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ABSTRACT

Construction is one of the oldest activities of mankind. Construction workers are the founders of the national reconstruction process. The growth rate of workforce in the construction sector is much higher than in other sectors of the economy. Compared to other sectors the entire activity in the construction sector is seasonal, intermittent and mostly interconnected. The unique characteristic of the construction industry poses difficulties in the implementation of labour welfare measures as compared to other industries. Kerala was the first state in India which enacted and implemented a social security scheme to the workers in this sector- The Kerala Building and Other Construction Workers Welfare Fund Board. The Fund was created by collecting 1 percent of the cost of construction from the builders and a monthly contribution of Rs 20 from the members. This Board has already enrolled more than 16 lakh workers and accumulated funds to the extent of 450 crores. In every year Kerala collects Rs 35 crore as cess from the builders and owners. The present study helped to assess the general frame work of the Board and its impact on the conditions of construction workers in Kerala. The study revealed certain crucial factors relating to the frame work of the industry and functioning of the Welfare Fund Board.

KEYWORDS

Construction, Kerala, Labour welfare, Social Security Scheme, Unorganized.

INTRODUCTION

The Construction workers are one of the most numerous and vulnerable segments of the unorganized sector in India. The construction 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. These unique characteristics of the construction industry make it difficult to implement labour welfare measures in this sector compared to other industry. But compared to the welfare schemes in other sectors and types of workers in unorganized sector, the implementation of the scheme is easy; as the owners and builders who undertake the construction work has to approach the local authorities for getting their plans sanctioned. Although the provisions of various Labour Laws and Central Acts like 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 and separate legislation for this category of workers. Consequently, Kerala Construction Workers' Welfare Fund Board, a Welfare Fund for the construction workers for the first of its kind in India was formed in 1989, which came in to effect from 1.1.1990. Based on this the Central legislation; The Kerala Building and other construction workers (Regulation of Employment and conditions of Service) Act 1998 and The Kerala Building & Other Construction Workers' Welfare Cess Rules were enacted by the Government of Kerala in 1998.

STATEMENT OF THE PROBLEM

Kerala, when compared to other states in India, is in the forefront with regard to the indicators of social development and quality of life. It is a fact that the establishment of Welfare Fund Boards has been a major landmark in the Labour welfare legislations in Kerala and the institutions constituted under them seem to have had a major impact on the informal labour markets of the State. They are also supposed to have added a new dimension to the social security system of Kerala. Yet, several issues involved in providing social security to workers in informal labour markets appear to have not received the attention they deserve. Realizing the need for Social Security Schemes for the unorganized sector workers Kerala Government has initiated several progressive measures to provide Social Security to workers in the unorganized sector such as agricultural workers, toddy workers, cashew workers, construction workers etc. Among these Kerala Building and Other Construction Workers Welfare Fund Board (KBOCWFFB) is unique in nature and worth emulating for other unorganized sector workers. Implemented in 1990, the Board has so far covered 14 lakhs employees out of 16 lakhs working in the construction sector. Even though the coverage is satisfactory to a certain extent, there is conflicting views regarding the impact of the scheme on the employees and the way the schemes are implemented. Hence an attempt to evaluate the working of the scheme and its impact on the socio economic fabric of construction workers in Kerala is in order. As the board has been functioning in the state for the last 18 years, a performance study at this stage will help to identify the inherent flaws of the scheme and inadequacies in its planning and design.

OBJECTIVES OF THE STUDY

Against this background, the following objectives are set for the purpose of the study

1. To make an overview of the evolution and growth of social security schemes in Kerala.
2. To expose the socio economic conditions of construction workers in Kerala.
3. To analyse the structure and functioning of Kerala Building and Other construction Workers Welfare Fund Board (KBOCWFFB).

4. To analyse the consequences of the implementation of the scheme and evaluate the role of the Board in uplifting the socio economic conditions of its members.
5. To attempt an empirical investigation of the nature and trend of benefits to the registered members of the Board.
6. To analyse whether the members are satisfied with the service of the Board
7. To examine critically the role of trade unions and its leaders in enrolment and disbursement of the benefits of the Board.
8. To identify aberrations, if, any, in the working of the Board and to make suggestions in the light of findings to improve the work efficiency and services of the Board.

REVIEW OF LITERATURE

Many of the studies both in developed and developing countries relate to the social security schemes in the formal sector. Hardly any concerted attempt has so far been made to study the working of social security schemes in the unorganized sector.

Studies on Social Security measures in western developed countries show that Social Security measures are at a much-advanced stage in these countries. However, some studies in these countries also revealed that the major issues confronted by them center on relentless upsurge in the cost of social security schemes and its negative economic impact on labour supply, saving and investment.

Colin Gillion (2000) makes a critical examination of the approach of the ILO towards social security and values the reforms and the development of pension schemes in the social security sector.

Deborah Kasentein (2000) points out the efficiency and equity costs of ignoring gender and non-formal social security systems and proposes action for policymakers in Africa.

John Dixon (2000) rank social security systems in 172 countries using a comparative evaluation methodology that enables an assessment to be made of a country's statutory social security intention. The study found that while seven of the ten best-designed social security systems in the world can be found in Western Europe, Australia has the best-designed one.

Warren McGillivray (2001) while studying the Implications of Contribution Evasion of social security pension schemes looked into the nature of contribution evasion and identified the reasons of contributions evasion. He described the possible practical measures to promote compliance and also outlined the dangers of contribution evasion to participants and to the State as well.

Irudaya Rajan.S (2002) discusses the social security programmes for the disadvantaged elderly population in the unorganised sector in three South Asian countries, India, Sri Lanka and Bangladesh.

Roddy McKinnon (2004) in his study on the role of International Social Security Association (ISSA) argues that the ISSA should assume a more active and vocal position in promoting a central role for large-scale and compulsory social security within an emerging international-organization.

RESEARCH METHODOLOGY

To analyse the regional differences, a district wise comparison was made. To pinpoint the impact of KBOCWFFB on its members, a comparison of Tamil Nadu Construction Workers Welfare Fund Board (TNCWWFB) and Kerala Board on selected parameters were tried.

Both primary and secondary data were used for the present study. The present study is mainly based on primary data. A well-drafted interview schedule was used to collect data from the respondents. Pre-testing of the schedule was conducted by administering it on a small sample in Malappuram district. The interview schedule was modified in the light of the suggestions received.

The first part of the interview schedule evaluates the socio-cultural, educational and family background of the construction workers and the second part is entirely devoted to questions, which indirectly measure the impact of the Board on its members. Primary data for the study were collected from the construction workers; both members and non-members. The primary data were supplemented by collecting information through interviews with trade union leaders, contractors, architects and engineers who are associated with construction work. In addition, information was also gathered by holding discussions with members and Chairman of the Managing Committee of the Board and other Officials.

The performance and functioning of the Board was primarily analysed by collecting secondary data from the offices of Kerala Building and Other Construction Workers Welfare Fund Board, Tamil Nadu Construction Workers Welfare Fund Board, offices of other Welfare Fund Boards in Kerala, Labour department; Government of Kerala, the publications and records of various trade unions, Department of Economics and Statistics, Kerala Planning Board and other related agencies.

Four districts were selected for the purpose of the study. The districts selected were Thiruvananthapuram (Trivandrum) as the capital of the state, Ernakulam as the district in which construction activities take place on a mass scale, Malappuram as the district where the people spent a major portion of their earnings from gulf countries on construction activities and Wayanad as the district having least construction activities and lowest number of membership in the Welfare Fund Board. Stratified random sampling technique was used for the purpose of the sampling. The sample size is selected under proportional allocation method. As the districts having construction activities on a large scale, equal number of members and non members (300 each) were selected from the districts of Thiruvananthapuram, Ernakulam and Malappuram, and as a district having the least construction activity, only 100 members each were selected from Wayanad. Even though the Board classified the workers in 26 categories, for the purpose of this study, the sample workers, both members and non-members were categorised into 7 - Masons, Carpenters, R.C.C. workers, Wiremen, Painters, Helpers and Others.

