**Case Analysis On People Union For Democratic Rights V. Union Of India, 1982**

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**Abstract**

The People's of Union Rights organisation, hereafter, PUDR, which advocates for the protection and welfare of democratic rights, is described in this case comment as having filed a PIL against the State because it was negligent in paying workers the daily minimum wage and failing to provide a safe workplace for the underprivileged. After conducting research and interacting with various workers, this organisation filed the petition on behalf of these individuals who were in need of relief but were unable to do so through the legal system. Articles 21, 23, and 24 of the Indian Constitution, the Minimum Wage Act, the Contract Labour (Regulation and Abolition Act), 1970, and the Equal Remuneration Act, 1976 are all violated by this.

**Introduction**

The case of People's Union for Democratic Rights and Others v. Union of India & Ors. was heard on May 11th, 1982. a bench composed judges Bhagwati, P.N. Islam, and Baharul (J). In a letter to Bhagwati J., who handled it as a PIL, the petitioners shed light on the terrible and appalling situation of labourers who were forced to work in hostile environments. With this historic decision, the Supreme Court has liberalised the definitions of "forced labour" and "beggar," as well as expanded the application and reach of Article 32. It has also ensured that everyone has access to the court and that any violation of helpful laws, like labour laws, will be construed as a violation of fundamental rights.

**Case Information**

Parties Involved

Petitioner: People’s Union for Democratic Rights and Others

Respondent:

Union of India

Delhi Administration

Delhi Development Authority

Date of filing case

16th November, 1981

**Facts**

Hosting the Asian Games in 1982 was an honour for India, and in order to fulfil its commitment, the Indian government had to complete a number of construction projects, including hotels, stadiums, and other facilities, in accordance with international standards.

The project was given to a number of agencies; the Delhi Development Authority, the New Delhi Municipal Committee, and the Delhi Administration are pertinent here.

To complete their projects, these authorities hired contractors as principal employers in accordance with Section 7 of the Contract Labor (Regulation and Abolition) Act of 1970.

For construction-related purposes, these Contractors entered into a deal with Jamadarsto his employees. Workmen from different parts of the country were hired especially from Rajasthan, Uttar Pradesh and Orissa.

 Men were paid Rs. 9.25 per day, women Rs. 7 per day, and children even younger than 14 years old were engaged as labourers; above that, Jamadars took Rs. 1 from their pay as their commission.

Laborers were required to labour in sweltering conditions and frequently past their scheduled hours without receiving equal pay or even the right to their minimum wage.

In addition to often suffering fatal accidents from working in dangerous conditions, children were also dying from malnutrition.

A fact-finding delegation from the People's Union for Democratic Rights (PUDR) visited some of the major sites in July and August 1981 and spoke with the workers as well as their employers, bringing to light the appalling living and working conditions of these people for the first time.

Bhagwati J. received a letter from PUDR on the same, and he later handled it as a PIL. On November 16th, 1981, the case was filed.

**Issues Framed**

Can the petitioner organisations continue to represent workers in the petition?

Can this petition be maintained against the Union of India, the Delhi Administration, and the Delhi Development Authority when the wrongdoers are actually independent contractors?

Can this petition be upheld when there is only a violation of the workers' ordinary rights under labour regulations and not their fundamental rights?

Can the Court order private contractors to do something under Article 32?

**PETITIONER’S ARGUMENTS**

Contrary to the requirements of the Equal Remuneration Act of 1976, women are not paid equally.

Workers are not even entitled to their minimum wages since Jamadars removed Rs. 1 from workers' paychecks, in violation of the Minimum Wages Act of 1948. Union of India acknowledged this in its reply affidavit, but the other three respondents contested it.

It was asserted that because children under the age of 14 were working on construction projects, both Article 24 of the Constitution and Section 3(3) of the 1938 Employment of Children Act had been broken.

Contractors are said to have violated a number of requirements of the Contract Labor (Regulation and Abolition) Act, 1970, depriving and exploiting workers by failing to provide them with adequate housing, healthcare, and other amenities.

Even though the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 went into effect on October 2, 1980, contractors failed to put its rules into practise.

**Respondents Arguments**

Contented that the present petition under Article 32 of the Indian Constitution is likely to be dismissed because only numerous labour regulations are being broken, not workers' fundamental rights.

It was further contended that the respondents were incorrectly added to the list of parties and should be removed because private contractors, not the State, are responsible for any violations (if any), and their workers, not the respondents, are their employees.

The respondents categorically refuted the petitioner's claims, asserting that they were in full compliance with the Equal Remuneration Act of 1976 and the Contract Labour (Regulation and Abolition) Act of 1970, and that they took legal action against Contractors when complaints were brought to their attention.

It was acknowledged that Jamadars might be withholding Rs. 1 from the workers' minimal salary, but UOI explicitly acknowledged this fact.

It was argued that the 1938 Employment of Children Act's requirements are not applicable in this situation because construction work is not listed as a dangerous job in the Act's Schedule, and so, neither Section 3(3) nor Article 24 of the Indian Constitution have been violated.

It was argued that the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, could not be enforced because the rules that were to be made under the Act were not finalised until 4th June, 1982, even though the authority to do so was granted to the Administrator of Delhi on 14th July, 1981.

**Judgment**

• In addressing the first issue, it was determined that the petitioner organisation has locus standi to approach this Court on behalf of poor, ignorant, and illiterate people because, first, they were working in good faith, and second, the traditional rule of standing of the judicial process, which only permits those to approach court if they have been legally injured, has now been abandoned by this Court through the Judges' Appointment and Transfer case*[[1]](#footnote-1)*.

