

ITEM NO.303

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 &amp; ORS

Respondent(s)

(With appln.(s) for impleadment and office report)  
(For final disposal)

WITH

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

Date : 21/08/2015 These petitions were called on for hearing today.

CORAM :

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

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

We are extremely distressed on going through the affidavits filed which indicate that the State Governments/Union Territories have no clue what to do with the thousands of crores that have been collected under the Building and Other Construction Workers Welfare Cess Act, 1996.

We also find from some of the affidavits that the amount is being used for purposes other than for what it was collected.

This is particularly distressing since learned *amicus curiae* states that the total amount collected in question is in the region of about Rs.27,000 crores.

Mr. Yashank Adhyaru, learned senior counsel appearing for the Union of India will discuss the matter with the Secretary in the Ministry of Labour, Government of India and inform us what is proposed to be done with the amount collected. We had specifically mentioned this in our order dated 31<sup>st</sup> July, 2015, but none of the affidavits indicate what is proposed to be done with this amount.

If the State Governments/Union Territories and the Central Government are not in a position to utilise Rs.27000 crores, it would be perhaps more appropriate not to collect this money since it is not being utilized for the benefit of the persons for whom it is collected, but for other purposes.

We make it clear that the expenditure incurred by some of the State Governments/Union Territories, particularly NCT of Delhi on advertisements with the amount collected is not at all appropriate and the amount that has been spent by the NCT of Delhi and other Union Territories and States on advertisements should be returned to the accounts of the construction workers.

List the matter on 4<sup>th</sup> September, 2015.

Presence of the Secretaries in the Department of Labour for the States of Haryana, Rajasthan, Uttar Pradesh and NCT of Delhi, as directed in our order dated 31<sup>st</sup> July, 2015 is dispensed with for the time being.

(SANJAY KUMAR-I)  
COURT MASTER

(JASWINDER KAUR)  
COURT MASTER