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1510 hours

THE MINISTER OF LABOUR (SHRI M. ARUNACHALAM): Sir, I thank you for giving me this opportunity.

This Bill has emanated from the 31st Labour Ministers Conference recommendations in 1980. As my friend and colleague rightly pointed out, there are an estimated 8.5 million building and construction workers in the country. These workers are mostly unorganised. The industry is characterised by migratory nature of work, temporary relationship between employer and employee, long working hours, lack of basic amenities, and unsafe working conditions.

Although the provisions of certain legislations like the Minimum Wages Act, the Equal Remuneration Act, the Contract Labour Act, the Inter-State Migrants Act, etc., are applicable to the building and construction workers, a need has been felt for a long time for a comprehensive legislation for regulating their safety, health, welfare and other conditions of service in view of their vulnerability to exploitation. After consulting the various interested groups, the Government had in fact introduced the Building and other Construction Workers (Regulation of Employment and Conditions of Service), Bill, 1988 in Rajya Sabha in December, 1988. However, its consideration was deferred on the recommendations of the Lok Sabha Committee on Petitions in the context of the suggestions made by the National Campaign Committee for National Legislation on Construction Labour. While these legislations were being examined, the National Commission on Rural Labour which had, inter alia, gone into the working conditions of the construction workers submitted the report to the Government on 31st July, 1991. The Commission was of the view that the main suggestion of the National Campaign Committee to constitute Construction Labour Boards on the pattern of Dock Labour Board is not a feasible proposition in view of the widely dispersed nature of construction workers and specialised skills required and felt that

the 1988 Bill was well-conceived and comprehensive which will when finally passed, cater to the improvement in the working and living conditions of workers. At the same time the Commission made some recommendations for providing hutments/shelters to the workers at work-site.

The suggestions given by the National Campaign Committee and the recommendations of the National Commission on Pural Labour have been thoroughly examined. Extensive consultations have also been held with the State Governments and the Ministries and Departments concerned. As a result, the legislative proposals contained in the 1988 Bill have been suitably modified in the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Ordinance, 1995, (Ordinance No.14 of 1995) which the President was pleased to promulgate on 3rd November, 1995 as Parliament was not in session and in view of the urgency attached to the matter. In order to ensure sufficient funding for the Welfare Boards proposed to be constituted at the State level under the Ordinance to undertake suitable welfare schemes, it has been considered necessary to levy a cess on the cost of construction works and, therefore, the Building and Other Construction Workers Cess Ordinance, 1995 was promulgated on the same day as a dependent legislation. Two Bills to replace the said Ordinances by Acts of Parliament were introduced in the Lok Sabha on 1st December, 1995. Since the two Bills could not be passed during the Winter Session, 1995 and the Budget Session, 1996 of the Tenth Lok Sabha, Ordinances were again promulgated on 5th January, 1996, 27th March, 1996 and 20th June, 1996. Meanwhile, the two Bills have lapsed consequent to the dissolution of the Tenth Lok Sabha.

The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Bill 1996 and its complementary Bill the Building and Other Construction Workers Cess Bill 1996 to replace the two Ordinances dated 20th June, 1996 by Acts of Parliament have been introduced in the Lok Sabha on 15th July, 1996.

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Sir, the salient features of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1996 are provision to cover every establishment which employs or had employed any day of the preceding 12 months fifty or more workers in any building or other construction works; definition of appropriate Government in respect of various establishments and enabling the Central Government to notify any public sector undertaking in respect of which the Central Government will be the appropriate Government; constitution of Central and State Advisory Committees to advise the appropriate Governments on matters arising out of administration of the law; constitution of Expert Committees to advise on matters relating to framing of rules by appropriate Government; registration of establishments employing construction workers and appointment of registering officers; registration of Building Workers as beneficiaries and provision for their identity cards etc.; constitution of Welfare Boards by the State Governments and registration of beneficiaries under the Fund; provision for financing and augmenting resources of the Welfare Boards constituted by the State Governments; provision for temporary living accommodation to all building workers within or near the work-site; fixing hours of normal working day, weekly paid rest day, wages for overtime, provision for basic welfare amenities like drinking water, latrines and urinals, creches, first-aid, canteens etc. for the building workers; making adequate provisions for safety and health for construction workers including appointment of safety committees and safety officers and compulsory notification of certain accidents; empowering the Central Government to frame model rules for safety measures; provision for appointment of Inspecting Staff headed by the Director General of Inspection at the Central level and the Inspector General at the State level; special provisions regarding fixing responsibilities on employers to ensure compliance of safety provisions and with regard to prevention of accidents, timely payments of wages etc.; provision for penalties for

contravention, obstruction, violations and offenses taking cognizance by the Court of Offenses punishable; and protection of action taken in good faith; application of the Workmen's Compensation Act, 1923 to Building and Other Construction Workers; and empowering the Central Government to give direction to the States and to remove difficulties arising in giving effect to the provisions of the law.

The salient features of the dependent Bill namely, the Building and Other Construction Workers Welfare Cess Bill, 1996 is to provide for the levy and collection of Cess not exceeding 1 per cent of the cost of construction incurred by the employers and to make over, after due appropriation by Parliament by Law, the proceeds of the Cess collected to the Welfare Boards constituted at the State level after deducting the cost of collection not exceeding 1 per cent of the Cess collected for payment to the State Governments.

Sir, these proposals have been formulated keeping in view the peculiar nature of the construction and building works and the need for giving sufficient flexibility to the State Governments in the matter of implementation, which was considered necessary by the Committee of State Labour Ministers in their meeting held on 18.5.95 with the Union Labour Minister.

Sir, coming to the point raised by my distinguished colleague that we are afraid of the election, I would like to say - as the hon. Member may be aware - that I am never afraid of the elections. I am in the House from 1977 without any interruption even for single day, that too from the same constituency.

This Government has committed to do something to the labourers, I do not know why the so-called champions of labourers who are sitting here are opposing the Bill. With these words, I request the hon. Members to withdraw the Statutory Resolution. I move the Bill for consideration of the House.

(ends)