

**ASSESSING THE IMPACT OF
BUILDING AND OTHER
CONSTRUCTION WORKERS'
WELFARE CESS ACT, 1996**

KRISHNA RAJ FELLOWSHIP PROJECT

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Need for the Survey

In India, construction industry is the second largest economic activity next only to agriculture. According to the National Sample Survey (2004-05), there are about 28 million skilled and unskilled workers in India. This number is estimated to have reached 40 million at present. Workers are seen standing precariously at a height of over one hundred or perhaps two hundred

feet, contributing to the creation of yet another skyscraper. Their work is characterized by its casual nature, temporary relationship between employer and employee, uncertain working hours, lack of basic amenities and inadequacy of welfare facilities.

Although the provisions of various Labour Laws i.e., Minimum Wages Act 1948, Contract Labour (Regulation & Abolition) Act 1970 and Inter-State Migrant Workmen (Regulation of Employment & Conditions of Services) Act 1979 etc. are applicable to the building and other construction workers, a need was felt for a comprehensive Central Legislation for this category of workers. Towards the above goal, **'The Building & Other Construction Workers' Welfare Cess Act'** was passed by the Central government in 1996. This law primarily focuses on the welfare needs of the workers.

The main provisions of this Act concern immediate assistance in case of accidents, old age pension, loans for construction of house, premium for group insurance, financial assistance for education, meeting medical expenses, maternity benefits, health and safety measures for the construction workers.

Objectives of the Survey

The main objective of the survey is to see the impact of this Act on the welfare of workers in the construction sector in Delhi. This act was passed in Delhi in 2002 and only became functional in the year 2007. The study aims to find out which all benefits have actually been received by the workers at the ground level. An in-depth analysis has been done of the various reasons that have led to the status quo.

Methodology

Several construction sites were visited along with labour settlements. Efforts were made to reach out to various labour union members. Meetings were also organised with the administrative officials.

A well-researched questionnaire was prepared to be filled during the field visits for the workers. It asked their personal information, monthly expenditure, working hours per day, wages per day, etc. It was also enquired whether they were registered with the labour department or not, and if registered, how they were informed about the Act and which benefits they were getting from this Act. For those who were not registered the reason behind not registering themselves and other basic details were asked.

The report consists of five sections.

Section A gives an introduction about the act in some detail. It lists down the various provisions of the act, provides the backdrop that prompted the act under study.

Section B analyses the data received during the field visits on the basis of questionnaires.

Section C provides some empirical data obtained from an RTI filed to enquire about the extent of irregularities in the act.

Section D analyses the reasons that have led to the present situation as far as the implementation of the act is concerned.

Section E concludes with some remedial measures.

A) INTRODUCTION

The construction workers form a profuse yet the most susceptible section of India's workforce today. An estimated 14.6 million persons were directly employed in construction work in 1995-96. A widely quoted study of the National Institute of Construction Management and Research

(NICMAR) estimated that the total employment in the construction industry in INDIA is expected to increase to 32.6 million in 2004-05. A current estimate of 30 million construction workers is commonly used by the National Campaign Committee on construction workers and construction industry development council. According to the National Labour commission Report (2002), around 16% of the nation's working population depends on the construction industry for their livelihood. The advent of globalization, among other things brought mechanization in the traditional occupation of farming in India which has reduced the number of people requisite for agriculture. Moreover, owing to seasonal nature of Indian harvest, the migration of workers from agriculture to the construction sector has seen a manifold increase. The speedily growing population and the raised standard of living of the middle class has inflated the demand for new and more housing societies, schools, hospitals, shopping malls, expressways, flyovers. Every human settlement brings with itself construction. And the completion of the mammoth task of construction requires a large labor force.

Around forty million skilled and unskilled workers are engaged in this arduous work in India. They constitute the most vulnerable segment amongst the unorganized workforce in the country owing to their temporary nature of work and lack of any definite employee employer relationship. They build houses, hospitals, schools, huge multi-storied housing societies, metro lines and are seen meticulously laying bricks on cement, sand, mortar up to several floors in height, stepping on dangerously built makeshift ladders. A very important aspect of their vulnerability is the risk present in their work which makes them keep their lives in jeopardy. They are prone to high risk factors and a little carelessness can lead to the loss of their lives. The risk of life and limb are manifold, more than that of their counterparts engaged in the other organized and unorganized sector.

The construction workers live in a deplorable condition and in constant danger. There is hardly a day that goes without a headline that some of them lost their lives due to unsafe working conditions and accidents at the sites. Such accidents are frequent and are indicative of what dangers these labourers face. The employer, who obtains the contract, puts in all efforts in maneuvering the accomplishment of the work. Even after the grueling nature of the work, the laborers are seen to barely earn their living. The wages given to them are irregular and often do not suffice to earn even

basic necessities. The report of the Second Labour Commission (2002) states that wages in the (construction) industry are by and large at the lowest level. Even in a city like Delhi which has seen considerable construction activity including several large scale projects in recent years, the earnings of most construction workers are not adequate to meet even their current subsistence needs, let alone provide for social security. On some days the payment may be higher but this is likely to be balanced by the denial of part wages even of completed work on some other days. A skilled worker may sometimes try to become a petty contractor to earn more, but such efforts can be easily counterproductive if payments for petty contractors are held back or delayed by the bigger contractors or companies.

There is no continuity or regularity of livelihood for construction workers. Every morning, they gather at select points/junctions to secure work from contractors in search of construction workers. However there is no certainty of securing work on a daily basis. Many times they can only work for 10-15 days each month. The working hours are also irregular. Piece-work is the predominant wage form for temporary workers in the construction industry. Many are forced to work long hours, while others choose to do so, either because the rates of pay are so low or simply because they want to earn as much as possible while work is available. This is particularly the case of workers who have migrated from the countryside.

Unfortunately, as is too often the case in India, the obsession with results does not translate even partially into concerns about the condition of those who labour to produce the results. Very often, the entire family including women and minor children are found toiling at the construction sites to earn their bread and not butter, ignoring the education, health and hygiene issues. Many of these workers are migrant landless labourers from Bihar, Jharkhand, UP, Orissa, West Bengal, Madhya Pradesh, Chhattisgarh, Rajasthan and other economically weaker regions of India. They come to urban settings like Delhi, NCR, Mumbai and other metro cities in search of their livelihood or to supplement their earnings during lean period when their main source of economic dependence viz. agriculture activity is not available. This can also not be ruled out that some of these workers might have left their inherited abodes due to atrocities against them. Owing to the working conditions of the said workers, these workers require special provisions including health care and education, but there has been an inadequacy in welfare activities and negligible steps have been taken for the betterment of these workers.

Many sensitized NGOs, social organizations and Trade Unions took the cause of these construction workers and impressed upon the government to formulate legislations towards their welfare. .The Minimum Wages Act 1948, Contract Labour (Regulation and Abolition) Act 1970 and Inter-state Migrant Workmen (Regulation of Employment and Conditions of Services) Act 1979 were passed and were to be applicable to the building and other construction workers. These acts didn't yield the desired results. In 1996, after a long delay, two important legislations were passed by the parliament for construction workers the Building and Construction Workers (Regulation of Employment and conditions of services) Act, 1996 and The Building and Other Construction workers Welfare Cess Act, 1996. This legislation came only after a long sustained campaign by the National Campaign committee for construction labour in which various central trade unions campaigned together for 12 years. Among other things, this legislation provides for a cess to be collected on all new construction activities at the rate of one to two percent of the total budget of the construction being taken up. This amount has to be deposited with the construction worker's welfare board for many sided welfare activities of construction workers including pension, assistance in case of accident, housing loan, insurance etc. This was seen to be a step forward in minimizing the destitution of the construction workers and providing them with a security in the name of insurance for health and scholarships for education. It also took heed of other basic amenities for a safer and congenial working environment.

The provisions of the BOCW Cess (1996) act are:

The BOCW Cess Act provides for levy of collection of cess (1 percent of the construction cost) on the cost of construction incurred by the employers with view to augmenting the resources of BOCW welfare boards constituted under the provisions of this act. The proceeds of the cess collected is transferred by the government office, public sector undertakings, local authority or

cess collector from the establishment and contractor undertaking the construction work to the welfare board. The Cess Act has following salient features:

- Every state to constitute state level welfare board for construction workers.
- Secretary of the board to be its CEO.
- Applicable to all establishments employing 10 or more workers.
- Beneficiaries: All workers between 18-60 years provided they have been engaged for 90 or more days in previous twelve months.

The function of the state welfare board includes:

Fixing hours for normal working day: The appropriate Government may, by rules.

- (a) Fix the number of hours of work which shall constitute normal working day for a building worker, inclusive of one or more specified intervals;
- (b) Provide for a day of rest in every period of seven days which shall be allowed to all building workers and for the payment of remuneration in respect of such days of rest;
- (c) Provide for payment of work on a day of rest at a rate not less than the overtime rate specified

Wages for overtime work:

- (1) Where any building worker is required to work on any day in excess of the number of hours constituting a normal working day he shall be entitled to wages at the rate of twice his ordinary rate of wages.

(2) For the purposes of this section, "ordinary rates of wages" means tile basic wages plus such allowances as tile worker is for the time being entitled to but does not include any bonus

Drinking water: The employer shall make in every place where building or other construction work is in progress, effective arrangements to provide and maintain at suitable points conveniently situated for all persons employed there in, a sufficient supply of wholesome drinking water.

