

ITEM NO.305

COURT NO.9

SECTION PIL(W)

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 COMMTT., C.L., LABOUR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(With appln.(s) for C/Delay and C/Delay in filing affidavit and exemption from filing O.T. and exemption from filing O.T. of annexures and extension of time and impleadment and permission to file status chart dated 27.08.2012 and permission to file additional documents and office report)
(for final disposal)

WITH

CONMT.PET.(C) No. 52/2013 in W.P.(C) No. 318/2006

(With appln.(s) for exemption from filing O.T.)

Date : 31/07/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)	Mr. Colin Gonsalves, Sr. Adv. Mr. Tariq Adeeb, Adv. Mr. Divya Jyoti Jaipurian, Adv. Ms. Jyoti Mendiratta, AOR
For Respondent(s)	Mr. Vivek K. Tankha, Sr. Adv. (A.C.) Mr. Varun K. Chopra, Adv. Mr. D. Kumaran, Adv. Mr. Vaibhav Srivastava, Adv.
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Mizoram	Mr. Pragyan Pradip Sharma, Adv. Mr. Shikhar Garg, Adv. Mr. P.V. Yogeswaran, Adv.
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Uttarakhand

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 Mrs. Nandini Gore, AOR

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 Mr. T. Harish Kumar, AOR

 Mr. T. V. George, AOR

 Mr. Varinder Kumar Sharma, AOR

 Ms. Kamini Jaiswal, AOR

 Ms. Radha Rangaswamy, AOR

 Ms. A. Subhashini, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Learned amicus curiae has placed before us some shocking figures.

The State of Haryana has collected, over the years, a total amount of Rs.1314.86 crores under the Building and Other Construction Workers' Welfare Cess Act, 1996 (for short "the Act"), but has disbursed only Rs.52 crores, the details of which are not available.

Similarly, the State of Rajasthan has collected Rs.588.36 crores, but has disbursed only Rs.59.45 crores, the details of which are again not available.

The State of Uttar Pradesh has collected Rs.1580.1 crores, but has disbursed Rs.180.79 crores, again the details of which are not available.

Finally, the NCT of Delhi has collected Rs.1396.58 crores, but has disbursed Rs.39.37 crores and unintelligible details are made available.

Learned counsel for the NCT of Delhi has shown us some charts which do not explain anything at all, but are only a jumble of figures. But, we do find from these charts that there has been an enormous spurt in the expenditure in the year 2009-10 (Rs.25.5 crores) and 2012-13 (Rs.9.67 crores). In all the other years, the amount disbursed has been less than one crore except in the year 2014-15 when about Rs.1.8 crores have been disbursed. Other than that, we are not able to get any other assistance from the charts handed over to us in Court today by learned counsel for NCT of Delhi.

Considering the fact that such a huge amount of money is being collected and is not being utilized for the purpose for which it is collected, some drastic steps may have to be taken so that the amounts that are running into thousands of crores can be utilized for the benefit of the workers under the Act.

We expect some pro-active assistance and a positive response from the Ministry of Labour since we are told by learned amicus curiae that the total amount involved is

in the region of Rs.25,000 to Rs.30,000 crores all over the country.

The three States of Haryana, Rajasthan, Uttar Pradesh and NCT of Delhi should file their submissions on affidavit with regard to collection and utilization of the amounts and proposals for utilization within two weeks from today and given the huge amounts involved, the Secretaries in the Department of Labour of these States and NCT of Delhi should remain present in Court on the next date of hearing.

The miscellaneous applications (other than for impleadment) are disposed of.

List the matter on 21st August, 2015.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER