

ITEM NO.3

COURT NO.3

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 : 26-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Colin Gonsalves, Sr. Adv. (AC)
Ms. Olivia Bang, Adv.

For Petitioner(s)

For Respondent(s)

UOI

Moef

Ms. Saudamini Sharma, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. R.R. Rajesh, Adv.
Ms. Suhasini Sen, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur, Adv.
Mr. Ritesh Kumar, Adv.
Mrs. Anil Katiyar, Adv.
Mr. G.S. Makker, Adv.
Mr. B.V. Balram Das, Adv.
Ms. Kirti Dua, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Adv.
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Saeed Qadri, Adv.

NHAI

Mr. Mukesh Kumar, Adv.
Mr. Shubham S. Saxena, Adv.
for M/s. M.V. Kini & Associates

Signature Not Verified

Digitally signed by
SANJAY KUMAR
Date: 2018.09.28
10:07:15
Reason: I am the author

CFCB

Mr. Avijit Roy, AOR

DDA

Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.

Maharashtra

Mr. Shekhar Naphade, Sr. Adv.
Ms. Deepa M. Kulkarni, Adv.
Mr. Nishant R. Katneshwarkar, Adv.

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

A note has been handed over to us by Mr. Shekhar Naphade, learned senior counsel appearing on behalf of the State of Maharashtra.

It is the admitted position, as per note, that there are at least 53,270 construction workers who are working on construction sites. This does not include construction workers in the Schemes approved by the Slum Rehabilitation Authority.

It is also stated in the note that only 48,488 such construction workers have been registered under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (for short "the Act").

The admitted position, therefore, is that there are about 5000 construction workers who are working, but they have not been registered by the employer/ contractor.

This is an extremely unfortunate situation because due to the non-registration of these construction workers, they will not get the benefit of the provisions of the Act and on the contrary, cess will (hopefully) be collected from the contractors/builders but utilized for a purpose other than the benefit of the construction workers.

Under these circumstances, we direct the State of Maharashtra to identify the contractors/builders who have employed these roughly 5000 construction workers without they being registered and take punitive action against the builders/contractors.

We also direct the Slum Rehabilitation Authority to ensure compliance with the provisions of the Act including registration of the contractors/builders and registration of the construction workers.

It is submitted by learned senior counsel that generally the construction workers are either illiterate or semi-educated or migrant workers. Obviously, under these circumstances, it is unlikely that they will know their rights under the Act. Therefore, the responsibility of the registration must squarely lie with the employer/contractor/builder/ State of Maharashtra.

The status report be filed pursuant to the above order well before the next date of hearing.

List the application on 10th October, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

ITEM NO.3

COURT NO.3

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

SMW (C) No(s).1/2015

IN RE: OUTRAGE AS PARENTS END LIFE AFTER CHILDS DENGUE

Date : 26-09-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Colin Gonsalves, Sr. Adv. (AC)
Ms. Olivia Bang, Adv.

For Petitioner(s)

For Respondent(s)

UOI
Moef

Ms. Saudamini Sharma, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. R.R. Rajesh, Adv.
Ms. Suhasini Sen, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur, Adv.
Mr. Ritesh Kumar, Adv.
Mrs. Anil Katiyar, Adv.
Mr. G.S. Makker, Adv.
Mr. B.V. Balram Das, Adv.
Ms. Kirti Dua, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Adv.
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Saeed Qadri, Adv.

NHAI

Mr. Mukesh Kumar, Adv.
Mr. Shubham S. Saxena, Adv.
for M/s. M.V. Kini & Associates

CPCB

Mr. Avijit Roy, AOR

DDA

Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.

For States of
Arunachal Pradesh

Ms. Eliza Bar, Adv.
Mr. Shree Pal Singh, Adv.

A.P.	Mr. Guntur Prabhakar, Adv. Ms. Prerna Singh, Adv.
Assam	Mr. Debojit Borkakati, AOR Mr. Vivek Sonkar, Adv.
Bihar	Mr. M. Shoeb Alam, Adv. Mr. Ujjwal Singh, Adv. Mr. Mojahid Karim Khan, Adv.
Chhattisgarh	Mr. Atul Jha, Adv. Mr. Sandeep Jha, Adv. Mr. D.K. Sinha, Adv.
Goa	Ms. Mayuri Nayyar Chawla, Adv. Mr. S.S. Rebello, Adv. Mr. P.S. Sudheer, Adv. Ms. Shruti Jose, Adv.
Gujarat	Ms. Hemantika Wahi, Adv. Ms. Puja Singh, Adv. Ms. Mamta Singh, Adv. Ms. Pallavi Baghel, Adv.
Haryana	Mr. Anil Grover, AAG Mr. Shivam Kumar, Adv. Mr. Sanjay Kumar Visen, Adv.
H.P.	Mr. Vikas Mahajan, AAG Mr. Vinod Sharma, Adv. Ms. Yantakshikaa Sharma, Adv.
J&K	Mr. M. Shoeb Alam, Adv. Mr. Ujjwal Singh, Adv. Mr. Mojahid Karim Khan, Adv.
Jharkhand	Mr. Tapesk Kumar Singh, Adv. Mr. Mohd. Waquas, Adv. Mr. Aditya Pratap Singh, Adv. Mr. Kumar Anurag Singh, Adv.
Karnataka	Mr. V.N. Raghupathy, Adv. Mr. Parikshit P. Angadi, Adv.
Kerala	Mr. K.N. Balgopal, Sr. Adv. Mr. G. Prakash, Adv. Mr. Jishnu M.L., Adv. Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv.
Madhya Pradesh	Mr. Arjun Garg, Adv.

