

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 13029/1985

M.C. MEHTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IN RE: TRANSPORT AND IN RE: PAYMENT OF COMPENSATION TO THE CONSTRUCTION WORKERS NAME OF THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN IN THE LIST: MR. HARISH N. SALVE, SR. ADVOCATE (A.C.) MS. APARAJITA SINGH, SR. ADVOCATE (A.C.) MS. UTTARA BABBAR, SR. ADVOCATE (A.C.) MR. A.D.N. RAO, SR. ADVOCATE (A.C.) MS. SHIBANI GHOSH, ADVOCATE (A.C.) MR. SIDDHARTHA CHOWDHURY, ADVOCATE (A.C.) MR. G.S. MAKKER, MR. AMRISH KUMAR, MR. M.K. MARORIA, MR. SANJAY KR. VISEN, MR. SUDEEP KUMAR, MR. KARAN SHARMA, MR. SANDEEP KR. JHA, MR. JYOTI MENDIRATTA, MR. RAHUL KHURANA, ADVOCATES)

Date : 28-02-2025 This petition was called on for hearing today.

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

IN RE: PAYMENT OF COMPENSATION

1. Firstly, we deal with the issue of payment of compensation to the construction workers.

STATE OF HARYANA

2. As far as the affidavit of the Government of Haryana is concerned, for the first and second phase of Graded Response Action Plan (GRAP)-IV, the compensation has been paid to 2,68,759 and 2,47,881 workers respectively and the process of paying the compensation to approximately 95,000 workers for GRAP-IV phase in January, 2025 is under process.

3. Therefore, at this stage, no further direction is required to be issued as far as the Government of Haryana is concerned.

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

4. We have perused the affidavit filed on behalf of the Government of Delhi in which it is claimed that so far, compensation has been paid to 93,272 workers. It is stated that the process of verification of rest of the workers who have been registered is in progress. The Unions of the construction workers are free to submit the details in a format annexed to the affidavit to the DBOCWW Board so that after verification, the payments can be released.

5. The Government of Delhi to file a further affidavit by end of March, 2025 indicating the payments made to various workers. The Government of Delhi to submit a response in the form of a chart giving details of the payment.

6. List on 2nd April, 2025 for the purpose of reporting compliance.

STATE OF RAJASTHAN

7. As far as the Government of Rajasthan, the compensation amount has been paid to 3,197 workers as per the survey report. Hence, no further direction is required to be issued in respect the State of Rajasthan.

STATE OF UTTAR PRADESH

8. The State of Uttar Pradesh has filed an affidavit stating that the compensation amounts have been paid to 4,88,246, 4,84,157 and 691 workers who were affected in

phases I, II and III of GRAP IV respectively. The amounts paid have been also mentioned. At this stage, no further direction is required to be issued in respect of the State of Uttar Pradesh.

9. The personal presence of the Chief Secretaries of the aforesaid States is dispensed with.

IN RE: GRAP MEASURES

10. When the measures under the GRAP are applied and when those measures require construction activities to be closed, the construction workers affected by the closure must be paid the compensation. As far as 2024-2025 are concerned, we have issued directions to the States to pay the compensation to the construction workers.

11. We make it clear that hereafter whenever construction activities are required to be closed due to implementation of the GRAP measures, compensation shall be paid to the affected workers in terms of clause (ii) of this Court's order dated 24th November, 2021 in Writ Petition (Civil) No.1135 of 2020. Clause (ii) reads thus:

"(ii) The States shall use the funds which have been collected as labour cess for the welfare of construction workers to provide them subsistence for the period during which construction activities are prohibited and pay wages notified under the Minimum Wages Act for the respective categories of workers."

Even if there is no specific direction of the Court to pay compensation, the NCR States shall pay compensation in terms of clause (ii), when an exigency as stated aforesaid arises. We also make it clear that even if labour cess collected is not sufficient to pay requisite compensation, the States shall be liable to pay the compensation.

12. At this stage, Mr.Chirayu Jain, the learned counsel appearing on behalf of the National Campaign Committee for Central Legislation on Construction Labour submits whenever GRAP III and IV measures are applied, the non-polluting activities should continue. We decline to pass any such orders, as GRAP III and IV guidelines lay down what is permissible and what is not-permissible. Hence, we do not accede to the prayer made by the learned counsel for clarification.

13. Thereafter, the learned counsel further states that the direction issued in terms of clause (i) of the order dated 24th November, 2021 should continue to operate.

14. However, we find that after the said order, the GRAP has undergone changes and therefore, what will prevail is the GRAP measures which will be again subject to modifications made by this Court depending upon the exigencies.

IN RE: VEHICULAR POLLUTION

15. Perused this Court's order dated 20th January, 2025.

16. The learned Amicus Curiae pointed out that except the Ministries of Road Transport and National Highways and Heavy Industries, none of the Central Ministries have responded. Out of the State bodies, only the States of Rajasthan, Delhi and Haryana have responded.

17. We direct the Registry to again issue fresh notices to those entities which have not complied with the said order. The entities shall comply with the order dated 20th January, 2025 within a period of one month from today. The entities which are already responded must file better affidavits.

18. In modification of the order dated 20th January, 2025, we direct that the responses/affidavits shall be sent to the Commission for Air Quality Management which in turn after compiling the same, will provide copies thereof to the learned Amicus Curiae. The implementation on the issue will be examined on 21st March, 2025.

(ANITA MALHOTRA)
AR-CUM-PS

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