

MODEL WELFARE SCHEME

(Modified pursuant to the Hon'ble Supreme Court's Order dated 04.10.2018)

At the outset it is made clear that the Social security benefits of the Model Welfare Scheme as mentioned below will hold precedence over all other existing benefits and that only after meeting these priority expenses, any balance of fund may be utilised for giving additional benefits under section 22 (h) of the Act.

The provisions of the Model Welfare Scheme are as listed below:

1. Life and disability cover:

1.1. The State Welfare Board should provide minimum coverage of Rs. 4 Lakh, in case of accidental death, and Rs. 2 Lakh in the event of natural death to the dependent(s) of the deceased beneficiary, besides disability benefits.

1.2. Alternately, the State Welfare Board may cover BOC workers between 18 years and 50 years under Pradhan Mantri Jeevan Jyoti Bima Yojana(PMJJB) and Pradhan Mantri Suraksha Bima Yojana(PMSBY), by making payment of 50 per cent of the total contribution of premium amounting to Rs.171 per worker per annum, as the remaining 50 per cent will be borne by the Central Government under the converged PMJJB/PMSBY Schemes. These schemes provide coverage of Rs.2 lakhs in case of natural death and Rs. 4 lakhs in case of accidental death, besides disability benefits as per this scheme.

1.3 Compensation should be disbursed in a definite time frame not exceeding 60 days from the date of death of the beneficiary.

2. Health and Maternity Cover:

2.1. State Welfare Boards should coordinate with their respective States Governments to ensure that the newly launched Scheme 'Ayushman Bharat' is able to cover maximum BOC workers.

2.2. Those BOC workers who are not covered under the Ayushman Bharat scheme will be provided following benefits:

- (i) Reimbursement of expenses up to a prescribed limit in case of diseases as admissible under Ayushman Bharat Scheme as listed by the Ministry of Health & Family Welfare at <https://www.abnhpm.gov.in>.
- (ii) Paid maternity leave to registered construction workers ranging from 90 days to 26 weeks for up to two deliveries.
- (iii) Rs.6000/-per delivery for up to two deliveries to the wife of the registered construction workers, which will be in addition to any other benefit received from any Government Scheme in this regard.

3. Education:

A minimum financial assistance for education of wards of the beneficiaries should be given at the following rates per child per annum:

- a. Class 1 to 5 at the rate of Rs. 1800
- b. Class 6 to 10 at the rate of Rs 2400,
- c. Class 11 to 12 at the rate of Rs 3,000
- d. Graduation courses at the rate of Rs 10,000,
- e. ITI/Vocational course/Professional Course at the rate equivalent to annual fee of Govt institutes/colleges

It should be ensured that the beneficiary ward maintains 50% of the annual attendance in the class.

This is besides the Special Centres that the State should open for migrant workers.

The above benefits will be in addition to any other benefit received from any Government Scheme in this regard.

4. Housing:

Direction dated 11.07.2017 issued under Section 60 of the Act by the Central Government in regard to provision of transit accommodation/hostel/labour shed/night shelter etc. are reiterated, the salient features of which are given below:

- (A) The BOC workers are predominantly migratory who move from one place to other in search of work. During the period of transit or until they find work, they face great hardship due to lack of basic facilities like transit shelters, toilets etc., in and around the area common for their gathering in a city or metro.
- (B) In order to mitigate the hardship that a BOC worker faces, the States are advised to take proactive steps to facilitate transit accommodation/labour shed cum night shelter, mobile toilets and mobile crèches to BOC workers in the areas of their concentration prior to their finding work.
- (C) While incurring expenditure on such facilities due care has to be taken so as to ensure that sufficient funds remain available for providing social security to BOC workers on a sustained basis, which is the first and foremost objective of the BOCW Act. Social security benefits will hold precedence over all other existing benefits and that only

after meeting these priority expenses, any balance of fund may be utilised for giving additional benefits under section 22 (h) of the Act.

- (D) Besides, the following conditions should be adhered to:
- (a) The land should belong to the Government/ Local Body;
 - (b) It should be at a Central location;
 - (c) Priority should be given to Tier I & II cities;
 - (d) It must be used exclusively for BOC Workers;
 - (e) A Rent/User-fee must be charged and a record/register for the same must be maintained;
 - (f) The building must be maintained properly and all amenities provided for the users;
 - (g) The cost of providing transit accommodation, mobile toilet facilities and mobile crèche facilities must not exceed 10 per cent of the total expenses incurred during that financial year; and
 - (h) It must be ensured that it is not contrary to the provisions contained in Section 33, 34, 35 and 36 of the Act and the Rules framed there under wherein it is the employer's obligation to provide temporary accommodation and other facilities to the BOC workers within the work site or nearby it. Thus it is to be ensured that the transit accommodations and other facilities are not used in lieu of accommodations and other provisions to be facilitated by the employer.

In light of the above, it is stipulated that not more than 10 per cent of the cess amount collected in the previous year should be spent on this provision, including for giving loans/advances to the BOC workers as per Section 22 (c) of the BOCW Act.

5. Skill development:

5.1. There should be convergence of the skill development activities of the BOCW Board with those of the State Skill Development Missions/Ministry of Skill Development and Entrepreneurship and National Skill Development Corporation so as to maximize benefits to the BOC workers and their dependents and help them upgrade their skills or diversify by acquiring new set of skills.

5.2. During such training period the worker should be given financial assistance in the form of stipend & training expenses and such training may be limited to once in 3 years. Skill development may also be provided to the dependents of a BOC worker but that may be without any stipend. The expenses to be incurred under this head in a financial year should not exceed 10% of the cess collected in the previous year.

6. Awareness Programs

6.1. It is emphasized that spreading of awareness of the welfare schemes for BOC workers should be done by way of grass root level awareness programs rather than by advertisements in newspapers or TV channels. In this regard following measures should be adopted:

- (i) videos of welfare schemes should be broadcasted on the smart phones of the BOC workers.
- (ii) mobile number of the BOC workers should be captured so as to use it as effective medium to inform the workers in respect of the welfare schemes, registration/renewal process etc. on

regular basis. Regular SMSs should be sent to inform and update the registered and potential BOC workers.

- (iii) The walls of the Government buildings should be used for paintings awareness messages in rural areas as they are more conspicuous and durable than printed advertisements.
- (iv) publicity and awareness initiatives may also be undertaken by the employers by their own means
- (v) The urban local bodies, Gram Panchayats and Gram Sabhas should be involved in conducting awareness programs including awareness camps, nukkad nataks and other innovative mediums.

6.2. The awareness campaigns should exclusively and strictly focus on BOC workers and should not carry therewith the name and photograph of any public or Government representative. The expenditure on public awareness should be made within the 5% limit for administrative expenses as stipulated under Section 24(3) of the Act.

7. Pension:

7.1. Considering that pension would constitute a permanent liability which the States may not be able to sustain in the long term, the State Welfare Boards may formulate pension schemes depending upon their financial capacity.

7.2. However, pension should be admissible to only those registered BOC workers who have remained registered for a minimum of 10 years. In this regard the State Welfare Board should issue a certificate to the effect that a BOC worker has remained registered for a period of 10 years.