

“Unless commitment is made, there are only promises and hopes; but no plans.”

Peter F. Drucker

GOVT. HAVE FAILED CONSTRUCTION WORKERS

The Supreme Court lamented in a judgment that for millions of construction workers mostly women and children, there is no social or economic justice to be given.

The apex court found that Rs. 28,000 crore meant for the welfare of construction workers lies stagnant in state coffers.

This is mainly because successive governments have failed to make use of the money for the health, safety or service conditions of unnamed and unsung construction workers, who the Supreme Court said, play a great role in “nation-building”.

The Bench of Justices ruled that it can give construction workers only “symbolic justice” and nothing real or tangible.

It said that the State governments have been collecting welfare funds for construction workers since the Parliament passed the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act and the Building and Other Construction Workers Welfare Cess Act, both in 1996.

A total of Rs. 37400 crore was collected for the benefit of construction workers over 22 years. Only Rs. 9500 crore was utilized for their benefit.

The SC raised tough posers:

What is being done with the remaining about Rs. 28,000 crore?

Why construction worker across the country are being denied the benefit of this enormous amount?

Plight of Construction workers or status of implementation of welfare legislations:

The court recorded that government estimates show there are over 4.5 crore building and construction workers in the country.

As of now, 2.8 crore workers have been registered under the 1996 laws for welfare. But there is no source for these statistics and the court dismissed these figures as mere “guesstimates”.

It pointed out that even if the government wanted to do good now by distributing the funds, it cannot as “some of these construction workers from the 1990s and even later, may perhaps have unfortunately passed away or might be untraceable.

Remedial steps suggested: Supreme Court issued a slew of guidelines including identity cards for construction workers, the provision of maternity benefits and minimum wages, and even bringing them under the MGNREGA.

CENTRE PLANS LAW ON ONLINE ‘HATE SPEECH’

Moving a step ahead towards framing a distinct law for online hate speech,” the Home Ministry has written to the Law Commission to prepare a draft law.

The provisions will deal with offensive messages sent through social media and online messaging applications.

T.K. Viswanathan Committee

The decision came after a committee headed by former Lok Sabha Secretary General T.K. Viswanathan submitted a report recommending stricter laws to curb online hate speech. The panel was formed after Section 66A of the Information Technology Act, 2000, was scrapped by the Supreme Court in 2015.

The scrapped provision provided punishment for sending offensive messages through communication services.

A senior National Crime Records Bureau (NCRB) official said there is no comprehensive data available on cases in which rumors and hate speech insinuations were made through social media and WhatsApp.

“Such crimes are being registered under various other sections like sedition or other sections of the Information Technology Act. If the law is amended, it will provide us with the extent of the problem,” said the official. The 267th report of the Law Commission had recommended inserting additional provisions in Sections 153 505 of the Indian Penal Code (IPC).

Punishment and fine:

The proposed 153 C (b) IPC 'incitement to hatred,' recommended that the crime be punishable by two years imprisonment and Rs. 5,000 fine or both.

A senior Home Ministry official said the Law Commission has been asked to include its earlier recommendations, and those from the Viswanathan and M.P. Bezbaruah committees, to give a "comprehensive draft law."

The Bezbaruah committee had proposed to insert two stricter anti-racial discrimination provisions in the IPC.

Only four states Manipur, Meghalaya and Mizoram, Uttar Pradesh and three union territories —Andaman and Nicobar, Dadra and Nagar Haveli and Lakshadweep agreed to the Centre's proposal.

IS GOVT. TURNING DEAF EAR TO BANKS BUREAU?

Is the government ignoring the suggestions of the Banks Board Bureau (BBB) on reforms in public sector banks?

The answer is yes if one were to go by the 'Compendium of Recommendations' put up on its website where it said the bureau was merely functioning as 'an appointment board'.

Though the bureau, headed by Vinod Rai, had sought a meeting with Finance Minister Arun Jaitley to chalk out the action plan for reforms in PSBs in July 2017, the Minister had not given it time yet, it said.

Having begun functioning from April 1, 2016, BBB was seen as a step towards governance reforms in public sector banks as recommended by the P.J. Nayak Committee.

The objectives of BBB are:

- Preparing PSBs to take on competition
- Helping them develop capabilities to manage price risk across business cycles
- Forcing them to focus on generating internal capital, among others,.
- It also has the mandate to suggest names for the appointment of CEOs and board members of public sector banks (PSBs) to the Centre.

Reforms proposed in BBB: 'No executive role'

BBB had also sought the governments mandate to rework the Articles of Association of IDBI Bank Ltd., so that it mirrored, to the extent possible, the Articles of Association of other such institutions which were earlier in the public sector.

These mandates were suggested to further reinforce and institutionalize the zero interference policy of the government.

It, however, clarified that the board did not seek an executive role. It was to discuss these matters it had sought a meeting with the Finance Minister.

The letter also indicated that reforms could be undertaken without the Centre cutting stake below 51%, contrary to recommendations by the P.J Nayak committee.

The present term of BBB members will end on March 31. It is not clear whether the Centre will reconstitute the board or extend their term.

SEBI FOR PHASED ROLL-OUT OF GOVERNANCE NORMS

The Securities and Exchange Board of India (SEBI) plans to introduce new corporate governance norms as proposed by the Kotak Committee in a phased manner for listed entities, with only the bigger companies required to comply in the initial phase as opposed to all the listed companies.

The board of the capital market regulator, which is scheduled to meet on March 28, will discuss the committee's proposals before giving it the go-ahead for implementation for listed companies.

- The aim is to implement the new norms with minimum disruption and so the top 200 or 500 companies would be initially mandated to comply with the new rules.
- There are proposals that, if implemented for the complete market at one go, would create genuine hurdles and so the view is that a phased implementation would work better.
- The 23-member committee under the chairmanship of Uday Kotak had submitted its 177- page report to SEBI in October.
