

SOCIAL SECURITY AND HEALTH CARE BENEFITS FOR MIGRANT BUILDING & OTHER CONSTRUCTION WORKERS IN MAHARASHTRA

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Abstract - Construction is a labour-intensive activity. Construction sector plays an important role in the Indian economy. It employs largest number of persons, after agriculture, in India. It is an open secret that the building workers do not get sufficient welfare benefits (statutory or non-statutory). In order to provide welfare and safety measures, regulate employment and conditions of service, The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996 was passed in India. Maharashtra Building and Other Construction Workers Welfare Board is constituted under section 18 of this Act. This conceptual paper studies the welfare schemes available for migrant workers engaged in building and other construction work in Maharashtra State in India.

Introduction- The term labour welfare means the efforts to make life worth-living for worker. Building worker means a worker engaged for doing skilled, semi-skilled or unskilled, manual, supervisory, technical, or clerical work in connection with building or other construction work. There are various other direct and indirect construction related services which are included in the list as building or construction work. Building workers, being an important part of the enterprise or construction business entity, should get their share of well-being and happiness for self and family members. They should not feel neglected or exploited. Based on the sample survey report conducted by National Sample Survey Organization (NSSO) in 2011-12, about 5 crore workers are engaged in the construction activities in the country. About 10% of India's working class is working in construction sector and it contributes 8% of India's GDP. In India, there is a good demand for low cost / affordable housing, smart sustainable cities, integrated townships, roads and infrastructure, green building solutions, water supply projects as well as sewage treatment plants etc. The majority of building workers migrating to Maharashtra are from Uttar Pradesh, Bihar, Jharkhand and West Bengal. They are required to stay away from their family members when they migrate to cities in

search of jobs. In cities, they are required to stay in small huts and temporary tin sheds where there is no proper sanitation, no toilets, no hygienic conditions, no wholesome drinking water, no school facilities, no crèche for small kids, no ambulance, doctors, medical services, no proper housing arrangements, and no sports, recreational or entertainment facilities.

Objectives of the study - The objectives of this study are 1) To study the social security and health care benefits available to building workers from Maharashtra BOCW Welfare Board. 2) To understand the documentation required for availing these benefits. 3) To draw conclusions and the areas of improvement for giving welfare benefits.

Methodology- This is a conceptual paper based on the secondary data. This data are collected from already available and published sources like the bare Act & Rules on the subject matter, case law or judgement decided by the court, published minutes of meetings and official website of Maharashtra BOCW Welfare Board.

Literature review- As per the review of literature, the role played by the construction sector in the employment generation and development of Indian economy needs to be appreciated ¹. It is imperative that each and every building worker is registered with the Maharashtra BOCW Welfare Board (the Board). In the absence, of registration, he/she will not be able to claim various benefits available for them. The criteria and the process for registration, documents required for registration, claiming the benefits, utilization of funds for giving benefits to the beneficiaries, renewal of registration etc. are provided on the website of the Board. The Board holds regular meetings of its committee members for achieving its vision and mission as well as ensuring effective performance of the Board and its monitoring. As per the minutes of the 51st meeting of the Board, there are various welfare benefits given to the registered building workers. These benefits are of immense help to the beneficiaries and it motivates them to concentrate

on their work³. As per the landmark judgement given by the Supreme Court of India in National Campaign Committee for Central Legislation on Construction Labour versus Union of India & others, a lot of negligence and indifferent approach is shown by the State governments as well as union territory administrators in implementing BOCW Act and BOCW Cess Act in its true spirit. As a result, inspite of having sufficient funds in hand and the proper provisions of labour welfare at its place, the poor building workers and their family members suffered a lot.⁴ It is noted that it was the need of the hour to regulate the employment and have proper conditions of service, to take care of the welfare of the huge number of workers engaged in the construction sector⁵.

Registration as beneficiary - For availing the benefits under this Act, every building worker, who is between eighteen to sixty years of age, should be registered with the Board online. Necessary documents like aadhar card number, proof of age, certificate from employer stating that the worker has worked for 90 days, etc. are required for registration.

Maharashtra BOCW Welfare Board - As per section 62 and section 40 of BOCW Act, 1996, the Maharashtra government has made The Maharashtra Building and Other Construction Workers (Regulation of Employment and Regulation of Service) Rules, 2007 and Maharashtra Building & Other Construction Workers' Welfare Board (the Board) has been set up in Mumbai.

