

# STUDY ON BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE SCHEMES/AMENITIES IN KARNATAKA

R.S.Nithin Prasad<sup>1</sup>, \*K.Vittal Rao<sup>2</sup>, H.N.Nagesha<sup>3</sup>

1-MBA Student, 2-Professor, 3-Head of the Department, Department of MS  
M.S.Ramaiah School of Advanced Studies Bangalore

\*Contact Author e-mail: vittal@msrsas.org

## Abstract

Building and Construction industry is recognised as the unorganised sector with vast labour intensity and economic activity after agriculture in India. This industry generates demand for both skilled and semi-skilled labour force. The workers face inherent risk to life/vital body parts due to occupational hazards. However, these labourers work is temporary and casual natured with lack of basic amenities and inadequate welfare facilities. With an objective of providing adequate working conditions and welfare amenities, the Government of India enacted the legislation namely, Building and Other Construction Workers (Regulation of employment and conditions of services) Act, 1996. As per the legislation, the Karnataka State Government has framed Rules, constituted State Welfare Board and planned the welfare scheme in 2006.

The study has been aimed to ascertain the awareness of the welfare scheme, extent of implementation and to identify areas of hurdles in implementation. Firstly, literature review has been carried out using books, journals, magazines and internet. Secondly, opinion survey has been conducted for two construction core regions at Bangalore and Tumkur through validated questionnaire. Thirdly, 189 respondent's data has been collated and analysed using statistical packages to ascertain the awareness and hurdles of the Scheme. Finally, inferences from the analysis have been validated using Chi-Square test and comparative study.

The outcome of the study shows that 92.5 % out of 14 lakh workers have been deprived of the benefits of the Welfare Scheme promoted by the Building and Other Construction Workers' Welfare Board, Karnataka. Among the 189 respondents to the survey, only 24% have been aware of the welfare scheme. The major hurdles in extending the Scheme in the form of Legislation non-compliances have been recommended.

**Keywords: Occupational Hazards, Chi-Square Test, Comparison Study, Child Labour, Legislation Non-compliance**

## Nomenclature

|          |                        |
|----------|------------------------|
| $H_0$    | Null Hypothesis        |
| $H_a$    | Alternative Hypothesis |
| c        | Number of columns      |
| r        | Number of rows         |
| df       | degree of freedom      |
| $f_o$    | Observed frequency     |
| $f_e$    | Expected frequency     |
| $\Sigma$ | Summation              |
| %        | Percentage             |
| $\chi^2$ | Chi-Square test value  |

## Abbreviations

|      |   |
|------|---|
| ALC  | Assistant Labour Commissioner           |
| BOCW | Building and Other Construction Workers |
| DLC  | Deputy Labour Commissioner              |
| NSSO | National Sample Survey Organisation     |

## 1. INTRODUCTION

The National sample survey of 1987-88 showed an estimated range of 8.5 million people indulged in building and construction work in India. During those days, building and construction workers were recognized as unorganized labour segment in India. A comprehensive need for central legislation for regulating the safety, health, welfare and other conditions of service of these workers was felt.

The Bill stated as, Building and Other Construction Workers (Regulation of Employment and conditions of service) Bill, 1988, was introduced in Rajya Sabha, and the legislation namely Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 came into force from the 47th year of Republic India, on 1<sup>st</sup> March, 1996. As per the latest estimate of National Sample Survey Organization (2004-2005), there are more than 25.71 million Building and Other Construction Workers estimated in India.

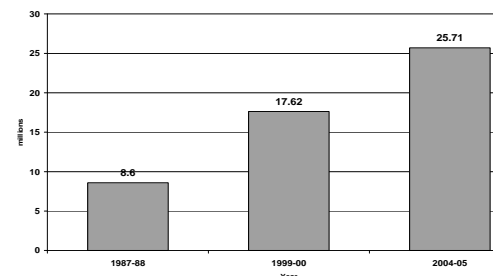


Figure 1 Census of Construction Workers in India<sup>[1]</sup>

The statistics in fig 1 depicts the estimate given by National Sample Survey Organization (NSSO) regarding the construction workers population from the past one and half decades. It is a very valid reason for having growing concern upon the issues, involving the workers in the construction industry.