Accommodation: The employer shall provide, free of charges and within the work site or as near to it as may be possible temporary living accommodation to all building workers employed by him for such period as the building or other construction work is in progress.

Crèches: In every place where in more them fifty female building workers are ordinarily employed, there shall be provided and maintained, a suitable room or rooms for the use of children under the, age of six years of such female workers.

First-aid: Every employer shall provide in all the places where building or other construction work is carried on such first-aid facilities as may be prescribed.

Canteens: The appropriate Government may, by rules require the employer-
To provide and maintain in every place wherein not less than two hundred and fifty building workers are ordinarily employed, a canteen for the use of the workers;

Scholarship: Every worker who is registered with the labour department receives the scholarship for education Scholarship amount detailed below:

Class 1 to 8- 1200

Class 8 to 10- 2400

Class 11 to 12 – 6000

Graduation – 18000 per year

Post graduation – 30,000 per year

Further higher studies- 60,000 per year

Eligibility for receiving scholarship is that labour should be registered only and the labour receives scholarship only for 2 children. Scholarship amount is directly paid to government schools as fee.

Fund for marriage of daughter: 50,000 rupees is paid to registered worker for the marriage of daughter. The worker who renewed his registration for at least 4 years is that is worker registered with the labour department for 5 years is eligible to receive this fund

Loans for construction of house: 1, 00,000 rupees are lent to workers for construction of house. Eligibility for loan is that workers should be registered for at least 5 years.

Premium for general insurance scheme

- Medical expenses for ailments.
- Maternity benefits for female beneficiaries.
- Other welfare measures as may be prescribed by board time to time.

B) ANALYSING THE SAMPLE

Our sample of study consists of 100 construction workers. They comprise of:

- i. Raj Mistri
- ii. Carpenter
- iii. Plumber
- iv. Unskilled worker
- v. Welder

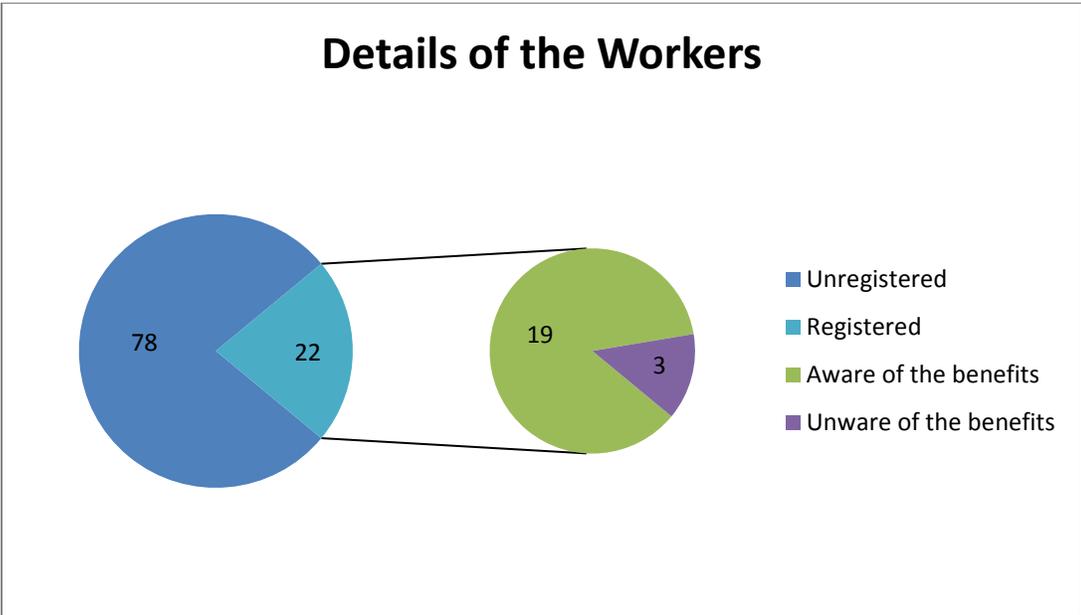
First of all, we paid a visit to several construction sites. Initially, we began our field work in the North Campus. However, we could only obtain relevant information from the site where Delhi University's Physics Department was under construction. Then some construction sites, that mainly included construction of malls, were visited located in Rohini and nearby places that included Shalimar Bagh, Wazirabad etc. However, a serious problem encountered during these field visits was the repetition of answers. Most of the workers were not registered and even if they were, they were not aware of the benefits that they were entitled to under the respective act. So, to get a more detailed picture, various Labour Unions like (Delhi Asangathit Mazdoor Union, Mahanagar Asangathit Union and Nirman Mazdoor Panchayat Sangam) were visited. This proved out to be much more informative as these unions had a lot of a priori knowledge about the act and also, they had themselves registered many workers.