Building worker who is registered with the Board is called Beneficiary. According to the Board's website, there are total 14.09 lakh building workers in the state. At present, there are total 18,75,510 building workers registered with the Board. Out of these, 11,92,474 workers are live or active. Number of total beneficiaries is 20,28,903 and total amount utilized so far on welfare benefits is Rs. 598.09 crores. The Board has registered 9,34,804 building workers in four special registration drives in 70 districts in Maharashtra held between February 2018 to August 2019 as under:

Drive	Districts covered	No.of registrations done
Drive I	6	2,24,577
Drive II	12	1,43,227
Drive III	17	1,10,000
Driver IV	35	4,57,000

Table 1.1 Special registration drives
 Source : <https://mahabocw.in>

Welfare benefits and documentation - There are various welfare benefits available for registered building workers under four schemes viz. social security, health care, educational assistance and financial assistance. This paper deals with social security and health care benefits. The details of social security are as under:

Social security benefits	Documents required to claim the benefit
a) Reimbursement of Rs. 30000/- for the first marriage of the beneficiary	a) Marriage certificate or self-declaration that the marriage is first reimbursement of Rs. 30000/- for the first marriage of the beneficiary
b) Supply of mid-day meal	b) Request letter in a prescribed form for supply of mid-day meal
c) Personality development books set	c) Identity card of child's school, self-declaration and child's aadhar card for personality development books set
d) PM jeevan jyoti vima yojana	d) Certificate from bank, demand letter in prescribed format and self-declaration
e) PM suraksha vima yojana	e) Certificate from bank, demand letter in prescribed format and self-declaration
f) Skill development of the worker	f) Self-declaration for skill development scheme. In the same prescribed form, the beneficiary will authorize the Board to credit the benefits to his bank account and use his mobile number for contacting him and sending messages.

Table 1.2 Details of social security benefits and documentation

As migrant building workers lack proper housing arrangements, safety precautions and health care

arrangements while working at construction sites, they suffer from various diseases. The details of this benefit are as under:

Health Care Benefits	Documents required to claim the benefit
a) Financial assistance of Rs. 15000/- for natural delivery and Rs. 20000/- for caesarean delivery for upto two living children.	a) Child's details, details of hospital and birth certificate, natural / caesarean delivery certificate issued by competent medical authorities and medical treatment's payment details are required. If the delivery takes place at home, the birth certificate issued by the gramsevak, grampanchaya, nagarpalika or mahanagar palika along with ration card and self-declaration of the beneficiary.
b) Financial assistance of Rs. 100000/- to the beneficiary and his family members for treatment of serious diseases (if no mediclaim facility is available)	b) Details of hospital and the illness, bill amount, certificate issued by Civil Surgeon about the illness certificate issued by Civil Surgeon about the illness, bills for medical expenses, self-declaration and aadhar card of selected family member.
c) Payment of Rs. 100000/- in fixed deposit in the name of a girl child if family planning operation is done by the beneficiary or his wife	c) Details like date of family planning operation/ tubectomy, details of girl child, certificate issued by competent medical authorities, certificate of affirmation that the applicant does not have more than one daughter, aadhar card of selected child and self-declaration
d) Financial assistance of Rs. 200000/- in case the permanent disablement is 75% declaration.	d) Details of civil surgeon, address of hospital, type of disability as well as certificate of civil surgeon and self-declaration.
e) Mahatma Phule Jan Aaryogya Yojana	e) Self-declaration of the beneficiary.
f) health check-up of the beneficiary	f) Certificate issued by the competent medical authorities.
g) Medical treatment upto Rs. 6000/- at de-addiction centre	g) Certificate issued by Government Medical Officer certifying the treatment taken at Govt/Semi-Govt. de-addiction centre.

Table 1.3 Details of health care benefits and documentation

At the time of availing any of the above benefits, the beneficiary has to submit 1) a request for sanction of benefit in a prescribed form, 2) certificate of having worked for 90 or more days given by the builder/ developer or the grampanchayat, municipal / city corporation with necessary details, 3) consent authorizing the Board for verifying and using aadhar card details, 4) an Undertaking stating that the information and documents given by him are true and genuine and if any discrepancy is found, he will be liable for legal action and that he will face police complaint filed by the Board.

Conclusions - It is noticed that the benefit cannot be given to non-registered building workers. The main reasons for the less utilization of funds for welfare schemes are non-registration of building workers with the Board and non-awareness of these schemes amongst the building workers and their employers.

The process for claiming the welfare benefits is difficult and too much documentation is required. This cannot be understood by the mostly illiterate and ignorant building workers resulting in non-receipt of welfare benefits. They will be required to pay heavy fees to the agents to get it done. The worker might lose his wages if he remains

absent from duty for collecting these documents.

There are total 18,75,510 registered building workers in Maharashtra state. Out of these, total 11,92,474 beneficiaries are active/live or actually working at various construction sites in Maharashtra. The percentage is 64%, which is small considering that each and every building worker must be registered to get benefits of welfare measures under the BOCW Act. The balance 36% unregistered workers cannot get these benefits and they are denied their right to receive benefits. This is injustice to them and this percentage needs to be improved.

References

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4. *National Campaign Committee for Central Legislation on Construction Labour versus Union of India & others, writ petition (Civil) No. 318 of 2006, Supreme Court of India*
5. *The Building and Construction Workers (Regulation of Employment and Conditions of Service) Act 1996*