

STATUTORY RESOLUTION RE: DISAPPROVAL OF THE BUILDING
AND OTHER CONSTRUCTION WORKERS THIRD ORDINANCE, 1996

BUILDING AND OTHER CONSTRUCTION WORKERS BILL

STATUTORY RESOLUTION RE: BUILDING AND OTHER CONSTRUCTION
WORKERS' WELFARE CESS THIRD ORDINANCE, 1996

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

1425 hours

MR. DEPUTY-SPEAKER : Shri Palanimanickam please.

SHRI S.S. PALANIMANICKAM (THANJAVUR):*

Hon'ble Deputy Speaker Sir,

I welcome the Bill that has been introduced in this House to give protection through legislation to the construction workers in the unorganised sector. This is intended to guarantee some protection in their service conditions through certain provisions of the Act we seek to enact now. I wholeheartedly support this Bill. I am happy to see the introduction of "The building and other construction workers (Regulation of Employment and Conditions of Service) Bill 1996" Clubbed with another Bill "The Building and other construction workers welfare cess Bill 1996". Though they may get help through certain provisions in the already existing centrally legislated Laws, it has been thought fit to go in for an exclusive legislation. I congratulate the Government on this count. The need to enact an exclusive Act to benefit the construction workers has been understood at last. The Government that seeks to enact a law for this purpose is expected to know all the problem such of those workers face. The construction workers form the second largest group among the workers found in the unorganised sector. I think the Government has fully understood their plight, that is why the Bill is in the process of being passed now after it has come in to vogue through three consecutive ordinances. Hence I appreciate the Government and welcome again the introduction of this Bill now.

United Front Government that has been formed by the coming together of thirteen parties has given to itself a common minimum programme as its guiding policy through its steering committee. What has that programme got to say about the workers in the unorganised sector. It promises to give them a better deal. It says that "some laws have been made in respect of labour in the unorganised sector. These laws will be strengthened and where necessary, new law will be made to protect the interest for such labour, particularly in the construction industry". With that spirit of comradeship and responsibility, I would like to raise certain questions. We are enacting this law after 50 years of independence as a comprehensive Act. Some seven years back the same Bill was introduced in Rajya Sabha. But it was withdrawn later as per the recommendations of the Petitions Committee of Lok Sabha. The Committee recommended that a fresh Bill be introduced so as to cater to long felt demands of hitherto neglected segment of the working class i.e. the construction workers. Now it is necessary to go into the question whether the recommendations of a Committee of this House have been heeded or not. While introducing this Bill, Hon'ble Labour Minister has stated in his statement laid on the table of this House that the Bill was withdrawn in 1989 to bring forth a fresh legislation incorporating the suggestions and the scheme

contained in the Bill proposed by the National Campaign Committee. He had pointed out the role played by the National Campaign Committee which had interacted with the representatives of both the construction workers and the Government. The National Campaign Committee under the Chairmanship of Justice Mr. V.R. Krishna Iyer strived to bring to light the problems faced by about 85 lacs of construction workers throughout the country. Now we must ask ourselves whether that committee is really happy with the form of the Bill that has been introduced now. Are they really satisfied with the proposed legislation? What was the recommendation made by the Petitions Committee of this House? Is it not that the committee reiterated that "it is for the Government to ensure that the legislation which is finally created encompasses all the features to extend practicable". I would like to know whether this Government has accepted that recommendations. If not, the Government should explain why it could not include all the features found in the Bill prepared by the National Campaign Committee. So many Union Labour Ministers have had talks with the representatives of the construction workers about this Bill. Shri P.A. Sangma who had discussed with the workers about this Bill is now the Hon'ble Speaker of this House. We have Shri Ram Vilas Paswan and Shri G. Venkataswamy the erstwhile Labour Ministers who have held talks with the construction workers. They are Members of this House now. Shri M. Arunachalam who was Minister in the previous Government which had introduced this Bill earlier is our Labour Minister now. You have preferred to pass this Bill now. I would like to know from you whether you found out from the representatives of the construction workers that this Bill satisfies them or not. The Government must ensure that the workers concerned are really satisfied with this Bill. If not I would leave it to the Government to consider bringing in a comprehensive legislation incorporating all the suggestions from the construction workers' forums. It is said both inside the House and outside also as a criticism that the old Bill introduced in 1988 is being introduced again in the same form without undergoing any change. I would request Hon'ble Labour Minister to explain about the veracity of these comments against the Bill. The Act that would provide a social security to construction workers should empower the state Governments also to exercise the authority provided for in the Bill. I would expect the Minister to explain how the Union Government intends to Share Power with the States ensuring the benefits of this Bill meant for the construction workers. The Minister has stated that the delegation of such legislative power is of a normal character and a matter of procedure and it would be very difficult to provide for them in the Bill itself.

