

ITEM NO.302

COURT NO.10

SECTION PIL

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(Civil)No.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 additional documents and office report)
(For Final Disposal)

WITH

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

Date: 13/02/2015 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.
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Ms. Jyoti Mendiratta, AOR

For Respondent(s) Mr. Vivek K. Tankha, Sr. Adv. (A.C.)
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Mr. Chandra Prakash, Adv.
Ms. Sunita Sharma, Adv.
Ms. Gunwant Dara, Adv.
Mr. D.S. Mahra, AOR
Mr. Shreekant N. Terdal, AOR

For States of
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Arunachal Pradesh Mr. Anil Shrivastav, AOR
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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 Additional Solicitor General has shown us an affidavit which he proposes to file on behalf of the Union of India. He states that he will file this affidavit within two days from today.

We have gone through the affidavit and we are shocked at the figures that have been disclosed in the affidavit. By way of illustration, we may mention that the State of Maharashtra collected cess under the Building and Other Construction Workers Welfare Cess

Act, 1996 (for short "the Cess Act") as follows:

Year	Cess collected in crores	Expenditure incurred in crores for 17 schemes
2011-12	Rs.425.97	no figure supplied
2012-13	Rs.777.69	Rs.3.99
2013-14	Rs.788.60	Rs.53.34

There is absolutely no explanation as to what has happened to the balance amount which is more than Rs.1800 crores.

Similarly, the State of Rajasthan collected cess under the Cess Act as follows:

Year	Cess collected in crores	Expenditure incurred in crores for various schemes
2011-12	Rs.154.01	no figure supplied
2012-13	Rs.173.83	Rs.11.95
2013-14	Rs.251.95	Rs.25.93

Out of the total collection of about Rs.600 crores, the State of Rajasthan has utilized only about Rs.37 crores in running schemes for the welfare of construction workers.

This is repeated in State after State. There appears to be no accountability with regard to the amounts that are collected under the Cess Act.

Although the affidavit does not give a clear indication whether the CAG has audited the receipt and expenditure, learned Additional Solicitor General

submits that he will file an appropriate affidavit in this regard.

We also find that there is a multiplicity of schemes. These schemes may cater to several aspects relating to the welfare of construction workers. That is fair enough. Learned Additional Solicitor General will, however, inform us whether these schemes are being monitored by one authority or by a different authority for each scheme.

Our attention is also drawn to Section 60 of Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (for short "the Act") whereby a direction can be given by the Central Government to the State Government to implement welfare schemes for the benefit of construction workers. We expect the Union of India to take necessary steps in this regard in terms of Section 60 of the Act.

A detailed affidavit, indicating the status of the receipt and utilization of funds, the schemes that are being run by various State Governments/Union Territories, the number of officials involved in each scheme and whether each scheme has a different set of officials, should be filed in the form of a chart within four weeks by the Union of India.

A copy of the affidavit should be handed over to the learned *Amicus Curiae* before the same is filed in the

Registry of this Court.

Learned *Amicus Curiae* may obtain necessary information, as required, from the Central Government through the learned Additional Solicitor General and from the States/Union Territories through their respective Chief Secretary.

List the matter on 27th March, 2015.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER