

Chapter 6
Impact Assessment

6 Impact Assessment

Audit conducted (between October 2022 and January 2023) Joint Physical Verification⁸⁷ (JPV) of 24 construction sites (**Appendix 6.1**), in the four test-checked districts. During the site visits, comments of the workers available (220 workers) at the construction sites, regarding their registration status and the facilities made available to them, were obtained. In addition, for evaluating the performance of the Board in providing benefits to the registered workers and redressing their grievances (if any), Audit conducted (between October 2022 and January 2023) a beneficiary survey of 400 registered workers, who had availed any benefit under the 10 welfare schemes. The survey was conducted through a customised questionnaire, based on the schemes run by the Board.

Joint Physical Verification and beneficiary survey, conducted by Audit, revealed the following:

6.1 Absence of basic facilities

Section 40 of the BOCW Act requires that the State Government make rules regarding the measures to be taken for the safety and health of building workers, in the course of their employment, as well as the equipment and appliances that need to be provided to them. GoJ had notified (August 2007) the Jharkhand Rules, incorporating measures related to the safety, health and protection of the workers.

Audit noticed that:

- Out of the 220 workers working at the 24 construction sites visited, only 34 workers (15 *per cent*) were found to have been registered with the Board. The remaining workers were found unregistered and had no idea about any welfare schemes run by the Board. Thus, 186 workers were not aware of registration and remained deprived of the benefits provided by the Board.
- As per Rules 47 and 55 of the Jharkhand Rules, employers were required to ensure that workers wear appropriate protective gear, like safety shoes, waterproof boots/coats, helmets, jackets *etc.*, while doing construction work. However, at no site, were the workers found to have been working with proper protective gear, as can be seen from **Photographs 9 to 12**.

⁸⁷ Comprising of members from the audit team, one personnel from the Labour, Employment, Training and Skill Development Department and one personnel from the Building Construction Department.

<p style="text-align: center;">Photograph 9</p> 	<p style="text-align: center;">Photograph 10</p> 
<p>Construction site of the centralised kitchen at Daladali, Ranchi (23 November 2022)</p>	
<p style="text-align: center;">Photograph 11</p> 	<p style="text-align: center;">Photograph 12</p> 
<p>Construction site of the Help Plus Hospital behind Amritpar, Chas, Bokaro (2 December 2022)</p>	<p>Construction site of the Zila School, Dhanbad (23 December 2022)</p>

- Section 33 of the BOCW Act, provides that in every place, where building or other construction work is being carried on, the employer shall provide sufficient latrines and urinals, of such types as may be prescribed, and they shall be so conveniently situated, as may be always accessible to the building workers, while they are in such place. However, latrines and urinals were not found at any of the construction sites visited.
- Section 34 of the BOCW Act, provides that the employer shall provide, free of charge, 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. However, temporary living accommodation for the construction workers, were found at only four sites out of the 24 sites visited. Workers were, instead, seen to have been residing in under-construction buildings, as shown in **Photograph 13**.

Photograph 13



Workers residing in an under-construction building, at the construction site of the PM Awas Yojana, at Birsa Nagar, East Singhbhum (23 November 2022)

- As per Rule 241 and 255 of the Jharkhand Rules, an employer shall ensure that a notice, showing the period for which wages are to be paid, place and time of disbursement of such wages, is displayed at a conspicuous place of his/her construction site, in English, in Hindi and in a local language understood by the majority of building workers employed at such construction sites. However, no such notices were found at any of the construction sites visited.
- Rule 234 (a) of the Jharkhand Rules stipulates that the employer shall ensure sufficient number of first-aid boxes or cupboards for providing first-aid to the building workers at his/her construction site. However, first-aid boxes/cupboards were not found available at any of the sites visited.
- Under the BOCW Act, every establishment was to be registered within a period of 60 days from the date of its commencement. However, out of the 24 construction sites visited, only eight sites had been registered as establishments.
- Rule 40 of the Jharkhand Rules stipulates that every establishment employing 50 or more building workers shall prepare a written statement of policy, in respect of safety and health of building workers, and submit the same for the approval of the Chief Inspector. Such policy is to contain the intentions and commitments of the establishment regarding health, safety and environmental protection of building workers, organisational arrangements, responsibilities of the principal employer, contractor, sub-contractor, transporter or other agencies involved, techniques and methods for assessment of risk to safety, health and environmental and remedial measures thereof and arrangements for training of building workers, trainers, supervisors or other persons engaged in the construction work.