So, in due course, various labour settlements were visited that had a much higher probability of having registered workers.

Some of the important aspects of the sample are:

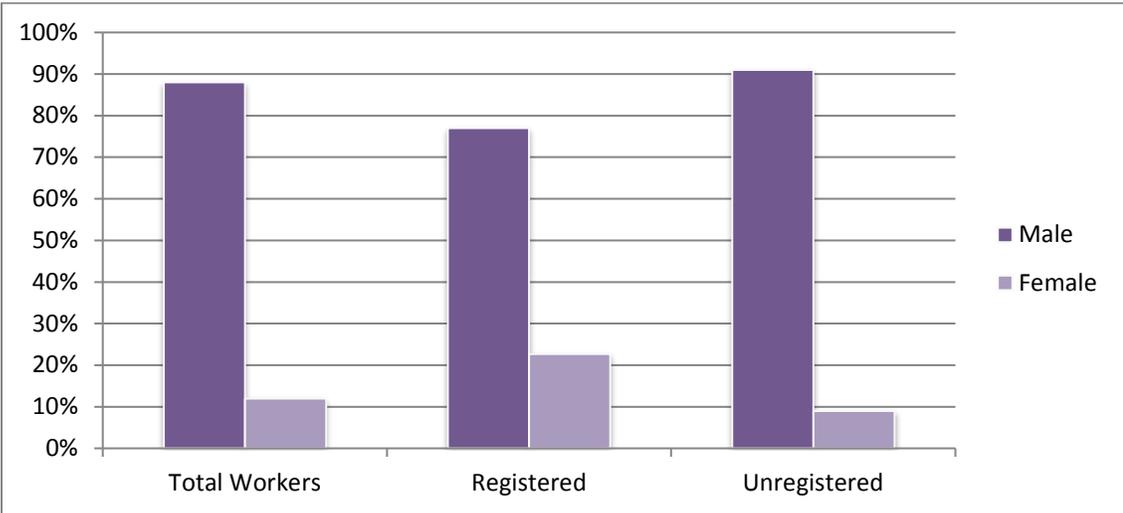
Proportion of registered Workers

In our sample, only 22 of 100 workers were registered with the labour department. Among them, 19 were aware of the benefits that they were entitled to under this act. But, going through the sample in detail, one can see that only 11 workers had got the education scholarship for their children and just 3 had got maternity and health benefits. Thus, we can observe that the procedure of registration is still not good enough. Many workers are still not aware of this act. The details of the workers are shown in the following diagram:



Skewed Sex Ratio

In the sample under study, 88% of the total workers comprised of males while rest were females. Among the registered, 77% were males and among the unregistered, 91% were males. It was also observed that most of the workers were migrant workers. So, as per the sample it can be concluded that in construction works, migration is still male dominated.



Average age on the basis of Occupational Skills

The sample consists of 50 raj mistris, 16 carpenters, 27 unskilled workers, 3 welders and rest are plumbers. So, on the basis of this, the respective average ages are:

Raj Mistri- 39.52 years

Unskilled worker- 27.6 years

Carpenter-29.37 years

The number of welders and plumbers is too less in the sample to give any concrete results. Clearly, the average age of a Raj mistri is much more than an unskilled worker. Thus we can say that initially the workers join the labour force as unskilled labourers, gradually gather experience and later become raj-mistri. Even the average age of the carpenters is lower than that of the raj-mistris. The probable reason behind this is that the two professions are different. The carpenters are entering the profession from the beginning, while for the raj-mistris have to initially join as unskilled labourers.

The Enigma of lower earnings and higher dependency

The following table lists down the number of workers earning different levels of wages and the average number of household members dependent on the worker. It tries to analyze if there is any relation between dependency and the wage level on the basis of the sample.

WAGE	Number of Workers	Average number of dependents(WRITE FOOTNOTE)
200	26	3.84

250	14	3.85
300	50	3.18
350	10	3.8

As can be clearly seen, the average number of dependants on a worker who earns Rs 200 per day is 3.84. Similarly, other numbers can be interpreted.

But, as can be seen a very disturbing trend emerges from the study of this sample. The average number of dependants is more for the workers who are earning relatively less.

