

## Why a comprehensive Law for Construction Workers

Over a decade now sustained efforts are being made by the Construction Workers, and their Unions all over the country, to secure to this unorganised lot of the Indian work force, legal safeguards by way of social security entitlements, well-fara benefits, accident compensation, and reasonable wages. In the course of this long struggle, the Construction Workers and their Unions, drew a valuable lesson on the need for regulation of the employment in the Construction Industry without which, any other legal safeguards would fail to serve any purpose and would be an empty exercise in law making. It is this valuable lesson which grew out of their experience and understanding of the nature of the Industry, that inspired them to undertake the ambitious exercise of drafting a comprehensive code for Construction Workers.

With the birth of the National Campaign Committee - for Construction Workers in the year 1985, the struggle of the workers for a Central Legislation, took new dimensions. National level trade unions became affiliates of the campaign committee. Meetings, workshops and seminars organised in different parts of the country, affirmed unanimously, the need for a comprehensive Central legislation. The tone of deliberations and the direction of thinking of the representatives of the workers, in the tripartite working group set up by the Govt. of India also reaffirmed this need. The concept of Construction Labour Boards, to act as an intermediary institution, to discharge various functions to secure the rights and protect the interest of the construction workers, also gained Universal approval. Even the representatives of the Builders, participating in the tripartite working group, have gone on record, in principle accepting the need for a board.

The recommendations of the petition committee of the Parliament made in the year 1988, is one of the remarkable gains of the National Campaign Committee, which had submitted its draft bill to the Petitions Committee and the Government, drafted after a through going analysis and wide interaction with workers trade unions, voluntary organisations and ex-administrators. The petitions Committee while disapproving the inadequate bill

which was sought to be introduced in Rajya Sabha by the then Government, also found that the said bill would fail to achieve its object. Rightly understanding the nature and the scope of the draft bill submitted by the National Campaign Committee, the Petitions Committee, had recommended that the Government, shall consider the draft bill, before enacting any Law for Construction Workers. The recommendations of the Petition Committee, have not only persuasive value but <sup>are</sup> binding in a manner of speaking. Unfortunately none of the two governments, which were in power during this period, have asserted their authority in favour of Construction Workers, and in keeping with the recommendations of the Petition Committee. The National Campaign Committee, came to be informed and to its dismay that some kind of diluted law containing some good intentioned provisions for welfare and safety, is being attempted. This is certainly not what the Construction Workers have been demanding. This is not what the Construction Industry needs. This is not what a responsible Government would do in exercise of its sovereign legislative power to discharge ~~the~~ its constitutional obligations. To say the least what is needed is not merely yet another law for the sake of it, but meaningful measures which alone could ameliorate the conditions of work and living of Construction Workers particularly lakhs of women construction workers, who are denied a decent living and dignity, which are promised by Article 21 of the Constitution.

There is some thinking that regulation of the Industry by way of restraints on prevailing employment practices, imposition of financial obligations, creation of yet another body in the shape of Construction Labour Board, are either too unrealistic or unworkable. There is also some thinking that the burden of the law in terms of its financial implications for the Government would be a bit too high. These thinkings, are not only based on misconceptions but were also the product of predetermined positions and pre conceived notions. However they cannot be brush<sup>ed</sup>/aside by mere polemics.

The demand of the National Campaign Committee that without regulation of the Construction Industry, no legislative measure, would be meaningful and really

beneficial, is not just a rhetoric. It is based on scientific understanding and a rational analysis of the nature of Construction industry in our country. If there is lack of quality in the construction industry at various levels, if there is lack of accountability of performance, if there is lack of consumer satisfaction and last of all if there is lack of generation of skill and skills development, they are due to an unregulated nature of the industry itself. They arise out of arbitrary employment practices, unwillingness to observe, even the existing statutory obligations, unwillingness to either impose upon themselves or even to follow, a minimum code of discipline, in terms of safety and security for Construction Workers and Quality controlled for the consumers, by the Managers of the Construction Industry. It is also a misconception that private initiative and efficiency would be hampered by any attempt of regulation. On the contrary, the regulation of industry sought to be achieved, by way of providing regulated supply of labour, and ensuring supply of labour with the requisite quality and skills, would in fact enhance and add to the efficiency of the Industry. The regulation of the industry is in the other words a <sup>measure</sup> of regulating and stream lining, the supply of the labour to the industry. It is a measure designed to encadre the work force and to organise its distribution, in tune with the demands of the industry. The other aspect of regulation, is a quid pro quo for the regulated and organised supply of labour by way of minimum guarantee of wages, advance levy to meet social security and welfare interest of the labour, and for ensured payment of the wages and other dues of the workers. These financial quid pro quo are not new ~~in~~ impositions on the industry. They involve a kind of redistribution of the cost of estimates and the various components which go into the estimates of construction. These factors need only minimum demonstration. In fact at the seminar ~~organised~~ organised by the Ministry of Labour immediately after the National Front Government came into the power, <sup>clarified</sup> representatives of the campaign committee, succinctly ~~clarified~~ many of the objections based on a superficial understanding of the demands for a comprehensive legislation. The point therefore is

will any responsible government voted to power, to discharge the constitutional obligations and fulfill legitimate aspirations of the exploited work force of the country, would be blind or averse to enhancing the quality of construction industry, by regulating the industry? Could the Managers of the industry be blind to a rational arrangement of supply of labour and the generation of quality of work and skills among the labour which cannot be achieved except by way of organising the supply of labour and its distribution through the institution of the Construction Labour Board? Could a responsible government, say no to imposition of corresponding obligations on the Managers of the Construction Industry? If it has been demonstrated that all the existing labour legislations, by a mere mechanical application to the construction industry, have miserably failed to produce anything meaningful for the construction workers owing to the lack of regulation of industry and the absence of any institutional arrangements for that purpose and if it has been further demonstrated that in the absence of a self working Institution conferred with requisite powers and functions, any amount of welfare measure would be mere duplication of existing legislations, it would be wiser, saner and just that a law designed on the logic of regulation of industry alone be enacted.

The construction workers of the country in the course of their decade long struggle have become mature enough to see through any ritualistic exercise of law making. Pretensions of law, will be treated with the disapproval they deserve. Fortunately the construction workers today, in terms of their organisation, stand at higher levels than what they were a decade ago and they are certainly capable of telling the government through all legitimate and respectable means at their command, that any wishy-washy exercise in law making is not what they deserve and that their dignity and livelihood are as equal and sacred as that of any of the citizens of this country. The people assembled as a National Convention at Delhi, earnestly hope that the government of the Centre would act in all its haste to do what the petitions committee of parliament recommended three years

ago, and call upon the managers of the industry to see wisdom, good economics and on top of all compassion, in the demands of the National Campaign Committee for a comprehensive Central legislation for Construction workers. The participants also appeal to the newly elected Members of the Parliament, to appreciate in a true constitutional spirit the new dimensions of the draft bill drafted by the National Campaign Committee and to understand the strong relevance of the various features of the draft bill, towards qualitative improvement of the construction industry and the life miserable lot of millions of Constructions Workers who need, deserve and demand not shanty existences, but dignity and concrete entitlements.

Convenor  
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