These Workers face inherent risk to the life and bodily injuries including loss of vital parts. The work is of casual nature and temporary and thereby there is no continuity in relationship between employer and employee. Uncertain working hours, lack of basic amenities and inadequacy of welfare facilities are the major drawbacks in and around this segment of labour.

Under the Building and Other Construction Workers (Regulation of employment and conditions of services) Act 1996, the State Government has to ensure that the intended benefits and advantages reach the construction workers at the earliest and in full measure, for which there are Welfare Boards set up in every State to monitor the benefits of safety, health and welfare measures of these workers.

Accordingly, the Karnataka State Government has set up Karnataka Building and Other Construction Workers Welfare Board planned Welfare Schemes for the workers and Started to implement and extend the benefits and amenities of the schemes to the workers since 2006.

## 2. BACKGROUND STUDY

### 2.1 Construction Industry

Construction industry has been broadly classified<sup>[13]</sup> into- **Building works**, involving projects like houses, offices, schools, factories, shops, hospitals, power plants, stations etc., and **Civil engineering works**, involving projects like roads, tunnels, bridges, dams, canals, docks etc<sup>[13,18]</sup>.

It involves personnel of different cadre starting from unskilled, semi-skilled and skilled labourers to technical and management personnel including the contractors. The contractors are the persons responsible for the day-to-day oversight at the construction site providing all of the material, labour, services and equipments (engineering vehicles and tools) as necessary for the project. The contractors are classified<sup>[13,18]</sup> into:

1. **Building contractors** build residential, industrial, commercial and other buildings.
2. **Heavy / civil contractors** build sewers, roads, dams, bridges and tunnels etc.
3. **Special trade** contractors are engaged in specialized work like carpentry, painting, plumbing and electrical work etc.

### 2.2 Construction Workers

Construction workers are those who work predominantly on construction sites and are typically engaged in the regular aspects of the industry other than design and financing. They are comprised of both local and migrant work force. The daily wage labour and members of specialist trade such as electricians, carpenters and plumbers are also included under the segment as workers<sup>[7, 13]</sup>.

### 2.3 Working Conditions

The work in construction sector is most vulnerable because of the poor employment conditions. The employment is permanently temporary and the relationship between the employer and the employee is

very fragile and short lived. The work comprises exposure to risk. The lack of safety, health and welfare facilities coupled with uncertain working hours acts as bane to the workers<sup>[5,6]</sup>.

Above this, the workers face threat from the inter-state migrant workers who tentatively snatch off the local workers employment opportunity. The working and living conditions<sup>[5]</sup> of these migrant workers is also compromised. They are made to work for extended hours and fewer wages. They are made to live in make shift plastic tents and most of all, the discrimination in terms of gender and region is high. The construction industry is more of male dominated skills. Hence, often we find the case of discrimination in terms of gender. There has always been a strenuous relation between the local and migrant workers for work opportunity. The trend of migration in search of employment has made the workers as vulnerable victims of exploitation under inhuman conditions.

### 2.4 Construction Industry Legal Provisions

As for the legal provisions, The Government of India has made an enactment in 1979, in the name of "Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979". The act covers only for inter-state migrant workers. It lays down regulations in terms of payment of wages and extension of amenities, registration of such workers and obtaining license for such recruitment from the contractors<sup>[17]</sup>.

The Building and Other Construction Workers (Regulation of Employment and Condition of Services) Act, 1996 came in to force in Karnataka since 2006 for the betterment of building and construction workers both the local State workers and migrant workers. The challenge for the authorities of the Welfare Board is, to identify the building and construction workers and bring them under the Act, in order to extend benefits through Welfare Scheme.

### 2.5 Salient Features of the Building and Other Construction Workers Act, 1996

The Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 was enacted to improve the safety, health and welfare conditions of these construction workers. The salient features<sup>[3,15,16]</sup> of Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 are:

1. Provision for an Advisory Committee at the Central and the State levels with the function to advise the Governments concerned on matters arising out of the administration of the Act as may be referred to it.
2. Provision for registration of each establishment within a period of sixty days from the commencement of work to ensure that there are no malpractices and to discourage non-compliance of law by circumventing.
3. Provision for registration of building workers as beneficiaries under this Act.
4. Provision for constitution of Building and Other Construction Workers Welfare Board by every

State Government to exercise the powers conferred on, and perform the functions assigned to it, under the Act.

