

The Building and Other Construction Workers Welfare (RE&CS) Act,1996 and the West Bengal Building and Other Construction Workers' Welfare Board

A. The Building and Other Construction Workers Welfare(RE&CS) Act, 1996

1. **Objective of the Act:** The Building & Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996 and the West Bengal Building & Other Construction Workers Rules, 2004 framed thereunder aim to regulate the employment and conditions of service of building & other construction workers and to provide for their safety, health and welfare measures.
2. **Application of the Act:** The Act applies to every establishment, which employs, or had employed on any day of the preceding twelve months, ten or more building workers in any building or other construction work.
3. **Establishment** means any establishment belonging to, or under the control of, Government, any body corporate or firm, an individual or association or other body of individuals which or who employs building workers in any building or other construction work; and includes an establishment belonging to a contractor, but does not include an establishment belonging to a contractor, but does not include an individual who employs such workers in any building or construction work in relation to his own residence the total cost of such construction not being more than rupees ten lakhs.
4. **Building or Other Construction work** means the construction, alteration, repairs, maintenance or demolition- of or, in relation to, buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distribution of water), oil and gas installations, electric lines, wireless, radio; television, telephone, telegraph and overseas communication dams, canals, reservoirs, watercourses, tunnels, bridges, viaducts, aqueducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the appropriate Government, by notification but does not include any building or other construction work to which the provisions of the Factories Act, 1948 (63 of 1948), or the Mines Act, 1952 (35 of 1952), apply.
5. **Building worker** means a person who is employed to do any skilled, semi-skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied, in connection with any building or other construction work

B. Enforcement of the Building & Other Construction Workers' Welfare(RE& CS) Act, 1996

1. **Registration of Establishments:** The Assistant Labour Commissioner are appointed as Registering Officers under Section 6 of the Building & Other Construction Workers' Welfare (Regulation of Employment & Conditions of Service) Act, 1996 and. Under Section 9 of the said Act the Deputy Labour Commissioner are appointed as Appellate Authority. Registration of Establishments started in the year 2006.

- 2. Inspectors:** All the Minimum Wages Inspectors, ALCs, DLCs, JLCs & Addl. LCs under the Labour Directorate, West Bengal are declared as Inspectors under Section 42(3) the said Act in respect of all the provisions of the said Act & Rules thereunder except the provisions relating to safety and health.
- 3. Registration of beneficiary:** Workers between 18 years & 60 years of age having worked as a building and construction worker for not less than 90 days during the preceding 12 months shall be eligible for registration as a beneficiary under the said Act and Rules framed thereunder.

C. The West Bengal Building and Other Construction Workers' Welfare Board.

1. Constitution of the Board: Under the said Act the West Bengal Building and Other Construction Workers' Welfare Board was constituted in the year, 2005 for administering the benefits under different schemes and all matters connected with the administration of the West Bengal Building and Other Construction Workers' Welfare Fund. The Minister-in-Charge, Labour Department is the Chairman of the Board. The Govt. officials, Employers representatives and Trade Union representatives are the Members of the Board. One Additional Labour Commissioner, West Bengal is the Secretary of the Board.

2. Activities of the Board:

- 2.1. Welfare Measures:** The Board provides the following welfare measures to the beneficiaries registered under the Board: **a)** Accidental Benefit – Hospitalisation & Disablement benefit **b)** Medical expenses- Treatment for major ailments including surgery **c)** Financial Assistance to T.B. Patients **d)** Maternity Benefit **e)** Death Benefit-Accidental & Normal Death Benefit **f)** Pension Scheme- Self/Family Pension, Invalid Pension **g)** Financial Assistance for Education of Self/Children of Beneficiaries **h)** Funeral expenses. **i)** A maximum of Rs.2,000/- to each beneficiary for purchasing tools **j)** Cost of spectacle upto Rs.500/- to each registered beneficiary **k)** Purchase of Bi-cycles @maximum Rs. 3000/- to beneficiaries **l)** Marriage assistance and **m)** Refund of subscription
- 2.2. Awareness Generation:** The Board also organizes awareness generation camps through its regional offices throughout the year for spot registration of beneficiaries and distribution of benefits among the workers who gather at railway stations, bus stands and crossings in search of jobs.

