

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12<sup>TH</sup> DAY OF MAY, 2020

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE B.V. NAGARATHNA

**WRIT PETITION NO.6757 OF 2020 (L-RES) PIL**

**BETWEEN:**

MS. AYANTIKA MONDAL  
ADVOCATE  
OFFICE AT PRIME LEGAL  
39/2, 2<sup>ND</sup> FLOOR  
ASVNV BHAVAN  
K.G. ROAD  
GANDHINAGAR  
BENGALURU – 560 009.

...PETITIONER

(BY MS. AYANTIKA MONDAL, PARTY-IN-PERSON)

**AND:**

1. STATE OF KARNATAKA  
REPRESENTED BY  
THE CHIEF SECRETARY TO GOVERNMENT  
VIDHANA SOUDHA  
DR. AMBEDKAR VEEDHI  
BENGALURU – 560 001.

2. THE PRINCIPAL SECRETARY  
TO GOVERNMENT  
MINISTRY OF LABOUR AND EMPLOYMENT  
VIDHANA SOUDHA  
DR. AMBEDKAR VEEDI  
BENGALURU – 560 001.

..RESPONDENTS

(BY SHRI M. DHYAN CHINNAPPA, AAG & SHRI VIKRAM HUILGOL, A.G.A.)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO ORDER/DIRECT/GUIDE THE RESPONDENTS TO FRAME/DEVISE/LAW, CODE RULES ETC., TO ENSURE PROTECTION TO THE GIG WORKERS UNDER THE AMBIT OF EMPLOYMENT LAW AND ETC.

THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

**ORDER**

Heard learned counsel appearing for the petitioner.

2. The petitioner has pointed out that while regular employees in the private sector of the IT based platforms enjoy protection of laws, gig workers, who are key contributors to the functioning of the IT based platforms have been denied protection of any statute or any scheme of the Government.

3. Learned counsel pointed out that this class of workers needs relief from the Government as they have been adversely affected due to situation created by COVID-19.

4. Perusal of the prayers made in the petition shows that in substance, the prayer is for issuance of a writ of mandamus enjoining the State Government to enact a statute for protection of the gig workers. The other prayer is for issuing a writ of mandamus directing the State Government to issue necessary directions by framing guidelines to ensure that the companies running IT platforms and aggregated companies pay salary to registered gig workers. To enable the State Government to issue such directions/guidelines, a specific statutory power must vest in the State Government . Learned counsel is unable to point out existence of any such statutory power.

5. Therefore, we are unable to issue a writ of mandamus as prayed for.

6. Several sections of the society have been adversely affected by COVID-19. If the category of gig workers have no protection, it is for them to make appropriate representation to the State Government. We are sure that if such a representation is made, the State

Government will consider the same expeditiously in accordance with law.

7. Subject to what is observed above, petition is ***rejected.***

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

*\*mvs*