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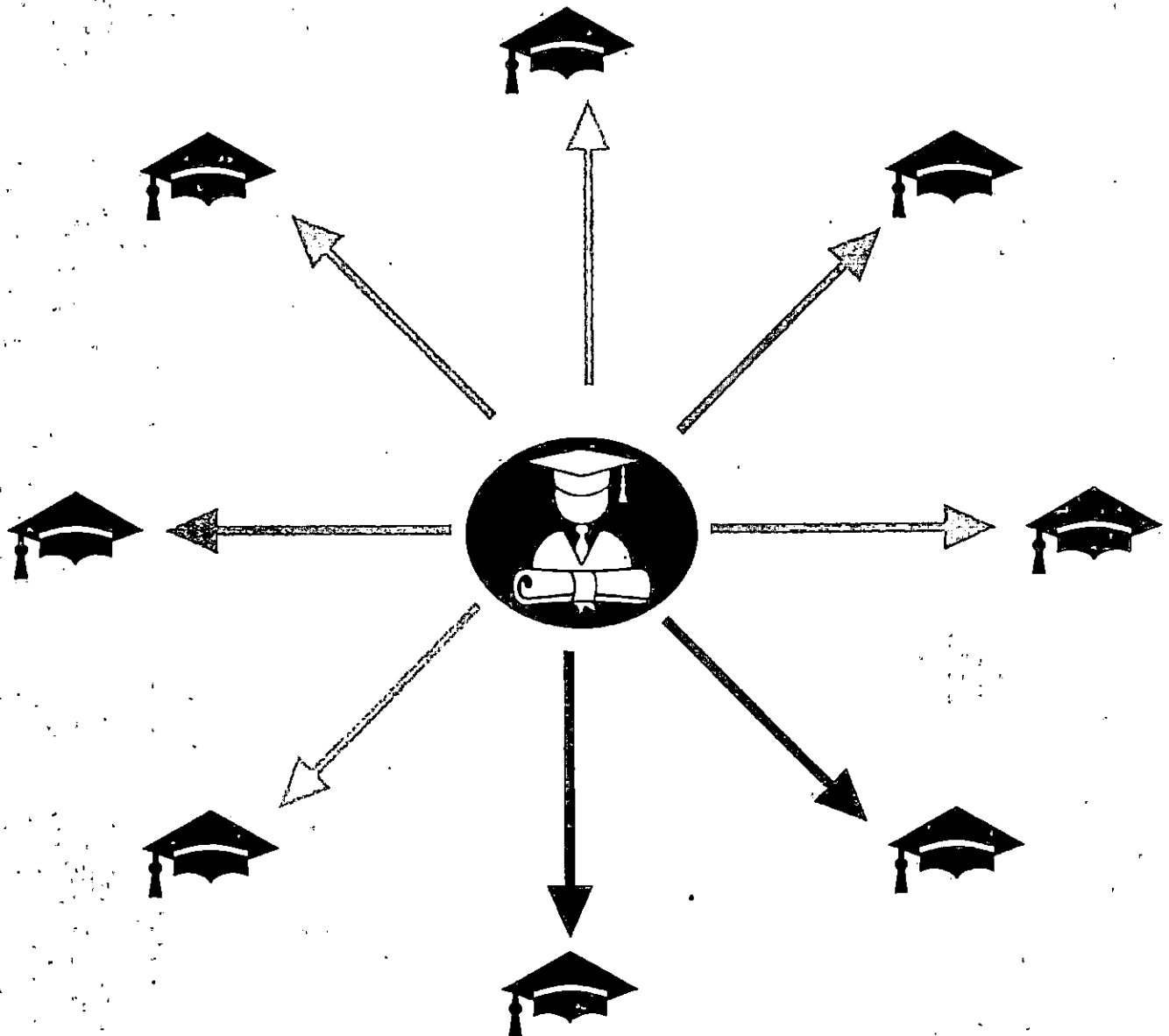
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Content