Five construction sites⁸⁸ had employed more than 50 workers but had not submitted written statements regarding the health and safety of construction workers, to the Board.

- Four employers⁸⁹ had been issued the required labour licenses, under the Contract Labour (Regulation & Abolition) Act, 1970, but had not been registered under the BOCW Act.
- Rule 107 of the Jharkhand Rules, stipulates that the employer shall ensure, at a construction site of a building or other construction work, that a person responsible for supervision of concrete work, makes regular inspection of the work and keeps all records of inspection, for further production to the Inspector, during inspection.

Audit noticed during JPV that no such records were being maintained at any of the sites visited. Moreover, inspections were also not being conducted by the designated authority of the Board.

Thus, the Board had not ensured the mandatory registration of employers, awareness amongst engaged workers for registration, inspection of construction sites and provision of protective equipment for construction workers. In addition, basic facilities for construction workers, such as temporary living accommodation, latrines, urinals and first-aid boxes had not been provided at the construction sites.

While accepting the facts, the Department stated (October 2023) that the Board has issued directions (November 2022) to all the field offices, mandating the registration of employers, inspection of construction sites, enforcement of safety protocols and essential amenities to be provided such as shelters, toilets, and first-aid kits for workers at construction sites.

6.2 Findings of beneficiary survey of 400 registered workers

Beneficiary survey of 400 registered workers revealed the following:

- Twenty workers (**Appendix 4.2**) were found to be engaged in non-BOCW work, though they had been registered as building workers and benefits of different welfare schemes, amounting to ₹ 2.48 lakh, had been extended to them.
- Out of the 40 surveyed dependents who had received death assistance on demise of registered workers, six dependents acknowledged that they had

⁸⁸ (1) M/s KxC International Ltd., Chandxxkyxxi, Bokaro (2) NCC Ltd., Sulxxngxxar, Bokaro (3) Railway Inxxasxxuctxxe for Maitxxn Project Limited, Nixxa, Dxxanxxd (4) Construction of 5x0-bxxded MxM Mexxxcal Collxxe and Hospital, Dxxna, Jxxshexxur and (5) Construction of Academic Building at Manixxl Tata Medixxl Colxxge, Baxxdih, Jamxxexxur.

⁸⁹ (1) Gloxxl Inxxa, Axgxxa, Ranxxi (2) Construction of 3x0 dwexxxng uxxts, Bixxa Nxxxx, Jamxxedxxr (3) Proposed construction of centxxlixdd kxxcxxn, Rxxchi and (4) Construction of 3x0-bexxed Hoxe Guards bxxrack, Dxxrwa, Ranchi.

siblings also. However, it was noticed that the death assistance had been paid to only one dependent, without obtaining concurrence of the other dependents/ siblings, though the amount of death assistance was payable to all dependents, as per the notification⁹⁰ of GoJ.

While accepting the facts, the Department stated (October 2023) that the Secretary, BOCW Board, has issued directions to all sanctioning authorities in the State, to allow payments of all types of benefits only after thorough examination of the applications, with respect to the eligibility criteria set under each scheme. Besides, the sanctioning authorities have been directed to examine the cases of ineligible payments and take appropriate action thereon.

Recommendation 11: The Board may make annual plans for inspection of construction sites, for identifying violations of the provisions of the BOCW Act and ensuring appropriate action thereon.

⁹⁰ Memo No.02/(BOCW Act)-11/2015 dated 04.11.2015

