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

+ **W.P.(C) 15244/2023**

SOCIAL JURIST, A CIVIL RIGHTS GROUPPetitioner

Through: Mr. Ashok Agarwal, Mr. Kumar
Utkarsh, Mr. Manoj Kumar and Ms.
Ashna Khan, Advocates

versus

GOVERNMENT OF NCT OF DELHIRespondent

Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil) with Mr.
Kartik Sharma and Mr. Rishabh
Srivastava, Advocates for GNCTD.
Mr. Vikram Jetly, CGSC with Ms.
Shreya Jetly, Advocate for R-2/UOI.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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16.08.2024

1. Present Public Interest Litigation has been filed seeking directions to the Respondent-Government of NCT of Delhi to frame Rules under Section 30 of the Minimum Wages Act, 1948 ['the Act'] and to implement Section 31A of the Act as inserted by the Minimum Wages (Delhi) Amendment Act, 2017.
2. Learned counsel for the petitioner states that the objective of Section 31A of the Act is to protect workers from exploitation, however its objective is defeated by the delay in framing Rules for its implementation. He states that under the provisions of Section 31A of the Act, every employer is



required to upload the data of its employees on a website or web portal, which will be beneficial to over 60 lakhs workers, working in over 20 lakhs establishments in Delhi.

3. Learned counsel for GNCTD has handed over an Office Note dated 16th August 2024, which reads as under:-

“Inputs in the matter of CWP No. 15244/2023 titled as Social Jurist vs. GNCTD and Anr.

- 1. Minimum Wages Act, 1948 is a Central Government Act. Central Government has framed its rules under the said Act, The Minimum Wages (Central) Rules 1950, which is being enforced in NCT of Delhi.*
- 2. Some of the provisions of the Act was amended by the Minimum Wages (Delhi) Amendment Act, 2017. The same has received assent of the Hon'ble President of India on 23rd April 2018 and was notified in Delhi Gazette extraordinary Part IV vide notification dated 4th May 2018.*
- 3. For the purpose of rationalization and simplification, Central Government subsumed the 29 Labour Laws into 04 Labour Codes. Code on Wages 2019 was notified on 8 August 2019 with purpose to amend and consolidate the laws relating to wages and bonus.*
- 4. Code on wages 2019 has repealed the following 04 Acts namely,*
 - (i) The Payment of Wages Act, 1936,*
 - (ii) The Minimum Wages Act, 1948,*
 - (iii) The Payment of Bonus Act, 1965,*
 - (iv) The Equal Remuneration Act, 1976.*
- 5. Labour Department has drafted and pre published its rules namely Code on Wages (Delhi) Rules 2021 under the Code on Wages 2019 vide notification dated 26.11.2021. The Code and Rules shall come into force once the Central*



Government notifies the date of enforcement of the code.

6. In the meanwhile, GNCTD will issue appropriate Executive Order under section 31A of the Amended Act, 2017, within six weeks from today i.e. 16.08.2024.”

4. Learned counsel for the petitioner states that an Executive order will not suffice (as mentioned in paragraph 6 hereinabove) as the expression prescribed under Section 31A of the Act shall have to be read with the definition of the word “prescribed” in Section 2(f) of the Minimum Wages Act, 1948, which stipulates that prescribed means “prescribed by rules under this Act”.

5. At this stage, learned counsel for respondent states that respondent shall frame appropriate Rules under Section 31A of the Act as expeditiously as possible.

6. Accordingly, the present writ petition is disposed of with a direction to the GNCTD to frame Rules under Section 31A of the Act, as expeditiously as possible, in accordance with law, preferably within six months.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

AUGUST 16, 2024

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