5. Provision for immediate benefits in the form of assistance in case of accidents, old age pension, loans for construction of house, premium for group insurance, financial assistance for education, to meet medical expenses, maternity benefits etc.
6. Provision for health and safety measures for the construction workers in conformity with ILO convention No.167, concerning safety and health in construction revising the Safety Provisions (Building) Convention, 1937. For this purpose comprehensive Central Rules i.e. Building and Other Construction Workers (Regulation of Service and Conditions of Service) Central Rules, 1998 have been notified by the Central Government.
7. Provision for constitution of safety committees in every establishment employing 500 or more workers with equal representation from workers and employers in addition to appointment of safety officers qualified in the field.
8. Provision for Penalties of fine and imprisonment for violation and contravention of the Act.

#### **2.6 Building and Other Construction Workers Welfare Scheme**

Under the Act, the Karnataka Building and Other Construction Workers Welfare Board has drawn up Welfare schemes<sup>[11]</sup> that include;

- Accidental assistance benefits including disability benefits and ex-gratia for death.
- Medical benefits for major ailments and diseases.
- Marriage assistance benefits.
- Educational assistance for children.
- Loan facility for housing and purchase of equipments.
- Pension scheme which includes disability pensions plans.

To avail the benefits of the Welfare Scheme, the worker need to get registered under the Building and Other Construction Workers Welfare Board, Karnataka, after which the worker will be provided with an identity card with the workers photo duly affixed<sup>[10,14]</sup>. On this matter, the Welfare Board has drawn up certain responsibilities towards the workers and the contractors<sup>[12]</sup>. The workers need to comply with the requirements for the purpose of registration while the contractors need to take responsibility and ensure compliance with the provisions of the Act.

The literature highlights issues related to the construction industry and the participants involved in it. In the current work, field study has been carried out to identify the awareness of the Schemes among the workers, the extent of implementation of the planned Schemes & to identify areas of hurdles in scheme implementation.

### **3. SOLUTION MODEL**

The field study has been done by conducting survey of contractors, Karnataka building and other construction workers and Inter-State migrant building and other construction workers respectively, by using questionnaires.

The literature review highlights many issues concerned to the daily life of the construction workers. The factors such as *age, applicability of Act, skill and trade, working conditions (specifically, working hours and days), wage, amenities and facilities provided to these workers by the employers, responsiveness of the workers, employers and authorities of the Board towards the Act of 1996, Welfare Scheme and finally the issues concerned to migrant workers are the concentrated areas in the study.*

The questionnaire was prepared highlighting these issues and was complacent with the aim of the project. The field study was done at two construction core places namely, **Bangalore and Tumkur**.

### **4. FIELD STUDY AND ANALYSIS**

The 3 surveys were directed at 189 participants of which 113 are local Karnataka building and other construction workers, 56 are inter-state migrant workers working in Karnataka and 20 contractors both building and civil contractors. There were 145 male workers and 24 female workers surveyed.

The 56 Inter-state migrant workers surveyed, come from different places around India namely, Andhra Pradesh, Bihar, Gujarat, Haryana, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Nepal, Orissa, Punjab, Tamil Nadu and Uttar Pradesh. These inter-state migrant workers share different reasons for migrating from their native land in search of job. *The reasons expressed are; Unemployment problem prevailing at their native place, the problems of poverty, natural calamities such as floods, drought, agricultural failure, debts and workers regard construction work as their daily occupation/profession.*

The 20 contractors surveyed belong to *Building construction works and Civil construction works*. All these contractors are subjected to certain roles and responsibilities involving activities like getting licensed and registered under the Board, making payment of wages in complacent to the Act, providing welfare benefits and amenities to the workers and maintaining all sort of documents and registers as prescribed under the rules of the Building and Other Construction Workers Act, 1996 and adhere to the provisions of the Act.

