

Memorandum of petition submitted to the petition Committee
of Parliament.

Respected Sirs,

1. We, the construction workers of this country, the young and the old, and women whose limbs are contributing ceaselessly for development and growth, who are selling ourselves out in conditions of insecurity and uncertainties, who, as a class have no legislation to protect and promote our rights interests and welfare, are petitioning through this Memorandum to the representative conscience of the country and to the ballot weight-bearers of the people, to enact a comprehensive law for our upliftment.

2. We say that construction activity is synonymous with civilisation, a human collective activity which makes all other social and economic activities possible. Our spectrum of work has no bounds. Yesterday's spent energies of our toiled limbs have made today's movements of everybody possible including the cloistered places for study of subatomic particles and the music of the spheres, and law making rostrums of Assemblies and Parliament.

3. It is an established fact that construction activity is the second largest economic activity in our country. It is estimated by authentic studies that about 2 crores of persons (for whom also the constitution was enacted and in particular the Directive Principles of State Policy) are regularly engaged in construction activity. More are expected to join our class with the increase in construction activity. But comprehensive law there is none to govern ^{ESTN} this industrial activity; legal

protection none for security ^{and} of regulation and of our employment, to impose obligations on the utilisers of our labour; no social security and no social welfare measures.

4. We, one of the miserable section of the work force of the country making all growth and development possible, have been agitating for Government intervention, to make our life and livelihood secure, if not meaningful since we are not getting what we ought to under the existing laws. The existing labour legislations could in no way be rendered applicable to the construction labour and industry having regard to the very nature of the industry. Piecemeal extension nature of employer-employee relationship would be missing the wood for the tree. Hence the undisputable case for a comprehensive Central Legislation for construction labour.

5. We submit that the existing labour welfare statutes are inapplicable and inadequate for the following reasons.

a) Construction activity is different from other labour utilisation activities. The place of work the nature of work, and the employer are mobile factors, they are not constant and fixed. There is no fixity of employer-employee relationship and defined places of work. Existing Labour Legislations are founded on this discernible and fixed employer - employee relationship. ~~xxxx~~

b) construction activity as such as an industry is not regulated or governed by any law.

- c) There is no intermediate agency or authority which can regulate our conditions of service and which could ensure regularity of employment, secure welfare measures and benefits for us, the construction workers on the one hand and also ensure timely availability of labour, quality of work etc. for the employer.
- d) The existing welfare legislation such as Maternity benefit Act, Employees State Insurance Acts, the Provident Fund Acts, intended to apply to fixed employer-employee situations apart from being inapplicable, are unworkable even if extended to us as our experience from different parts of the country demonstrates. The other piece of Legislations such as the contract Labour (Regulations and Abolition) Act, Inter-State Migrant Labour Act, Minimum Wages Act, Equal Remuneration Act etc., have no workable inbuilt machinery in the law for their implementation in respect of Construction Labour. It would thus be meaningless to talk of existing legislations. We have understood our case well and those who talk of existing legislations do not and have not understood the subject.

6. It therefore, as an inexorable logic follows that unless the construction Industry itself- is regulated by an Agency/Institution/Body, we, the construction workers will have to continue to mourn the law less ~~xxx~~ situation everyday. With ill or non-compensated deaths and disablements, no permanent housing, no education for our children, nonhealth facilities and in short no living environment. This will amount to negation and deprivation of all constitutional guarantees, when part IV of the Constitution mandates the State to ceaselessly strive for creation and promotion of better human life for the poor and the backward.

7. Having grasped the reality that we need a separate law, with a self regulated agency, we took the next step; what should be the contents of the law?

We the construction workers had our own ideas. We shared it with our representatives. Our ^ddeliberations have yielded fruits in the shape of the enclosed draft bill.

8. The salient features of the bill are:

(a) Constitution of Construction Labour Boards, representing the Governments, the Construction workers and the employer which will regulate construction activities and employment of construction labour by the principle of registration of employers and contractors and construction Labour. There shall be no construction activity outside the purview of the act.

- b) Those who construct ~~ion~~ either by themselves or through contractors, as 'Utilisers of Labour' shall be individually and jointly liable to meet, the various obligations such as construction Levy, and Welfare levies including maternity benefits, provident fund, medical benefit, pension, accident compensation etc. The construction Labour Board will secure these obligations and to whom, we can go to get our dues.
- c) The construction Labour Board will be empowered to determine wage structure provide minimum guarantee of wages and be entrusted with management of security and welfare funds.
- d) The Construction Labour Board will also create bodies for immediate resolutions of disputes and will also ensure as a consequence greater improvement in the quality of work.

9. The Central and State Governments are the biggest Construction Employers. Their obligations in this regard cannot be in question. The proposed law will cover their cases also.

10. Having regard to the urgent need for Central Government initiative and action in the matter and in view of the constitution of the National Committee on Construction Industry, and its deliberations on the subject, it was felt desirable to consolidate the views and ideas on the subject, to be presented to the Government in the form of a draft bill, for its consideration and introduction in the Parliament.

11. There can be no two views on the duty and responsibility of the Government to act in all its haste in an area where misery is manifest, and wiping the tears from every subject eye will be a socialistic performance.
12. We repeat: The enclosed draft bill has been drawn up after long deliberations by us the Construction workers, and our representatives from different parts of the country and men of law who have a concern for our cause. It echoes the needs and aspirations of a neglected mass of citizens, which are founded on undisputable logic and unquestionable human need.
13. We do not desire, any more tinkering with existing Labour Legislations. They cannot come to our rescue. If rule of law has any meaning and relevance the Parliament ought to consider our case seriously. The proposed law is ideal, in so far as it would satisfy both the employers and the construction workers.
14. The enclosed draft bill has many special features based on the peculiar nature of construction Industry. It has provided for a self-contained dispute resolution machinery to enable speedy resolution of disputes.
15. If rational non exploitative arrangement of human relationships is the function of law, making, and if Articles 39, 42, and 43 of the Constitution are more than mere empty words and beyond electoral ephemeralities then, the suggested Law for Construction Labour will be a doubtless item in the immediate business agenda of the Parliament.

!!WE APPEAL ACCORDINGLY!!