The data collected from the sample workers were analysed on a member -non member basis. To pin point the regional differences a district wise analysis was also attempted. For the purpose of analysis of the collected data, simple mathematical and statistical techniques like percentages, averages, ANOVA, CAGR, Standard Deviations etc were used. For analytical purpose of primary data Microsoft Excel and *Statistica* software programme have been used. The statistical technique of Chi-square test was used to analyse the significant difference of various parameters between the members and non-members as well as among different districts.

The period of this study covers the whole life of the Board since its inception in 1990. However, the fieldwork for the study was conducted during 2005-2007.

DEFINITIONS OF THE TERMS USED

1. The Board: The Kerala Building and Other Construction Workers Welfare Fund Board, constituted as per The Building and Other Construction Workers (Regulations of Employment and Conditions of Service) Kerala Rules¹ 1998.
2. Member: A construction worker who has enrolled to The Kerala Building And Other Construction Workers Welfare Fund Board
3. Non-member: A construction worker who has not enrolled to The Kerala Building and Other Construction Workers Welfare Fund Board.
4. Welfare Fund Schemes: Welfare Fund Schemes under the Kerala Building and Other Construction Workers Welfare Fund Board for the construction workers.
5. Construction Worker: Any person who is employed for wages to do any work in connection with a construction work and who gets his wages directly or indirectly from an employer or from a contractor including supply of materials for construction works.

DATA ANALYSIS AND INTERPRETATION

THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT 1996

When the Government of Kerala enacted a welfare scheme in 1990, for the first time in India, for the welfare of construction workers; Government of India thought of enacting a comprehensive law for the entire country with the intention of regulating employment conditions and providing safety, social security and

¹. Published in Kerala Gazette Ex No-1366 dt 17-8-1998, as SRO No 720/93 & G O (P)No.53/98/LBR dt 14-8-1998.

welfare measures to construction workers. Accordingly, a Central law was enacted -The Building and Other Construction Workers' (Regulations of Employment and Conditions of Service) Act, 1996 and all the states were asked to frame rules as provided in section 62 of the Act. It laid down provisions to extend pension, insurance and other social security benefits to construction workers

The Act has provision for setting up a Welfare Board at the State level. There is provision for levy of cess at 1 to 2 per cent of the cost of the construction. The Fund has to be utilized for the purpose of welfare activities such as providing assistance to the families of the construction workers in case of accident and providing old age pension, housing loans, payment of insurance premium, medical and maternity benefits and for the education of children.

Though it is a very progressive piece of legislation providing social security to millions of construction workers, very few states have started its implementation. Concerted efforts are being made to persuade State Governments to implement the Act. A Central Government team under the Labour and Employment Secretary has been visiting various States in the country and holding special meetings and consultations with senior officers in the State Governments to impress upon them the need to implement such a progressive legislation in their States at the earliest. In spite of these best efforts of the Central Government, most of the State Governments have not been able to implement the Act properly. Only few states viz, Kerala, Madhya Pradesh, Tamil Nadu, Pondicherry, Orissa and Delhi have started implementation of the Act. This may be partly due to the practical difficulty of implementing these schemes in the unorganized sector.

Kerala was the first state in the country to implement the Act and has already enrolled about 14 lakh² construction workers and accumulated funds to the extent of Rs. 320 Crores. Every year Kerala collects around Rs. 35 Crores as cess from the builders and owners.

OBJECTIVES

The main objective of this Fund is to promote the welfare of the construction workers by providing pension, meeting medical expenses, marriage assistance, housing loan etc.

The preamble of the Kerala Construction Workers' Welfare Act 1990 describes its objective as *"to provide for the constitution of a fund, to grant relief, to promote the welfare of and to pay pension to the construction workers in the State"*. The definition of the construction workers, as given in the Act, is *"any person who is employed for wages to do any work in connection with a construction work and who gets his wages directly or indirectly from an employer or from a contractor including supply of materials for construction works"*.

This Fund was in operation in the state till 1998. In August 1996, Government of India enacted Building and Other Construction Workers' (Regulations of Employment and Conditions of Service) Act of 1996, the provisions of which are applicable to all states. Accordingly, the name of the Fund was changed to "Kerala Building and Other Construction Workers' Welfare Fund Board" with effect from 1st September 1998. As per the provisions of this Act the monthly contribution became uniform -Rs 20 per month and the employers or owners have to contribute 1 per cent of the cost of construction to this Fund; where the cost of construction exceeds Rs 10 Lakhs.

The important features of the KBOCWFFB are the following:

1. It provides a measure of social security and welfare assistance to the workers in the construction sector.
2. It is a tripartite body with representatives of the workers, employers and government, with veto powers for the government on policy matters.
3. It has an office with a Chief Executive (Secretary) appointed from Government departments.
4. There is a mandatory financial contribution from the workers and employers.
5. It enjoys minimal financial contribution from the Government; (at present there is no contribution from the Government).

FUNCTIONS

The main function of the Board is registration of construction workers as member of the Board and disbursements of various benefits and advances to the members. Since this Board is a virtual extension of the erstwhile Kerala Construction Workers' Welfare Fund Board, there was no difficulty in the implementation of the Act. Further, saving clause under section 63 of the Central Act ensures that the concerned state governments can continue all the benefits, enjoyed by the members under the existing state Acts; even if there is no provision for the same in the Central Act. Accordingly, the Board in Kerala till recently refunded the contribution made by the members with interest; even though there is no provision in the Central Act.

MANAGEMENT AND ADMINISTRATION OF THE BOARD

The Welfare Fund is administered by a Board called the "Kerala Building and other Construction Workers' Welfare Fund Board" consisting 17 members nominated by the government as follows:

- A) Five members representing the construction workers/trade unions
- B) Five members representing the contractors /employers
- C) Five members representing the government
- D) A member nominated by the government of India
- E) Chairman appointed by the government

The Board has its Head Quarters at Thiruvananthapuram and has District Offices at all the Districts. The Chief Executive namely the Secretary is appointed by the Government not below the rank of joint Labour Commissioner, Labour Department of Government of Kerala. The other officers and staff are appointed by the Government on deputation from various Government departments; which is one of the main criticisms leveled against the Board. Table 1 shows the administrative machinery of the board at the Head Quarters and at District levels.

As given in Table 1, there are 32 employees at the Head Quarters and 158 employees in the 14 District offices. The pattern of staff except that of the Additional District Executive Officer are uniform, irrespective of the number of members enrolled or number of new applicants pending for registration or for getting benefits. However, through internal arrangement the Board shift and redeploy the staff to other District offices. Further, out of these 190 employees, 175 employees are on deputation from various departments of the Government; only 15 Part Time Sweepers are permanently employed.

² As on 31st March 2008.

TABLE 1: ADMINISTRATIVE MACHINERY OF THE BOARD

Sl. No.	Name Of Post	Chief Office	District Offices
1.	Secretary	1	Nil
2.	Executive Officer (Head Quarters)	1	Nil
3.	District Executive Officer	Nil	14
4.	Additional District Executive Officer	Nil	4
5.	Accounts Officer	1	Nil
6.	Senior Superintendent	2	Nil
7.	Junior Superintendent	2	Nil
8.	Head Clerk	Nil	14
5.	U.D. Clerk	1	14
6.	L.D. Clerk	15	56
7.	Confidential Assistant	1	Nil
8.	L.D. Typist	2	14
9.	Driver	2	Nil
10.	Peon	3	14
11.	Peon –cum–Process Server	Nil	14
12.	Part time Sweeper	1	14
	Total	32	158

