

**IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 524/2010**

**PEOPLES UNION FOR DEMOCRATIC
RIGHTS and OTHERS**

... Petitioners

Through: Mr. Colin Gansalves, Sr. Advocate with Mr. Tariq Adeeb, Advocate.

Versus

UNION OF INDIA AND OTHERS

...

Respondents

Through: Mr. Sanjeev Sachdeva, Advocate for R-1, 5, 6
Mr. Ajay Verma, Standing Counsel for DDA.
Mr. N. Waziri, Standing Counsel with Mr. Shoaib Haider, Advocate for GNCTD.
Mr. Anil Amrit with Mr. Rohit Dhingra, Advocate for -7/NDMC.
Mr. K.C. Kaushik, Mr. Rahul Kaushik and Ms. Shilpi Kaushik, Advocates for R-12/DMRC.
Mr. Atul Sharma and Mr. Milanka Chaudhary, Advocates for R-11/DIAL.
Mr. Anil Grover with Mr. Rahul Khurana, Advocates for SAI.

CORAM:
HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

O R D E R

03.02.2010

This petition filed in public interest draws attention of the court to the plight of construction workers and seeks directions for compliance of the provisions of The Building and Other construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the Rules framed there under. It is inter alia pleaded that minimum wages are not being paid to most of the workers; the wages are paid irregularly after considerable delays; safety equipment and identity cards and wage slips are not being made available to the workers and no provisions for residence of the workers and their family members, as required to be made are being made. It is further pleaded that though the welfare fund set up in accordance with The Building and Other Construction Workers' Welfare Cess Act, 1996 stands at Rs.300 crores but the Welfare Board in Delhi is dysfunctional and has not been meeting regularly and has not shown any track record of commitment to labour issues; only Rs.15 lacs or thereabouts out of the sum aforementioned of Rs.300 crores have been spent for the benefit of the workers. The pleadings aforesaid show a grave state of affairs, and if the same are true, amounts to a total apathy towards the construction workers who form a large migrant community, in spite of law for their benefit having been enacted. The counsels appearing for some of the agencies have contended that they are unable to do the needful owing to the said workers having no permanent address.

The Senior counsel for the petitioners contends that the said problem can be resolved by issuance of identity cards in accordance with the Act.

There is a controversy as to whether identity cards have been issued or not. It is informed by the counsel for the Govt. of NCT of Delhi that about 17,000/- identity cards have been issued. The Act aforesaid was promulgated recognizing that the said workers belong to one of the most vulnerable segments of unorganized labour in India and are characterized by the inherent risk to life and limb; their work is casual in character and there is only a temporary relationship of employer and employee and that too with uncertain work hours, lack of basic amenities and inadequacy of welfare facilities. The Act in Section 7 thereof provides for registration of establishments employing building workers in any building or other construction work as well as in Section 12 for Registration of Building Workers. Section 18 provides for constitution of Welfare Board and Section 13 provides for issuance of identity cards to every worker.

In the facts of the case we feel the need for constitution of four-member committee and which is agreed to by the counsel for the Govt. of NCT of Delhi also with the Secretary (Labour), Commissioner (Labour) as its members. On the suggestions of the counsels, we also appoint Ms. Arundhati Ghose, Former Indian Ambassador to the United Nations and Dr. Lakshmidhar Mishra, Special Rapporteur, National Human Rights Commission, who are informed to have consented to be the members of the said Monitoring Committee as members thereof. The said Committee shall hold its first meeting on 8th February 2010 and take appropriate steps to redress the grievance of the construction workers in Delhi and for implementation of provisions of the Act. We also direct the Welfare Board constituted under the provisions of the Act to hold extra/special meetings and to comply with the various provisions of the Act/Rules and ensure issuance of identity cards to all the construction workers. The Board shall abide by the directions issued by the Monitoring Committee constituted by this court.

The Monitoring Committee to ensure that the prayers (C), (D), (E) and (F) of the writ petition are complied with. List this matter now on 17th March 2010. The Monitoring Committee constituted by us to submit a report by that date.

CHIEF JUSTICE

RAJIV SAHAI ENDLAW, J

FEBRUARY 03, 2010