

R-16¹⁰/₁₅ at: 12.15 PM

IN THE HON'BLE SUPREME COURT OF INDIA

WRIT PETITION (CIVIL) NO. 318 OF 2006

National Campaign Committee for
Central Legislation on Construction Labour ...Petitioner(s)

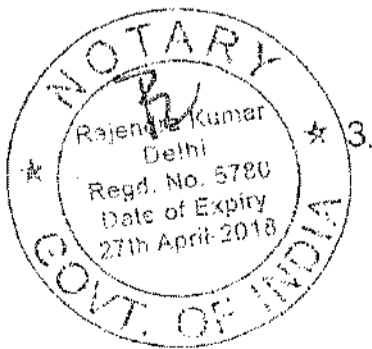
Versus

Union of India & Others ...Respondent(s)

ADDITIONAL AFFIDAVIT ON BEHALF OF
THE RESPONDENT NO. 1

I, Shankar Aggarwal, S/o Shri Mohan Lal Aggarwal, aged about 59 years, resident of House No. 6, New Moti Bagh, New Delhi, do hereby state on oath as follows:

1. That I am working as Secretary in Ministry of Labour and Employment, Government of India, New Delhi and as such I am well acquainted with the facts of the case and hence competent to swear this affidavit. The facts of this affidavit are based on the knowledge derived from the official record.
2. In compliance with the order dt. 11.09.15, the deponent had filed an affidavit on 09.10.15.

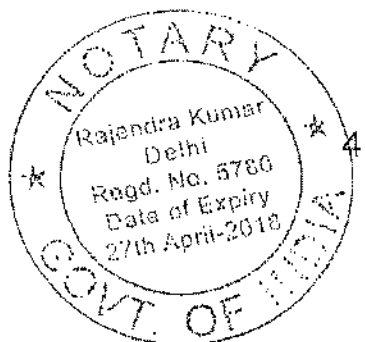


3. That in continuation of the submissions made in the said affidavit of the respondent dt. 09.10.15, it is further respectfully submitted that in the affidavit filed by the deponent before this Hon'ble Court on 11.09.15, the following was submitted in para 15 and 16 thereof:

Shankar

"...15. It is further respectfully submitted that broadly speaking there are approx. 1.5 crore building construction workers registered under the provisions of the 1996 Act. This universe of approx. 1.5 crore registered building construction workers are inclusive of all those establishments which are employing either more than 10 workers or are employing more than 20 workers. It is respectfully reiterated that all those establishments which employ 10 or more than 10 building construction workers but less than 20 building construction workers they would fall under the above-mentioned enactments of 1948 Act (in covered areas) and 1996 Acts but would not fall under the 1952 Act.

16. That with reference to this universe of approx.. 1.5 crore registered building construction workers inclusive of all kinds of establishments whether employing 10 or more than 10 and less than 20 building construction workers and / or establishment employing 20 or more than 20 building workers, the accumulated funds in all the States / Union Territories under the provisions of the 1996 Act is to the tune of more than Rs. 20,000 crores....."

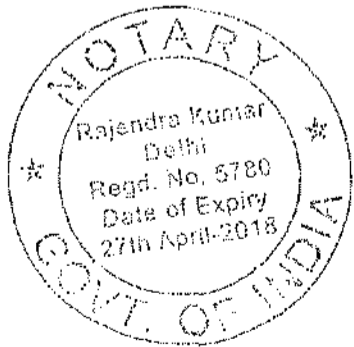


The deponent has also filed an affidavit on 09.10.15. In continuation of the above-mentioned submissions made by the deponent on behalf of the Ministry of Labour, it is

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submitted that the estimated figure of 4 crores of BOC workers includes all those workers who get covered under the ESIC Act, 1948 and the Employees Provident Fund & Miscellaneous Provisions (EPF & MP) Act, 1952 and also those who are not covered under both the enactments on account of the minimum eligibility criteria of 10 and 20 workers respectively. It was submitted that 1.5 crore BOC workers belonging to all these categories, as informed by the States, have already been registered. The Ministry of Labour is taking all necessary steps for impressing upon the State Governments to complete the registration of the entire estimated figure of 4 crore of BOC workers by 31.03.16.