Source: Annual Reports of the KBOCWFFB

WORKING OF THE WELFARE FUND BOARD

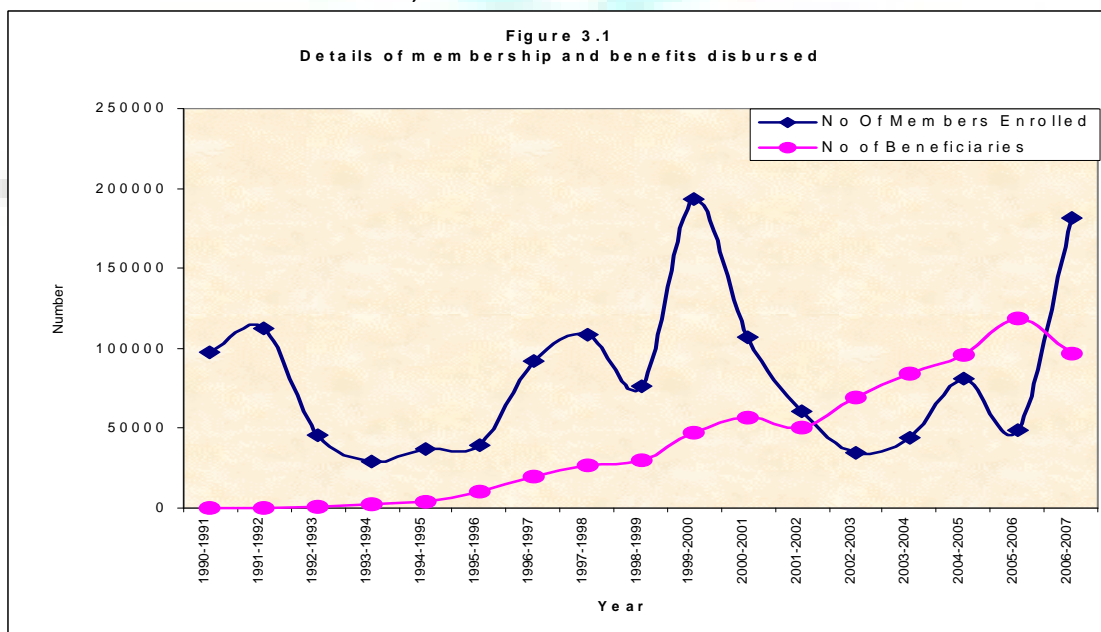
Kerala Board has mobilised fund around Rs 320 crores (as on 31-03-2008) from workers and builders. The Fund has formulated several benefit schemes such as pensions, death benefit, accident/disease benefit, health and maternity benefit, housing assistance, family pension, and grants for marriage and education of the children. The number of workers enrolled to the Board and the members’ receiving the benefits and the amounts involved has been increasing steadily as shown in Table 2.

TABLE 2. DETAILS OF MEMBERSHIP AND BENEFITS DISBURSED

Year	No of Members Enrolled	Cumulative No of Enrolment	No of Beneficiaries	Total Amount of Benefits Distributed Rs	Average Benefit Rs
1990-1991	97826	97826	Nil	Nil	Nil
1991-1992	112356	210182	118	597250	5061
1992-1993	45751	255933	1146	4350275	3796
1993-1994	29295	285228	2232	3788380	1697
1994-1995	37086	322314	4027	4903227	1217
1995-1996	39065	316379	10558	18004877	1700
1996-1997	92357	453736	19922	30968542	1554
1997-1998	108641	562377	26541	46960412	1769
1998-1999	75929	638306	30243	66563730	2201
1999-2000	193743	832049	46939	104960635	2236
2000-2001	107118	939167	56278	113664703	2019
2001-2002	60559	999726	50661	143101693	2825
2002-2003	34539	1034265	68808	200316943	2911
2003-2004	44182	1078447	83931	205842218	2453
2004-2005	81201	1159648	95860	265411363	2769
2005-2006	49020	1208668	118570	314941164	2656
2006-2007	181879	1390547	96733	269148664	2782

Source: Computed from the Administrative Reports of the Board for the years 1990-1991 to 2006-2007

FIGURE 3.1: SHOWS THE TREND OF THE MEMBERSHIP, BENEFITS AND AVERAGE AMOUNT OF BENEFITS DISBURSED BY THE BOARD



ELIGIBILITY FOR MEMBERSHIP

The Act provides for the registration of construction workers as members of the Fund. Every Building or construction Worker is entitled for registration provided he satisfies three conditions of eligibility; namely,

1. Completed 18 years of age but is not above 60 years of age and
2. Not a member in any other Welfare Fund, established under any law in force; and
3. Completed 90 days of service as a building worker in the immediately preceding year

Every building worker eligible to become a beneficiary of the Fund has to submit an application on Form No XXVI to the secretary or to an officer authorized to act on his behalf. Generally application for registration is submitted to the District Executive Officer. A certificate to prove age must accompany every application for registration.

A certificate from the employer or contractor to show that the applicant is a construction worker has also to be produced. Where a certificate is not available, a certificate issued by a registered construction workers' union or a certificate issued by Assistant Labour Officer of the concerned area is considered. Generally, the employers and contractors are reluctant to issue certificates and majority of the members are enrolled on the basis of certificate issued by registered construction workers union; hence it give chance to enroll bogus workers. Even some trade union leaders admit that more than 50 per cent of the workers enrolled to the Board are not actually engaged in the construction work. Realizing this, the Board has now given a chance to the members to voluntarily leave from the Board, if they are not doing the construction work. The Board has promised to give the contribution already made by them without any deduction. But even after six months of its declaration only less than 1000 bogus members left the Board as yet.

On registration, every registered construction worker shall be given an identity card with his photograph affixed. Every contractor is obliged to maintain a register showing the details of the employment, which may be inspected without prior notice by the Chief Executive Officer (CEO) or any other officer authorized by him. But there is no practice of keeping records in many of the construction sites by the contractors or employers.

GROWTH OF MEMBERSHIP AND BENEFITS

According to the official estimate of the Construction Workers' Welfare Fund Board based on the findings of a committee appointed by the state government, there are 16 lakh workers engaged in construction activities in the state. Out of this slightly more than 14 lakh workers were registered under this Board, giving coverage of around 90 per cent as of 2008. The District wise coverage of workers is given in Table 3.

TABLE 3: DISTRICT WISE MEMBERSHIP OF THE BOARD FROM 1990-2007

YEARS	TVPM	KLM	PTA	ALP	KTYM	IDK	ERKM	TSR	PKD	MPM	KKD	WYND	KNR	KSGD	TOTAL
1990-1991	20400	4567	292	8035	2809	877	22551	7502	2678	6000	2180	507	18261	1167	97826
1991-1992	12104	2511	1957	7352	5518	1746	15962	7740	7936	13108	9083	1112	19201	7026	112356
1992-1993	4793	1616	1159	3579	1999	1971	3767	3079	2391	4295	9903	1296	4289	1614	45751
1993-1994	3693	2135	679	1530	1195	491	2014	2670	2321	1512	7328	875	1733	1119	29295
1994-1995	5034	2305	1347	1883	3157	746	2917	3164	2958	2624	4395	971	3878	1707	37086
1995-1996	4777	1680	2878	1798	2960	1480	3645	4373	4679	1060	1632	1031	5662	1410	39065
1996-1997	10257	9043	6019	3538	2689	2593	8435	5629	10555	8715	8450	1005	12935	2494	92357
1997-1998	14347	10497	7994	4400	4089	3319	1053	12179	17425	9011	7710	1031	12394	3192	108641
1998-1999	12497	5509	3528	3213	4244	2846	3012	7799	11489	5737	8366	1078	4569	2042	75929
1999-2000	39242	13104	14072	7405	8439	9243	7222	23560	24656	15243	9495	1784	16655	3623	193743
2000-2001	19170	8370	3012	4829	3960	4630	9361	9091	11257	7840	10325	1082	10897	3294	107118
2001-2002	15577	6201	1207	2493	1343	1892	4484	1619	5307	5133	8122	434	5374	1373	60559
2002-2003	6671	2854	152	947	762	798	2900	671	2237	1554	6414	448	6770	1361	34539
2003-2004	7617	2266	951	1468	1221	2071	4173	3583	8938	5731	4553	413	0	1197	44182
2004-2005	22040	5139	3173	4518	2158	4346	6164	5130	9429	5212	4901	591	5269	3131	81201
2005-2006	5189	3096	3578	4203	2260	3590	1482	3528	5688	3947	3795	1879	4681	2104	49020
2006-2007	17005	5569	3956	3936	3120	6823	8555	12455	29406	3397	6301	1320	7066	2970	111879
Total	220413	86462	55954	65127	51923	49462	107697	113772	159350	100119	112953	16857	139634	40824	1320547
Percentage	16.69	6.55	4.24	4.93	3.93	3.75	8.16	8.62	12.07	7.58	8.55	1.27	10.57	3.09	100

Source: Annual Reports of the Board.