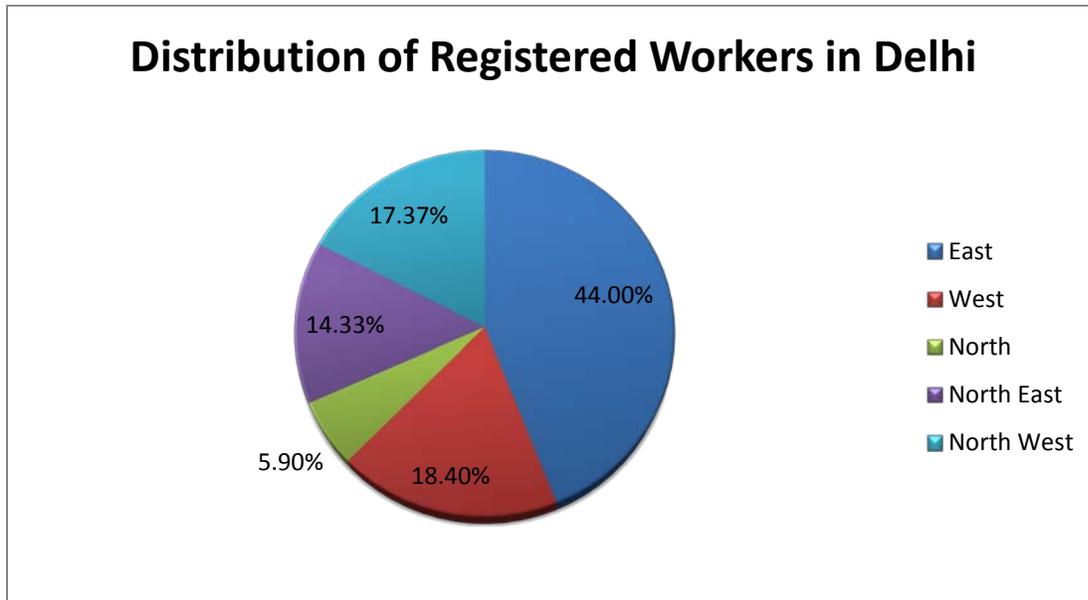
So, some rough calculations show that a worker earning Rs200 will have to keep aside minimum of Rs2500 to be spent on the dependant members of his household (this amount has been calculated at the latest rural poverty rate of Rs22.42). If it is assumed that he works for 25 days in a month, that means, he has to spend 50% of his income on dependant members of his household. Clearly, it has been assumed that the worker is a migrant and his dependant household members are living at the poverty line 'estimate'. Thus, this is a 'conservative' estimate.

Thus, the importance of the act under study can be seen in a very distinctive manner in this case. For the low earning workers, it can play a very decisive role. Various provisions under the act like education scholarships, maternity benefits, overtime wage payment, accommodation etc can go a long way in tackling the uncertainty associated with low earnings and higher dependency.

C) EMPIRICAL DATA FROM RTI

With the help of **Subhash Bhatnagar**, a member of the **Drafting Committee of this act**, some very useful RTI (Right to Information) data was made available.

Below are the details of about 20,602 registered workers whose distribution region wise is shown below using pie chart:



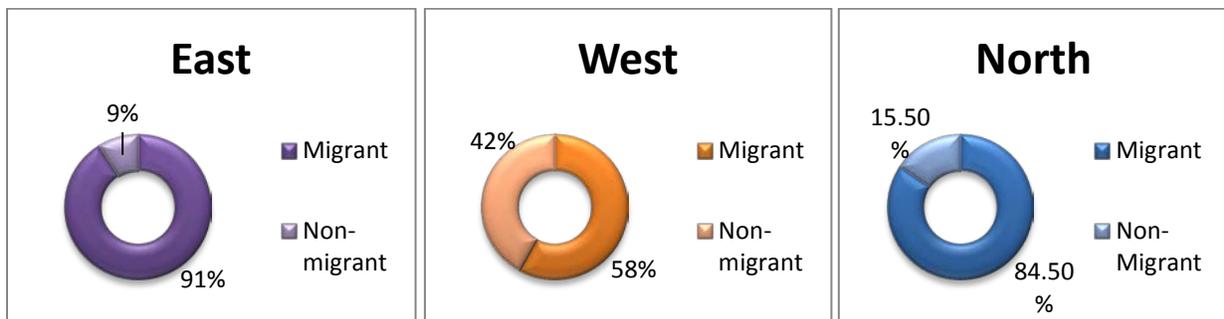
Thus, around 44% workers were registered in Labour Departments in the EAST DELHI, 18.4% in WEST DELHI, 17.37% in NORTH WEST, 14.33% in NORTH EAST and 5.9% in the NORTH. Data related to South Delhi was not available. Clearly, North Delhi is in a much more precarious position as compared to others.

