

**IN THE HON'BLE SUPREME COURT OF INDIA**  
**WRIT PETITION (C) NO. 318 OF 2006**

**IN THE MATTER OF:**

National Campaign Committee for Central  
Legislation on Construction Labour (NCC-CL) ... Petitioner

Versus

Union of India & Ors. ... Respondents

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Place: New Delhi  
Dated:

Answering Respondent  
Member Secretary  
National Legal Services Authority  
New Delhi

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... Respondents

**AFFIDAVIT**

I, Alok Agarwal, Member Secretary, National Legal Services Authority, 12/11, Jam Nagar House, Shahjahan Road, New Delhi -110011, do hereby solemnly affirm and states as under:

1. That in my official capacity as stated above, I am conversant with the facts and circumstances of the case as such I am competent to swear this Affidavit.

2. Vide order dated 01.07.2016 of the Hon'ble Supreme Court, Member Secretary, NALSA was impleaded as party Respondent in the matter and Member Secretary was directed to file a status report after due and proper consideration and discussion with the Secretary, Labour Department, Government of India and other stake holders including the petitioners and Mr. V.K.Tankha, Amicus Curiae as to the progress made in the implementation of the schemes formulated for the benefit of construction workers and the utilisation of the amount of cess collected by the authorities concerned, deficiencies, if any, in the implementation of the schemes and the steps that need to be taken as also the way forward which have to be indicated in the affidavit.

2. It is submitted that pursuant to the directions of the Hon'ble Supreme Court, the Deponent met the then Secretary, Ministry of Labour, Petitioners and their counsel and other officials and also held discussions with them and attended meetings held by the petitioners. After going through the documents and reports filed by the Petitioners as well the Government of India and supplied by them and after consideration of the same, the

following Status Report is submitted for kind perusal and consideration of this Hon'ble Court.

**STATUS REPORT**

**A. BACKGROUND**

- A.1 The objective of enacting the Building and Other Construction Worker's (Regulation of Employment and Conditions of Service) Act, 1996, (for short B&C Workers' Act) as indicated in its Preamble is to regulate the employment and conditions of service of construction workers and to lay down measures for their safety, health and welfare. The Act mandates that all establishments including those belonging to contractors who employ building workers in any building or construction work except the individuals who employ such workers in construction work in relation to their own residence, the total cost of construction being not more than Rs.10 lacs, must be registered with the Registering Officers. Any such establishment which is not registered or the registration of which has been revoked is prohibited from employing any building or construction workers.
- A.2 As per Section 12 of the Act, all workers who have worked in a construction work for at least 90 days in the preceding 12 months are entitled to be registered as beneficiaries. The Act mandates setting up of a Welfare Board by each State along with requisite staff in order to provide the benefits as stipulated under the Act, through a Building and Other Constructions Welfare Fund constituted by grants of the Central Government, contributions made by the beneficiaries and other sums to be received as per the decisions of the Central Government.
- A.3 In aid of the above Act, the Parliament also enacted the Building and Other Constructions Welfare Cess Act, 1996 (hereinafter referred to as the Cess Act) which provides for levying of a cess on all construction activities at the rate of one to two per cent of the total construction cost. The cess is collected by the State Government or local authority from whom the approval of such construction work is required, and is to be paid to the Welfare Board constituted under

the B&C Workers' Act. The amount is to be deposited by the Board in the Welfare Fund. The Act provides for penalty on the employers for the non-payment of cess within the specified time, including imprisonment up to six months.

- A.4 Although, both the Acts are in force since 1996, the Building and Other Construction Workers Welfare Boards were established much later in most of the States. From the data made available by the Petitioners and Ministry of Labour, Union of India, it is obvious that neither all the construction establishments are registered nor are all construction workers. The result is that the cess amount collected by the Boards from the registerable establishments is very low as compared to what it ought to be. Low registration of workers and lack of adequate mechanism for enforcement of the provisions results in even this amount not being utilised for the benefit of the workers.
- A.5 It is submitted that the State Governments have framed various schemes for the welfare of the Building and Construction Workers. Some of the Schemes framed by the Central Government for the public in general are also applicable to the building and construction workers.
- A.6 The main issues with regard to the implementation of the Acts and the Schemes for the Building and Construction Workers and Utilisation of Cess amount may be listed as follows:
1. Insufficient collection of Cess amount by the Board;
  2. Non-registration of all the workers;
  3. No uniform schemes for priority areas like health, education, pension etc.;
  4. Non-utilisation of the Cess amount for welfare of the workers.

## **B. FACTUAL UNDISPUTED POSITION**

- B.1 From the record of the present case and the meetings held with the Petitioners and Officers of the Ministry of Labour and Employment, the following facts have emerged:

- (i) By now, State Welfare Boards have been set up in all the States and Union Territories. Kerala was the first State to set up the Board in 1998 followed by Delhi in 2002. However, apart from the small States and UTs, Welfare Boards have been set up as late as in 2011 in Maharashtra and Uttar Pradesh and in 2009 in Punjab and Rajasthan.
- (ii) As on 31.03.2016, a total number of 2,29,36,741 (Two Crores Twenty Nine Lacs Thirty Six Thousand Seven Hundred and Forty One) workers have been registered by various Boards across the country.
- (iii) The total amount of Cess collected by the various Boards is Rs.26,962.18 Crores.
- (iv) The amount of Cess utilised for various welfare schemes for the workers up to 31.03.2016 is Rs.5,684.84 crores.

A State wise chart showing the above position, as provided by the Ministry of Labour and Employment is annexed herewith as **Annexure-A**.

## C. ANALYSIS OF THE ISSUES AND WAY FORWARD

C.1 The broad issues raised above may be analysed in the light of the available data and discussions in the various meetings held with the Petitioners, their Counsel and the Ministry of Labour and Employment.

### C.1.1. **Insufficient collection of Cess amount by the Board**

The total Cess collected by the Boards is Rs.26,962.18 Crores while the Petitioners estimate the Cess that ought to have been collected is more than Rs.70,000 Crores. A chart produced by the Petitioners showing State wise collection of Cess is annexed as **Annexure-B**.

The main reasons for this low collection seem to be as follows:

- (a) No effective check on construction activities to ensure that no construction is carried out by an employer or a contractor who is not registered under Section 7 of the B&C Workers' Act. Rule 23 of the B&C Workers' Central Rules, 1998 provides the

manner of applying for registration by establishments and a certificate of registration is granted under Rule 24. However, there is no stipulation as to how the compulsory registration of all employers and contractors engaged in construction activity is to be enforced. Sections 47 to 49 of the B&C Workers' Act which provide for penalties do not specifically mention any penalty for carrying on construction activities without registration. It is only because of an order passed by the Hon'ble Supreme Court of India on 18.01.2010 which inter alia required all Government construction contracts to have a clause requiring registration and extension of benefits to workers under this Act that the Government and Public Sector Undertakings require their contractors to be registered under Section 7. Most of the private employers and contractors appear to be avoiding registration though a huge amount of construction activity is carried on in the private sector.

There seems to be no enforcement machinery with the registering authorities to compel registration. Once the registration remains low, the collection also remains low and in fact most of the cess that has been collected is from construction in the Government sector.

(b) No statutory linkage between the approval for construction, registration of the employer under Section 7 of the B&C Workers' Act and Collection of Cess under Section 3 of the Cess Act – The approvals for construction activities including building plan etc., are granted by the State Government or by the Local Authorities like Municipalities; the registering authority is a gazetted officer appointed by the State Government who could be from the Labour Department; Cess is collected by a Cess Collector of the State Government and is to finally go into the fund constituted by the Welfare Board by virtue of Section 5 of the Cess Act.

Rules 4(4) of the Cess Rules, 1998 does provide for collection of advance cess on the estimated cost of construction by the local authority in case of approvals being required from it but

otherwise, the cess is payable only within 30 days of completion of the construction project or completion of one year from commencement of construction.

In either case, there appears to be no mechanism for the Welfare Boards to keep a check on how much cess ought to be collected and how much is actually collected.

(c) No provision for full time staff including Cess Collectors and Assessing Officers with the Welfare Boards – Presently, in most of the States, officers from the Labour Department are given additional charge which makes it extremely difficult for them to do justice to both the jobs.

