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Brief Details of the Project on

**SOCIO-ECONOMIC RIGHTS AND BUILDING & CONSTRUCTION WORKERS: A  
STUDY OF IMPLEMENTATION OF LAWS AND RULES IN THE STATE OF  
HIMACHAL PRADESH**

Construction of buildings and other economic or infrastructural edifices are signs of progress and development. In a developing economy these structures are desirable as launching pads for developmental requirements. India is the fifth largest economy of the world. It aspires to become the third largest one of the world economies by 2025. The informal and unorganised sector of the Indian economy constitute the largest sector in terms of employment and sources of livelihood. The construction and other building workers constitute a significant part of the unorganised sector of the Indian economy. Majority of the workers, in the construction sector comprise of migrant laborers. These workers, without an iota of doubt, form not only the most deprived but also one of the most marginalised section of the society. They are subjected to unequal treatment by the governments and their agencies in terms of providing and securing benefits and entitlements under relevant laws and schemes.

The Constitution and the Legal system provide for several socio-economic rights and welfare entitlements in favour of workers. Notable provisions in the Constitution are, Articles: 14, 15(1), 16(1), 17, 23, 38, 39, 42 and 43. There are excellent legislations and Rules made thereunder by the Parliament and the State governments.

In 1996, the Parliament of India enacted a law applicable to the whole of India, namely, *the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 (Act No. 27 of 1996) (in short, BOCW Act)*. To realize objectives of the BOCW Act, the Parliament enacted, *the Building and Other Construction Workers Welfare Cess Act 1996 (Act No. 28 of 1996) (in short, BOCW Cess Act)*. The BOCW Act regulates the employment and conditions of service of building and other construction workers and provides for their safety, health and welfare measures and matters connected therewith. The Act is a comprehensive

legislation on the Subject. The enactment relates to Entry 24, List III of Schedule VII to the Constitution.

The BOCW Act and the BOCW Cess Act contain 'superior purposes' and are pieces of social security legislation to provide for certain benefits for construction workers. The Act devises a scheme where the Central and State governments are enjoined to implement the provisions of the Act by their collaborative efforts. The immediate implementing agency, under the BOCW Act, is the State Government. There are Eighteen specific entitlements/benefits that the Law provides for Construction and Building Workers in the State of Himachal Pradesh.

However, on ground realities, these provisions are simply non-existent. Workers entitlements include: 1. Maternity Benefit (Rule-271) 2. Pension (Rule 272& 273) 3. Advance for Purchase or Construction of House (Rule 274) 4. Disability Pension (Rule 275) 5. Loan for the Purchase of Tools (Rule 276) 6. Payment of Funeral Assistance (Rule 277) 7. Payment of Death Benefit (Rule 278) 8. Medical Assistance to Beneficiaries (Rule 280) 9. Financial Assistance for Education (Rule 281) 10. Financial Assistance for Marriage (Rule 282) 11. Family Pension (Rule 283) 12. Mobile Toilets and Crèches (Rule 283 (A)) 13. Bicycle to The Lady Workers (Rule 283(B)) 14. Induction Heater with Four Utensils or Solar Cooker (Rule 283(C)) 15. Skill Development Allowance (Rule 283 (D)) 16. Solar Lamp (Rule 283 (E)) 17. Blankets, Hot Case, Tiffin and Steel Dinner Set For Beneficiary (Rule 283(F)) 18. Health Insurance Scheme (Rule 286).

There is a huge gap between the law/rules in books and social facts.

The Project has been taken up by the *Centre for Comparative Public Law*, on encouragement and advice of the Hon'ble Chancellor, under the aegis of the University with, **primarily, two-fold objectives:** *One*, on the academic side, investigation onto **developing theoretical paradigm for understanding and explaining the precarious position of Socio-economic rights provided in the Constitution and prescribed through different legislations**, in a globalized liberal legal system. *Two*, to study socio-economic rights and causes or impediments in implementation of such rights. As part of the second objective, the project is **intended to develop a systematic analysis with effective conclusions and a roadmap suggesting and making recommendations to the Government and concerned agencies for improving the implementation status of relevant laws/rules.**

**Project Established:** Vide. Letter No. HPNLU-B915)-92 (R.O.)/2020-553; dated: 01/09/2020.

**Initial Funding:** 2.25 Lakh required, to be released on actual expenditure incurred basis.

**Extent of the Project:** Empirical aspects (The State of Himachal Pradesh).

**The tenure of the project:** Estimated to be one year.

**PROJECT MANAGEMENT**

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