

**Utilization of Cess levied on construction companies
for labour welfare schemes**

441. SHRI VIJAY JAWAHARLAL DARDA: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether the labour cess received from various organization engaged in construction activities in National Capital Region, has been fully spent for labour welfare schemes during 2008 and 2009;

(b) if not, whether the unutilized cess funds are proposed to be returned to such organization to enable them to devise and implement customized labour welfare schemes for their existing labour force; and

(c) whether the present 1 per cent labour cess from the total bill from construction companies, is utilized on well-structured Government guidelines or it is left to the Government agencies to pick and choose such welfare schemes without any consultation with NGOs/SHGs, etc.?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) The entire collected amount has not been spent. During the years 2008, 2009 and 2010 an amount of Rs. 29 crore (approximate) has been spent.

(b) The cess funds are retained by the Delhi Building and Other Construction Workers Welfare Board for various welfare activities and future plans. The organizations are free to devise and implement welfare schemes from their fund for their workforce. There is no provision for returning the unutilized fund.

(c) Cess funds collected @ 1% are utilized, for various mandated welfare schemes for registered construction workers as per the provisions of Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Delhi Rules, 2002.

Strike in Maruti Suzuki Manesar plant

442. SHRI R.C. SINGH: Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

(a) whether Government is aware that the workers of Maruti Suzuki's Manesar plant had to resort to strike for their basic right to form their own trade union;

(b) if so, the details thereof; and

(c) the measures being taken by Central Government to ensure that Indian Labour Laws are not violated by the companies, Indian or foreign in the country?

THE MINISTER OF LABOUR AND EMPLOYMENT (SHRI MALLIKARJUN KHARGE): (a) and (b) Since Maruti Suzuki's plant at Manesar falls within the jurisdiction of the State Government, a report was called from the Government of Haryana.

As per the information received from Government of Haryana, the workers struck work in the Manesar plant of Maruti Suzuki India Ltd. on 4th June 2011 in support of their demands viz.

- I. the management should not obstruct the formation of a separate union by the workers of that plant;
- II. the management should remove the flag of the present Union (MUKU) at the gate;
- III. the management should recognize the office bearers of the proposed Union; and
- IV. the management should not harass or take disciplinary action against the proposed 11 office bearers of the proposed Union.

On 6th June, 2011 eleven workers were dismissed on charges of indiscipline. Thereafter agitating employees demanded reinstatement of these eleven workers.

Considering the circumstances of the case, the industrial dispute of dismissal of 11 workers was referred to the Labour Court for adjudication by the Government of Haryana on 10.06.2011 and the strike was prohibited by a subsequent order.

The Government of Haryana has further informed that prior to this strike there was no information on record to show that these workers had any such demand against the management and that the Labour Department of Government of Haryana made all efforts for amicable settlement of the dispute between the workers and the management of Manesar plant of Maruti Suzuki India Ltd. Accordingly, a settlement was reached between the representatives of the striking workers and the management on 16.06.2011 by virtue of which eleven dismissed workers were reinstated by the management and the strike was called off.

(c) Under the Indian Constitution, labour falls under the Concurrent list. As per this scheme, both the Central and the State Governments enforce labour laws in their respective sphere of jurisdiction.

The Union Government has time and again requested the State Governments to implement the labour laws in true letter and spirit.

A letter to this effect was also sent by the Union Labour & Employment Minister to Chief Minister of all States/UTs as recently as 28.02.2011.