2.3. Important Decisions taken by the Board during 2012-13:

- **Decentralisation of registration of beneficiaries:** Since Jan, 2006, the ALCs at the sub-divisional level are empowered as Beneficiary Registering Officers (BROs). The Board in its 18th meeting has taken a decision to empower all the MW inspectors posted at blocks/municipalities/RLOs as the beneficiary registering officers from 1st April 2012.
- **Contribution:** Contribution @ **Rs.30/-** annually (@Rs 2.50/-per month) instead of Rs. 20/- per month.
- Enhancement of rate of benefits with effect from April, 2012. **(Annexure-A)**

D. Collection of Cess :

- The Building and other Construction Worker's Welfare Cess Act, 1996 and the Building and Other Construction Workers' Welfare Cess Rules, 1998 aim to provide for the levy and collection of a cess on the cost of construction incurred by employers with a view to augmenting the resources of the Building and Other Construction Workers' Welfare Boards constituted under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.
- The cess levied under sub-section (1) of section 3 of the Act shall be paid by an employer, within thirty days of completion of the construction project or within thirty days of the date on which assessment of cess payable is finalized, whichever is earlier, to the cess collector.
- The amount collected as cess shall be transferred to the Board within thirty days of its collection.
- A cess at the rate of one per cent of the cost of construction incurred by the employer is to be levied and collected, vide S.O. 2899, Dated 26th September. 1996

A detailed district-wise cumulative progress report under BOCWA has been shown at Table-I , Cumulative Report for DISTRIBUTION OF BENEFITS under BOCWA ACT, 1996 & Rules there under has been shown at Table-II and Year-wise report has been shown at Table-III

1. Success in the registration of Beneficiaries and Distribution of Benefits in BOCWA (Building and other construction Workers Act) Scheme

Past	Present	Remarks
During 2006-2011, 271870 persons have been registered during 5 years at an average of 45000 / year	During the period from April 2011 - March, 2013, 6.52,253 lacs people have been registered at an average of 3.26 lacs / year	Over six times increase during the tenure of present government.
Total fund distributed during this period is Rs 1,56, 70, 554 /- for 7584 beneficiaries	Total fund distributed during this period is Rs. 46,97,95,093/- for 1,82,708 beneficiaries	Nearly forty –six times increase during the tenure of present government.

2. Increase in the facilities provided to the Construction Workers

Facilities	Past	Present (W.e.f 1.4.2012).
Marriage	Rs 3000	Rs 6000
Maternity Benefits	Rs 5000	Rs 10000
Educational Grant for Engineering / Medical /MBA/CA Students	Rs 10000	Rs 30000
Surgery	Rs 30000	Rs 60000
Grant due to Natural Death	Rs 30000	Rs 50000
Grant due to accidental Death	Rs 50000	Rs 150000

Table-I**District-wise cumulative Report under BOCWA as on 31.03.13**

Sl. No.	Districts	Beneficiaries Registered	Beneficiary Regn. Fees & Subscription (Rs.)	Estt. Regd.	Estt. Regn. Fees (Rs.)	Amount of Cess Received (Rs.)	Nos. of Benefit Disbursed	Amount Disbursed (Rs.)
1	Jalpaiguri	32419	5432040	1171	569000	117319182	23763	35789681
2	Coochbehar	16514	3081800	2702	1373500	71452741	3739	7220830
3	Darjeeling	21758	1673285	2100	1050600	539431993	7850	20019239
4	Uttar Dinajpur	45778	5965340	680	339500	125744613	8289	38070182
5	Dakshin Dinajpur	16782	2509540	289	129800	52609565	1938	6048141
6	Malda	69290	19256260	1451	761500	118166905	18584	54511350
7	Murshidabad	70448	12397460	282	182000	106919945	9219	30526575
8	Nadia	62946	14814940	498	262500	341949185	18217	36467237
9	North 24 Pgs.	66555	11550730	1480	977500	409522374	11187	32142111
10	Kolkata	4198	1007780	996	983500	1373501112	69	165000
11	South 24 Pgs.	133589	18141400	749	448500	110610425	21624	56180152
12	Howrah	55946	14130000	990	603000	115229112	5923	15493351
13	Hooghly	33457	5477170	1158	639000	96227468	8340	18288784
14	Burdwan	48925	9578058	427	373000	443522706	5615	15616363
15	Birbhum	33914	5710410	344	191000	87551257	8468	11895704
16	Bankura	13011	2718780	236	130000	98690921	3676	9170000
17	Purulia	11717	2290795	177	144400	106685727	2081	9399651
18	Paschin Medinipur	46946	6859860	159	84500	124812185	18194	39650075
19	Purba Medinipur	139930	35892628	542	3354950	239908867	13516	48811261
Total		924123	178488276	16431	12597750	4679856283	190292	485465687

Progress Report Upto 31.03.2012	529946	77969960	14204	7565050	3509106698	39930	102864238
Progress during 2012-13	394177	100518316	2227	5032700	1170749585	150362	382601449

Table-II**CUMULATIVE REPORT FOR DISTRIBUTION OF BENEFIT
UNDER BOCWA ACT, 1996 & Rules thereunder****Report Up to 31/3/2013**

<u>Sl. No.</u>	<u>Name of the Benefit</u>	<u>Benefit Claimed U/R</u>	<u>No. of Beneficiary</u>	<u>Amount s Disbursed (Rs.)</u>
01	Accident Benefit	274		
	Accidental expenses		234	117,000
	● Disablement benefit		0	-
02	Death Benefit	275		
	● Accidental Death		6	850,000
	● Normal Death		1133	44,183,000
	● Pension Benefit		7	
03		276		52,750
04	● Educational Assistance Benefit	279	23399	91,564,149
05	● Medical Treatment benefit	280	1924	6,348,372
06	● Maternity Benefit	281	313	1,172,000
07	Other Welfare Measures	282		
	● Purchase of Cycle		38588	132,543,990
	● Funeral Expenses		921	2,763,000
	● Purchase of Tools		116524	196,824,620
	● Purchase of Spectacles		6534	3,212,000
	● Refund of Subscriptions		363	2,378,806
	● Invalid Pension		1	6,000
	● Marriage		345	3,450,000
	Total		190292	485,465,687

Table-III**Year-wise progress report on BOCWA (Upto March, 2013)**

	Beneficiary Enrolled	Regn. Fees & Subscription Collected (Rs.)	Estt. Regd	Estt. Regn. Fees (Rs.)	Cess Collected (Rs.)	No. of Benefit disbursed	Amount disbursed (Rs.)
2005-07	23445	8911820	1492	7565050	22525815	01	640
2007-08	23197		3433		230557173	53	201341
2008-09	25384		2895		526703734	151	469988
2009-10	44757	5353040	2447		717738157	532	2212836
2010-11	155087	18197620	1405		963798935	6847	12785789
2011-12	258076	45507480	2532		1047782884	32346	87193644
2012-13	394177	100518316	2227		5032700	1170749585	150362
Total	924123	178488276	16431	12597750	4679856283	190292	485465687

ANNEXURE-A

Enhancement of rate of benefits under BOCWA (ConstructionWorkers) with effect from 1st April, 2012

Names of the Benefits		Previous Rate (Rs.)	Enhanced Rate (Rs.)	
Rule-274	1.Accident	Hospitalisation	Maximum -5000	Maximum-10000
		Disablement	Maximum -25000	Maximum -50000
Rule-275	2. Death	Normal	30000	50000
		Accidental	100000	150000
Rule-276	3.Pension	Beneficiary	500	750
		Widow/Widower	250	375
Rule-279	4.Education	Madhyamik passed & admitted to H.S.	2000	4000
		H.S. passed & admitted to graduation	3000	6000
		Admitted to P.G.	4000	8000
		Admitted to Medical/Engineering/MBA/CA	15000	30000
Rule-280	5.Medical	Treatment of major ailments	Maximum-10000	Maximum-20000
		Surgery	Maximum-30000	Maximum-60000
		T.B	Maximum- 3000	Maximum-6000
Rule-281	6.1.Maternity (child birth)		3000(Twice)	6000(Twice)
	6.2.Miscarriage		2000(Twice)	6000 (Twice)
Rule – 282	7. Marriage	Self	5000	10000
----Other		Children	5000	10000 (Twice)
Welfare	8.1. Purchase of tools		1000	2000
Measures	8.2. Invalid(Beneficiary)Pension		500	750
➤	Other welfare measures		Existing Rate (Rs.)	
•	Funeral assistance		•	3000/-
•	Purchase of Cycles		•	3000/-
•	Purchase of spectacles		•	500/-
•	Housing Loan		•	Upto Rs. 50,000/-
•	Refund of subscription with interest on maturity/death/ unwilling to continue membership			

🚩 **Conditions are applicable to avail benefits.**