Of the 20 contractors, 14 contractors were identified licensed contractors and only 3 contractors had registered their workers at Welfare Board, as per Building and Other Construction Workers Act, 1996. The contractors agree to be employing workers of all age groups and age is not the matter of concern in the construction field.

The age profiles of the 169 workers vary from less than 18 years of age to 60+ years of age. The survey reveals the following details regarding the 20 contractors:

- **Only 8** contractors maintain the registers of attendance and wage distribution of the workers.

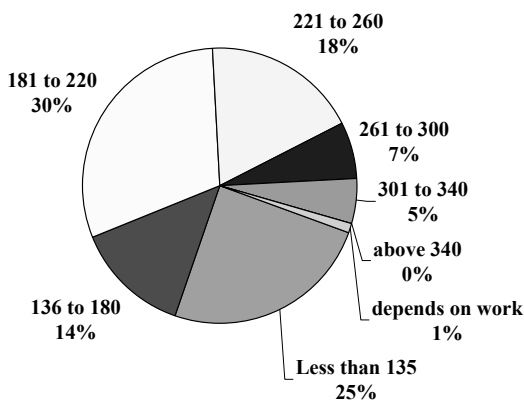
- 10 of the contractors use the simplest accounts in the form of weekly slips for attendance and wages.
- 2 contractors have not been maintaining any form of registers.

#### 4.1 Work and Wage

The working conditions of these workers, in regards to the working hours and working days have been compromised. *There were about 52 workers who agreed to be working all days in the week and also claimed to be working for more than 8 hrs in a day with out extra pay for additional hours worked.*

The contractors state to be maintaining complacence with Payment of wages Act, Building and Other Construction Workers (Regulation of Employment and Condition of Services) Act, 1996 and Minimum wages Act.

*There were nearly 25% of workers among the 169, who claimed to be getting wage less than the minimum wage fixed by Karnataka State.* The minimum wage fixed by State to building and other construction workers is Rs. 135.60/- at all district head quarters. The pie chart in the Fig.2 shown below depicts the different wage provisions distributed to the 169 workers.



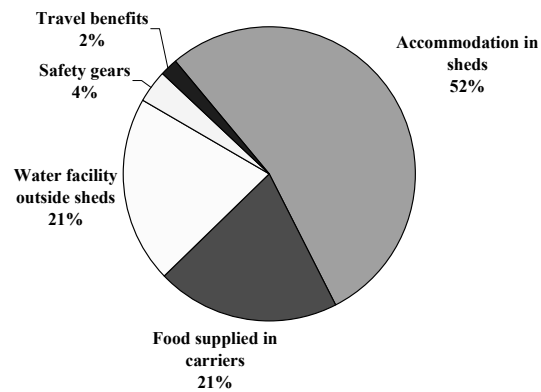
**Figure 2 Wage distribution among the 169 workers**

The workers are disheartened regarding the wage provisions. 77 workers say that the wage is not competitive to satisfy the needs of the present economic situation. *The survey reveals that since more than one person in a family is employed in same or similar work, 92 workers share their view as collective wages of all the members in the family is manageable to meet the basic needs of daily life (one breakfast and one meal per day). Individual wage is not competitive with the real world.*

#### 4.2 Benefits and Amenities

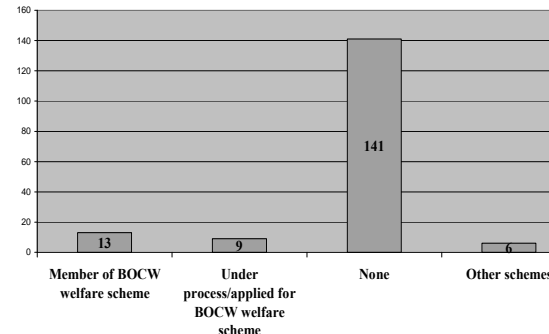
The contractors boast to be providing all sort of basic amenities to the workers including extra benefits in the form of bonus pay on work, festival bonus etc. The workers claim to be getting amenities such as *accommodation in shattered sheds/tents made up of steel or plastic, food supplied to the workers in lunch boxes/carriers, domestic water available near the site and very less concern on safety and travel amenities.* The following pie chart in fig 3 depicts the percentage

of workers being extended with these mentioned amenities.