➤ **Severity of the migration problem**

Most of the workers registered under this Act are migrants and after completion of work many of them return to their hometown. Hence, there is not much of an incentive for the workers to renew their registration and consequently, they are excluded from getting the benefits from this act. In the Eastern region, permanent address of only 57.6% workers are available, out of which 91% are migrants. Similarly in the West, permanent address of 72% workers are available, out of

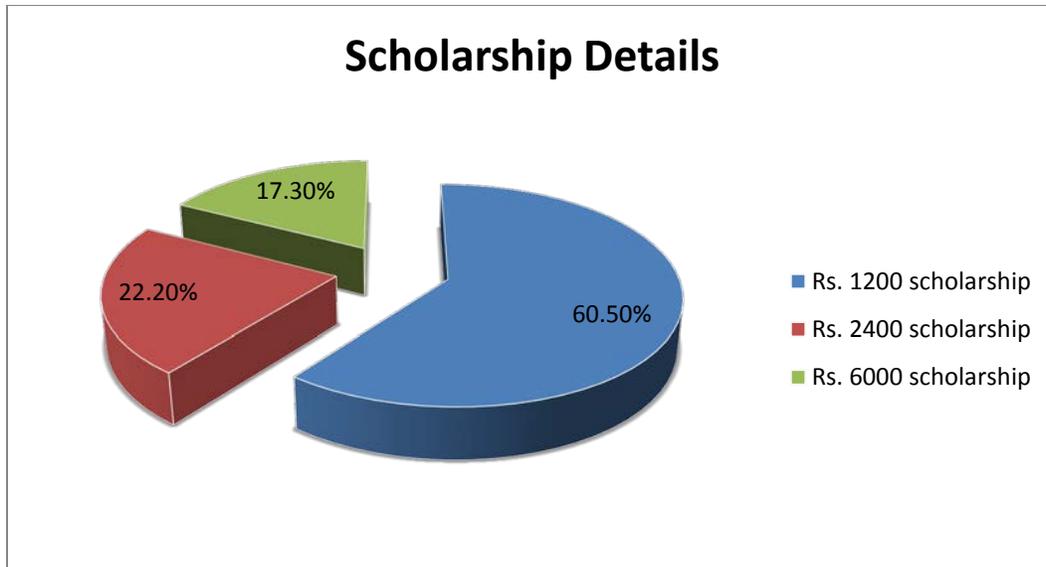
which 58% are migrants and in the overall Northern region, 93% workers have their permanent address, out of which 84.5% are migrants. The proportion of migrants in different regions of Delhi is shown in the following diagram:

Percentage of Migrants in different regions of Delhi



➤ **Scholarship Schemes: Benefits?**

- 165 schools have provided scholarship under this act.
- 2173 students have got scholarship from these schools.
- 47 schools have provided incomplete information to the education and labour departments, due to which, 532 students have not got the scholarship.
- Among those who have got the scholarship, 60.5% got the Rs. 1200 scholarship, 22.2% got the Rs. 2400 scholarship and the rest, i.e. 17.3% got the Rs. 6000 scholarship. There is no one getting the scholarship of Rs. 18000 and above. This distribution is shown in the following pie chart :



As can be seen, much has been left to be done on this front too.

D) REASONS FOR THE “LACK OF SUCCESS” OF THE ACT

The act became functional around the end of year 2005. But, as can be seen, during the course of these six years it has been far from achieving its desired goals. The sample and the data clearly highlight the inevitable bitter truth that surrounds most of the welfare schemes in India.

Due to problems of obtaining repetitive data over a larger sample and seeing the plight of workers, it became inevitable to go for much more in-depth study analyzing various bottlenecks that have kept the beneficiaries of the act at bay.

What followed was an intensive round of discussions, meetings with various administrative officials in the labour department, position holding members of the Labour Unions and others like Subhash Bhatnagar.

On the basis of observations during the field visits and these meetings, a lot of light can be shed highlighting some of the main reasons for the failure or rather “lack of success” of this act.

➤ **Lack of awareness among workers and role of Labour Unions**

Welfare schemes under this act were not advertised properly like the Ladlee and various other schemes. This resulted in a severe lack of information among the workers about the welfare schemes. As a result, not many workers turned up to get themselves registered with the Labour Department. Moreover, the camps that were established by the Labour Department were not at all effective in spreading awareness. They suffered from usual governance bottlenecks like lack of manpower, lack of coordination among the personnel, lack of planning and scheduling their visits.

In registration process, the main role is played by the labour unions. They are supposed to perform the most active role when it comes to removing the information barriers between the workers and the administration. Once a worker gets himself/herself registered under a union, the union gets the worker enrolled with the labour department. However, over the course of implementation of this act, no efforts have been taken further by the unions to encourage workers to take the advantage of these welfare schemes.

Workers, on the other hand, argue that the implicit cost of applying for benefits is very high. Some of them felt that it was just not worth the effort. Moreover, the general perception about failed government administrative work has made them quite pessimistic about getting their entitlements.

The party that has benefitted the most from this act has been the labour unions. They play the role of mediators between the workers and the administration, get their commissions and then leave the workers to fight their own battle single-handedly. As a result, most of the workers who

were registered by the labour unions have not renewed their registration and thus, enrolled themselves out of the beneficiaries list.