Sr. No.	Author Name	Title	Page No.
1	Karnak Roy	Determinants Of R&D Intensity Of High R&D Intensive Sectors In India	01
2	Dr. Pukhrambam Lilabati Devi	Tradition Folk Culture And Its Reflection In Particular Reference To "Lai Haraoba" Festival Of Manipur	09
3	Ruby Verma	Visually Impaired Adolescent Girl & Menstrual	15
4	Dr. Rakesh Kumar Yadav	Evidence-Based Social Work Practice: An Analysis	22
5	P.K. Abhilash ¹ & M. K. Murali ²	Green Silver Nanoparticles (Ag-Nps) For Photocatalytic Antibacterial Performance Under Uv And Visible Light Irradiation	29
6	Anil Chauhan	A Study Of Citizen-Bureaucrats Relationship In Himachal Pradesh	38
7	Rituparna Matkar	The Economy Of Bihar Before And After Bifurcation (Year 2000)	47
8	प्रा. डॉ. प्रशांत नलावडे	स्त्री विमर्श : संकल्पना एवं इतिहास	59
9	T. Baskaran ¹ , D. Kandavel ² , M. Koperuncholan ³	Investigation Of Trace Metals And Secondary Metabolites From <i>Pavetta Indica</i> And Study Their Antimicrobial Efficacy	64
10	Dr. J. Muthukumar	Conservation Of Heritage Monuments From Environmental Change: A Case Study	74

11	Mr. Gajendra Kondiram Dhamal	Social Security For Women Workers In Construction Sector	79
12	Shaik Fareeda	Come, Let's Draw Our Destiny With Perfection	84
13	C. Kanaga Sudha ¹ & M. Maheswari ²	The Depiction Of Women In The Novels Of Shashi Deshpande	86
14	Dr. Sheeja, S.S.	Tumour Growth And Its Mathematical And Statistical Analysis	93
15	Dr. T. Manickavasagan	A Study On Achievement In Chemistry And Scientific Aptitude Of Higher Secndary Students	104
16	Preeti Gupta	An Analysis Of Skill Development Programme: Special Reference To Sbi-Rseti In Samba District	114
17	मीनू तंवर ¹ डॉ. एस.पी. गुप्ता ²	महिला स्वास्थ्य एवं राष्ट्रीय स्वास्थ्य नीति: एक अवलोकन	123
18	Jyoti Thakur	A Harmonious Outlook Of Education Through Diaspora Literature In The Lights Of Bharati Mukherjee's Novels	129
19	Dr. Maria J. Adalin Monika	Dark Tales Of African American Community	133
20	प्रा.प्रशांत चहारे	महाराष्ट्रातील आदिवासी साहित्याचा ग्रंथसूचीत्मक अभ्यास	138
21	Ms. Sunandita Maseeh ¹ and Dr. Sanjay Gupta ²	A Study Of Effectiveness Of Differentiated Teaching Techniques In Improving Performance Of Secondary School Students	151
22	Damu Mokinda Survase	Screening Of Higher Yielding Strain Of <i>Aspergillus Niger</i> For Ca Production From Soil Of Nashik District	163
23	Dr. Anupama Prakash Pol	Title Of The Paper: Globalization, Indian Literature And Culture	170
24	J. Vanithamani ¹ and M. Kamaraj ²	Screening Of Phytochemical Constituents, Trace Metal Concentrations And Antimicrobial Efficiency Of <i>Breynia Retusa</i>	173

SOCIAL SECURITY FOR WOMEN WORKERS IN CONSTRUCTION SECTOR

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Introduction

The Building and other Construction Workers (Regulation of Employment and Construction of Services) Act, 1996 is enacted by the Parliament to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures and for other matter connected therewith or incidental thereto. The construction industry covers a wide range of activities such as building of dams, houses, bridges, public and private buildings, apartments, railway tracks, docks and roads, spread throughout the length and breadth of the country. Indian Society being male dominated, women workers receive still poor recognition and value especially for women workers in the Construction sector, the double burden of combining the tasks of production and reproduction is even more arduous despite the statutory provisions to ensure fair working conditions for women in India and also the specific provisions for the protection and welfare of the women workers.

