

**KARNATAKA HIGH COURT JUDGMENTS ON THE BONDED LABOUR SYSTEM (ABOLITION)
ACT, 1976**

**Mahabubnagar District Palamoori Contract Labour Union v. M/s. Nagarjuna
Construction Co. Ltd. & Ors. – 1998 (1) Kar LJ 639
decided on 27.05.1997**

Case Details

Appellants - Mahabubnagar District Palamoori Contract Labour Union

Respondents - M/s. Nagarjuna Construction Co. Ltd. & Ors.

Case Number - Writ Petition No. 587 of 1997

Bench - [V.P. Mohan Kumar](#), J.

Date – 27.05.1997

Facts

A letter by the President of the petitioner labour union detailing the alleged misfortune of 200 labourers employed by the respondents was treated as a public interest litigation. In the letter it was specifically alleged that these workers work around 12 hours a day, that they are paid only Rs. 300/- a month after adjusting the advance paid and they are bonded labourers as defined in the Bonded Labour Act. The respondent in its affidavit replied that the workers were all free persons and that most of them had left for their native places.

Observations of the Court

On the basis of the evidence and reports produced by the petitioners, the Court observed that ‘even the minimum facilities needed for decent human existence is denied to them for the sin of themselves offering as workers. These workers are crowded in a shed like cattle. The shed has no flooring. There is no tidy place to sleep or sit. There is no neat place to cook food. There is no drinking water facilities provided. There are no latrines and urinals. The shed has zinc roofing. The heat, it

would radiate in the day and night would be unbearable.’ The Court observed that these workers received advance and work thereafter setting off the wages towards the advance, and thus there was a case of labourers being detained in the work spot against their wishes and to realise the advance paid to them.

The Court also condemned the inaction of the District Magistrate, and observed that much more desirable action was to be taken by him. The Court observed that ‘he (the District Magistrate) cannot explain away his inaction stating that the file relating to the same was lost in the Tahsildar's Office. Bonded labour is a very serious matter. It is a disgrace to the society we are living in. It is inhuman. By the practice, scores of lesser privileged men and women are denied everything for the mere reason that they were born poor.’

Judgment

The Court ordered that it is necessary that States take effective measures to see that the employers conform to the requirement of law. For that purpose, the State was to issue directives to the Heads of the Districts to ‘ensure labour legislations are scrupulously implemented.’ Further, the Court order that the following measures be taken by the Commissioner of Labour –

- “1. Adequate and frequent inspections should be made of work site by the Competent Authorities;
2. The District Administration in collaboration with the Labour Department should be directed to frequently monitor the performance of work by various establishments who have taken registration/permission/licence under various labour legislations and see whether there is compliance of the requirement of law;
3. At least a fortnightly thorough inspection by the Officials of the Labour Department of the above premised should be carried out;
4. The Commissioner of Labour and the District Administration with mutual understanding should oversee these inspections;
5. There should be surprise inspection by authorities of work-sites, project areas, etc., as directed by the Senior Officials of the Labour Department;

6. It is not sufficient that periodic perusal of muster rolls are carried out by these officials;
7. They should also interact with the workers whenever feasible and ascertain whether they have any grievances;
8. The authorities should check whether the minimum wages are paid to all the workers and if not ensure that it is so paid;
9. The District Administration should also ensure that Medical Officers of the State or that of the E.S.I. Corporation make routine examination of the labourers at work site.”

These were to be treated as broad guidelines, the details whereof could be worked by the State Department. The State Government was ordered to convene a meeting of the officials of the Labour Department heading each revenue District and chalk out the ways and means to see that effective steps be taken to implement the provisions of the various labour legislations.

The Court held that ‘serious injustice and hardship has been caused to the poor workers. Had the 3rd respondent (the District Magistrate) been more alert, their grievances could have been, to some extent, abated. Instead of realising the real situation and acting in accordance with law, the respondents have made it appear that the allegation made by the petitioner is false and he be mulcted with exemplary cost. This conduct is certainly unjustified.’ The petitioner was held to have proved his case and was entitled to costs from all five respondents fixed at Rs. 2600.