(d) No planned manner of estimating the total cess payable for a given construction activity – While the payable cess may be assessed relatively easily in case of Government contracts, it is very difficult to estimate the actual construction cost in case of private construction.

**C.1.2 Suggestions:**

- (i) Registration of employers and payment of advance cess on estimated cost of construction should be linked with the first approval of construction/building plans for all government and private constructions. No construction/building plan should be approved without registration of the employer under the Act, and payment of advance cess under Rule 4(4) of the Cess Rules, 1998. Section 46 of the B&C Workers' Act provides for a notice of commencement of construction work to be given at least 30 days before such commencement. The notice should be required to contain the estimated cost of construction along with the other requirements as stipulated in the said provision.
- (ii) The Hon'ble Court may expand the ambit of its order dated 18.1.2010 to include the construction contracts in the private sector to stipulate an estimate of the cess required to be paid by the parties and payment of cess directly by the

government/private parties and deducting the same from the contractors' bills. The cess should thereafter be immediately deposited in the State Welfare Fund.

- (iii) All State Welfare Boards should have their own website displaying such collections as well as the number of workers registered and amount of the cess utilised with all particulars.
- (iv) Boards should appoint sufficient full time staff including Cess Collectors, Assessing Officers and Accounts personnel as required for proper collection and maintenance of the welfare fund.
- (v) The salaries of the full time staff should be paid by the State Government, rather than out of the Welfare Fund, as stipulated under Section (2) of the Act.
- (vi) The Boards/Cess Collectors should be provided with inspection teams to keep a watch on construction activities in their jurisdiction. Penalties should be imposed on the employers not registering under Section 7 or not paying the cess timely, under Section 50 of the B&C Workers' Act.

### C.1.3 Non-registration of all the workers

The total number of workers registered with various Boards across the country is about 2.3 crores while the Petitioners as per the Chart enclosed as **Annexure-C** estimate the total number of construction workers at more than 7 crores. The Petitioners also contend that even out of the number of workers registered, the number of live registrations would not be more than 20 per cent. This is because, a worker ceases to be a beneficiary if he has not engaged in building or other construction work for at least 90 days in one year (Sec. 14) or if he has not paid the contribution for a continuous period of one year (Sec. 17). There is no regular updation of the list by any of the Welfare Boards.

Some of the reasons for low registration may be enumerated as follows:



(a) No obligation on the part of the employer to get their workers registered – Section 12 of the B&C Workers Act requires an application to be made by the worker in a prescribed form along with relevant documents and a registration fee. It is, therefore, left totally to the workers to register themselves as beneficiaries. Neither Section 44 of the B&C Workers' Act nor Rule 5 of the B&C Workers Rules, both of which list the responsibilities of employers, oblige the employers to ensure that all their workers are registered as beneficiaries.

(b) No statutory obligation on the part of the Welfare Board or any Government Department to ensure complete registration - Similarly, there is no obligation on the part of the Welfare Board to verify the number of workers engaged by employer/contractor or to register them or even to educate the workers about the necessity and the benefits of the registration. Section 22 of the Act which provides for functions of the Boards does not impose any such responsibility.

(c) Inability of construction workers to register themselves – There are various reasons for the construction workers to be unable to register themselves. Some of them are:

- (i) Lack of awareness about the benefits of registration;
- (ii) Inability to fill up the forms and arrange for documents required for registration due to illiteracy;
- (iii) Inability to visit the board office for the purpose of registration due to lack of means/time;
- (iv) No uniform application forms for registration;
- (v) Lack of ability to collect evidence of working for 90 days as required for registration;
- (vi) Lack of portability of registration for migrant workers;
- (vii) Lack of awareness about need to get the registration renewed periodically.