Construction Industry plays an important role for development of a country. In India Construction sector is one of the fastest growing industries with an annual growth of 10%. It has wide range of activities with employment of a substantial number of workers. They are mainly working in informal/unorganized sector. In India near about 92% workers are in unorganized sector and about half of them are in construction industry.

Construction workers contribute a large part of the Indian society. They are in the disadvantageous position. From the ancient times they are exploited and dominated by their respected employers. There are lots of problems relating to pay, promotions, working conditions, fair and equal treatment, etc. facing by them in spite of various International Conventions and legislations, rules, regulations, etc. at national level.

The construction industry is a mobile one, where the workers move from site to site. The laborers working in harsh circumstances and living in unhygienic conditions suffer from serious occupational health problems and are vulnerable to diseases. Death and injury from accidents in the construction sector is widespread. In India highest accident rate among construction workers: Survey by Indian Labor Organization (ILO 2009) found that 165 out of every 1000 workers are injured in the construction sector. Construction work is featured by high labor turnover, constantly changing work environment and conditions on site, and different type of work being carried out simultaneously. All these factors caused by the temporary nature of the job create a high-risk environment. The Health hazards in the construction industry can be grouped under mechanical and non-mechanical hazards. The Mechanical hazards include accidental issues from

The Building and other construction workers (Regulation of employment and conditions of service) Act, 1996-By S.D. Puri, Published by Ketan Thakkar, Snow White Publications

impact, penetration from scrap metal and sharp objects and crushing. Also Non- mechanical hazards are a major cause of occupational diseases and physical problems²

Issues of Construction Workers:

In the construction field migratory pattern within India, women and children have always featured as “associated” migrants with the main decision to migrate being taken by the male of the household. As an associated migrant, women are more vulnerable due to reduced economic choices and lack of social support in the new area of destination.

Various issues of Construction workers such are discuss as follows:

- Being part of unorganized sector of workers, they lose in bargaining for fair wages. They are not paid minimum wages; even the agreed wages are not paid on time. Even after the construction work is over, substantial due remains with the builders, who are always on the look for devouring these due wages.
- Their working time and hours are not fix. They do not get overtime wages for excess work. They work under very hazardous conditions. The working conditions and the facilities provided at the sites are unsatisfactory. Safety conditions and measurers are not provided. In case of an accident, there is no provision for financial and medical aid. It is up to the workers themselves to arrange for the treatment. There is no scheme provided like ESI coverage for them. In the extreme cases such as death, nobody owns the responsibility.
- Apart from these, there is no frivolous facilities, no availability of drinking water, toilets, canteens etc.
- If the workers are female, the problems at work site and while commuting gets compounded and increased. More so if they are pregnant or having small children. There is no system at all to take care of these children at the work place. And they just cannot take leave out of work during this period lest they would face extreme financial problems also.
- The living conditions are not way better than the working conditions. It will not be entirely wrong to say that the situation is still of inferior quality. They are destined to live in slums where one does not get proper public amenities. The surroundings are totally unhealthy. There are no proper facilities for drainage, toilet, water, electricity, recreation etc. There are no local medical facilities, hospital, school and just price shop.³
- Besides the problems and woes discussed above, the construction workers not having a social security & benefits in terms of Labor welfare measures & provisions. They don't have provisions like pension and insurance schemes, maternity benefits or leave, accident and death claims, concession loans and financial aid for children's education and medical needs.

² British Journal of Economics, Finance and Management Sciences , April 2013, Vol. 7 (2)

³ Article: Inimitable Issues of Construction Workers: Case Study By Dr. Dileep Kumar M., Professor - Othman Yeop Abdullah Graduate School of Business, Universiti Utara Malaysia (UUM), Sintok, Kedah, Malaysia

Women Workers in Construction Sector:

Construction workers are the backbone of the economy as they create the infrastructure necessary for industrial development. In a globalising economy, it is they who are constructing the new economic zones, the information technology cities, the call centres and mega malls that are creating new forms of wealth today. It is they who are laying the cables for a rapidly expanding country-wide telecommunication network.⁴

Types of Recruitment:

Contracting, sub contracting and labour contract are the methods by which construction is carried out in the construction sector.

