

(ccc/1605/vp)

**STATUTORY RESOLUTION NO: DISAPPROVAL OF THE BUILDING
AND OTHER CONSTRUCTION WORKERS THIRD ORDINANCE, 1956**

BUILDING AND OTHER CONSTRUCTION WORKERS BILL

**STATUTORY RESOLUTION NO: BUILDING AND OTHER CONSTRUCTION
WORKERS' WELFARE CESS THIRD ORDINANCE, 1956**

AND

BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE CESS BILL -CONTD.

1605 hours

SHRI ISHAR PRANWAN HAZARINA (TEJPUR): Mr. Chairman, Sir, I rise in this august House to support the two Bills, aimed at protecting and promoting the interests and welfare of the toiling millions engaged in the construction industry of our country.

1605 hours

(Prof. Rita Verma. in the Chair)

This is one of the most vital sectors of our economy. As it has already been said in this House, in terms of employment, this sector stands next only to agriculture, providing as it does, jobs to over a crore of people, or as another hon. Member has mentioned, probably about two to three crores of people. But what is more mind-boggling in this particular area is the capital outlay that is envisaged for this sector in our Plans, outside the Plans and also in private sector. I feel that the total amount of capital expenditure defrayed for construction work in our country would annually gross up to something very close to half-a-lakh crores of rupees. This is a very very high figure and it assumes very great significance in the context of the current Bill. Even if 50 per cent of this amount can be coughed up within the net of the Cess Bill, the annual collection at one per cent, would be of the order of Rs.250 crore to Rs.300 crore. I am sure that this would go a long way in mitigating the hardships of the long suffering teeming millions engaged in this industry.

This industry has its own peculiarities. First comes the non-perennial

nature of the projects. Secondly, it is the migrant character of the labour and also of the employers. Then, it is the difficult hilly terrains in which the constructors have to operate. Then it is the non-recognition of this sector as an industry; and also the long-standing practice of regarding labour in this sector as a commodity to be supplied by the contractors. These are the peculiarities of this sector because of which this sector has remained unregulated and unorganised. Even our national trade union centres have touched only the fringe of this sector and they are confined largely to the urban areas and the real estate and building business. It is for this reason that I am happy that the two Labour Ministers in the previous Congress Government made bones about promulgating the two ordinances so that we have, on our Statute Book, for the first time, a law to provide for welfare benefits and protection to the unorganised sector, that is, the construction sector.

These Bills are to replace the corresponding Presidential Ordinances promulgated during the earlier regime making this scheme effective from the 1st of March 1996. It has to be appreciated that the present Government did not have adequate time to fine-tune the Bill or to expand the scope or to do any serious work; and because of the Constitutional compulsion under Article 123, this Bill had to come to this House and within six weeks from the commencement of the Session, the new Bill is to be passed. It is because of this compulsion that this Government, I am sure, in spite of the best dissensions, was unable to improve on the provisions of the Bill. But I do not see any reason that these two Bills should be allowed to lapse.

(ddd/1618/ee/1a1)

The construction workers have waited for long three decades for a Bill of this nature to come up. In 1965, the Government of India constituted the Industrial Committee and entrusted to it the responsibility of formulating a comprehensive legislation covering the problems of the construction workers. Since this has been a long wait, this has, at least, come on the Statute Book. Therefore, I feel that instead of throwing it out, we should somehow pass both

the Bills with all the deficiencies and infirmities notwithstanding.

Legislation of this kind takes time for perfection. What is important for us is to appreciate that certain positive steps have been taken to ameliorate the deplorable conditions in which the construction workers are living. Therefore, we should appreciate the steps and let these Bills be passed and brought into the Statute Book. No purpose will be served by our indulging in intellectual gymnastics or taking a self-righteous - holier than the Pope - attitude in our championship of the cause of the large number of toiling construction workers.

It is true that the scheme for the welfare of the workers as structured under the Bill is replete with infirmities, flaws, deficiencies, lacunae and omissions. It is true that it will be difficult to implement the Bill as it stands today. I apprehend that this Bill may become one more labour legislation on paper adorning only the pages of the statute book. But still because it has come, I think, we should appreciate the gesture and pass it, but only with certain essential amendments. I would, therefore, urge on the Government that even during the permissible time some of the amendments, that have been suggested by hon. Members, should be given serious consideration. Those amendments should be incorporated in the Bills, if possible. Otherwise, they should give a solemn commitment on the floor of the House that, as soon possible, but within not more than three months, they will bring in comprehensive legislation incorporating as many suggestions as possible given by the National Campaign Committee and other bodies concerning the construction workers.

The difficulty in implementing the Bill lies first in the case of the Cess Bill. The Cess Bill makes the cost of construction the basis of the levy. Now it has not been defined what the construction cost would be like. Unless it is unambiguously defined and amplified in the law, this is going to lead to a plethora of litigation and would get bogged down in fighting cases and not implementing the welfare schemes for workers.

Then again, how is this the basis of allocation? If money is collected by the State, there is no mention as to who will be the authority, or about the agency in the State Government. Would it be the sales tax department or commercial taxes departments? All these things have not been mentioned.

Therefore, at the end, I would like to say that we are supporting the Bill because we would not like to snatch half a loaf from the mouths of the toiling workers because in 50 years, we have failed to give them any loaf at all. Therefore, let us go on the pragmatic view that half a loaf is better than no loaf and try to bring about as much improvement as is possible by amendments in the Bill in the shortest possible time.

(ends)

MR. CHAIRMAN (PROF. RITA VERMA): The total time allotted for this discussion was two hours. More than one hour is already finished. I will request the Members....

... (Interruptions)

SHRI GEORGE FERNANDES (NALANDA): Kindly extend the time... (Interruptions)

MR. CHAIRMAN: Shri M.A. Fatmi may kindly speak now.