As shown in the Table 3 among the various districts highest percentage of the registered workers were from the district of Trivandrum (16.69 per cent) and the lowest number of registered workers is from Wayanad district (1.27 per cent). The percentage of members registered from districts of Ernakulam is 8.16 and that of Malappuram is 7.58. One of the indicators of the effectiveness in working of this Board is its coverage of members and in this respect the achievement of the Board is impressive.

CUMULATIVE GROWTH OF BOARD MEMBERSHIP

The total number of workers enrolled to the Board shows an increasing trend. On an average, 77669 members are enrolled to the Board every year. The cumulative growth of the membership of the Board is given in Table 4.

In the first year of establishment of the Board itself about one-lakh members are enrolled to the Board. However, wide variation can be seen in the number of members enrolled during different years. In some years, the enrollment is less than 50,000; while in some other years it is more than 1 lakh. Maximum number of members enrolled during the year 1999-2000.

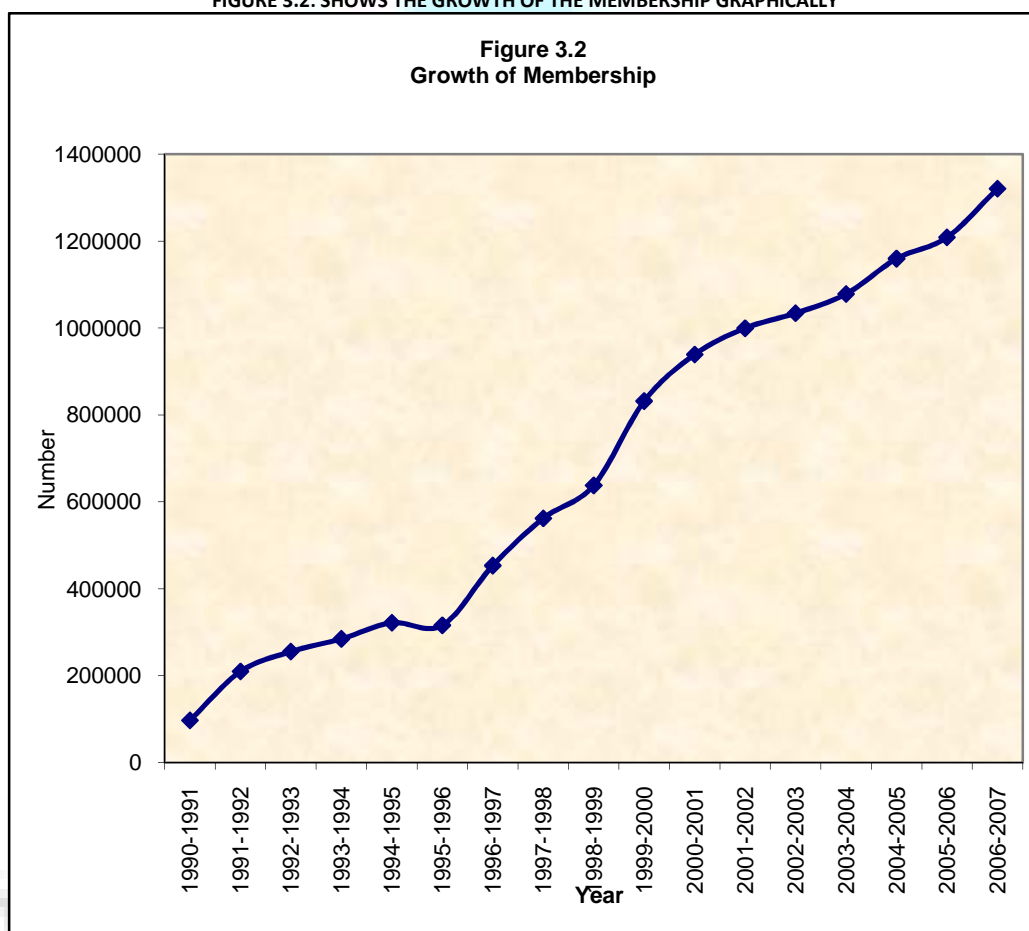
The Table 4 also shows a compound annual growth rate of 17.664 of the membership from 1990-1991 to 2006-2007.

TABLE 4: CUMULATIVE GROWTH OF MEMBERSHIP

Year	No of Members Enrolled	Cumulative No of Enrolment
1990-1991	97826	97826
1991-1992	112356	210182
1992-1993	45751	255933
1993-1994	29295	285228
1994-1995	37086	322314
1995-1996	39065	316379
1996-1997	92357	453736
1997-1998	108641	562377
1998-1999	75929	638306
1999-2000	193743	832049
2000-2001	107118	939167
2001-2002	60559	999726
2002-2003	34539	1034265
2003-2004	44182	1078447
2004-2005	81201	1159648
2005-2006	49020	1208668
2006-2007	111879	1320547

Source: Annual Reports of KBOCWFB, Various years CAGR=17.664.

FIGURE 3.2: SHOWS THE GROWTH OF THE MEMBERSHIP GRAPHICALLY



REVENUE OF THE BOARD

The major sources of finance to the Board are the following:

- Contribution from construction workers registered with the Fund at the rate of Rs 20 per month.
- Contribution in the form of a cess collected from contractors and builders and building owners at the rate of 1 per cent of the cost of construction. In the case of residential building it is levied only when the cost of construction exceeds Rs 10 lakhs.
- License fees levied on the contractors; now there is no provision in the Central Act to collect license fee.
- Other sources of income like interest from fixed deposits, etc.

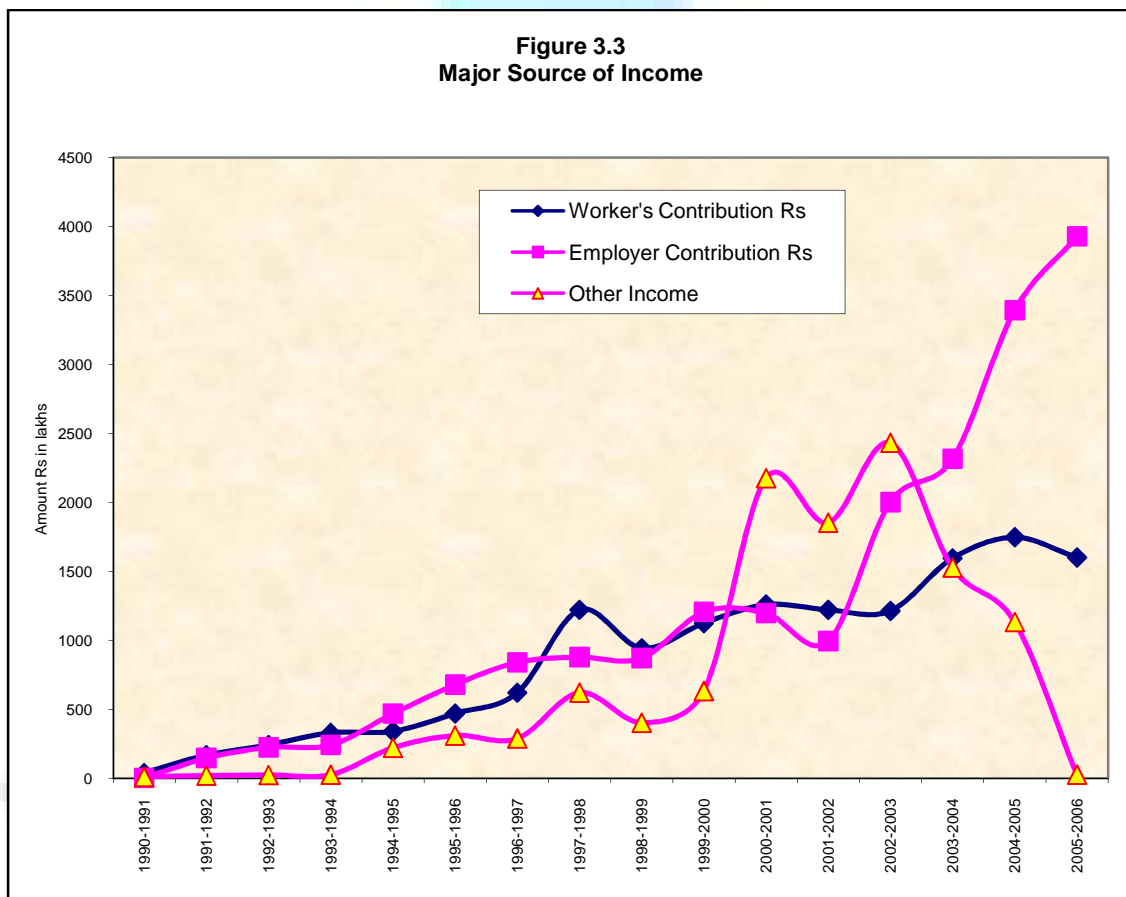
A brief review of the income generated by the Welfare Board from each source during 1990-91 to 2005-06 is presented in Table 5.

TABLE 5: MAJOR SOURCE OF INCOME TO THE BOARD

Year	Worker's Contribution Rs	Employer Contribution Rs	Other Income Rs	Total Income Rs
1990-1991	3856888	325155	1082056	5264099
1991-1992	16639680	14771955	2010750	33422385
1992-1993	24172675	22460045	2410585	49043305
1993-1994	32897398	24204407	2653941	59755746
1994-1995	34055957	46900849	22159188	103115994
1995-1996	46978391	67897053	31056215	145931659
1996-1997	62055450	84116404	28879277	175051131
1997-1998	122161155	87903836	62174482	272239473
1998-1999	94307695	87166629	40361625	221835949
1999-2000	112463680	120728029	63328379	296520088
2000-2001	125936760	119827186	217608000	463371946
2001-2002	122164607	99497045	185343000	407004652
2002-2003	121332602	200156016	243197075	564685693
2003-2004	159499575	231595735	152703602	543798912
2004-2005	174759324	339290120	113347967	627397411
2005-2006	160087478	392867164	2739234	555693876
Total	1413369315	1939707628	1171055376	4524132319
CAGR (per cent)	28.1961	60.5007	6.3878	36.4271

Source: Computed from Administrative Reports of KBOCWVFB, various issues

Table 5 shows a compound annual growth rate (CAGR) of 36.42 per cent in the case of total income. The workers contribution shows a compound annual growth rate of 28.20 per cent; but the employer's contribution grows at 60.50 per cent on an average. Thus, it can be seen that the collection of cess from employers grows at a higher rate than that of the contribution of members, while the income from other sources, which mainly include interest grows only at 6.39 per cent. The income generated by the Board from the major sources is graphically in Figure 3.3.



CONTRIBUTION FROM REGISTERED WORKERS

As noted earlier the workers' contribution to the Board is fixed at Rs. 20 per month. The first initial quarterly subscription together with registration fee of Rs.25/- is collected at the District Office while granting membership and the members remit the subsequent quarterly subscriptions in the notified Collection Banks of the Board all over the State.

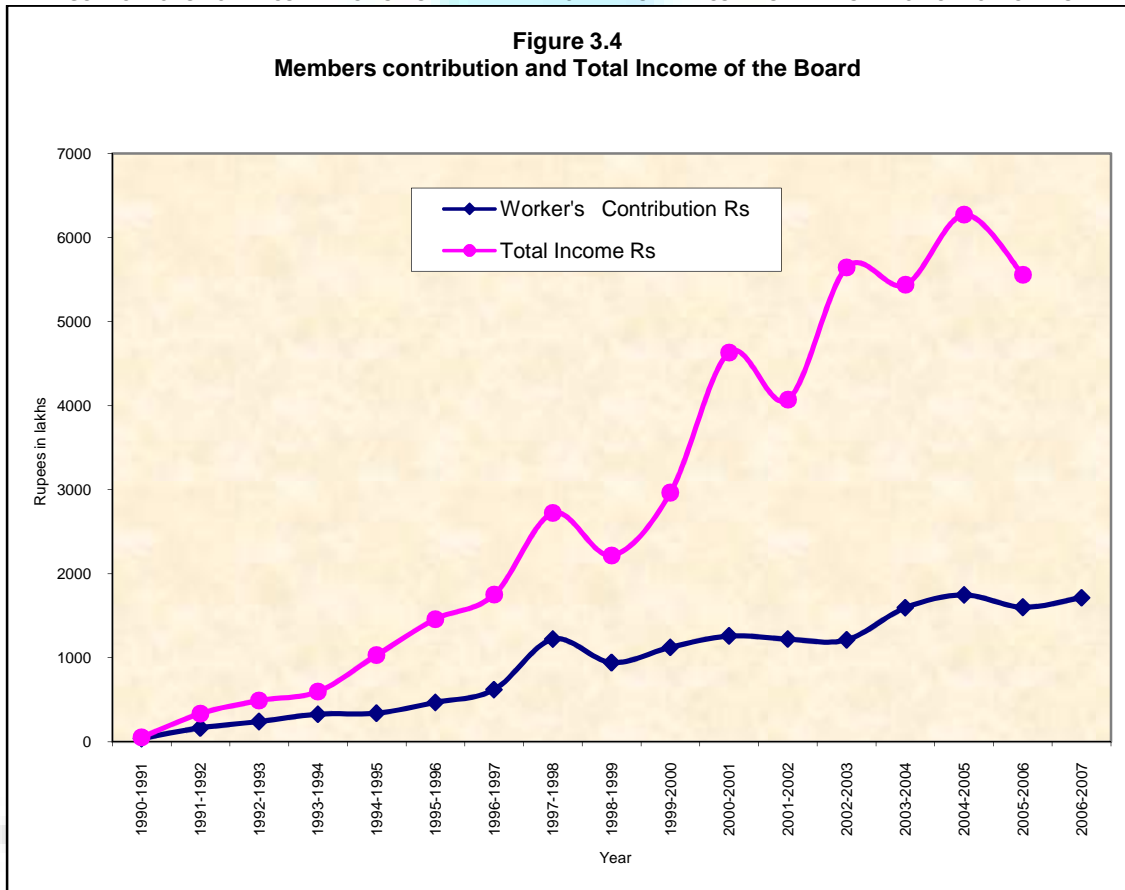
Table 6 shows that the total contribution of workers amounted to Rs. 3.85 million in the starting year 1990-91, but rose to Rs. 171.38 million in 2006-07, an increase of more than 44 times. Thus liability also might have increased many times during this period. Earlier there was a practice of refunding contribution along with the interest and a contribution from the Board at the time of retirement (age of 60) of the workers. But now the board has stopped this since it has jeopardized the long-term survival of the scheme. The members and trade union leaders argue that this is against the saving clause in the Central Act, which ensures the continuation of all benefits under the existing law; even if there is no provision in the Central Act.

TABLE 6: CONTRIBUTION OF THE WORKERS AND TOTAL INCOME

Year	Worker's Contribution Rs	Total Income Rs
1990-1991	3856888	5264099
1991-1992	16639680	33422385
1992-1993	24172675	49043305
1993-1994	32897398	59755746
1994-1995	34055957	103115994
1995-1996	46978391	145931659
1996-1997	62055450	175051131
1997-1998	122161155	
1998-1999	94307695	221835949
1999-2000	112463680	296520088
2000-2001	125936760	463371946
2001-2002	122164607	407004652
2002-2003	121332602	564685693
2003-2004	159499575	543798912
2004-2005	174759324	627397411
2005-2006	160087478	555693876
2006-2007	171383937	N.A
Total	1584753252	3968438443

Source: Annual Reports of the KBOCWVWF

FIGURE 3.4: SHOWS THE CONTRIBUTION OF THE MEMBERS AND TOTAL INCOME OF THE BOARD SINCE ITS INCEPTION



EMPLOYERS' CONTRIBUTION

Another source of income to the Board is the contribution made by the employers and owners. The Building and Other Construction Workers Welfare Cess Act 1996 provides for collection of a cess at 1 to 2 percentage of construction cost. The Assistant Labour Officers Grade I of the Labour Department was the notified Assessment Officers for assessment of Cess. In Kerala 1 per cent of the total construction is collected towards Cess from the Employers or Contractors for commercial constructions and 1 per cent Cess is collected from residential building owners constructions costing above Rs 10 lakhs. The cess amount collected by the Board from builders and employers are given in Table 7. It shows that the Board has so far collected an amount of Rs 193.97³ crores as cess from the employers. The income from this source rose from Rs.0.33 million in 1990-91 to Rs. 392.87 million in 2005-06. There was an increase of 1208 times in the cess collection; against 105 times increase in the Total Income of the Board. This increase in cess also shows the increase in construction activities.

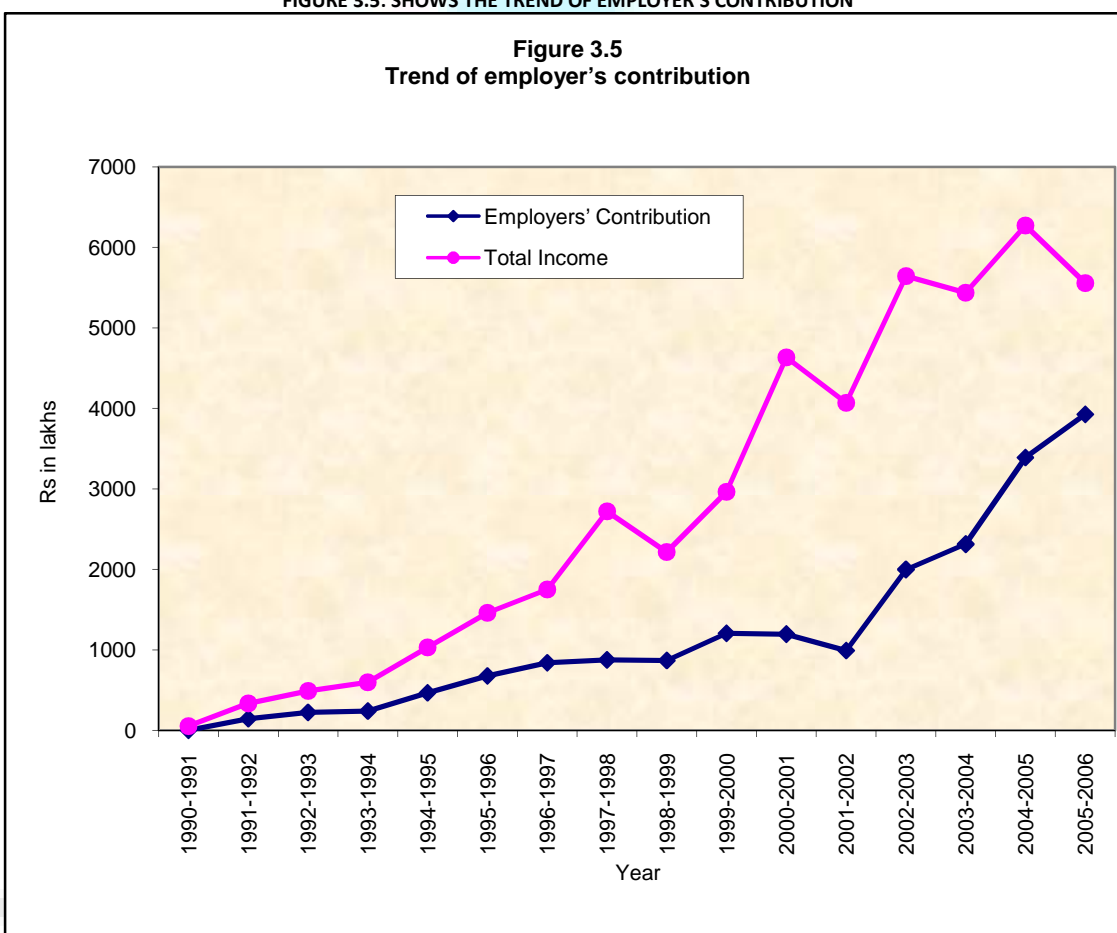
³ As on 31st March 2006

TABLE 7: EMPLOYERS' CONTRIBUTION

Year	Employers' Contribution	Total Income
1990-1991	325155	5264099
1991-1992	14771955	33422385
1992-1993	22460045	49043305
1993-1994	24204407	59755746
1994-1995	46900849	103115994
1995-1996	67897053	145931659
1996-1997	84116404	175051131
1997-1998	87903836	272239473
1998-1999	87166629	221835949
1999-2000	120728029	296520088
2000-2001	119827186	463371946
2001-2002	99497045	407004652
2002-2003	200156016	564685693
2003-2004	231595735	543798912
2004-2005	339290120	627397411
2005-2006	392867164	555693876
Total	1939707628	4524132319

Source: KBOCWFFB

FIGURE 3.5: SHOWS THE TREND OF EMPLOYER'S CONTRIBUTION



The Board experiences many difficulties in collecting the cess from builders and the annual loss in revenue on this account is estimated to be Rs. 500 million approximately. This difficulty mainly arise due to the fact that after implementing the Central Act, the collection is not done directly by the Welfare Board but is entrusted to the Labour Department of the state government; which is already overburdened with other works. Before implementing the Central Act the Board has collected cess from the employers and the State Governments, Public sector undertaking etc deducted cess for the construction work done at source either at the time of part payment of the bill or at the time of first and final settlement of payment. Both the employees and board officials are in favour of collecting the cess directly by the Welfare Fund Board.

Section 3(2) of the Building and Other Construction Worker's Welfare Cess Act, 1996 stipulates that the Cess levied under sub section (1) shall be collected from every employer in such manner and such time, including deduction at source in relation to a building or other construction work of a Government or a public sector undertaking or advance collection through a local authority where an approval for such or other construction work by local authority is required as may be prescribed. If the provisions are strictly followed Cess amount to certain extend can be collected from the very beginning itself.

LICENSE FEES FROM CONTRACTORS

Under the Kerala Construction Workers' Welfare Fund Board, there was provision to levy fees from contractors, an amount ranging from Rs. 100 to Rs. 1,000 per year depending on the grade of the contractors. Though this is a potential source of revenue, the Board has failed to tap it. However, under the Central Act there is no provision to collect the license fee from the contractors.

OTHER SOURCES OF INCOME

The surplus revenue of the welfare fund is invested, mostly in fixed deposits in nationalised banks and other government institutions, yielding a reasonable return, which is added to the accumulated revenues of the fund. As of 2005-06, the Board had a deposit of Rs. 2860 million. In the Indian situation, especially at the state level, there are very few investment options. Mutual funds and stocks, which are usual investment avenues in developed countries, are generally not considered safe or dependable in India, especially when the Welfare Fund handles contributions from poor workers.

