
(2015) 02 SC CK 0007

In the Supreme Court Of India

Case No : Writ Petition(C) No. 318/2006 and C.P. (C) No. 52/2013 in W.P.(C) No. 318/2006

National Campaign Commit., C.L.

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 13-02-2015

Acts Referred:

Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996 — Section 60

Citation : (2015) 3 SCALE 149

Hon'ble Judges : Uday Umesh Lalit, J.; Madan B. Lokur, J.

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. 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:

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

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

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.