**Figure 3 Basic amenities extended to workers in different forms**

*During the survey, it was found that the facility of safety gears are being provided only to migrant workers and all the local workers are deprived of such facility.* Even though the migrant workers need not have to travel to greater distance for work and are provided with the accommodation facility near the construction site, it is compulsion for the employers to provide for travel benefits to and from the native place and displacement allowance. **The survey reveals that the migrant workers are deprived of the displacement allowance for migrating from their home town and also they are not provided with journey allowances and wages for the journey period.**



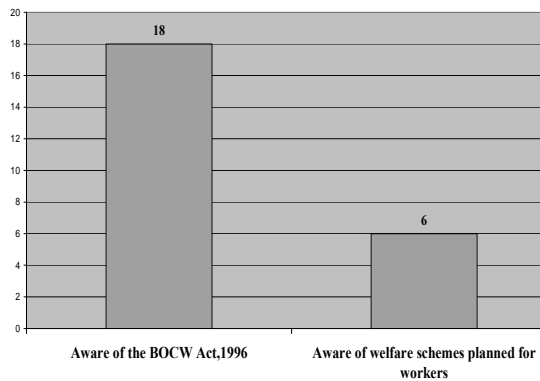
**Figure 4 Workers membership status among the different Schemes**

The participation of the workers in Government of India initiated welfare schemes to the unorganized sector workers is identified to be very poor and inactive. The graph in fig 4 depicts that 141 workers are not members of any of the welfare schemes planned so far and thus, exhibits reluctance of workers.

The workers claim to be getting medical benefits in the form of *first aid, compensation to injuries faced at the work site and sickness benefits.* The survey revealed that *the compensation provided to the injury is not inline with the Workmen compensation Act and is only a small amount to please the workers* on the issue. *About 131 workers claim that the injury compensation had been provided to them by their employers/contractors for the injuries they met at the site. This notifies the lack of safety measures and the extent of exposure of workers to risk.*

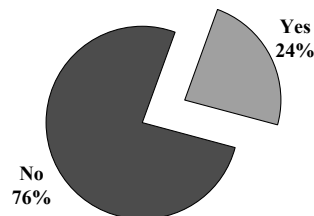
### 4.3 Awareness of the Act of 1996 and Welfare Scheme

The Building and other Construction Workers Welfare board, Karnataka, has given many media reports on the start of Welfare Board and implementation of Welfare Schemes. The awareness about the Building and Other Construction Workers Welfare Schemes among the 20 contractors and 169 workers reveals shocking discovery that only 6 contractors are aware of the Building and Other Construction Workers Welfare Schemes



**Figure 5 Contractors awareness on the Act & Scheme**

76% of workers corresponding to 122 workers, are unaware of the welfare schemes planned by the Karnataka Welfare Board. The pie chart in fig 5 depicts the extent of awareness of the Welfare scheme among the workers.



**Figure 6 Workers awareness on the Welfare Scheme**

The 24 % of workers include those who claim to be having applied for the membership or already members of Scheme.

### 4.4 Opinion on the Welfare Scheme

18 contractors and 122 workers expressed very positive opinion on the welfare schemes and appreciated the initiation. 38 workers gave a half hearted appreciation stating that the schemes 'seem good', while the rest 9 workers said that scheme seems to be average and needs improvement in certain areas of benefits. The survey identified 14 contractors and 137 workers who were willing to support/join the scheme instantly.

104 workers claimed the unawareness being the reason for not yet joining the scheme and availing its benefits, while 29 workers prioritized job and daily wage over the benefits of the scheme. These 29 workers

expressed no time to report at the Board and get registered.

## 5. VALIDATION STUDIES

Validation studies have been conducted on the inferences observed from the data analysis using Chi-Square test and Comparative study. It is found that the inferences of the study are in agreement.

### 5.1 Formulae

$$\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e} \quad (5.1a)$$

where  $\chi^2$  is chi square value

$f_o$  is observed frequency

$f_e$  is expected frequency

$$df = (r - 1)(c - 1) \quad (5.1b)$$

where  $df$  is degree of freedom

$r$  is number of rows

$c$  is number of columns

From the Chi-Square test, it has been found that the Chi-Square value [0.12793] < table value [3.84], and hence agreeing for the acceptance of Null Hypothesis stating "There is very less awareness on the Building and Other Construction Workers Welfare Schemes/amenities among the workers and contractors in Karnataka".

Comparison study has been done on a similar study conducted at Gujarat by a trade union named SEWA (Self Employed Women's Association). The association conducted the study for 2 years aiming at a sample size of 250 samples. It is found that the current study identifies with the study conducted by SEWA on the issues regarding to construction workers socio-economic status and problems faced, and has similarities in terms of issues, investigation and final analysis.

## 6. RESULTS AND DISCUSSIONS

The survey clearly reveals that

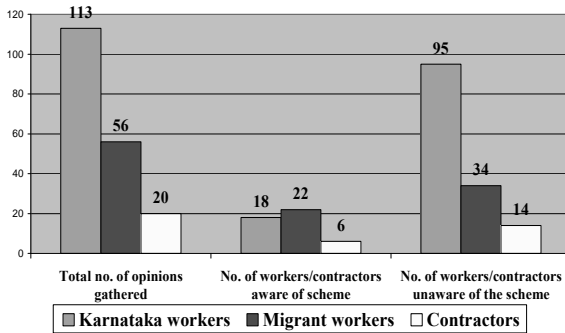
- Only **10% of survey participants** are aware of the Building and Other Construction Workers Welfare Scheme planned by Karnataka Board.
- **22 Migrant workers** working in Karnataka are aware of the Welfare Schemes planned by their native state Governments.
- Among 20 Employer/contractor respondents, **only 6 contractors are aware of the Welfare Schemes** planned by the Karnataka State government

As depicted in the statistical Fig 6, of the total 189 respondents, more than 75% of participants are unaware of the existence of such Welfare Scheme.

India's national newspaper The Hindu, on its online edition dated 9<sup>th</sup> August 2006, has estimated to around **14 lakh** Building and Other Construction Workers in Karnataka state, during the enforcement of Building and Other Construction Workers (Regulation

of Employment and Condition of Service) Act, 1996, in the state.

Ministry of labour, in its press release during December 2010, claims of having extended the benefits of the welfare scheme to **1,05,799** Building and Other Construction Workers in Karnataka and Rs. 420.06 crore has been collected by the Welfare Board, Karnataka, in the form of Cess for the distribution of the welfare benefits and amenities.



**Figure 7 Welfare Scheme awareness among the workers and contractors**

From the Study on Building and Other Construction Workers Welfare Schemes/Amenities in Karnataka the following are the major concerns identifies:

- **Lack of job security:** The work is of casual nature and very short lived relation with the contractors/employers. The contractors have the coercive power to hire & fire workers from the work and also the workers quit the job at one's wish and will.
- **Occupational risk resulting in temporary or permanent disability:** The workers are exposed to risk of getting injured at the construction site and very less workers are provided with safety gears and equipments. The survey reveals the **exposure of 77%** of total work fore to occupational injuries and hazards.
- **Low wage rates:** **24%** of work forces among the sample respondents have been working for a very less wage, i.e., **less than** the minimum wage fixed in Karnataka State.
- **Exploitation at the construction site:** The 10% of work force is aged less than 18 years of age and are child labours. The workers are made to work for all days unconditionally, depending upon the importance of the projects. **35%** of workforce work for **more than 8 hours** at the work site. The workers are made to utilize the locally available sources of food, accommodations, travel facilities and other resources of domestic usage. They are deprived of provisions of the Building and Other Construction Workers Act, 1996.
- **Un-organized construction work force:** The workers work in different sectors namely agriculture, industry, construction works, and daily labour works. They work in the respective field for very short time and jump to next available

opportunity. They are under continuous mobility from one work to other work.

- **Chronic unemployment due to availability of immigrant work force:** There are **56 migrant workers**, among the respondents, who have come to work in Karnataka from various other parts of the country. By the employment of these 34% of workers, the same amounts of local Karnataka workers were left with chronic unemployment.