**C.1.4 Suggestions:**

- (i) It should primarily be the duty of the employer to ensure that all their eligible workers are registered as beneficiaries with the Welfare Boards.
- (ii) Like in the case of registration of establishments, it is suggested that the registration of workers with the Welfare Boards should also be linked with the approval of construction/buildings plans etc. In the advance notice of construction as required under Section 46 of the B&C Workers' Act, the employers are obliged to give the number of workers likely to be employed during the various stages. Section 13 of the B&C Workers' Act provides for identity cards to be issued to all registered workers and filling up therein, the details of employment, by the employer. It is suggested that the said identity cards should be in the form of booklets having sufficient leaves. The employer should certify the number of days the workman has worked with the establishment at the time of payment of wages in the said booklet. Such data may also be uploaded periodically on the common data base created for the purpose which is linked to the smart card to be issued to the workers.
- (iii) All registered workers should be provided with smart cards containing all details including their permanent addresses and biometric data on the lines of the Aadhar Card. There should be a common online data base of all such smart cards accessible by all the Welfare Boards in the country. The employers should be responsible to fill in the details of the employment of the workers with their establishments.
- (iv) A quarterly return should be required to be filed by the employer with the Board along with the requisite details of all the workers who have completed 90 days. All such workers should be automatically registered by the Board, if not already registered.

- (v) It should be the responsibility of the employer to collect the permanent addresses and other personal details of the workers and to file the same with the quarterly returns, along with the evidence of their having worked for 90 days.
- (vi) Workers once registered should be deemed to be registered until the registration is voluntarily withdrawn. However, at the time of his applying for any benefits, the Board may consider the period for which the worker has worked as a construction workers.
- (vii) A worker once registered with any Board in any State should be entitled to claim the available benefits anywhere in the country on the basis of the details of employment etc., accessible through the smart card.
- (viii) The Welfare Boards should be primarily responsible for creating awareness amongst the workers of their entitlements.
- (ix) All Welfare Boards should be required to post the conditions of eligibility, the benefits available, the number of workers registered and the amount available for welfare schemes with the Welfare Boards on their websites in local language.
- (x) The State Governments should get conducted authentic surveys for identifying the number of construction workers in each district through National Sample Survey Organisation (NSSO) or other similar institutions. State Departments of Social Work, Educational Institutions, NGOs, Trade Unions and various other Government and Non-government Organisations including the Petitioners may also be asked to contribute to the work of identification of building and construction workers.
- (xi) The inspection teams of the Welfare Boards should be responsible for ascertaining by way of random checks or any other method if there are any eligible workers at any construction site who are not registered. Once the primary responsibility for ensuring registration is fixed on

the employers, the employers found to be not complying with the same should be prosecuted under Section 50 of the B&C Workers' Act.

- (xii) The Welfare Boards in association with the State Labour Departments, Trade Unions, NGOs and the Special Cells constituted by the State Legal Services Authorities under the NALSA's Scheme for Legal Services to Workers in Unorganised Sector Scheme, 2015 should conduct awareness programmes at construction sites and at public places for the building and construction workers.
- (xiii) Awareness programmes, seminars etc., should also be conducted for the employers and contractors to educate them about their statutory and other obligations towards the workers.
- (xiv) The State Legal Services Authorities should publish books, pamphlets etc. listing out the benefits available to construction workers in each State and distribute them to the workers.
- (xv) Labour Departments, Welfare Boards and teams of State Legal Services Authorities should conduct sustained campaigns for on the spot registration of building and other construction workers in each district. Para Legal Volunteers (PLVs) attached to the Special Cells of Legal Services Authorities in association with NGOs should help the workers in completing the formalities of registration like filling up the forms etc.
- (xvi) Availability of the various welfare schemes and the benefits of registration should be widely publicised through Doordarshan, All India Radio, Community Radio and other audio-visual means in the form of documentaries, short-films etc. The Mobile Legal Services Vans of the State Legal Services Authorities should carry the message by the above means to the construction sites as well as rural areas.

**C.1.5.No uniform schemes for priority areas like health, education, pension etc.**

The functions required to be performed by the Welfare Boards have been mentioned in Section 22 of the B&C Workers' Act. The provision envisages granting of benefits to the workers including:

- (i) Immediate relief in case of accidents;
- (ii) Pension after attaining the age of 60 years;
- (iii) Advance for house construction;
- (iv) Premium for group insurance;
- (v) Financial assistance for education of children;
- (vi) Medical expenses of beneficiaries and their dependents;
- (vii) Maternity benefits for female employees;
- (viii) Any other welfare measures.