➤ **Long term nature of schemes and short term tendency of workers' attitude**

The schemes mentioned under this act mainly focus on providing **long term stability** to workers by providing education to workers' children , loan for house etc. But many workers who join the workforce in construction sector are migrant workers. They keep oscillating between their farm job which is seasonal and construction job which is very easy to obtain as most of the hiring is done through **Labour Chowks**.

The obvious fallout of this is that the workers prefer short term gains rather than the long term benefits which require them to renew their registration regularly. But, they believe that whatever they are getting from their employers in form of daily wage is more or less sufficient. It is much better till they are not at the receiving end of red tape and inefficiency that complements the welfare schemes of government.

➤ **Collection of Cess ,Budget and the Board**

The Delhi Welfare Construction Board has been constituted twice in 2002 and 2006 and terms of the present board had expired in September 2009. In spite of the fact that over three hundred Crore rupees were collected as Cess for the act, except for an education incentive of Rs. 1200 each to less than one hundred children, not many other benefits have been provided so far. To explain the concept of cess very briefly, every establishment by the builders is required to be registered and these builders have to submit a cess which is nothing but 1% of total cost of the establishment.

The Board has not been constituted strictly in accordance with the rules (Section 251), the Board meetings have not been held as per the regulations. For example, instead of 36 meetings during the last six years only 17 meetings were held (Section 253). The Board does not have adequate staff to execute its functions, not even one full time member secretary. It has not prepared its

accounts in the last seven years (Section 289), its funds are not being kept in the Nationalized and Scheduled Banks against the provisions in rules (Section 290). Add to that, the Board has never presented its annual report in Delhi or Central Government. The Accounts of the board have never been audited by the Comptroller and Auditor General of India in the last seven years, although this is to be done every year (Section 27 of the main Act), and most of the decisions taken by the board are not implemented. The fact that even after seven years of the constitution of the Board, there have been less than 2000 registrations of construction workers out of approximately 10 lakh construction workers in Delhi and not even few hundred out of the 1-2 lakh migrants working on Commonwealth Game construction sites and related mega structure of Delhi Airport, metro rail etc. are registered highlights the fact that the Delhi Construction Welfare Board is a body that merely exists on paper.. The construction welfare boards in other states which where constituted later have done relatively better when it comes to registration, cess collection and delivery of benefits to the workers.

In Delhi, the advisory committee was constituted in October 2002. Its term ended in 2005 without a single meeting. Subsequently, that advisory committee was never reconstituted (against the directions of Sec 4 of the act). However, no proper assessment of the cost of establishment is undertaken by the authority. Having said that, a large amount of funds are under the control of board that have been collected under this act. Since not much of the registration is taking place these funds are not getting released. This is a total waste of public money. However, that is not the only consequence of this 'idle' money.

➤ **The 'Clichéd' Corruption and Red Tape**

One of most disastrous consequences of idle money has been that it has opened the door for corruption. The board has been pressurized to release the funds lying with them in the name of other 'welfare' schemes. For example, a scheme of "building establishments around Delhi in NCR for workers, having a capacity to provide shelter to around 24000 workers and providing rapid transport facility to workers to reach labour chowks and construction sites" had been proposed. The estimated cost of this project was Rs 200 Crore .As is evident, this project will obviously not cover the whole workforce and there is also not a criterion of choosing the beneficiaries from such

a large workforce. This project will not create much welfare and will utilize about 1/4th of the fund lying with the board.

One of the key reasons for failing to release the funds has been that the board has not been fully successful in making a budget detailing the various benefits that the workers are supposed to enjoy under this act.

For example, board can aim to target workers on the basis of the below mentioned criteria:

1) Of the total cess collected, they can make a budget of, say, spending about 5% on the administration part and rest 95% on the benefits.

2) They could aim to spend the part on benefits to ensure that workers meet the eligibility criteria. E.g. only registered workers are entitled to get the education scholarship for their children. So, funds need to be spent to ensure that registration is maximized.

3) On similar lines, workers can also apply for other benefits like house loan, health and maternity benefits etc. But, it becomes quite infeasible since workers have to get themselves registered for some particular number of years continuously. Funds need to be spent on awareness drives to provide workers with such kind of information.

There is a huge time lag between the enactment of the law and its implementation. Just to clarify, in Delhi, rules were notified in January 2002 but, the board was constituted in September 2005. This period has seen a great spurt in construction activity as a result of several fly-over projects, mall constructions, metro project etc. Thus, huge amount of money which could be collected for welfare schemes was not collected. Hence, the collection of cess for the welfare of workers and registration of construction workers was also delayed.

➤ **Case of scholarship**

As of now, education scholarship is the only benefit which is being provided to several workers, that too, because of the efforts of the schools. A part of the fund is allocated to the Ministry of Education. At present, this amount is approximately Rs20 Crore. So, the scholarship is provided by the schools to the children of construction workers. However, not all government schools are under the Ministry of Education, so, only those schools which are under the Ministry spread awareness among children and workers thereby provide scholarships.

