

List of Amendments suggested by NCC-CL

Act 28 of 1996

1. Section 6 :

Recast to make it clear that 'such cess' as is ~~ahead~~ levied and payable under any corresponding law in force in that State, shall not be less than the rate notified under Act 28 of 1996; if it is, the deficit will have to be levied and collected.

(1) Sub section 4 of section 1 :

Add the following provision at the end of sub section 4.

"provided that the limit of 10 workers for purposes of coverage can be reduced by the appropriate government by notification, giving three months notice of its ~~is~~ntention of doing so".

+ Note: Instead of suggesting removal of the limit of ten, it may be more acceptable to suggest the above formulation, leaving the decision to the appropriate government.

Alternatively there shall be no limit in regard to workforce - but wherever difficulties may arise in regard to enforcement or compliance with the law. The local unit of the Board may take equitable steps.

(2) Clause (a) of sub section (1) of section 2:

In this clause, sub clause (ii) and the explanation thereunder may be deleted.

Note: There is no reason why these establishments cannot be brought under the jurisdiction of the concerned state governments. Considering that ~~no other~~ ^{all} Welfare Boards ~~are~~ are to be constituted by the State Government and that these Boards will be responsible for administered ^{by} the Welfare Funds, there is no reason why the establishment~~s~~ of the type covered by sub clause (ii) should have the Central Govt. as the appropriate government.

(3) Sub clause (ii) of clause (e) of sub section 1 of section 2 :

The words "draws wages exceeding one thousand six hundred rupees per mensem or" may be deleted.

Note: This wage limit in the Act is a hang over of the similar provision in the Industrial Disputes Act 1947. In these days where the lowest paid regular employee of the Government of India ^{gets} have a wages (basic pay + dearness allowance only) ^{will} in excess of Rs.1,600/- per month, such a ceiling limit will exclude all supervisors. That the deletion of this wage limit in the Industrial Disputes Act has not taken place ^{yet}, is no justification for bringing it into this new Act.

(4) Clause (j) of sub section 1 of section 2 :

For 'rupees ten lakhs' at the end of the sub clause, read 'rupees one lakh'.

Note: Even in these days of high prices, rupees ten lakhs is ^{too} high a figure. This will result in a considerable diminution of the Cess that can be collected.

(5) Chapter IV:

Can the word 'beneficiary' be replaced by some other suitable word; perhaps, the term 'registered worker' may be thought of.

(6) Section 16 :

Delete section 16.

Note: If it is considered necessary that some contribution must be made by the workers, then the contribution must be minimal - say not more than Rs.5/- per month; and in case of workers whose monthly earnings are less than the minimum wage, as notified, such workers may be exempted from any payment.

It must be recognised that under the statutory Welfare Funds for Mine Workers and Beedi Workers, no contribution is to be made by workers.

(7) Chapter V :

Let the entire chapter be replaced by section 18 to 24 as in the enclosed copy; the idea is to constitute Construction Labour Board, instead of Welfare Boards. Consequently the term 'Board' in Section 2(1)(c) must be amended as follows:- 'Board' means a Construction Labour Board.

(8) Provisions relating to State Construction Labour Board, its local units etc. and as also of dispute resolution contained in the NCC-CL Bill should also be incorporated.

(9) The cess collected by the State Governments should be transmitted to the State Construction Workers Fund to be operated by the State Board.