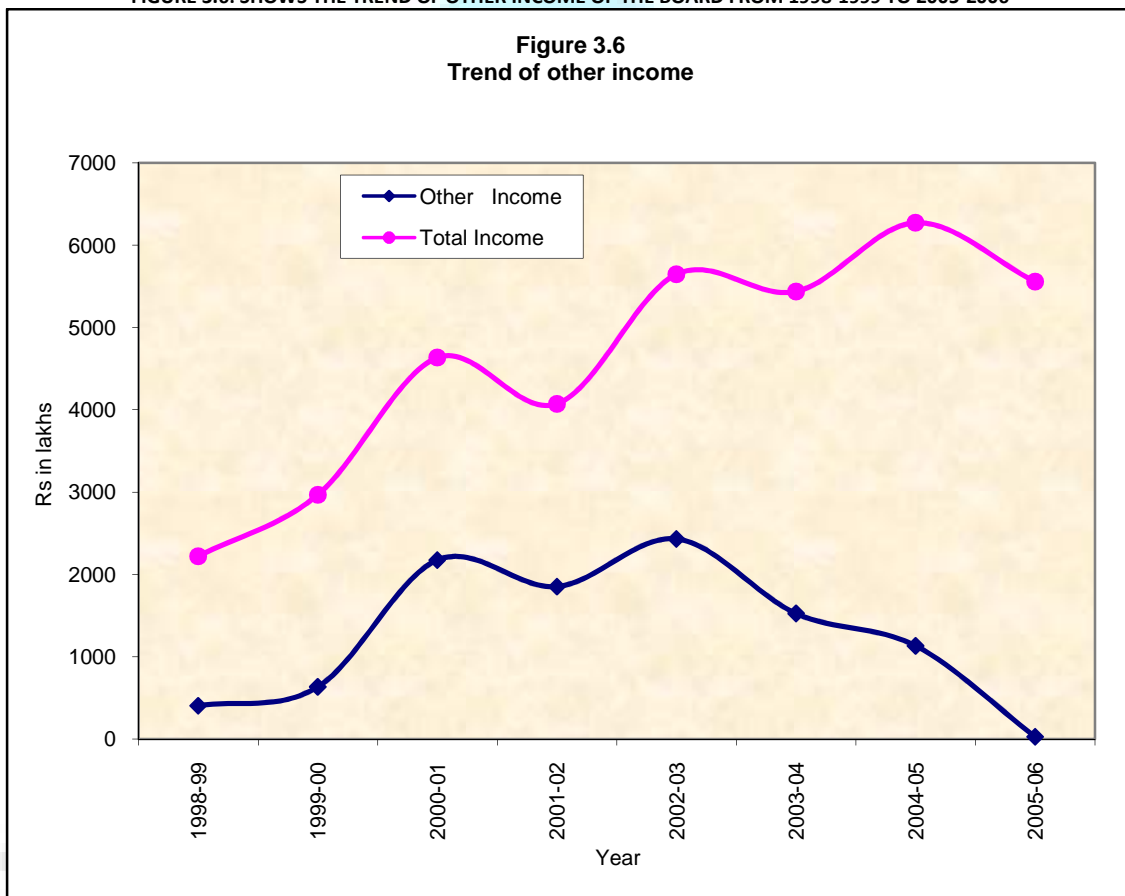
Table 8 makes a comparison of the trend of fixed deposit and other income. The other income mainly consists of the interest on the deposits of the Board Fund. Even though the amount of fixed deposit increases continuously, the earnings of the deposits increases up to 2002-2003 but thereafter shows a declining trend. This proves that the Board is not efficient in the management of its Fund and has failed to earn a satisfactory return on its investments.

TABLE 8: FIXED DEPOSIT AND OTHER SOURCE OF INCOME

Year	Fixed Deposit	Other Income	Total Income
1998-99	727913965	40361625	221835949
1999-00	910801077	63328379	296520088
2000-01	1127129980	217608000	463371946
2001-02	1408296416	185343000	407004652
2002-03	1742443949	243197075	564685693
2003-04	1581093949	152703602	543798912
2004-05	2167517163	113347967	627397411
2005-06	2860000000	2739234	555693876
Total		1171055376	4524132319

Source: KBOCWFFB

FIGURE 3.6: SHOWS THE TREND OF OTHER INCOME OF THE BOARD FROM 1998-1999 TO 2005-2006



All moneys belonging to the Fund are invested in Nationalized Banks, Scheduled Banks and in Post Office Savings referred to in (a) to (d) of section 20 of the Indian Trust Act 1881 (Central Act of 1882) as well as per the guidelines of the Board and Government from time to time.

The Board has no investment policy or portfolio of investment. There are no experts in the Board for the management of the Funds. Thus, it requires immediate action on the part of the Board to frame an investment policy as well to constitute a team of experts for the management of finance. Other wise the Board has to seek the experts in the field while making Fund investment.

BENEFITS OFFERED UNDER THE BOARD

The basic objective of the KBOCWFFB is to provide a measure of social security for its members who are vulnerable to risks and uncertainties and do not have any other institutional protection based on their employment status.

The categories of benefits and the amounts provided by the Board to its members and their dependents are summarised in Table 9.

TABLE 9: BENEFITS PAID BY THE BOARD

Sl No	Type of benefit	Beneficiary	Eligibility	Amount In Rupees
1	Pension	Member	Completion of 60 years	Rs: 200+20 for every Additional year of 5 years Maximum Rs: 400
2	Family pension	Spouse	Death of the pensioner	Minimum Rs 100 Maximum Rs 200
3	Invalid pension	Invalid member	Invalidity due to accident/ Disease	Rs150/per month
4	Death relief	Dependant	Death of a member before the age of 60	15000 and if due to accident at the work site Rs 2,00,000/; permanent disability Rs 1,00,000/
5	Funeral assistance	Dependant	Death of a member	Rs: 2000/
6	Medical benefit	Member	Hospitalized due to accident/disease	Rs: 400 for 5 days + Rs 70/ for every additional days; Maximum Rs 5000/ Personal Disability –Rs 500 for 5 days + Rs 70 for every additional day Maximum Rs: 20000/
7	Maternity benefit	Women Members	Limited to 2 children	Rs 3000/
8	Marriage benefit	1.Women members and daughters of members	Marriage	Rs 3000
		2.male members and sons of members		Rs 2500
9	Cash award/scholarship	Children of members	Marks in qualifying exam	SSLC: Rs 250 +2/VHSE- 600 Degree: 840 P.G: 1200 PROF.DEG: 2400 Certificate: 600
10	House building advance	Members	House construction	Rs 50,000/ Maximum Rs1,00,000/
11	Tool advance	Members	To purchase tools for employment	10,000/
12	Entrance coaching fee	Children of members	Entrance coaching	5,000/
13	Nirmal bavan pathathi			Not implemented
14	Sneha sadan			18 old age people
15	Training institute			Introduced in January 2006 and already imparted training to 56 members and/or sons of members.
16	Refund of contribution	Member/Dependent	Attainment of 60 years/ retirement/death	Amount of subscription with interest.

Source: KBOCWFFB.

As is clear from Table 9 the Board provides more than a dozen of benefits. Out of these, the benefits like pension, scholarships/cash awards, maternity benefit, medical assistance and marriage assistance constitute a major portion of the benefits paid by the Board. The amounts as well as the number of benefits like House Building Advance, Tool advance, Entrance Coaching Fee etc are very meager.

Table 10 shows an over all view of the total benefits distributed by the board since its inception. The trend of the average benefit is also given.

TABLE 10: NUMBER AND AMOUNT OF BENEFITS GIVEN BY THE BOARD

Year	No of Beneficiaries	Amount of Benefits	Average Benefits
1990-1991	Nil	Nil	Nil
1991-1992	118	597250	5061
1992-1993	1146	4350275	3796
1993-1994	2232	3788380	1697
1994-1995	4027	4903227	1217
1995-1996	10558	18004877	1700
1996-1997	19922	30968542	1554
1997-1998	26541	46960412	1769
1998-1999	30243	66563730	2201
1999-2000	46939	104960635	2236
2000-2001	56278	113664703	2019
2001-2002	50661	143101693	2825
2002-2003	68808	200316943	2911
2003-2004	83931	205842218	2453
2004-2005	95860	265411363	2769
2005-2006	118570	314941164	2656
2006-2007	96733	269148664	2782

Source: KBOCWFFB

From Table 10 it can be seen that there was increase in the number of beneficiaries as well as the amount of benefits disbursed by the Board. In 1991, there were only 118 beneficiaries; which rose to 10558 during 1995-1996. The number of beneficiaries rose to 56278 during 2000-2001 and in 2005-2006 it reached to 118570. However, in the next year –2006-2007, there was a decline in the number of beneficiaries-reduced to 96733.

Similarly, the amount of benefit provided by the Board was only Rs 5,97,250/ in 1991-1992; which rose to Rs 10,49,60,635/ in 1999-2000. In 2006-2007, the Board has disbursed an amount of Rs 26,91,48,664/ as benefits among its members and dependents. The average amount of benefit was Rs 5061/ in 1991-1992; which reduced to Rs 1217/ in 1994-1995. The average amount of benefit was again raised to Rs 2201/ in 1998-1999 and to Rs 2782/ in 2006-2007.