	Mr. Devansh Shrivastava, Adv.
Maharashtra	Mr. Shekhar Naphade, Sr. Adv. Ms. Deepa M. Kulkarni, Adv. Mr. Nishant R. Katneshwarkar, Adv.
Manipur	Mr. Leishangthem Roshmani, Adv. Ms. Maibam Babina, Adv. Ms. Anupama Ngangom, Adv.
Meghalaya	Mr. Ranjan Mukherjee, Adv. Mr. K.V. Kharlyngdoh, Adv.
Nagaland	Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv.
Odisha	Mr. Som Raj Choudhury, Adv. Mr. Prashant Kumar, Adv.
Punjab	Mr. Naginder Benipal, Adv. Mr. Abhigya, Adv. Mr. Kumar Sumit, Adv. Mr. Anuj Bhushan, Adv.
Rajasthan	Mr. S.S. Shamsbery, AAG Mr. Amit Sharma, Adv. Mr. Sandeep Singh, Adv. Mr. Ankit Raj, Adv. Ms. Indira Bhakar, Adv. Ms. Ruchi Kohli, AOR
Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Ms. Geetanjali, Adv. for M/s Arputham Aruna & Co.
Tamil Nadu	Mr. B. Vinodh Kanna, Adv. Mr. A. Sriram, Adv. Ms. Valarmathi, Adv.
Telangana	Mr. P. Venkat Reddy, Adv. Mr. Prashant Tyagi, Adv.
Tripura	Mr. Shuvodeep Roy, Adv. Mr. Rituraj Biswas, Adv.
Uttar Pradesh	Ms. Aishwarya Bhati, AAG Mr. Garvesh Kabra, Adv.
Uttarakhand	Mr. J.K. Sethi, Dy. AG Mr. Ankur Prakash, Adv. Mr. Ashutosh Kumar Sharma, Adv.

W.B	Mr. Suhaan Mukerji, Adv. Ms. Astha Sharma, Adv. Mr. Abhishek Manchanda, Adv. Ms. Kajal Dalal, Adv. Ms. Dimple Nagpal, Adv. Mr. Amit Verma, Adv. For M/s PLR Chambers & Co.
A&N	Mr. Mrinal K. Mondal, Adv. Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, Adv.
Dadra & Nagar Haveli	Mr. Deepak Jain, Adv. Ms. Jaspreet Aulakh, Adv. Ms. Twisha Issar, Adv. Mr. Vaibhav Manu Srivastava, Adv.
Daman & Diu	Mr. Deepak Jain, Adv. Ms. Jaspreet Aulakh, Adv. Ms. Twisha Issar, Adv. Mr. Vaibhav Manu Srivastava, Adv.
Puducherry	Mr. V.G. Pragasam, Adv. Mr. S. Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv.
IA115651 108930	Ms. Anitha Shenoy, AOR Ms. Srishti Agnihotri, Adv. Ms. Remya Raj, Adv.

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

List the matter tomorrow (27.09.2018).

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR

ITEM NO.3

COURT NO.3

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

I.A. No.107306 in SMW (C) No(s).1/2015

IN RE: OUTRAGE AS PARENTS END LIFE AFTER CHILDS DENGUE

(APPLICATION FOR INTERVENTION FILED BY MR. GOPAL JHA)

Date : 26-09-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Colin Gonsalves, Sr. Adv. (AC)
Ms. Olivia Bang, Adv.

For Petitioner(s)

For Respondent(s)

UOI

Moef

Ms. Saudamini Sharma, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. R.R. Rajesh, Adv.
Ms. Suhasini Sen, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur, Adv.
Mr. Ritesh Kumar, Adv.
Mrs. Anil Katiyar, Adv.
Mr. G.S. Makker, Adv.
Mr. B.V. Balram Das, Adv.
Ms. Kirti Dua, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Adv.
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Saeed Qadri, Adv.

NHAI

Mr. Mukesh Kumar, Adv.
Mr. Shubham S. Saxena, Adv.
for M/s. M.V. Kini & Associates

CPCB

Mr. Avijit Roy, AOR

DDA

Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.

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

No one is present on behalf of the applicant.

The application is dismissed for non-prosecution.

**(SANJAY KUMAR-I)
AR-CUM-PS**

**(KAILASH CHANDER)
ASSISTANT REGISTRAR**

ITEM NO.3

COURT NO.3

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

I.A. No.137469/2018 in SMW (C) No(s).1/2015

IN RE: OUTRAGE AS PARENTS END LIFE AFTER CHILDS DENGUE

(APPLICATION FILED BY THE UT OF CHANDIGARH)

Date : 26-09-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

Mr. Colin Gonsalves, Sr. Adv. (AC)
Ms. Olivia Bang, Adv.

For Petitioner(s)

For Respondent(s)

UOI

Moef

Ms. Saudamini Sharma, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. R.R. Rajesh, Adv.
Ms. Suhasini Sen, Adv.
Mr. D.L. Chidanand, Adv.
Mr. Raj Bahadur, Adv.
Mr. Ritesh Kumar, Adv.
Mrs. Anil Katiyar, Adv.
Mr. G.S. Makker, Adv.
Mr. B.V. Balram Das, Adv.
Ms. Kirti Dua, Adv.

Mr. Sanjiv Sen, Sr. Adv.
Mr. Praveen Swarup, Adv.
Mr. Sayan Ray, Adv.
Mr. Soumo Palit, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Saeed Qadri, Adv.

NHAI

Mr. Mukesh Kumar, Adv.
Mr. Shubham S. Saxena, Adv.
for M/s. M.V. Kini & Associates

CPCB

Mr. Avijit Roy, AOR

DDA

Mr. Vishnu B. Saharya, Adv.
Mr. Viresh B. Saharya, Adv.

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

No one is present on behalf of the UT of Chandigarh
in support of this application.

Application is dismissed for non-prosecution.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR