revising the period of registration/renewal fee from rupees one for three years to rupees one for five years. As per the notification issued (June 2013) by the State Government, at the time of registration/renewal, registration fee and contribution were to be deposited by worker for a period of five years. A 90-days work certificate in preceding twelve months was also mandatory for the registration/renewal.

Audit observed that construction workers were registered in the BOCW Welfare Board of Chhattisgarh initially for a period of five years. However, the condition of being engaged in building and other construction works for a minimum of 90 days in each year prescribed in the Act could not be adhered to except for the initial year due to registration of workers for five years period, due to which it cannot be ensured that the worker shown as registered by the Labour Department for a certain period was actually engaged in construction work for minimum 90 days in each year.

The State Government had not given any relevant reply (April 2024).

2.2 Non framing/implementation of social security schemes as per guidelines of Model Welfare Scheme (MWS)

The Director General (Labour Welfare) Government of India, Ministry of Labour & Employment has framed Model Welfare Schemes (MWS) in pursuant to the directions (July 2018) of the Hon'ble Supreme Court for providing social security benefits of the MWS to the construction workers. It was further mentioned that social security benefit will hold precedence over all other existing benefits and after meeting these priority expenses, any balance of fund may be utilised for giving additional benefits under the Act. The following shortcomings were noticed in implementation of the MWS by the State Government: -

- **Life and disability cover-** As per the MWS, the State BOCW Welfare Board should provide minimum coverage of four lakh rupees in case of accidental death and two lakh rupees in the event of natural death to the dependent(s) or coverage under *Pradhan Mantri Jeevan Jyoti Beema Yojana* (PMJJBY). Assistance was to be made within 60 days of the accident/death.

Audit however noticed that assistance of only rupees one lakh was provided on accidental/natural death to the dependent(s) and fifty thousand in case of permanent disability under *Mukhyamantri Nirman Shramik Mrityu evam Divyang Sahayata Yojana*. Further, *Nirman Mazadoor Jeevan Jyoti Bima Yojana* (NMJJBY) was started (October 2015) in the State by BOCW Welfare Board. Under the scheme insurance coverage of two lakh rupees in case of death was provided. The BOCW Welfare Board had paid insurance premium for 61,103 workers during 2017-18 and 2018-19. However, the scheme was discontinued from December, 2022.

- **Housing-** As per the MWS, the State BOCW Welfare Board should provide transit accommodation, mobile toilets and mobile crèches to BOC workers. Audit noticed that no such scheme was formulated and implemented in compliance to guidelines of MWS.

The BOCW Welfare Board replied (May 2023) that provision has been made for providing interest subsidy up to ₹ 50,000 for construction of house of the registered workers under the *Mukhyamantri Nirman Shramik Awaas Shayata Yojana*. Reply is not acceptable as scheme for transit accommodation, mobile toilets and crèches for workers as per MWS guidelines was yet to be framed and implemented.

- **Maternity Assistance-** As per the MWS, the State BOCW Welfare Board should provide maternity benefits to registered female construction workers and spouse of the registered male construction workers.

Audit noticed that the financial assistance of ₹ 10,000 each for maximum two children were being provided to the registered female workers only under *Minimata Mehtari Jatan Yojana* (previously *Bhagini Prasuti Yojana*) whereas the spouses of the male workers were not covered under the scheme. Further, no provisions existed for paid maternity leave as required under MWS to female construction workers.

- **Pension-** As per the MWS, the State BOCW Welfare Board should provide pension to workers registered for a minimum of 10 years. In this regard the State Welfare Board should issue a certificate to the effect that a BOC worker has remained registered for a period of 10 years.

Audit noticed that *Atal Pension Yojana* was administered by the BOCW Welfare Board in Chhattisgarh w.e.f June 2015. However, the benefit of scheme was provided to 130 beneficiaries in Surajpur during 2017-18. The scheme was subsequently discontinued¹ from November 2022. Further, no scheme for Pension/ Family Pension and Pension on Disability Assistance has been formulated as required under Rule 277 of BOCW Rules, 2008.

The Government stated (April 2024) that different schemes like Scholarship, Housing, Pension, Maternity, Death and Disability, Accidental Medical Aid and Skill Development have been formulated and being implemented for the welfare of construction workers and their dependents according to Section 22 of BOCW Act, 1996, CG BOCW Rules, 2008 and Model Welfare Scheme issued by the Labour and Employment Ministry, Government of India.

Reply of the Government (April 2024) is not acceptable as *Mukhyamantri Nirman Shramik Pension Sahayata Yojana* was implemented in August 2023 only after being pointed out in audit. Further, scheme for Life and disability cover and maternity assistance was also not formulated as per Model Welfare Scheme.

2.3 Conclusion

Due to registration of construction workers initially for five-years period, condition of engagement as building and other construction worker for minimum 90 days in each year for continuance of registration was not adhered to. The Labour Department and the Board delayed in framing and implementing pension scheme whereas other schemes for transit accommodation, mobile toilets, mobile crèches and paid leave during maternity for workers were yet to be implemented in compliance to Model Welfare Scheme guidelines.

2.4 Recommendations

- The State Government should formulate and implement schemes for maternity benefit, transit accommodation and mobile crèches as per the guidelines of Model Welfare Scheme.

¹ No- 60/01/04/yojana/BOC/2022/123 dated 07.11.2022.