## 7. SUMMARY

This Study on the Building and Other Construction Workers welfare Schemes/amenities in Karnataka, identifies that, Building and Other Construction Workers in Karnataka, are vulnerable to the lord ship of contractors or supervisors. They are prone to severe exploitation under many circumstances and conditions, with lack of basic amenities, benefits and social security. The efforts of the appropriate Governments to mobilize these workers seem to be way beyond the required proportion.

### 1. Awareness of the Welfare Scheme

The awareness of the Welfare Schemes planned by Building and Other Construction Workers Welfare Board among the worker accounts to **only 24% out of 169** workers in the geographical areas undertaken during the survey.

### 2. Beneficiaries

- The Karnataka state alone estimates more than **14 lakh Building and Other Construction Workers** working in the state (Indian national newspaper The Hindu, article dated 9<sup>th</sup> August 2010),
- **Only 1,05,799 member beneficiaries of the Schemes as per the information made available by the Board. This accounts to only 7.5% of the total population of Building and Other Construction Workers being extended with benefits of the Scheme in the State.** This demonstrates lack of effective utilization of Cess.

### 3. Engagement of Child labour at the sites

Survey reveals the engagement of child labour at the construction sites. Out of 169 workers 7 are child workers, which constitute 4% of the workforce. Engagement of child labour is prohibited by various labour legislations including BOCW Act. This is a serious matter which cannot be compromised.

### 4. Minimum Wages

The survey reveals disheartening data that, 25% of work forces involved in the study are deprived of the minimum wages prescribed and fixed by the Government of Karnataka. This amounts to serious violation in terms of law, human rights and amounts to exploitation.

### 5. Working conditions

The survey reveals the poor working conditions as

1. The working hours are not purely specified and many times it is stretched beyond 10 hrs. The

weekly holiday is uncertain. Adverse working conditions like working in varying weather conditions in the open air, dust, rain etc.

2. The women workers are subjected to more adverse conditions, in case of them having babies or small children who normally are found in the construction site itself. This poses not only unsafe conditions for the children, the mothers are always under stress and strain on account of this.

## 6. Safety

The survey reveals disheartening facts about the safety in construction sites. There is total negligence or apathy towards the safety by the contractors/employers. It is seen that the safety is taken for granted and if any one meets with an accident, the contractor/employer feels that their obligations are over once the injured are sent to hospitals. No pre-emptive or precautionary steps are taken by the contractors. This point of view is supported by the fact that only 4% of workers are supplied with personnel safety equipments and other are left free to them. The survey reveals that, the contractors meet the expenses of the injury and in case of major accidents, some amount of compensation being paid, but not definitely inline with the legal provisions of the Workmen Compensation Act. The survey reveals that 60% of workers have met with various types of accidents while working.

## 7. Amenities and accommodation

Under the provisions of the BOCW Act, the contractor/employer is obliged to provide various amenities as described. The survey reveals there are more non compliances and the legal provisions are taken for granted by the contractors/ employers.

- The amenities include provision of clean drinking water at the site, providing safe working conditions, provision of separate toilets for men and women, provision of canteen/ food supplies, provision of baby crèche, but none of these amenities are provided.
- The Act also provides for arranging residential accommodation near the site with sufficient place for living room, kitchen, bath, toilets and drinking water. The survey reveals that there is lack of facilities and it is seen that the accommodations provided are with thatched roof/ plastic sheets with no facilities of toilets or drinking water.
- Further it is also revealed that in each tent more than 6 persons (both men and women) are accommodated. This naturally creates many social and psychological problems amongst the workers.

## 8. Hurdles

The survey reveals the following points

1. Engagement of child labour and workers aged above 60 years and lack of interest amongst the workers in the age group between 45 to 60
2. Lack of knowledge of the various schemes of the Board, labour mobility and Casual approach by the contractor/employer

3. Workers concerned about daily wages rather than periodical benefits for the welfare scheme.
4. Meager benefits and pension.
5. Lack of co-ordination between the Board, the contractor/employers and the workers
6. Migrant workers

*The survey reveals that the more migrant workers have been enrolled as beneficiaries when compared to local construction workers. This is because of legal enforcement under the Inter-state Migrant Workers Act. Hence it is evidently proved that if the enforcement machinery is strong, then the number of beneficiaries would obviously be more.*

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