

PETITIONER:
PUBLIC UNION FOR CIVILLIBERTIES

Vs.

RESPONDENT:
STATE OF T.N.

DATE OF JUDGMENT 13/05/1994

BENCH:
VERMA, JAGDISH SARAN (J)
BENCH:
VERMA, JAGDISH SARAN (J)
BHARUCHA S.P. (J)

CITATION:
1994 SCC (5) 116

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. We have heard Mr Kapil Sibal, Senior Advocate who appears at our request as amicus curiae in this matter as well as the other learned counsel appearing in this case. It does appear to us that no significant progress has been made by the authorities concerned and it is not unlikely that the attitude of the authorities concerned is not enthusiastic as one would expect in a matter of such significance. In these circumstances, we consider it appropriate to make certain directions for the prompt compliance of all the State Governments through their administrative machinery. Thus, the directions which are hereby given are as under-

(1) To identify the bonded labourers and update the existing list of such bonded labourers as well as to identify the villages where this practice is prevalent.

(2) To identify the employers exploiting the bonded labourers and to initiate appropriate criminal proceedings against such employers.

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(3) To extinguish/discharge any existing debt and or bonded liability and to ensure them an alternative means of livelihood.

(4) To appoint an independent body such as a local non-political social action group to collect independent information and details of-

(a) the prevalence of the exploitative practice of bonded labour and

(b) employers or their agents perpetrating the wilful violation of the law by encouraging and abetting the practice of bonded labour.

(5) To provide employment to such bonded labourers as agricultural workers at the prescribed minimum wage rate and/or provide the landless bonded labourers with agricultural land, with a view to ensure an alternative means of livelihood.

(6) To provide adequate shelter, food, education to the children

of the bonded labourers and medical facilities to the bonded labourers and their families as part of a rehabilitation package.

(7) To ensure-

(a) regular inspection by the Labour Commissioner concerned to keep the contractors who have in the past employed bonded labourers under watch,

(b) setting up of Vigilance Committees in each district,

(c) the District Magistrates concerned to send quarterly reports to the Supreme Court Legal Aid Committee or to any Commissioner appointed by the court for this purpose,

(d) the setting up of rural credit facilities such as grameen banks, cooperatives etc. from which short-term interest free loans can be availed without security, since the root cause of bonded labour seems to be the lack of availability of funds (credit through an institutional network).

(8) To initiate criminal prosecution against the contractors/employers or their agents who engage bonded labour and employ children below the age of 14 without adequate monetary compensation by paying wages below the minimum wage rate, as prescribed under the Minimum Wages Act.

(9) To initiate criminal prosecution against those employers, contractors or their agents who make part payment of wages by way of Khesri dal which is known to cause permanent disability lathyrites. 2. With specific reference to the State of Madhya Pradesh this Hon'ble Court might consider the following additional directions :

(i) To provide data to this Hon'ble Court in respect of prosecutions launched against various employers already identified in proceedings before this Hon'ble Court as having employed bonded labourers in the context of Harwaha System.

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(ii) To investigate and provide data to this Hon'ble Court in respect of the fate of those bonded labourers identified and allegedly freed from the Harwaha System.

(iii) To report the present extent of cultivation of Khesri dal within Rewa and Satna districts as well as such other districts in which it may also be cultivated.

(iv) To report the steps taken by the State Government to prohibit the cultivation and consumption of Khesri dal.

(v) To report the fate of persons already identified as suffering from lathyrites and the steps taken by the State Government to provide free medical aid and facilities to such persons.

(vi) To provide the steps taken, if any, for the rehabilitation of bonded labourers freed from the Harwaha System and the rehabilitation of persons suffering from lathyrites within the State of Madhya Pradesh."

3. All the State Governments should issue directions forthwith to the Collector and District Magistrate of each district for making the necessary compliance. We also direct that all the State Governments would file a detailed report supported by an affidavit of a Senior Officer indicating the manner and the extent to which these directions have been complied with and also indicating therein the programme drawn up for full implementation of these directions. The report of the State Governments should also contain the detailed information required to be furnished in accordance with these directions. These reports be filed by each

State Government by the end of August 1994. The matter be listed in the first week of September 1994.

4.The Registry to ensure that a copy of this order is made available to each State Government through their standing counsel, in addition to Mr Kapil Sibal, Senior Advocate and the other learned counsel appearing in these matters.

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JUDIS