

SC slams Centre over 'false statement' on workers' welfare scheme

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NEW DELHI: The Supreme Court on Tuesday hit out at the Centre for making “false statement” on framing model scheme for welfare of construction workers as directed by it and summoned labour secretary to be personally present before it to explain non-compliance of its order.

A bench of Justices Madan B Lokur and Deepak Gupta took strong exception to Centre’s contention that the scheme had been framed and uploaded on ministry website for seeking suggestions from general public with Justice Lokur pointing out that he had himself checked the website a day before but it was not there.

Senior advocate Rana Mukherjee and lawyer S Wasim Qadri, appearing for the Centre, said that the government is ready to file affidavit but the bench was not convinced.

“Your statement is absolutely false. You can check the website right now. It is not there. Your affidavit is absolutely false. Look who are suffering. They are the poor workers and this is the kind of compassion and sympathy you are showing towards them. You can file affidavit. It is up to you but be ready to perjury proceedings for making false statement,” the bench observed.

The government lawyers, after taking instruction from a labour ministry official, modified their statements and informed the bench that the model scheme was uploaded but taken down on Monday. But the bench decided to seek explanation from labour secretary for non-compliance of its order.

“The Secretary, Ministry of Labour, should remain present in Court tomorrow (July 4). We may note that the orders of this court have not been complied with and we would like to know why,” the bench said.

The court had repeatedly expressed concern over Centre and states not being serious about the plight of construction workers despite Parliament framing Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act way back in 1996 for levy and collection of one percent cess on the cost of construction. The governments have collected around Rs 37,400 crores from cess over the years but only about Rs 9,500 crores have been utilized for their benefit with Rs 28,000 crore lying unused.

This is the third time that the labour secretary has been summoned by court in the case. The court had on May 1 also directed the secretary to be personally present after which the Centre set up a high-powered committee headed by Joint Secretary and Director General (Labour Welfare) for formulation of an action plan and a model scheme for welfare of building and other construction workers. The committee also comprised representatives from International Labour Organisation, Bhartiya Mazdoor Sangh and various state governments. It had also summoned the Secretary in April 2016.

The court had on May 7 asked the committee to frame the scheme within a month and directed the Centre to seek public opinion by putting it on website.

“We expect the Committee to adhere to the schedule considering that the amount involved in this case is about Rs.30,000 crores which is due to poor people who are engaged in building and other construction work. Therefore, there has to be some urgency in the matter and the entire exercise cannot be taken up in a casual manner. The draft report must be completed positively on or before June 1,” it had said.

“It must be appreciated that construction workers do not assist only in building infrastructure, but they also assist in building the nation, in their own small way. Once that realization dawns upon those required to implement the Act, perhaps due respect will be shown to Article 21 of the Constitution and to Parliamentary statutes,” SC said in its comprehensive judgement delivered in March.

