

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

**LOK SABHA
UNSTARRED QUESTION NO. 1053
TO BE ANSWERED ON 17.12.2018**

BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE CESS

**1053. DR. SHRIKANT EKNATH SHINDE:
SHRI ANANDRAO ADSUL:
SHRI KAPIL MORESHWAR PATIL:
DR. PRITAM GOPINATH MUNDE:
SHRI VINAYAK BHAURAO RAUT:
SHRI DHARMENDRA YADAV:**

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Government proposes to utilise the funds out of the Labour to their Welfare Cess to pay the employers who provide the maternity benefit of 26 weeks paid leave to female workers, if so, the details thereof;**
- (b) whether the Building and Other Construction Workers Welfare Cess (BOCW) Act provides for collection of Cess for construction workers by States/Union territories, if so, the details thereof;**
- (c) whether the States/UTs are required that the welfare schemes funded from Cess fund should be exclusively for building and other construction workers only, if so, the details thereof;**
- (d) whether diversion of cess fund for welfare of other category of workers is permissible under the BOCW Act;**
- (e) if so, the details thereof and if not, the reasons for proposed utilisation of Labour Welfare Cess Fund to provide the maternity benefit to other field workers;**
- (f) the details and role of the welfare board for the welfare of building construction workers in the country; and**
- (g) the steps being taken by the Government for the welfare and development of workers including construction workers in the country?**

**ANSWER
MINISTER OF STATE(IC) FOR LABOUR AND EMPLOYMENT
(SHRI SANTOSH KUMAR GANGWAR)**

(a): Pursuant to the directions of Hon'ble Supreme Court contained in its judgement dated 19.03.2018 in W.P. (C) No. 318/2006, the Central Government has formulated a model welfare scheme for BOC workers which,

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inter alia, envisages following maternity benefit, out of the BOCW welfare cess fund, for those BOC workers who are not covered under Ayushman Bharat:-

(i) Paid maternity leave to registered construction workers ranging from 90 days to 26 weeks for up to two deliveries.

(ii) Rs.6000/-per delivery for up to two deliveries to the wife of the registered construction workers, which will be in addition to any other benefit received from any Government Scheme in this regard.

(b) to (e): The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 provides safety, health and welfare measures for the building and other construction workers. For the purposes of the above said Act, a cess is levied and collected at the rate of 1% of the cost of construction by the State Governments under the Building and Other Construction Workers' Welfare Cess Act, 1996. The States, through their respective State Building and Other Construction Workers Welfare Boards, constituted under BOCW Act, utilize the cess fund in terms of Section 22 of BOCW Act, 1996. The States and Union Territories have collected around Rs. 45473.1 Crore and have spent an amount Rs. 17591.592 Crore upto 30.9.18.

The Welfare Schemes funded from BOCW welfare cess fund are exclusively for the building and other construction workers. Diversion of the cess fund for welfare of other category of workers is not permissible under the BOCW (RECS) Act, 1996.

(f): Utilization of Cess Fund under Section 22 of the Building and Other Construction Workers (RECS) Act, 1996 Act and the registration of building and other construction workers as beneficiary under section 12 of the said Act is done by the State Building and Other Construction Workers Welfare Boards.

(g): Besides the above, the Government is implementing various Acts and Schemes to provide social security and welfare benefits to workers, both in the organised and unorganised sector. The social security to the workers in the organized sector is provided mainly through five Central Acts, namely, the Employees' State Insurance Act, 1948, the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, the Employee's Compensation Act, 1923, the Maternity Benefit Act, 1961 and the Payment of Gratuity Act, 1972.

In order to provide social security benefits to the workers in the unorganised sector, the Central Government is implementing Unorganised Workers' Social Security Act, 2008, to provide welfare schemes in matters relating to life and disability cover, health and maternity benefits, old age protection to the unorganised workers. Various Ministries/Departments of the Central Government are implementing such social security schemes like Indira Gandhi National Old Age Pension Scheme (Ministry of Rural Development); National Family Benefit Scheme (Ministry of Rural Development); health and maternity schemes (Ministry of Health and Family Welfare). The Central Government has also converged the social security scheme of Aam Aadmi Bima Yojana (AABY) with Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY) to provide life and disability coverage to the unorganised workers depending upon their eligibility. These converged schemes give coverage of Rs.2 lakhs on death at premium of Rs.330/- per annum and coverage of Rs.2 lakhs on accidental death at premium of Rs.12 per annum, besides disability benefits as per the scheme. The annual premium is shared on 50:50 basis by the Central Government and the State Governments. These schemes are implemented and monitored by Life Insurance Corporation of India and the concerned State Governments.
