



Builders' Association of India

(all-india association of engineering construction contractors)

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Why a Labour Law like Maharashtra Mathadi Act not feasible for the Construction Industry? - What is needed for the Construction Industry is a special separate but complete Labour Code.

The object of the Maharashtra Mathadi, Hamal and other Manual Workers' (Regulation of Employment, Conditions of Service & Welfare) Act, 1969 is to provide for (1) equitable distribution of work (2) minimum condition of service and (3) a modicum of welfare to the Mathadi Workers, who were hitherto working in Tollies, headed by Mecadam and doing fixed manual work, like loading, un-loading, stacking, weighing, measuring, etc. of goods, in certain scheduled employments covered by the Act, like Iron and Steel Markets or Yards, Railway Yards, Cloth Markets, etc. The Building and Construction Industry has still not been included by the State Government in the Schedule to the Act, presumably, for good and sufficient reasons.

2. The working of the Maharashtra Mathadi Act pre-supposes, i) continuous work in the employment covered, ii) fixed localities, where the work is carried out and iii) sufficient organisation (unionisation) of the workers covered. Neither of these three ingredients is present in the case of the Building and Construction Industry, which activity is carried out throughout the length and breadth of the Country and even in remote villages and not easily accessible areas like Hills, Mountains, Lakes, Rivers and the Sea. The nature of work in the Construction Industry is also not of a continuous nature, because it ends when a particular construction project is completed and it again begins, if and when a new construction job is taken up at another site. Besides, the nature of work in the Construction Industry is of a heterogeneous nature, from construction of roads, canals and bridges to construction of

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Agra, Ahmedabad, Ahmednagar, Allahabad, Asansole, Aungmye, Bangalore, Baroda, Bombay, Bhubaneswar, Bhopal, Bhubaneshwar, Calcutta, Chandigarh, Coimbatore, Delhi, Erode, Faridabad, Goa, Haldia, Hyderabad, Jaipur, Jhansi, Kanpur, Karimnagar, Lucknow, Madras, Madurai, Madak, Meerut, Nagpur, Nasik, New Delhi, Panaji, Port Blair, Pondicherry, Pune, Rang Reddy, Ranchi, Salem, Secunderabad, Srinagar, Shaktinagar, Siliguri, Solapur, Surat, Tanjore, Tezpur, Trichy, Tiruvannamalai, Ujjain, Vijayawada & Visakhapatnam

Buildings, Factories and Atomic Reactors. The type of work in the Construction Industry also varies from a manual unskilled worker to a highly skilled or technical worker, like masons, mistries and engineers apart from clerical, supervisory, administrative and managerial staff. Further, there is very little unionisation of workers in the Industry excepting in areas of Metropolitan Cities of the Country.

3. The Scheme of the Maharashtra Mathadi Act provides for the registration of the Employers and the workers in the tripartite Boards constituted under the Act. The Scheme further provides for provision of work to the workers with the Employer by the Boards and payment of wages, along with the percentage levy, to the Boards by the Employers, which in turn, pays wages to the workers and grants them such other benefits like leave, paid holidays, bonus, P.F., Gratuity, Medical benefits, etc. from the levy charged by it to the Employers. These Boards are thus not the actual Employers but, only an Agency meant for providing regularity of work, minimum conditions of service and welfare to the workers in the covered Scheduled Employments under the Act.

4. The Construction Industry being located throughout the length and breadth of the Country, the cost of setting up of such Boards, even in areas where construction activity is concentrated, will be prohibitive, because innumerable such Boards will have to be set up at different places throughout the country. Besides, in view of the non-perennial employment and heterogeneous type of the work in the Industry, it will be difficult to provide equitable distribution of work and regulate conditions of service as also provide for a modicum of welfare measures under any scheme to be formulated for the workers in the Industry through a legislation like the Maharashtra Mathadi Act, especially, in view of the fact that a large number of workers in the Industry are not organised. As such the BAI is of the view that a legislation like the Mathadi Act will not be feasible for the workers in the Construction Industry, as it would not meet the aspirations of either the Employers or the workers in the Industry.

5. On the other hand, the BAI is of the firm view that what is really necessary to meet the aspirations of the parties in the Construction Industry is to formulate a carefully worked out Special, Separate but complete Labour Code for the Construction Industry. If the BAI is permitted, it would work out and submit a draft of such a Labour Code to Government.