There are broadly three types of recruitment;

- ☐ Workers directly recruited by contractor and housed in the site.
- ☐ Workers recruited from rural areas by sub contractors by advancing loans.
- ☐ Workers recruited from city slums by principal employers or maistries.

In big construction sites the first and second types of recruitment were the most prevalent. There were women recruited by contractors retained on muster roll for long number of years but kept as temporary hands.

Working and Living Conditions of Women Workers:

Construction work is determined to a great extent by a number of factors including availability of raw materials, weather and health status of workers. In this sector, there is no direct Employer-employee relations for most of the laborers as these labourers are recruited by labour sub contractors and hence not only are the labour invisible to the employers but employers are also invisible to labourers. The sub contractors determine the conditions of employment according to the convenience of the contractors. The construction sector offers easy entry to the unemployed involving a large number of women workers in the unskilled category⁵ which a number of them are young mothers with infant children carrying construction material on their heads to the construction site while the skilled and semi skilled work is done by men. In this sector migrant workers, poor working conditions, low wages and inadequate provisions for social security are issues of concern. In construction sector, women workers live in miserable conditions with respect to payment of wages and working hours. Illiteracy and poverty has resulted in accepting low wages by the women that they may not fulfil their basic minimum needs. These workers do not have legal protection of employment or access to state supported social security measure. Security of the employment is available only to those workers who can establish permanent employment relationships with their employer. Women are paid less wages as compared to men

⁴ National Commission for Women, Report on the Status of Women Workers in the Construction Industry, (2005)

⁵ Meenu Agrawal, Rural Women Workers in India's Unorganised Sector (New Delhi: New Century Publications) 2012 Edition p.60.

in construction sector for similar nature of work which violates the Equal Remuneration Act, 1976.

Occupational Hazards:

Most of the studies related to construction industry identified that the work related to the construction sector is one of the most hazardous, with serious risks involved, especially physical terms and accidents. Most of the operations and tasks are labour intensive with non-existent or at best, inadequate safety measures.

The immediate causes of the accident have been identified as follows:

1. Failure or collapsing of scaffolding, centering or shuttering;
2. Improper guards;
3. Night work without proper lighting;
4. Inadequate care regarding fire and against electrocution;
5. Excessive noise;
6. Handling of heavy finished and semi-finished material like metals; Blasting; and a work.

Women workers have to climb great heights carrying heavy loads. Falling from heights, electric shock, falling of objects and collapse of ladder are the major reasons for fatal accidents. Apart from that accidents involving simple injuries occur every day. Women workers who carry the cement mix and wet bricks on their heads suffer serious problems like neck pain, chest pain, body ache and fever. In case of big sites where there is continuous employment, they are compelled to take rest for few days every fortnight to recoup their energies. Since there is no medical facility provided by the employers, the labours have to forego their work as well as wages for the day.

Social Security and Welfare Legislations for Construction Workers:

The Government of India has taken initiatives to protect the interest of the construction workers by enacting a number of legislations to ensure social security benefits, a minimum standard of wages and fair service conditions for the workers. Apart from that, the Government of India has set up welfare funds administered through Ministry of Labour for the employees employed in the sector.

The legislations which have direct relevance to construction workers and great significance to women workers in the unorganised sector are as follows:

- Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996;
- Building and other Construction Workers Welfare Cess Act, 1996;
- Contract Labour (Regulation and Abolition) Act, 1970;
- Inter-State Migrant Labour (Regulation of Employment and Conditions of Service) Act, 1979;
- The Unorganized Workers Social Security Act, 2008

Conclusion:

The Women workers in the Construction sectors suffer from high incidence of marginalization and instance of casual wage workers which make them vulnerable to arrange of exploitative practices. Women in this sector require social security addressing issues of leave, wages, working conditions, pension, housing, child care, health benefits, maternity benefits, safety and occupational health. This can only be ensured by extending labour protection to those sectors in a manner that pays special attention to needs of women workers.