There is no practice of either keeping or maintaining or publishing the district wise or gender wise details of the benefits paid to the members in the Board.

REFUND OF WORKER'S CONTRIBUTION

The amount contributed by registered workers over the years (Rs. 20 per month) is returned at the time of retirement (age of 60) together with interest and a contribution from the Board. Hence, in effect, the workers' contribution is a liability to the Board and exerts an additional burden on the resources of the fund. For example, a worker with 10 years of service will have contributed only Rs. 2,400 till the date of retirement. But as a refund he receives a total amount of Rs. 3158 from the Board. The amount payable to the worker on retirement for various years of service, as worked out by the Board, is shown in Table 11.

TABLE 11: AMOUNT PAID TO WORKERS ON RETIREMENT FOR DIFFERENT YEARS OF SERVICE (MONTHLY CONTRIBUTION RS 20)

Years	Remitted Amount	Interest	Gratuity	Refund Amount	Excess Amount paid
1	240	12	63	315	75
2	480	25	126	631	151
3	720	37	189	946	226
4	960	50	253	1263	303
5	1200	63	316	1579	379
6	1440	75	379	1894	454
7	1680	88	442	2210	530
8	1920	100	505	2525	605
9	2160	113	568	2841	681
10	2400	126	632	3158	758
11	2640	138	695	3473	833
12	2880	151	758	3789	909
13	3120	164	821	4105	985
14	3360	176	884	4420	1060
15	3600	189	947	4736	1136
16	3840	201	1010	5051	1211

Source: KBOCWWFB.

The amounts refunded by the Board in various years will depend on the number of workers reaching retirement age during that year.

Table 12 shows the amount of contribution refunded by the Board on death or retirement for the years 1991-1992 to 2006-2007.

TABLE 12. REFUND OF WORKERS' CONTRIBUTION

Year	No of beneficiaries	Amount refunded	Total benefit paid	Expenditure as a per cent of total welfare benefits
1991-1992	Nil	Nil	597250	0.00
1992-1993	Nil	Nil	4350275	0.00
1993-1994	399	118345	3788380	3.10
1994-1995	528	260259	4903227	5.31
1995-1996	1632	2781267	18004877	15.44
1996-1997	4377	3273112	30968542	10.57
1997-1998	5121	3054607	46960412	6.5
1998-1999	1279	5570561	66563730	8.48
1999-2000	6103	1476779	104960635	1.43
2000-2001	8467	7970277	113664703	6.47
2001-2002	1374	6286549	143101693	4.23
2002-2003	NA	NA	200316943	NA
2003-2004	1408	NA	205842218	NA
2004-2005	2741	NA	265411363	NA
2005-2006	2744	NA	314941164	NA
2006-2007	1947	NA	269148664	NA

Source: KBOCWWFB

As stated earlier, after the reconstitution of the Board in accordance with the Central legislation, the Board has stopped the refund of contribution to new members. Now, only the members enrolled to the Board before the enactment of Central legislation are eligible for this benefit. There fore, there is criticism from the trade union leaders that this is against the promise given by the Central legislation under saving clause-protection of existing benefit to the members in the State Acts.

ENTRANCE COACHING FEES

The Board has decided to pay a maximum amount of Rs: 5000/ to the children of the workers to under go entrance coaching classes to make them ready to appear in the entrance examination and to get admission to the professional courses.

As shown by the Table 13, the Board has so far disbursed this benefit only to 31 members and the amount of assistance come to Rs 1,51,000/.

TABLE 13: ENTRANCE COACHING FEE

Year	No	Amount
1990-2002	NIL	NIL
2002-2003	20	100000
2003-2004	1	3000
2004-2005	1	3000
2005-2006	8	40000
2006-2007	1	5000
Total	31	151000

Source: KBOCWWFB

NEW DEVELOPMENTS

The Board has also set up an old age home in Thiruvananthapuram for construction workers above age 60. An institute to impart training in new construction technology to children of construction workers-Advanced Building Technology Institute -has also been set up. It would provide them skills to find employment in

foreign countries also. The institute would enable Keralites to avail opportunities in foreign job markets which they are not able to do now. The institute has also made arrangements for placement of students passing out in the first five years.

TRAINING INSTITUTE

The Board has also started a training institute, Advanced Building Technology Training Institute at Thiruvananthapuram to equip the members and their sons to acquire knowledge of the latest developments in the construction sector. But this scheme failed to attract the members and their family. Due to the practical difficulty and the heavy investment required for starting this training institute; the Board has collaborated with Institute of Advanced Wood Working Training Centre, Bangalore. Under this scheme the Board bears the expenses of the members or their sons for getting training from this centre. Till now, the Board has sent about 56 persons to this institute and most of them were selected for foreign employment under campus recruitment.

ADMINISTRATIVE EXPENDITURE

Most of the welfare schemes include provision regarding the maximum amount that can be spent for the administration of the fund. The Kerala Building and Other Construction Workers Welfare Fund Board is silent in this regard. The Board so far not even formulated a budget for its expenditures. As all the employees are on deputation, they pay little attention to control administrative expenditure. Table 14 shows the amount of administrative expenditure incurred by the Board.

TABLE 14: ADMINISTRATIVE EXPENDITURE

Year	Amount in Rs
1997-1998	1,10,20,714
1998-1999	1,25,68,304
1999-2000	1,93,66,789
2000-2001	1,80,70,842
2001-2002	1,81,31,678
2002-2003	1,77,81,757
2003-2004	1,90,06,538
2004-2005	2,16,11,570
2005-2006	3,00,55,349

Source: *KBOCWWFB*

From Table 14, it can be seen that on an average the Board spent Rs 1, 86, 23,727/ as administrative expenditure in every year. From 1997-1998 to 2005-2006, there was a three-fold increase in the administrative expenditure. This strictly demands formulation of budgets for expenditures and control over it.

PROBLEMS

Though the Welfare Fund Board is a novel idea and is useful in improving the economic status of its members, it is faced with numerous problems. As per the provisions of the Central Act the collection of cess is entrusted to the labour department, which is already overburdened with the administration of the demands of organised workers. There are only two inspectors in the Labour department to ensure the implementation of about 20 laws in around 250 institutions in a district. Due to this there are apprehensions among members and trade union leaders that the system of collecting cess, which is a major source of potential income to the board, is not effective or systematic. There for, it is better to think of a separate wing or section under the labour or social welfare department to deal with the welfare schemes of unorganized workers.

The problem also exists in the functioning of the Board constituted under this Act, which is mainly engaged in the enrolment of members, administration of fund and disbursement of benefits. Except the part time sweepers and a driver at the Head Quarters; all other employees working in the state office as well as district offices are on deputation. This affects the functioning efficiency of the board due to lack of continuity on the one hand and on the other hand increase in the administrative expense, as the employees have to pay deputation allowance. No effort is taken by any government to recruit and appoint permanent employees directly to the board; as they want to appoint their people as temporary or on deputation employees in the board.

SUGGESTIONS

1. Steps should be devised for the prevention of enrolment of bogus workers.
2. The steps taken by the Board to expel the already enrolled bogus workers should be strengthened.
3. Effective rules should be framed and implemented by the Government for the proper utilization and management of funds.
4. Periodic monitoring and revision of various benefits disbursed by the Board should be made.

CONCLUSIONS

Kerala has made a considerable progress in extending Social Security coverage through the mechanism of tripartite welfare fund boards. Kerala is the first state in India which has enacted a law for constituting a Welfare Fund Board for the construction workers. The reports show a steady increase in the enrollment of membership and the benefit disbursed by the Kerala Board. Even the Central Law for Building and Other Construction Workers Welfare Fund Boards is enacted on the basis of the Kerala law. Even though there is a direction from the Central Government to constitute Social Security Schemes for unorganized workers, many states in India have not yet taken any steps for enacting and constituting Welfare Fund Boards for them including those in the Construction sector. Kerala model of the Welfare Fund for the collective care arrangements for the workers in the informal sector shows considerable innovation in its design and organization. Therefore the question of replicating the Kerala Model with suitable modifications to other States in India as well as to other countries is worth pursuing.

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