Different Welfare Boards have framed different schemes in compliance with the above provisions. The amounts of benefits available under each scheme drastically differ from one State to another. A significant section of the building and construction workers being migrant workers, even if the smart cards allotted to them may be valid throughout the country, the non-availability of certain benefits or inadequate amounts being available for the same at a location different from where the workers were registered, is bound to cause severe hardship to the workers.

Vide an Order dated 16.10.2015, passed in the present Writ Petition, the Hon'ble Court directed the Central Government to lay greater emphasis on educational facilities to children, health benefits and insurance of the workers and their families. The Hon'ble Court also directed to ensure providing of benefits and implementation of the other existing schemes with the various Welfare Boards.

**C.1.6 Suggestions:**

- (i) The existing Central Govt. Schemes like Pradhan Mantri Suraksha Bima Yojana (for death and accident benefits), Pradhan Mantri Jeevan Jyoti Bima Yojana, Atal Pension Yojna, Aaam Admi Bima Yojna and State Government Schemes should be extended to all B&C Workers. At least 50 per cent of the premium payable under the schemes shall be paid by the Boards.
- (ii) All Welfare Boards should immediately frame schemes, if not yet framed to provide for financial assistance of a reasonable amount for education of children of registered workers. The amounts may vary from Rs.500 per month for primary education up to Rs.7,000/- to Rs.10,000/- per month for professional courses. The benefits should be available to the children even after the death of the worker.
- (iii) Financial assistance or other facilities should also be provided by the Welfare Boards for conveyance for going to the school, purchase of uniforms, books, note books, stationary and other necessary materials.
- (iv) It should be the responsibility of the Boards to publicise the various schemes and facilities provided by the Central or the State Governments under the Right to Education Act and otherwise, amongst the construction workers. The Special Cells under the State Legal Services Authorities should also assist the Welfare Boards in this regard and should take steps to ensure the availability of these facilities to the children of construction workers.
- (v) It was disclosed in various meetings that health benefits to the workers can be extended by the Employees State Corporation established under the Employees State Insurance Act, 1948. The Central Government should along with the ESI Corporation evolve a method to cover all registered construction workers under the ESI Act. A

part of the premium payable to ESI Corporation should be paid out of the Welfare Fund and the remaining should be payable by the employer.

- (vi) Till such arrangement comes into force, the Boards should ensure extension of all benefits under the health and maternity schemes floated by the Central Government like Rashtriya Swasthya Bima Yojana and the State Governments to the entitled workers. Wherever any Government scheme requires payment of a regular contribution/premium by the beneficiaries, the Board should explore the feasibility of meeting the same from the Welfare Fund and at least 50 per cent of the same should be definitely met by the Boards.
- (vii) The Boards should also frame their own schemes to cover such expenses in respect of health, maternity and sanitation as are not covered by the Government schemes applicable to the entitled workers. In particular, advances as well as reimbursement up to certain reasonable limits which may be up to Rs.3 lakhs must be provided for treatment of major ailments and surgeries.
- (viii) Premia for Life Insurance, Accident Insurance and Health Insurance etc. for registered workers and their family members may be paid from the Welfare Fund to the extent feasible.
- (ix) All the Welfare Boards should frame schemes to provide for a monthly pension to all construction workers after attaining the age of 60 years, irrespective of the place of original registration of the construction worker. The Central Government is already in correspondence with the Central Provident Fund Commissioner for extension of benefits of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 to all construction workers and issuing to all a unique account number for the said purpose. Central Government should ensure that all registered workers get duly covered under the same.

- (x) All the Welfare Boards should also frame schemes for Housing Loans up to reasonable limits for construction of a house by the registered workers.
- (xi) The other schemes as deemed necessary may be framed by the Boards after setting aside adequate amounts for the above priority areas out of the funds available in the Welfare Fund.

**C.1.7 Non-utilisation of the Cess amount for welfare of the workers**

It is an undisputed position that out of a total amount of Rs.26,962.18 crores collected as Cess by various Welfare Boards, the amount utilised by them for the benefit of the workers is Rs.5,684.8 crores i.e. only slightly more than 20 per cent. The rest of the amount is lying unutilised. A chart showing the amount of Cess collected and utilised in various States as filed by the Ministry of Labour along with its affidavit dated 15.1.2016 is annexed herewith as Annexure-D.

Availability of such huge amounts has even prompted some of the State Governments to plan utilisation of the same for purposes other than the welfare of building and other construction workers, which is a direct violation of Section 24 (2) of the B&C Workers' Act.

The main reasons for inadequate utilisation of the amounts, apart from the above discussed factors of low registration of workers and lack of welfare schemes available, can be:

- (a) Lack of awareness amongst workers about their entitlements of benefits;
- (b) Complexities in availing the benefits like difficulties in filling up the forms, production of documentary evidence etc. due to illiteracy, lack of means/time;
- (c) Lack of motivation amongst the workers to undertake the whole exercise required for availing the benefits;
- (d) Lack of adequate staff with the Welfare Boards.



**C.1.8 Suggestions:**

- (i) For creation of awareness about the availability of the schemes and the eligibility criteria for the same, the same methods as suggested hereinabove for creation of awareness about registration can be adopted. The primary responsibility for this should vest in the Welfare Boards and the services of the State Legal Services Authorities, their Para Legal Volunteers, NGOs and other institutions should be utilised. The Para Legal Volunteers may also assist individual workers in applying for and pursuing their cases for availing the benefits.
- (ii) There should be sufficient staff available with the Boards to expeditiously deal with the applications for benefits filed by the registered workers.
- (iii) The benefits should not be denied to a worker on the ground of non-payment of subscriptions without giving him an opportunity to make good the deficiency.
- (iv) The Legal Services Institutions should readily provide legal aid and other court related legal services to the workers who are unable to avail the benefits.
- (v) Pre-litigative Lok Adalats may be organised by the Legal Services Institutions for quick disposal of disputed claims under the Welfare Schemes.
- (vi) Sufficient awareness must be created amongst the Welfare Boards also with regard to the portability of the registration of the workers so that a migrant worker can claim benefits at the new location even though he was initially registered at some other location.
- (vii) In case of migration of a worker from one location to another, school admissions at the transferred location should be readily granted to their children. The same benefits of scholarship or other financial assistance provided by the Board at the initial location should be made available at the new location on the basis of the

records in the common data base accessible through the smart cards provided to the workers.

- (viii) All information about the disbursement of the benefits to the entitled workers should be available on the Boards websites.
- (ix) The payment of monetary benefits to the construction workers should be made directly in their Bank Accounts by ECS or other modes of transfer.
- (x) The Boards should maintain all their accounts and relevant records and submit the same regularly after audit by the CAG in accordance with Sections 25 to 27 of the B&C Workers' Act.
- (xi) Any attempt by the State Government to divert the amounts in the Welfare Funds towards activity other than those directly related with and confined to the building and construction workers should be discouraged. The Central Government has in exercise of its powers under Section 60 of the B&C Workers' Act, already issued a series of orders including an order dated 7.06.2016 prohibiting the State Governments from utilising the Cess amounts collected for other purposes like buildings, hospitals, schools, training shelters, night shelters, waiting halls, hostels etc. It is reiterated in the order that these activities should have their own budget allocation and that the cess funds cannot be used for these purposes by stretching the interpretation of Section 22 (h) of the B&C Workers' Act. The Central Government should ensure that this order is strictly complied by all the State Governments and Union Territories. The Central Government should seek periodic reports from the State Governments and the Welfare Boards as required under Section 57 of the B&C Workers Act and insist on keeping the websites of the Boards updated in order to ensure compliance.
- (xii) The Central Government should continue to hold periodic meetings of its Monitoring Committee to take stock of the

status on non-utilisation of cess amounts by the Welfare Boards and to pass directions as necessary and desirable under Section 60 of the B& C Workers' Act.

C.2 During the meetings called by the Petitioners under their State representatives, some other problems have been highlighted such as Welfare Boards not including representatives of workers as in Jammu & Kashmir, pendency of huge number of applications for relief as in Tamil Nadu. However, these being local issues can be taken up before the respective High Courts.