In regards to the second question, it was determined that although though the workers were engaged by the contractors, it was the respondent authorities who committed the Asiad project to the contractors, therefore they were unable to evade their responsibility to adhere to numerous labour rules. Additionally, as Principal Employers, the respondent authorities were required to offer amenities and allowances to workers under Section 20 of the Contract Labor (Regulation and Abolition) Act of 1970 and Sections 17 and 18 of the Inter-State Migrant Workmen Act of 1979. And in terms of employment of minors under the age of 14, it is explicitly prohibited under Article 24 of the Indian Constitution, which is enforceable against all parties.

The court did not accept the plea of respondents that there is no violation of FR. Since, the petition includes the violation of Article 24 due to employment of children below 14 and also violation of provisions of following labour laws amounts to violation of following FR’s–

Article.14

Article.17

Article.21

Article.23

Article.24

• Following Maneka Gandhi v. Union of India*[[2]](#footnote-2)* and Francis Coralie Mullin v. Administrator and ors*[[3]](#footnote-3)*, the Inter-State Migrant Workmen Act of 1979 and the Contract Labour Act of 1970's Article 21. The right to live with basic human dignity is now part of Art. 21, and in this case, the two helpful laws were created to give workers the basic human dignity that respondents continue to deny them.

Article 23 of the Minimum Wages Act of 1948 It has been determined that "forced labour" refers to labour that is not performed voluntarily but rather as a result of force or coercion. Additionally, a person is considered to be performing forced labour when they provide services for less than the minimum wage.

Article 14 of the Equal Remuneration Act of 1976 states that it is against the law to pay men and women different wages for doing the same work. Therefore, it was held that non-observance of labour laws by respondents have resulted into violation of FR’s of laborers.

Consequently, in addressing the fourth issue, it was determined that if there has been a breach of Article 17, 23, or 24, the court may issue orders against private parties because these provisions are likewise enforceable against private parties.

**Case Analysis**

"Since human rights and fundamental freedoms are mutually exclusive, it is impossible to fully realise one's civil and political rights without also enjoying one's economic, social, and cultural rights."[[4]](#footnote-4)

The Supreme Court's decision, in my perspective, is credible and to the point. The Court has made it plain through this judgement that this Court belongs to every citizen of India and that everyone has a right to justice. Without this judgement, the Court would only belong to wealthy people who can pay to contest their cases. This ruling has also broadened the definition of forced labour, which has aided many members of the underclass in arguing their cases. It also demonstrates that where a violation of labour rules amounts to a clear violation of fundamental rights of workers, those workers have the right to file a complaint with a court under Article 32. This has ensured that the Supreme Court is and will always be the guardian of fundamental rights.

This case demonstrates that the rule of law does not only apply to wealthy individuals who are few in number or that it only protects the interests of those individuals who can petition the courts; rather, the poor also have civil and political rights, and the rule of law is applicable to them as well. Because they make up a sizable portion of the population and nonetheless live in substandard conditions, the lowest social strata also have rights that need to be safeguarded. Poverty has also damaged their moral character. These folks lack the tools or expertise necessary to recognise whether to or when not to approach the court.

In order for them to be able to exercise their social, economic, and cultural rights and be accountable, the social and economic order needs to be restructured.

The petitioners were battling for the rights of those workers who were denied access to basic necessities and the daily minimum wage, thus the Court made the proper decision by siding with them. The main goal of public interest litigation is to ensure that the employees' constitutional rights, which have been violated, are upheld. In reality, the State ought to welcome these kinds of petitions since they offer the chance to remedy a wrong and promote equity and justice for all.

The moment has come for the courts to act as the arbiters of equity and justice and guarantee the rights of every person. To enhance the conditions of employees and workers, judges should ensure that individuals who violate labour laws face extremely harsh punishments. Therefore, the court properly held that The Union of India, Delhi Development Authority must not shirk its responsibility to oversee the observance of labour rules and, whether or not they are being broken, they should take appropriate action to stop it.

**Conclusion**

Not all of the fundamental rights can only be enforced against the government; some of them can even be used against private citizens. The Indian Constitution holds private individuals accountable for any violations of basic rights. It has been noticed that for the courts to completely uphold the rights of the underprivileged in society, they must break the chains of laws and regulations and, by bending and shaping them, put the interests of the people and the general welfare, i.e. free, first. Employees' rights were in question in this case, and the administration of justice felt strongly compelled to intervene at some point in the workers' concerns. Even after 30 years of independence, it was seen and noted that these case workers' rights were occasionally abused by their employers.

The case places a lot of focus on how the then-newly introduced idea of PIL (Public Interest Litigation) may be used for the general good of society and how legal relief and recompense can be gained in exchange for the atrocities they have endured.

Since the primary goal of law is to maximise happiness at the lowest possible cost, justice ought to rule in society as a result of the proper implementation of laws and regulations. This case law offers crucial information regarding numerous legislation and how the Indian Constitution interprets them. It provides an in-depth knowledge of the judicial interpretation of the word 'life' under Article 21 of the Constitution of India.

1. S.P. Gupta v. Union of India, 1981 Supp SCC 87 [↑](#footnote-ref-1)
2. (1978) 1 SCC 248: AIR 1978 SC 597 [↑](#footnote-ref-2)
3. (1981) 1 SCC 688 [↑](#footnote-ref-3)
4. PUDR VS.UOI (LABOUR LAW) [↑](#footnote-ref-4)