

ITEM NO.1

COURT NO.4

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 impleadment, exemption from filing O.T.,
directions and office report)

WITH

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

Date : 10-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Vivek K. Tankha, Sr. Adv. (A.C.) (NP)

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.

Mr. Choudhary Ali Zia Kabir, Adv.

Ms. Jyoti Mendiratta, AOR

For Respondent(s)

Union of India/

CAG

Mr. Maninder Singh, ASG

Mr. Rana Mukherjee, Sr. Adv.

Mr. S. Wasim A. Qadri, Adv.

Mr. R. Balasubramanian, Adv.

Mr. Prabhas Bajaj, Adv.

Mr. Pranay Rajan, Adv.

Ms. Daisy, Adv.

Ms. Kasturika Kaumudi, Adv.

Ms. Ekta Pradhan, Adv.

Ms. Sreoshi Chatterjee, Adv.

Mr. B.V. Balram Das, Adv.

Mr. Santosh Kr. Viswakarma, Adv.

Mr. Bharat Singh, Adv.

Ms. Sunita Sharma, Adv.

Ms. Gunwant Dara, Adv.

Mr. Zaid Ali, Adv.

Mr. Raj Bahadur Yadav, Adv.

Mr. Gurmeet Singh Makker, AOR

Mr. B. Krishna Prasad, Adv.

NALSA	Ms. Anitha Shenoy, AOR Ms. Srishti Agnihotri, Adv.
For States of Andhra Pradesh	Mr. Guntur Prabhakar, Adv. Ms. Prerna Singh, Adv.
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Haryana	Dr. Monika Gusain, Adv. Mr. Piyush Hans, Adv.
H.P.	Mr. D.K. Thakur, AAG Mr. Shariq Ahmed, Adv. Mr. V.K. Sharma, AOR
J&K	Mr. M. Shoeb Alam, Adv. Ms. Fauzia Shakil, Adv. Mr. Ujjwal Singh, Adv. Mr. Mojahid Karim Khan, Adv.
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Manipur	Mr. Leishangthem Roshmani KH, Adv.
Meghalaya	Mr. Ranjan Mukherjee, AOR Mr. Daniel Stone Lyngdoh, Adv.
Mizoram	Mr. Shikhar Garg, Adv. Mr. Ganesh Bapu, Adv.
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Telangana	Mr. S. Udaya Kumar Sagar, Adv. Mr. Mrityunjai Singh, Adv.
Tripura	Mr. Gopal Singh, AOR Mr. Rituraj Biswas, Adv.
Uttar Pradesh	Mr. Jitendra Kumar Tripathi, Adv. Mr. T.N. Singh, Adv. Mr. Vinay Garg, Adv.
Uttarakhand	Mr. Jatinder Kumar Bhatia, AOR Mr. Ashutosh Kumar Sharma, Adv.

Ms. Asha Gopalan Nair, AOR

Mr. Neelesh Singh RPO, Adv.

Ms. A. Subhashini, Adv.

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

Ms. M. Sathiyavathy, Secretary in the Ministry of Labour and Employment, Government of India is present in Court today pursuant to our order dated 30th October, 2017.

Ms. Sathiyavathy says that a Monitoring Committee was set up some time in 2015 for effective implementation of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. The first meeting of the Monitoring Committee which consists of the Labour Secretary of each State/Union Territory was held in November, 2015. She says that thereafter seven meetings have been held.

She also says that the number of construction workers who were earlier registered was about 2.15 crores and this has increased to about 2.8 crores.

She further says that the collection of cess under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 has increased from about Rs.25,477 crores to about Rs.37,482 crores.

Finally, she says that the utilization of the amounts that have been collected has increased from about Rs.5,371 crores to about Rs.9,491 crores. These figures are valid up to 30th June, 2017.

We have impressed upon her that she may ensure that the benefits of the collected cess is passed on to the construction workers who are primarily migrant workers and most, if not all of them, are indigent and extremely poor.

Learned counsel for the petitioner says that there are certain areas that need to be looked into carefully by the Ministry of Labour and Employment, i.e., ESI coverage, education of the children of construction workers, pension to the construction workers, shelter to the construction workers as also health benefits.

We have been informed by the Secretary in the Ministry of Labour that certain schemes have already been prepared for the benefit of construction workers and a national portal is under construction which can be used by NGOs.

Since we are concerned with a huge number of construction workers and we are also concerned with very huge amounts that have been collected (learned counsel for the petitioner says that the interest component has not been included in this amount), we are of the view that the entire matter should be looked at in a positive and constructive manner by the Government so that the

benefits can be passed on to the construction workers who are the real beneficiaries of the statute.

The Secretary in the Ministry of Labour and Employment says that she will call a meeting of the Monitoring Committee consisting of the Labour Secretaries of all the States and Union Territories within one month from today.

In the spirit of assistance and cooperation, Mr. Colin Gonsalves, learned senior counsel appearing for the petitioner says that he will prepare a detailed note which will be given to the Secretary within ten days from today so that she can go through it and also circulate to other members of the Monitoring Committee so that all of them can come prepared on the discussion points.

We have requested Mr. Colin Gonsalves, learned senior counsel to attend the meeting and he has agreed to do so and participate in the deliberations. He can be assisted by two or three persons who are conversant with the facts and can also render assistance in the spirit of cooperation.

We are of opinion that the involvement of civil society in the effective management of the statute is absolutely necessary and to the extent possible, even before the national portal is set up, the Government should take the assistance of NGOs who are actually concerned in the welfare of construction workers.

Mr. R. Srinivasan, Consultant with the office of the Comptroller and Auditor General, who has also rendered valuable assistance in the matter of accounts of the cess that has been collected, has also been requested by us to attend the meeting and he has accepted our request.

At this stage, Ms. Anitha Shenoy, learned counsel appearing on behalf of NALSA says that NALSA has come to know through interactions with the Ministry of Labour and Employment that as of January, 2016 the amount of cess that should have been collected under the statute would be in the region of about Rs.70,000 crores. Obviously, this figure will be much more as on date and in any case as in June, 2017.

We are of opinion that in view of the efforts that have also been put in by NALSA, Ms. Anitha Shenoy may attend the meeting along with the Member-Secretary and Director of NALSA.

We expect full cooperation from all the participants to ensure that justice is done to the construction workers.

The minutes of the meeting will be prepared soon after the meeting is held and will be circulated to all the participants including the non-official participants and will be placed on record within two weeks after conclusion of the meeting.

List the matter on 17th January, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER