

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 318/2006

NATIONAL CAMPAIGN COMMITTEE FOR  
CENTRAL LEGISLATION ON CONSTRUCTION LABOUR (NCCCL) Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

WITH

CONMT.PET.(C) No. 52/2013 In W.P.(C) No. 318/2006 (PIL-W)

Date : 30-10-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
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Mr. Sanjay Visen, Adv.

UPON perusing papers the Court made the following

O R D E R

An affidavit has been filed on behalf of the Comptroller and Auditor General of India on 10.10.2017.

The affidavit reveals a shocking state of affairs with regard to the utilization of cess collected under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (for short 'the Act'). For example: we have been shown expenditure having been incurred for payment of entry tax / value added tax; expenditure incurred for purchase of washing machines for construction workers; expenditure incurred for purchase of laptops for construction workers etc. This is really astonishing.

It is quite obvious from the above that the amounts are just being frittered away and if not defalcated by the concerned Welfare Boards.

Apart from the above, we find that huge amounts have been spent towards administrative expenses while the Statute permits only 5% expenditure towards administrative expenses.

The Act is clearly being misused in the sense that the

beneficiaries are the construction workers but they are not being given the benefits that they are entitled to in accordance with law but the money collected is being diverted to the Welfare Boards or the State Governments for purposes that have got nothing to do with the benefits of construction workers.

We may note that huge amounts have been collected in the region of Rs.29,000 crores and not even 10% has been spent for the benefit of construction workers. The amounts, whatever has been spent, appear to have been spent for the purposes other than for the benefit of construction workers.

This is an extremely distressing and sorry state of affairs. It must be rectified at the earliest. There should be no further exploitation of the construction workers by the Welfare Boards or the State Governments.

To get to the bottom of this, we would like to have the presence of the Secretary in the Ministry of Labour to understand how the Act is being implemented and why it is being misused if not abused to the detriment of the construction workers.

Learned counsel for the Union of India says that the Labour Secretary will be present in the Court on 10.11.2017. We make it clear that the date will not be changed.

List the matter on 10.11.2017.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER