



\$~42

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

+ **W.P.(C) 2130/2024**

**NATIONAL CAMPAIGN COMMITTEE FOR CENTRAL
LEGISLATION ON CONSTRUCTION LABOUR** Petitioner

Through: **Mr.Chirayu Jain, Advocate.**

versus

**DELHI BUILDING AND OTHER
CONSTRUCTION WORKERS BOARD** Respondent

Through: **Mr.Abhay Dixit with Mr.Akhilesh
Dixit, Advocates.**

%

Date of Decision: 22nd February, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

C.M.No.8861/2024

1. Exemption allowed, subject to all just exceptions.
2. Accordingly, the application stands disposed of.

W.P.(C) No.2130/2024

3. Present Public Interest Litigation has been filed seeking a direction to the respondent/Delhi Building & Other Construction Workers Welfare Board (hereinafter referred to as "Delhi BOCW Board") to revise its methodology/criteria used for categorising the workers' registration status

Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 23.02.2024
19:10:12



under the Building and Other Construction Workers Act, 1996 (hereinafter referred to as “the Act, 1996”) as ‘current/live’ and ‘lapsed/non-live’ on the ground that the current methodology/criteria used by the Respondent is violative of Section 17 of the Act, 1996.

4. Learned counsel for the petitioner states that Section 17 of the Act, 1996 provides for one year window from the date when renewal becomes due as per Section 16 of the Act, 1996 to renew registrations to the building workers. According to him, it is only after the default has continued for a period of one year, can the registration status of a building worker be deemed to be ‘non-live/ceased/lapsed’. He, however, points out that the Respondent as of now, deems the registration status as ‘non-live/ceased/lapsed’ even if there is a delay of one day in renewing the registrations. In support of his contention, he refers to various orders (attached as Annexure P-2) passed by the respondent rejecting the claims of construction workers for benefits on the ground that their registration status was non-live/ceased/lapsed.

5. He submits that the interpretation adopted by the respondent is contrary to the judgments of this Court in *Jai Pal v. Delhi Building and Other Construction Workers Welfare Board WP(C) 3001/2020*; *Rati Ram v. Delhi Building and Other Construction Workers Welfare Board WP(C) 9769/2021*; and *Anguri Devi v. Delhi Building and Other Construction Workers Welfare Board 2023:DHC:4183*.

6. Per contra, learned counsel for the respondent submits that a worker can be given benefits under the Act, 1996 only if he has worked as a construction worker for ninety days in a year. In support of his submission, he relies upon Section 14(1) of the Act, which reads as under:-



14. Cessation as a beneficiary. – (1) A building worker who has been registered as a beneficiary under this Act shall cease to be as such when he attains the age of sixty years or when he is not engaged in building or other construction work for not less than ninety days in a year:

Provided that in computing the period of ninety days under this sub-section, there shall be excluded any period of absence from the building or other construction work due to any personal injury cause to the building worker by accident arising out of and in the course of his employment.”

7. Learned counsel for the respondent has handed over two charts mentioning details of all offline and online claims from 2015 to 21st February, 2024. The said two charts are reproduced hereinbelow:-

All Offline Claim Details from 2015 to 21-02-2024							
S.No	Name of Districts	Total Claims Received	Sanctioned	Rejected	Temporary Closed	Deficiency Memo	Under Process
1	East	765	583	70	45	66	1
2	North-East	1239	856	86	137	160	0
3	North	1843	1031	448	0	364	0
4	North-West	7737	4553	282	1609	445	848
5	West	2321	1468	218	410	201	24
6	South-West	3354	1456	90	930	859	19
7	South	1123	482	66	252	323	0
8	Central	48	27	15	6	0	0
9	New-Delhi	5	3	1	1	0	0
10	South-East						
11	Shahdra						
TOTAL		18435	10459	1276	3390	2418	892

All Online Claim Details from 2015 to 21-02-2024								
S. No	Name of Districts	Total Received	Pending For Scrutiny	Scrutiny by DA	Objection raised by DS/SO	Pending at DS/SO	Approved by DS/SO	Rejected/ Cancelled
1	East	56	2	54	27	25	0	2
2	North-East	114	8	106	94	4	0	8

Signature Not Verified

Digitally Signed By: ASWANT
SINGH RAWAT
Signing Date: 23-02-2024
19:10:12



3	North	104	0	104	74	30	0	0
4	North-West	215	53	162	158	4	0	0
5	West	532	122	410	278	120	0	11
6	South-West	387	130	256	170	87	0	0
7	South	79	7	72	53	1	1	17
8	Central	10	3	7	1	4	0	2
9	New-Delhi	4	0	4	2	2	0	0
10	South-East	8	6	2	0	0	0	2
11	Shahdra	17	1	16	0	16	0	0
TOTAL		1526	332	1193	857	293	1	42

8. Since the present case involves the interpretation of Section 17 of the Act, 1996, it is reproduced hereinbelow:-

“17. Effect of non-payment of contribution.—When a beneficiary has not paid his contribution under sub-section (1) of section 16 for a continuous period of not less than one year, he shall cease to be a beneficiary:

Provided that if the Secretary of the Board is satisfied that the non-payment of contribution was for a reasonable ground and that the building worker is willing to deposit the arrears, he may allow the building worker to deposit the contribution in arrears and on such deposit being made, the registration of building worker shall stand restored.”

9. Upon a reading of the said provision, this Court is of the opinion that the interpretation adopted by the Delhi BOCW Board is contrary to the mandate of the statute and settled principles of law.

10. On a plain reading of the provision, it is evident that a worker under the Act, 1996 ceases to be a beneficiary upon his failure to pay his contribution under Section 16 of the Act, 1996 for a period of not less than one year. The proviso thereto empowers the Secretary of the Board to restore the registration of a worker subject to conditions mentioned in the proviso.



11. Even otherwise, it is trite law that legislations which are aimed at social and economic welfare of a class of people should be interpreted widely and liberally. If a provision in a beneficial legislation is reasonably capable of two constructions then that construction should be preferred which furthers the object of the legislation and is more beneficial to those in whose interest the legislation has been passed. [See: ***Bangalore Water Supply & Sewerage Board vs. R. Rajappa (1978 3 SCR 207)***].

12. The Act, 1996 has ostensibly been enacted for the welfare of construction workers and to provide for their safety, health and welfare measure. Therefore, any interpretation which results in denial of beneficial measures to these workers will not only run afoul of the intended legislative objective but also settled principles of law.

13. This Court is of the view that denial of benefits by Delhi BOCW Board on the ground that the applicant-worker has failed to pay contribution to renew his/her registration after the validity of his/her registration has come to an end is incorrect. This Court holds that the worker shall continue to be entitled to benefits under the Act for a period of one year from the date he/she is liable to pay fresh contribution as per Section 16 of the Act, 1996. The unpaid contribution from the date it became due shall be adjusted against the benefit due and payable to the construction worker.

14. However, this Court is in agreement with the submission of learned counsel for the respondent that for payment of any benefit under the Act, 1996, Section 14(1) shall have to be complied with i.e. the construction worker would have to be engaged in building and other construction work for at least ninety days in a year. Consequently, this Court disposes of the present writ petition by directing the respondent-Board to re-consider all the



rejected/cancelled/temporary closed/deficiency memo/objection/welfare claim applications both in the offline and online mode as expeditiously as possible in accordance with the aforesaid interpretation of Section 17 of the Act, 1996.

15. To make the aforesaid exercise meaningful, this Court directs that the details of all the workmen (including the details of deficiency memo and/or rejected orders) whose claims have not been sanctioned shall be forwarded to the petitioner through email. The petitioner is directed to provide the said email address to the respondent within one week. With the aforesaid declaration and directions, present writ petition stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 22, 2024
KA