We must consider the pitiable conditions in which the construction workers are toiling. They do not have a regular job. They have to work without any time limit. They do not have medical facilities, insurance cover, housing facilities and even the accident insurance cover. They do not have death benefits either. They do not have fixed minimum wages. They are not paid equally. Women workers are discriminated against men. They do not have facilities to have education. Their children also do not get a social security. They do not have creches or medical

facilities. There is nobody to take care of this unorganised labour force and so naturally they find themselves an exploited lot exploited in all possible ways. All these years we have all been seeing and reading about their plight and only now we have come forward to legislate an Act that would give them a much needed a social security. As we give legal protection after a very long time we must take care to ensure encompassing all the welfare measures they look forward to. Hence I would request the Government to take note of the lacunae pointed out by the members. I would like to suggest that you may reconsider passing this Bill if need be so that we can pass a comprehensive and meaningful a Bill.

Apart from the responsibility to ensure the welfare measures meant for the construction workers, the State Governments may also be given more of administrative and financial powers. Instead of collecting 1% cess based on the total expenditure you may collect 2% cess on the estimated cost of constructing a building. The local administration may be involved in collecting the cess money from the builders. I would like to request you to consider again the question of paying all this money into the consolidated fund of India. If the money is with the local governments they may be able to help the needy construction workers effectively with immediacy. You can entrust the responsibility of collecting the cess with the local administration as and when the builders get approval for their building plans from the local bodies. Now we find all the District Head Quarters linked to the capital through computer network. So there is no need to claim that the cess collection needs to be a centralised one. I am afraid the beauracrats are thinking and advising the Government in the same old fashion. So I request the Government to consider this.

At the out set the very early lines of this Bill raises a justifiable question in our minds whether this Bill seeks to protect the intrests of all the construction workers. It is stated that the Act applies to establishments which employ 50 or more building workers in any building or other construction workers. It also says that Identity Cards would be distributed to such of the construction workers who have worked for 90 days or more. Now we find stringent action against those who violate the Factory Act and other Labour Welfare Acts. The proposed Act for the welfare of the construction workers may also have to deal with the violators. So this Act should have teeth to deal with such people who deny the legal rights provided to the construction workers. Some builders may show account that they had employed only 40 or 49 workers in order to escape from the ambit of this Bill. I may request the Government to find out the possibility of bringing down this number to 5 or 10 so that more number of construction workers could get the benefits of this Act.

It is noticed that the existing law and scheme meant for the construction workers in Tamil Nadu and Kerla are much better than the legislation the Union Government contemplates now. I would like to point out here the pioneering social welfare schemes that are being introduced and implemented in Tamil Nadu.

Hon'ble Chief Minister of Tamil Nadu Shri M. Karunanidhi is setting a trend and showing the path to any aspiring Government that would go for legislating welfare measures.

I am afraid the legislation of this Act might result in collecting the cess from the builders and workers and just remain at that. The benefits intended to reach the construction workers should go to them fully. There should not be any scope for any kind of apprehensive in this regard. I wish Hon'ble Minister allay these fears in his reply to this debate.

We should ensure that there is no child labour among the construction workers. We must ensure compulsory registry containing the details of all the construction workers. We may regulate the employment through Tripartite Construction Labour Boards. As part of social welfare measures these workers must get medical, housing, insurance cover facilities. During monsoon season when it would be hard to earn their bread they should be given subsistence allowances. Government must take all possible steps to give the benefits of all the social welfare measures to these hapless workers in this unorganised sector so far left to fend for themselves without anybody to take care of them.

The aim and objectives of this laudable Bill should reach the construction workers and their families. I fervently hope that the Government would take all possible steps. Appreciating the noble intention of the Government I support the Bill and

conclude my speech: Thank You.

(Ends)