However, another major bottleneck is this aspect is that many of the construction workers are migrants whose children are studying in their native states. But, there is no provision of providing scholarship across states.

➤ WORKER'S EXPLOITATION

It is mentioned in the act that employer's are required to fix the number of working hours with regular intervals and have to pay double for overtime but a study by NICMAR in DELHI revealed that although standards of safety are prescribed, most sites did not display warning signs of any kind, nor was there any fencing of dangerous places, trap holes, heights etc. Legal norms for working hours were not being followed at many places. At time OF casting slabs, the entire crew works round the clock, and takes rest only after the casting is over. Unskilled and semi-skilled workers generally have no option in regard to the working hours. In excavation, earthwork, stone breaking and stone and marble dressing, the work unit is generally the family or the gang and they normally work 12 hours a day, all seven days of the week. NO double wages are provided for overtime.

Women workers constitute about 40% percent of total workforce in this industry. According to the NCL, "Women engaged in construction work are the most exploited. FREquent changes in their work and instability deprive them and their children of primary facilities like health, water, sanitation facilities education and ration card." . Often maternity leave is not provided to women workers. Wage inequalityies, invisibility as worker and earner, blocked opportunities of advancement due to lack of new skill acquisition, lack of freedom to plan their work, long working hours, frequent relocation- all these lead to a high level of stress. Keeping in view the conditions in which they are forced to live at worksites, "one would assume that women building workers would be unable to protect themselves, to keep their privacy, to avoid falling into clutches of undesirable elements or to perform their multile roles."

E) CONCLUDING REMARKS AND SUGGESTED REMEDIES

Almost 90% of the workforce does not have the benefit of being a part of well-organized unions. While it is important for trade unions to use innovative methods to strengthen the solidarity of unorganized workers, it is equally important for other civil society members such as lawyers, social activists, voluntary organizations and concerned citizens to get together for much more broad-based efforts to help various sections of unorganized workers, to obtain legal protection and rights. This unorganized workforce requires an immense amount of responsibility on the part of the government and the civil society for its betterment. But as always what is required is distanced from what actually takes place and the above findings substantiate the stated fact. The Building and Other Construction Workers' Welfare Cess Act came into legislation as a remedy for the welfare concerns faced by the unorganized sector's workers. Although, the act in itself is a reflection of a well crafted step to initiation of the much needed welfare reforms for these destitute workers, the implementation is fraught with bottlenecks. The findings brought forward certain issues which need to be looked after.

The labour is not seen availing the benefits and the primary reason being lack of awareness. The first requirement is to increase awareness among the labour. Media, both print and electronic should play a greater role in keeping the labour abreast with the information. The Labour Chowks can be an apt place for putting up hoardings or for the civil society to make the labourers aware of the remuneration they can avail. Most of the workers who

were questioned, did not know an act like this existed. Therefore it becomes imperative to make those aware who will reap the true benefits.

For those aware, registration became a hassle because of the long process and no immediate benefits. Most of the workers are not permanent settlers of the area and thus avoid the long process. It needs to be made more efficient and swift. Also, once registered, it should not require renewal for a long time so that time is saved. There should be some short term immediate benefits that will act as incentives for registration. Moreover, in the case of scholarships, they should transcend the state barriers. Only then can the migrant workers gain from them.

Another very vital aspect is the role of the government. Foremost, the government needs to make sure the cess is collected and spent efficiently. Transparency and accountability is the need of the hour. In many a states, the cess collected was either unused or there were cases of fraud. A strong action needs to be taken against both. Fraud should be dealt with unsympathetically and the unused funds, if any, can be transferred as cash benefits to the workers. Also, steps should be taken to remove the thekedaar or the contractor and a direct trustworthy relation needs to be built between the employee and the employer. Only then will there arise some hope for permanency in their work culture.

Registration is an exceptional way of bringing in the unorganized workers into a closely knit group. The trade unions have a huge role to play in this. There need to be certain incentives like subsidies, cash incentives for the unions so that they register more and more labourers and the maximum number can get benefitted.

The workers in the appalling state are in a dire need for their interests to be looked after. The Act provides for a series of provisions that are to lend a hand and bring them out of their miseries besides the lacunae are taken care of. The Trade Unions can play a major part in the success of this act. The main role of the government is to build a trust, a trust among the labour for its employer as well as for the government itself. This trust will be build by efficiency and transparency. Also, there is a need to sensitize the civil society to

bring it together for this cause. A collective responsibility, mutual trust and an honest political will can make this mammoth task look easy and make the benefits reach to the last man, the man who deserves them, who needs them.