

(SUPREME COURT)

P. N. BHAGWATI and BAHARUL ISLAM, JJ.

Writ Petition No. 8143 of 1981

May 11, 1982

between

PEOPLES' UNION FOR DEMOCRATIC RIGHTS and others

and

UNION OF INDIA and others

Constitution of India, Art. 32—Construction work of Indoor Stadium, Swimming Pool, Fly-overs etc.—Union of India, Delhi Administration and Delhi Development Authorities are directed to take necessary steps for enforcement of observance of provisions of Contract Labour (Regulation and Abolition) Act, 1970, Minimum Wages Act, 1948—Equal Remuneration Act 1976—Employment of Children, 1938—Inter State Migration Workmen (Regulation of Employment and Condition of Service) Act, 1979.

We allow the writ petition and direct that the Union of India, the Delhi Administration and the Delhi Development Authority do take the necessary steps for enforcing observance of the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, the Minimum Wages Act, 1948, the Equal Remuneration Act, 1976, the Employment of Children Act 1938, and the Inter State Migration Workmen (Regulation of Employment and Conditions of Service) Act, 1979 by the contractors engaged in the construction work of the Indoor Stadium at Indraprastha Estate, Asian Village Complex at Siri Fort Road Swimming Pool at Talkatora Garden, Fly-overs at Indraprastha Estate, Moolchand Hospital, Oberoi Hotel and Lodi Road and the Hotel Project near Ashoka Hotel. The Union of India, the Delhi Administration and the Delhi Development Authority are also directed to ensure that the minimum wage is paid by the contractors directly to the workers without the intervention of the Jamadar and if any commission has to be paid to the Jamadars, the contractor may pay it to the Jamadars without deducting any part of it from the minimum wage payable to the workers and the contractor shall not employ any children below the age of fourteen years in the construction work and shall provide all the facilities and conveniences which are required to be provided under the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 and the Inter-State Migration Workmen (Regulation of Employment and Conditions

of Service) Act, 1979 which has already come into force with effect from 2nd October 1980 and under which the powers to enforce its provisions have been delegated to the Delhi Administration on 18th July 1981. We shall give our reasons for making this Order in due course.

JUDGMENT

P. N. BHAGWATI, J.—We allow the writ petition and direct that the Union of India the Delhi Administration and the Delhi Development Authority do take the necessary steps for enforcing observance of the provisions of the Contract Labour (Regulation and Abolition) Act, 1970, the Minimum Wages Act, 1948, the Equal Remuneration Act, 1976, the Employment of Children Act 1938 and the Inter State Migration Workmen (Regulation of Employment and Conditions of Service) Act, 1979 by the contractors engaged in the construction work of the Indoor Stadium at Indraprastha Estate, Asian Village Complex at Siri Fort Road, Swimming Pool at Talkatora Garden, Fly-overs at Indraprastha Estate, Moolchand Hospital, Oberoi Hotel and Lodi Road and the Hotel Project near Ashoka Hotel and for this purpose carry out weekly the inspections and file copies of the inspection reports in this Court in the proceedings of the present writ petition and if any violations of the provisions of these statutes are noticed, then immediately file prosecutions against the defaulting contractors. The Union of India, the Delhi Administration and the Delhi Development Authority are also directed to ensure that the minimum wage is paid by the contractors directly to the workers without the intervention of Jamadars and if any commission has to be paid to the Jamadars, the contractor may pay it to the Jamadars without deducting any part of it from the minimum wage payable to the workers and the contractor shall not employ any children below the age of fourteen years in the construction work and shall provide all the facilities and convenience which are required to be provided under the provisions of the Contract (Labour Regulation and Abolition) Act 1970 and the Inter-State Migration Workmen (Regulation of Employment and Conditions of Service) Act, 1979 which has already come into force with effect from 2nd October 1980 and under which the powers to enforce its provisions have been delegated to the Delhi Administration on 18th July 1981. We would also like to appoint two independent institutions to act as ombudsman for protecting the interests of the workers and ensuring observance of the Contract Labour (Regulation and Abolition) Act 1970, the Minimum Wages Act, 1948, the Equal Remuneration Act, 1976, the Employment of Children Act 1938 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 by the contractors. We would therefore request Shri Walter Fernandes and Shri Alfred D'souza, Directors, Indian Social Institute, Lodi Road, New Delhi 110003 and Shri Das Gupta, Director, Peoples Institute for Development and Training, New Delhi-110016 to visit the sites of the construction work carried on in respect of the following projects, namely Indoor Stadium at Indraprastha Estate, Asian Village complex at Siri Fort Road, Swimming Pool at Talkatora Garden, Fly-overs at Indraprastha Estate, Oberoi Hotel, Mool Chand Hospital and Lodi Road and the hotel project near Ashoka Hotel and make close and detailed enquiries of the workmen for the purpose of ascertaining whether the provisions of the above mentioned statutes are being implemented and observed by the contractors. We would in particular invite the attention of Shri Fernandes, Shri Alfred D'souza and Shri Das Gupta to Sections 16, 17, 18, 19, 20 and 21 of the Contract Labour (Regulation and Abolition) Act 1970, Section 12 of the Minimum Wages Act, Sections 4 and 5 of the Equal Remuneration Act 1976, Section 3 of Employment of Children Act 1938 and Sections 13 to 17 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979. We suggest that these three persons whom we have nominated for the purpose of inspection, should visit the sites of the construction work once in a week and submit their weekly reports to this Court

which may be taken on record in the proceedings of this writ petition. We direct the Registry to supply copies of these reports to Mr. Govind Mukhoti, petitioner No. 2 who is an advocate of this Court as also to the Labour Commissioner of Delhi Administration and the Under Secretary to the Ministry of Labour, Government of India, so that on the basis of these reports necessary action can be taken against the contractors, if so required. The respondents as also the contractors to whom the construction work of the different projects is entrusted by the respondents are directed to provide all necessary facilities for the purpose of enabling Shri Walter Fernandes, Shri Alfred D'souza, and Shri Das Gupta to carry out the inspection as desired by us. If these three persons want to interview any of the workmen separately and independently, the contractors will provide the requisite facilities for the same. If as a result of the reports made by these three gentlemen it is found that any violations of the Labour Laws are committed by any of the contractors and no action is taken by the concerned authorities for redress in respect of such violations, the petitioners will be at liberty to apply for necessary relief by having the present writ petition placed on board for directions.

We must express our sense of gratitude to Mr. Govind Mukhoti, petitioner No. 2 for having assisted us in bringing relief to the workmen by filing the present writ petition. Since the petitioners have brought this matter before the Court by addressing a letter and they have appeared in person we make no order as to costs except express our sense of appreciation for the public service rendered by the petitioners in bringing this litigation before the Court.

We shall give our reasons for making this Order in due course.
