

\$~Suppl.-4

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 5101/2021

ABHIJEET KUMAR PANDEY .....Petitioner  
Through: Mr. Varun Singh, Advocate with  
Mr. Ytharth Kumar and Mr.  
Abhijeet Pandey, Advocates.

Versus

UNION OF INDIA & ORS. ....Respondents  
Through: Mr. Amit Mahajan, Advocate with  
Mr. Gitesh Chopra, Advocate for  
R-1/UOI.  
Mr. Gautam Narayan, ASC  
GNCTD with Ms. Asmita Singh,  
Advocate for R-2 & 3.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**HON'BLE MS. JUSTICE ASHA MENON**

**ORDER**

% **03.05.2021**

**CM APPL. 15625/2021**

Exemption allowed, subject to all just exceptions.

Accordingly, present application stands disposed of.

**W.P. (C) 5101/2021, CM APPL. 15624/2021**

The petition has been heard by way of video conferencing.

Present writ petition has been filed seeking directions to the Respondents to register all migrant workers of Delhi under Section 10 of The Unorganised Workers' Social Security Act, 2008 and to provide free medicines and medical facilities to the migrant workers.

Petitioner also seeks directions to the Respondents to fulfil its obligations under The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and to pay monies under the income transfer scheme to all migrant workers of NCT Delhi.

Learned counsel for the petitioner relies on the Directive Principles of State Policy as enshrined in the Constitution and submits that the Respondents are bound to protect the welfare of the people, especially that of the working class under Article 43 of the Constitution of India.

He states that under the Disaster Management Act, 2005, various Central and State funds have been created and that the Respondents can make use of these funds to ensure that the migrant workers are well taken care of.

He emphasizes that the Respondents herein have not been able to formulate any plan for setting up a database of the migrant workers even after the first wave of the pandemic, and therefore have been unable to reach out to all the workers and their families.

However, in response to a pointed query, learned counsel for the petitioner admits that the petitioner had not made any representation to the respondents before approaching this Court.

Issue notice.

Mr. Gitesh Chopra, Advocate accepts notice on behalf of respondent No. 1. Mr. Gautam Narayan, Advocate accepts notice on behalf of respondents No. 2 and 3.

Mr. Gautam Narayan has drawn this Court's attention to various orders passed by the Chief Secretary, Delhi Administration under the Disaster Management Act, 2005 as well as the Status Reports filed by

various officers in pursuance to the said orders. He states that the State Government is taking various steps to ameliorate the condition of the migrant workmen as well as those working in the unorganised sector. He states that provisions for free shelter, food and medicare have been made. He emphasises that Rs. 98,96,70,000/- have been disbursed to 2,10,684 workers under order dated 20<sup>th</sup> April, 2021 passed by the Chief Secretary under the Disaster Management Act, 2005.

In rejoinder, learned counsel for the petitioner states that the steps mentioned in the order dated 20<sup>th</sup> April, 2021 of Govt. of NCT Delhi specifically relate to and are restricted to the workers under The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996. He contends that till date, there is no scheme to give benefit to the workers under The Unorganised Workers' Social Security Act, 2008. He emphasises that there is no database to locate and identify the migrant workers in NCT Delhi.

Having heard learned counsel for the parties, this Court is of the opinion that in view of the scale and magnitude of pandemic Covid-19, a structured response by the administration is required so that the voiceless and the marginalised sections of the society can be given proper and adequate relief.

Consequently, this Court directs that the present writ petition be treated as a representation to the Chief Secretary, Government of NCT of Delhi who is directed to frame a Scheme incorporating a structured response for the '*home-based worker*', '*self-employed worker*' and '*unorganised worker*', as defined under The Unorganised Workers' Social Security Act, 2008, within two weeks. While framing the scheme,

the Chief Secretary shall keep in mind the prayers sought for in the present writ petition, including the prayer for payment of ex gratia amount to the unorganised workers and the migrant workers. The Chief Secretary shall also ensure that the registration process under Section 10 of The Unorganised Workers' Social Security Act, 2008 is simplified and is implemented at the ground level.

Since the pandemic is of gigantic magnitude, this Court directs the Chief Secretary to consider the feasibility of involving the elected representatives as well as the civil society at large in particular NGOs, Gurudwaras etc. who have a good track record and who have been working with the administration in the past.

Let a Status Report be filed within two weeks.

List on 20<sup>th</sup> May, 2021.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

**MANMOHAN, J**

**ASHA MENON, J**

**MAY 03, 2021**  
**AS**