

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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

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

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

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

Date : 02-08-2017 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. B.S. Gautam, Adv.
Mr. Birjesh Kumar Varma, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Ms. Mitali Ramdav, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned counsel for the parties in part including learned Additional Solicitor General and Mr. R. Srinivasan, Consultant with the Comptroller and Auditor General of India.

From the affidavit dated 28.07.2017 filed by Ms. Fani Rao, Deputy Director (Legal) in the office of the Comptroller and Auditor General of India, it appears that the amount that has been collected and the utilization of the amount we are concerned with under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (for short 'the Act') is in the region of Rs.27,000 crores.

We have requested Mr. Srinivasan to prepare two tabular statements: (i) the amount collected (which is already available), the amount spent and the balance amount which has not been utilized by the Welfare Boards under the Act. (ii) the chart will indicate purpose for which the amounts have been spent by the Welfare Boards including under Section 22 of the Act as well as whether any amount has been spent towards administrative expenses, if so, the quantification thereof. It should also be indicated whether the amount spent is with reference to any Rules or Schemes including with reference to Section 22 of the Act.

Mr. Srinivasan is unable to say how much time it will take to obtain the information to compile the tabular statements. However, we request him to start the work immediately considering the

enormous amount that is involved.

For the purposes of follow up, we will take up the matter on 19.09.2017.

The affidavit filed by Ms. Fani Rao indicates that some State Governments have not transferred the amount to the concerned Welfare Boards. The transfer of the amount may be carried out immediately preferably within two weeks from today, failing which we will require an explanation from the Chief Secretary of the State.

We also reiterate our earlier direction given on 07.02.2012 to the following effect:

c) The funds available with the Welfare Boards which have not been disbursed or are not likely to be disbursed within a short period should be properly invested with the nationalized banks only. Funds available with the Welfare Boards shall not be utilized by the State for any other head of expenditure of the State Government etc.

We make it clear that no State Government or Board shall utilize the amount that has been collected under the Act for any purpose not authorized by the said Act.

List the matters on 19.09.2017.

(MEENAKSHI KOHLI)
COURT MASTER

(SHARDA KAPOOR)
ASSISTANT REGISTRAR