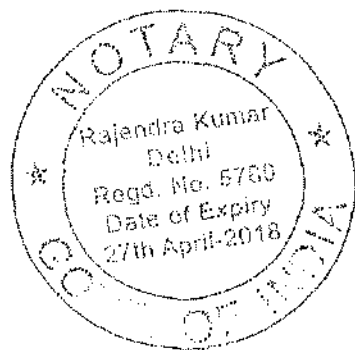
5. It is respectfully submitted that while EPF Act 1952 provides insurance for death & disability, provident fund and pension after retirement, ESI Act provides for Health & Maternity benefits. All those BOC workers who are registered under the EPF Act, 1952, i.e. who are engaged in establishments of 20 or more workers, would become entitled for the benefits under the EPF Act 1952 and ESI Act 1948. Besides and in addition to the benefits under the above two enactments, such workers would also become eligible and entitled for the benefits schemes viz.



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Aam Aadmi Bima Yojana and the Scholarship for the Skill Training.

6. Those BOC workers who are registered under the ESI Act, 1948 but are not covered under the EPF Act 1952, i.e. workers who are engaged in establishments of more than 10 workers but less than 20 workers, shall be eligible for benefits under the ESIC Act, 1948 and would also become entitled to benefits of all the schemes which are enumerated and incorporated in para 9 of the affidavit of the deponent dt. 09.10.15.
7. The BOC workers who are not covered by either by the 1952 Act or the 1948 Act, i.e. workers who are engaged in establishments of less than 10 workers, would become entitled to benefits of all the schemes which are enumerated and incorporated in para 9 of the affidavit of the deponent dt. 09.10.15.
8. The deponent invites the attention of this Hon'ble Court, inter alia, to the order u/s 60 of the 1996 Act issued on 23.09.15 [Pg.81-83] Para (i) and (vi) are reproduced hereunder for ready reference:-

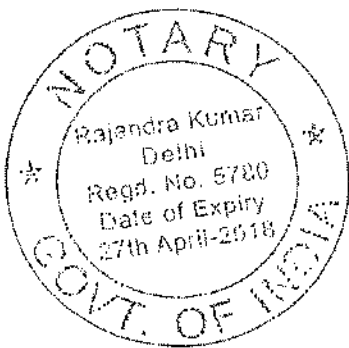


"(i) It has been observed by the Hon'ble Supreme Court in W.P. (Civil) No. 318 of 2006 that the expenditure incurred by some of the State Governments / Union Territories is on

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advertisements and the Hon'ble Court directed that the amounts so spent should be returned to the accounts of BOCW Cess fund. State Welfare Boards constituted under section 18 of the BOCW (RECS) Act, 1996 shall ensure that the cess money collected under section 3 of the BOCW Welfare Cess Act, 1996 is utilized only for the purpose(s) specified under section 22 of the BOCW Act, 1996. In case any amount of cess fund collected under BOCW Welfare Cell Act, 1996, has been utilized for any purpose other than mandated under Section 22 of the BOCW (RECS) Act, 1996, it shall be the responsibility of the State Government / UT Administration concerned to recoup such amount into the cess fund on immediate basis and furnish compliance report to this Ministry. This is in addition to the directions given in Para 5 of the Order u/s 60 of BoCW Act, dated 09.09.2015 cited above.

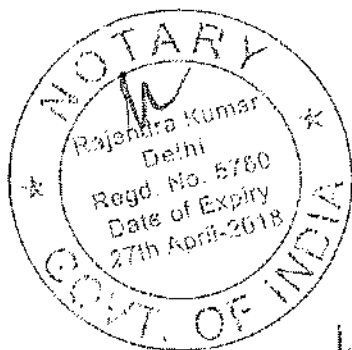
(vi) The State Governments / UT Administrations, shall, through the Board, expedite registration of the Building and Other Construction Workers in terms of the Section 12 of the BoCW Act, so as to ensure that all eligible building workers get registered by the end of the current Financial Year. While doing so the board shall also ensure allotment of UAN to all such workers who are part of the establishment covered under EPF and MP



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Act, 1952 as well as to those who are not covered as of now..."

9. The above submissions of the deponent may be treated as part of and in addition to the affidavit dt. 9.10.2015 submitted by the deponent before this Hon'ble Court.



[Signature]
DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the facts stated in the affidavit are true to the best of my knowledge. No part of the affidavit is false and nothing material has been concealed therefrom. Hence, verified.

[Signature]
DEPONENT

New Delhi
Dated... 16... October, 2015.

ATTESTED

[Signature]
RAJENDRA KUMAR Ph. 9212491592
NOTARY, DELHI-R-5780 9899446209
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
Register Ph/SI No. 10156

16.10.2015

CERTIFIED THAT THE CONTENTS EXPLAINED TO THE DEPONENT EXECUTANT WHO IS SEEMED PERFECT TO UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT DELHI ON... IDENTIFIED BY
16-10-2015 A.K.SH
IDENTIFY THE EXECUTANT/DEPONENT WHO WAS SIGNED IN MY PRESENCE
[Signature]