

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

LOK SABHA

**UNSTARRED QUESTION NO. 1476
TO BE ANSWERED ON 01.07.2019**

MIGRANT CONSTRUCTION WORKERS

**1476. SHRI KHAGEN MURMU:
DR. SUKANTA MAJUMDAR:**

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

- (a) whether migrant construction workers are entitled to housing and other social security benefits apart from minimum wages, overtime payments and weekly offs but the implementation of this clause of the labour law has been abysmal;**
- (b) if so, the reasons therefor;**
- (c) whether around Rs 20,000 crore collected through construction cess is lying unused, if so, the details of cess collected and utilised during the last three years;**
- (d) whether the amount collected through construction cess should be used for providing rental accommodation to migrant workers, if so, the Government's reaction thereon; and**
- (e) the steps taken by the Government for welfare of construction workers in the country?**

ANSWER

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

(a) & (b): Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act 1979 provides for residential accommodation facilities as per Rule 45 of the Inter-State Migrant Workmen (RE&CS) Central Rules, 1980 to migrant workmen including migrant construction workers covered under the said rules. For the purpose of enforcement of the provisions, the setup under the Chief Labour Commissioner (Central) carries out regular inspections under I.S.M.W (RE&CS) Act and Central Rules to ensure the compliance of the provisions of the Act. The details of the same is enclosed as Annexure -I.

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(c): 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 (BOCW). 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. 49688.07 crore and spent an amount Rs. 19379.922 Crore upto 31.03.2019.

(d): Section 34 of the Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 makes it mandatory for the employer to provide, free of charges and within the work site or as near to it as may be possible, temporary living accommodation, with separate cooking place, bathing, washing and lavatory facilities, to all building workers employed by him for such period as the building or other construction work is in progress. Further, in order to mitigate hardships that a BOC worker faces while in search of work, the States have been advised to take proactive steps to facilitate transit accommodation/labour shed cum night shelter, mobile toilets and mobile creches to such BOC workers out of the State BOCW welfare cess fund as prescribed.

(e): Section 22 of the BOCW(RECS)Act, 1996, provides for following welfare measures for BOC workers:

- (i) provide immediate assistance to a beneficiary in case of accident;**
- (ii) make payment of pension to the beneficiaries who have completed the age of sixty years;**
- (iii) sanction loans and advances to a beneficiary for construction of a houses not exceeding such amount and on such terms and conditions as may be prescribed;**
- (iv) pay such amount in connection with premia for Group Insurance Scheme of the beneficiaries as it may deem fit;**
- (v) give such financial assistance for the education of children of the beneficiaries as may be prescribed;**
- (vi) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependent, as may be prescribed;**
- (vii) make payment of maternity benefit to the female beneficiaries; and**
- (viii) make provisions and improvement of such other welfare measures and facilities as may be prescribed.**

The State Building and Other Construction Workers Welfare Boards of the States have formulated welfare schemes for BOC workers based on the above.

The States/UTs have also been requested to utilise BOCW welfare cess for the purpose of extending coverage of the social security schemes of Aam Aadmi Bima Yojana (AABY) converged with Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY), Aayushman Bharat and Pradhan Mantri Shram Yogi Maan Dhan Yojana (PM-SYM) to BOC workers to provide life and disability cover, health and maternity cover and old age pension by making payment of the State share/beneficiary share towards these schemes out of the cess fund.

Annexure referred in part (a) & (b) of Lok Sabha Unstarred Question No. 1476 for 01.07.2019

ISMW (RE&CS) Act, 1979

S.No.	Particulars	2015-16	2016-17	2017-18	2018-19 Up to March, 2019
1.	No. of Inspections Conducted	173	122	209	185
2.	No. of Irregularities detected	2744	2214	2952	3463
3.	No. of Irregularities Rectified	2240	1848	1939	2423
4.	No. of Prosecutions Launched	61	52	57	84
5.	No. of Convictions	44	59	47	38