That in the above facts and circumstances this Hon'ble Court may pass appropriate orders.

**DEPONENT**

**Verification:**

I, the above named deponent do hereby verify that the facts stated in the above affidavit are true to my knowledge and based on record. No part of the same is false and no material has been concealed therefrom.

Verified at New Delhi on this \_\_\_\_\_ day of December, 2016

**DEPONENT**

State-wise position of Number of Workers Registered, Cess Collected and Amount Spent under the Building and Other Construction Workers Acts, 1996				
As on 31.03.2016(Provisional)				
Sl. No.	Name of the States/UTs.	No. of workers registered with the Board	Amount of cess collected (Rs. in Crore)	Amount spent (Rs. in Crore)
1	Andhra Pradesh	1,584,819	1153.61	205.46
2	Arunachal Pradesh	18,443	65.36	51.6
3	Assam	78,841	468.58	9.28
4	Bihar	748,027	695.03	71.46
5	Chhattisgarh	1,045,308	581.84	355.19
6	Goa	1,450	69.03	0
7	Gujarat	262,366	1254.91	21.24
8	Haryana	506,735	1546.56	115.87
9	Himachal Pradesh	92,268	288.44	25.4
10	J&K	288,904	455.73	154.83
11	Jharkhand	458,579	251.01	98.5
12	Karnataka	1,010,660	3388	205
13	Kerala	1,569,101	1265.29	1195.88
14	Madhya Pradesh	2,653,163	1575.62	552.04
15	Maharashtra	461,760	3799.74	217.66
16	Manipur	28,259	21	10.99
17	Meghalaya	3,848	80.02	0.93
18	Mizoram	21,711	34.1	20.8
19	Nagaland	4,418	20.06	3.34
20	Odisha	1,357,175	941.19	120.06
21	Punjab	418,535	773.36	285.75
22	Rajasthan	900,114	1217.76	242.11
23	Sikkim	24,638	64.67	20.68
24	Tamil Nadu	2,589,979	1411.49	506.78
25	Telangana	835,501	231.02	39.31
26	Tripura	65,581	115.32	8.72
27	Uttar Pradesh	2,607,177	2220.06	346.81
28	Uttarakhand	89,754	129.23	14.09
29	West Bengal	2,803,000	1071.86	557.68
30	Delhi	335,875	1536	174.71
31	A & N Island	13,014	37.02	1.33
32	Chandigarh	15,496	75.83	4.9
33	Dadra & Nagar Haveli	472	3.08	0
34	Daman and Diu	919	37.17	0.54
35	Lakshadweep	176	4.26	0
36	Puducherry	40,675	78.93	45.86
<b>Total</b>		<b>22,936,741</b>	<b>26962.18</b>	<b>5684.8</b>

## Annexure-B

NAME OF STATE/UT	CESS OUGHT TO HAVE BEEN COLLECTED (Rs. In Crores)*	CESS ACTUALLY COLLECTED (Rs. In Crores)*	DIFFERENCE (2)-(3)
1	2	3	4
Andhra Pradesh	2500	117.25	2382.75
Arunachal Pradesh	100	22.96	77.04
Assam	500	205.09	294.91
Bihar	2000	668.17	1331.83
Chhattisgarh	1500	539.27	960.73
Goa	200	69.03	130.97
Gujarat	2000	1090.62	909.38
Haryana	3000	1514.59	1485.41
Himachal Pradesh	1000	281.16	718.84
Jammu & Kashmir	1000	170.66	829.34
Jharkhand	1000	234.41	765.59
Karnataka	7000	3171	3829
Kerala	1500	1233.92	266.08
Madhya Pradesh	3000	1575.62	1424.38
Maharashtra	15000	3579.89	11420.11
Manipur	100	21	79
Meghalaya	400	72.75	327.25
Mizoram	200	30.29	169.71
Nagaland	100	14.6	85.4
Odisha	2500	892.62	1607.38
Punjab	2500	1118	1382
Rajasthan	4000	733.62	3266.38
Sikkim	200	54.65	145.35
Tamil Nadu	2000	1290.9	709.1
Telangana	2000	231.02	1768.98
Tripura	500	108.4	391.6
Uttar Pradesh	9000	2157.8	6842.2
Uttarakhand	500	96.87	403.13
West Bengal	2500	1251.53	1248.47
Delhi	2000	1536	464
A & N Island	100	32.79	67.21
Chandigarh	200	64.49	135.51
Dadra & Nagar Haveli	20	3.08	16.92
Daman and Diu	40	18.28	21.72
Lakshadweep	10	3.33	6.67
Puducherry	100	71.72	28.28
<b>TOTAL</b>	<b>70270</b>	<b>24277.38</b>	<b>45992.62</b>

