

ITEM NO.13

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

IA NO.127961 SMW (C) No(s).1/2015

IN RE: OUTRAGE AS PARENTS END LIFE AFTER CHILDS DENGUE
(APPLICATION BY THE STATE OF MAHARASHTRA)

Date : 10-10-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

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For Petitioner(s)

For Respondent(s)
UOI
Moef

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SRA

Mr. Uday B. Dube, Adv.

Mr. Chirag M. Shroff, Adv.
Ms. Neha Sangwan, Adv.

Ms. Joyshree Barman, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Learned counsel appearing for the State of Maharashtra has placed before us a Note titled "Maharashtra Building and Other Construction Worker's Welfare Board". This is pursuant to our order of 26th September, 2018 for registration of building and construction workers in entire Mumbai and submission of a status report.

It is submitted in the Note that, as informed earlier, the number of workers registered in Mumbai City, Mumbai Suburban East and Mumbai Suburban West are 48,488. Subsequently, additional 2181 workers have been registered till 8th October, 2018 and registration forms have been received or are in the process of scrutiny in respect of 3434 workers. This takes care of a total of 54103 workers who are construction and building workers.

It is submitted by learned counsel that the Slum Rehabilitation Authority (SRA) has about 339 projects under its charge and the Maharashtra Housing Area Development Authority (MHADA) has about 149 building and construction projects under its control.

Along with the Note, a photocopy of an affidavit-in-reply on behalf of SRA, that is proposed to be filed by SRA, has been annexed as Annexure "B". This is not disputed by learned counsel on behalf of SRA.

We have gone through the affidavit and we find that the affidavit proposed to be filed is extremely vague. The responsibility is sought to be shifted from the SRA to the developers and the contractors.

In our opinion, the SRA has the primary responsibility to ensure that the contractors who are involved in building and construction work and who have been authorised by SRA through the developer are registered under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (for short "the Act"). These contractors are obligated by the Act to register the workers.

Given the magnitude of the projects under the SRA, i.e., about 339 building and other constructions being carried out, it can safely be assumed that there are several thousand workers who are required to be registered. The responsibility on the SRA, therefore, is enormous and they should, without trying to pass on the buck to the developer or contractor, take pro-active steps to ensure that the contractors who have been appointed through the developers by the SRA are registered under the Act and the workers employed are also registered under the Act so that they are given the benefit due to them.

Accordingly, we direct the Chief Executive Officer

(CEO) of SRA to take immediate steps in this regard and file a compliance report within three weeks from today.

As far as MHADA is concerned, it is not a party before us for the present. Accordingly, issue notice to the Vice-President of MHADA to go through the orders that have been passed by us today and comply with the directions given to the SRA *mutatis mutandis*. The affidavit be filed by MHADA within three weeks.

We expect the State of Maharashtra to complete the registration of building and construction workers, as mentioned in the Note given to us and ensure that necessary benefits are given to the building and construction workers.

List the application on 27th November, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR