

24-4-2013

To
Shri Manmohan Singh
Prime Minister of India
Govt. of India
New Delhi

**Subject : Request to review the amendments
tabled in the Rajya Sabha as Bill No. XIX of 2013
which are likely to shake the very foundation
of The Building and Other Construction Workers
(Registration of Employment and Condition of Service) Act 1996
and the Building & Other Construction Workers Welfare Cell Act**

Dear Shri Manmohan Singh Ji

By this letter I want to draw your attention towards the need of your intervention before passing the above Bill in a hurry and need to refer to it the Petition Committee or Standing Committee of the Ministry of Labour or to an Special Select Committee to study the different aspects and implications of the passing of the proposed amendments from the point of view of different stake holders.

I would also draw your attention towards **more important amendments which have been left out** in the above mentioned proposal.

You are aware that the implementation of the 1996 Act was **limited to less than ten state even after ten years of the enactment**. Therefore, the National Campaign Committee of Construction Labour (NCC-CL), of which I am the Chairperson since its inception in 1985, had to file a Public Interest Litigation in the Supreme Court of India in February 2006. (WPC No. 318 of 2006).

Here, I would also like you to recall that these two enactments are based on the law drafted and proposed by a team of eminent jurists, experts in labour matters and trade unions under my Chairmanship.

You are aware of the fact that the 1996, Acts are yet to be implemented properly. Under monitoring of the Supreme Court only Rules have been notified and Boards have been formed in all the 35 States and Union Territories and that too continued till February last year.

Thus in most of the States & UTs adequate amount of cess is yet to be collected, Boards are yet to get the grasp of the situation, construction workers are yet to be registered and benefits are yet to be disbursed. **At this stage it is absolutely wrong to propose amendments** which have been tabled in Rajya Sabha as Bill No. XIX of 2013 which **will shake the very foundation of the 1996 Acts by replacing the Tripartite Board by team of four officials under Section 18 (1A) and by removing the two crucial limits of Rupees Ten Lakh in Sec 2(1)(j) and 5% administrative expenses under Section 24(3) and shifting these responsibility to the discretion of the Central Government.**

There are many “very crucial suggestions” which have been given under various Orders of the Supreme Court and various High Courts, pointing out the amendments required to remove the hindrances in the registration of construction workers as beneficiaries and timely disbursements of benefits.

I request you to **organize a National Conference** on the implementation of 1996 Acts in States and Union Territories, **inviting all the stake holders**. After wide spread **social audit** of this implementation **select the universally acceptable amendments** before bringing them for the acceptance of parliament.

At present I request you to refer the amendments filed in the Rajya Sabha Bill No. XIX of 2013 to the **Standing Committee of Labour Ministry or Petition Committee or a Select Committee to invite the comments of all stake holders before passing it the Parliament.**

Expecting a positive response.

Yours Sincerely

V. R. Krishna Iyer