\*\* As on January, 2016

\* Information provided under Annexure G with the affidavit of Union Labour Secretary dated 15.01.2016.

## Annexure-C

Name of the States/UTs	Estimated No. of Construction Workers	Number of Workers registered with the Board
1	2	3
Andhra Pradesh	48,48,352	15,84,819
Arunachal Pradesh	33,379	18,443
Assam	9,67,882	78,841
Bihar	39,91,224	7,48,027
Chhattisgarh	10,96,574	10,45,308
Goa	57,432	1,450
Gujarat	2,02,397	2,62,366
Haryana	17,69,664	5,06,735
Himachal Pradesh	28,73,378	92,268
Jammu & Kashmir	11,53,600	2,88,904
Jharkhand	26,24,344	4,58,579
Karnataka	22,59,608	10,10,660
Kerala	32,53,990	15,69,101
Madhya Pradesh	50,14,170	26,53,163
Maharashtra	44,84,955	4,61,760
Manipur	2,63,485	28,259
Meghalaya	1,20,688	3,848
Mizoram	49,590	21,711
Nagaland	23,291	4,418
Odisha	30,14,066	13,75,175
Punjab	21,15,200	4,18,535
Rajasthan	73,17,894	9,00,114
Sikkim	28,181	24,638
Tamil Nadu	59,87,008	25,89,979
Telangana	N.A.	8,35,501
Tripura	8,40,339	65,581
Uttar Pradesh	1,21,38,136	26,07,177
Uttarakhand	6,59,298	89,754
West Bengal	41,24,747	28,03,000
Delhi	2,84,774	3,35,875
A & N Island	37,352	13,014
Chandigarh	43,136	15,496
Dadra & Nagar Haveli	11,611	472
Daman and Diu	1,811	919
Lakshadweep	5,184	176
Puducherry	1,04,981	40,675
<b>TOTAL</b>	<b>7,18,01,722</b>	<b>2,29,36,741</b>

## Annexure-D

Name of the States/UTs	Amount of CESS collected (Rs. In Crores)*	Amount Utilised/Spent (Rs. In Crores)*
1	2	3
Andhra Pradesh	1153.61	205.46
Arunachal Pradesh	65.36	51.6
Assam	468.58	9.28
Bihar	695.03	71.46
Chhattisgarh	581.84	355.19
Goa	69.03	0
Gujarat	1254.91	21.24
Haryana	1546.56	115.87
Himachal Pradesh	288.44	25.4
Jammu & Kashmir	455.73	154.83
Jharkhand	251.01	98.5
Karnataka	3388	205
Kerala	1265.29	1195.88
Madhya Pradesh	1575.62	552.04
Maharashtra	3799.74	217.66
Manipur	21	10.99
Meghalaya	80.02	0.93
Mizoram	34.1	20.8
Nagaland	20.06	3.34
Odisha	941.19	120.06
Punjab	773.36	285.75
Rajasthan	1217.76	242.11
Sikkim	64.67	20.68
Tamil Nadu	1411.49	506.78
Telangana	231.02	39.31
Tripura	115.32	8.72
Uttar Pradesh	2220.06	346.81
Uttarakhand	129.23	14.09
West Bengal	1071.86	557.68
Delhi	1536	174.71
A & N Island	37.02	1.33
Chandigarh	75.83	4.9
Dadra & Nagar Haveli	3.08	0
Daman and Diu	37.17	0.54
Lakshadweep	4.26	0
Puducherry	78.93	45.86
TOTAL	26962.18	5684.8

\* Source- Information in affidavit filed by the Ministry of Labour dated 15-01-2016.