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SC issues contempt notice to states, UTs

[Utkarsh Anand](http://www.indianexpress.com/columnist/utkarshanand/) : New Delhi, Sat Mar 30 2013,

Concerned that millions of construction workers were yet to receive promised welfare measures, the Supreme Court has asked top officials concerned to explain why contempt proceedings should not be initiated against them for not complying with the mandates of the law and the court orders in this regard.

"We are, prima facie, satisfied that orders passed by this court have not been complied with by any of the states/union territories... We have no option but to issue notice to showcause why contempt proceedings be not initiated against Chief Secretary, Labour Secretary and Chief Inspector in every state/union territory," a Bench led by Justice S S Nijjar said in an order last week.

The bench underlined despite slew of "emphatic directions" in the past, almost every state and union territory was in breach of orders over effective implementation of Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act 1996, and Building and Other Construction Workers Welfare Cess Act, 1996.

It asked the officials to file their replies along with latest status reports on implementation within six weeks. "For the time being, the personal appearance of the respondents is exempted," said the bench after counsel for various states requested for reprieve to the officers concerned.

The court passed the order on a fresh contempt plea by senior advocate Colin Gonsalves, who appeared for NGO National Campaign Committee for Central Legislation on Construction Labour. The organisation pointed out the welfare legislation, meant to regulate unorganised construction workers and provide statutory benefits, had not been implemented by states and union territories even though the court passed several directions.

. Under the law, every state requires to constitute a State Welfare Board, register workers and disburse array of benefits after collection of cess from contractors. As per the NGO, several states were still to have functioning Boards whereas in others, cess collected were not being distributed.

However, Delhi government's counsel S W A Qadri refuted the non-compliance and relied on his affidavit, stating that more than 1.17 lakh workers had been registered.

# TIMES OF INDIA

# Govt sitting on Rs 1,000cr meant for labourers

[*Dhananjay Mahapatra*](http://timesofindia.indiatimes.com/toireporter/author-Dhananjay-Mahapatra.cms), TNN | Mar 30, 2013,

NEW DELHI: A 17-year-old central law allowing states to levy 2% of building or project construction cost for workers' welfare has helped the [Delhi government](http://timesofindia.indiatimes.com/topic/Delhi-government) to mop up a whopping Rs 1,025 crore but when it came to spending it on[labourers](http://timesofindia.indiatimes.com/topic/labourers), a measly Rs 28.8 crore has been spent.

The [Sheila Dikshit](http://timesofindia.indiatimes.com/topic/Sheila-Dikshit) government in an affidavit before the Supreme Court claimed that the Delhi Building and Other Construction Workers' Welfare Board, headed by its labour minister, has so far registered 1.17 lakh construction workers by adopting a pro-active measure. But, the spending is less than the annual interest the government would have earned by putting Rs 1,025 crore in fixed deposits in nationalized banks.

"An amount of Rs 1.93 crore has been spent on publicity of welfare schemes as a welfare measure," it said little realizing that this sum was the second highest after Rs 9.04 crore disbursed as financial assistance during last three years benefiting 37,391 children of construction workers studying in government schools. The government also spent Rs 99.23 lakh by providing medicines and medical aid to 3.42 lakh workers at construction sites through mobile medical vans run in association with Directorate of Health Services.

Interestingly, of the 1.17 lakh registered workers, the Delhi government could settle maternity benefit claims of only five female workers, gave funeral assistance in nine cases, accepted medical claims of five workers and gave cycles to 15 construction workers on the International Labour Day on May 1, 2012, as a "token".

The tokenism in implementing the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996, had irked the Supreme Court, which had in 2006 issued notices to states seeking response on the implementation of the welfare legislation.

To address the vulnerability of an estimated 8.5 million workers engaged in the unorganized construction sector, the government had enacted the 1996 Act to create a separate fund from the 2% levy on contractors engaged in construction business. On November 21, 2011, the apex court upheld the constitutional validity of the 2% levy and ruled that it was an important welfare measure which could not be termed as tax.