

Balwant Singh and Another

Vs

Mahmood

Special Leave Petition No. 9097 of 1982

(P.N. Bhagwati, E.S. Venkataramiah JJ)

07.02.1983

ORDER

1. We made an Order on August 30, 1982 expressing our sense of satisfaction that in response to various orders and directions given by us from time to time, the Government of India issued an Order dated October 16, 1981 in exercise of the powers conferred under Section 3 of the Essential Commodities Act, 1955 for regulating the manufacture, storage and sale of power threshers. We pointed out that the highly laudable consequence of this Order would be that since the making of that Order, no one would be able to manufacture, store for sale, sell or distribute any power thresher without the requisite safety device. But, we felt that it was not enough merely to issue this Order because there were many power threshers already in use in the country which were not fitted with any safety device. We accordingly made a suggestion to the Government of India to take suitable steps for the purpose of making the existing power threshers safe by making it obligatory on the owners of such power threshers to fit safety device to them. We are happy to note that this suggestion has been accepted by the Government of India. Miss Subashini, learned Advocate appearing on behalf of the Government of India, has stated before us that the Government of India has decided to have a central legislation to regulate the manufacture, sale and use of power threshers with approved safety device and that the proposed legislation will make it compulsory for manufacturers, dealers and users to manufacture, deal in or use only those power threshers which are in accordance with the standard prescribed by the Indian Standards Institute. She has informed us that the proposed legislation would be for the entire country and it was likely to be introduced in the forthcoming session of Parliament. This positive response of the Government of India to enact legislation with a view to protecting agricultural workers from suffering injuries as a result of accidents caused on account of absence of safety devices on the existing power threshers, is very laudable and we hope and trust that the proposed legislation would be introduced and enacted in the forthcoming session of Parliament.

2. We are also informed by Mrs. Shobha Dikshit, learned Advocate appearing on behalf of the Government of Uttar Pradesh, that the Government of Uttar Pradesh has already issued an Order dated January 17, 1983 called the "Uttar Pradesh Power Thresher (Quality Control) Order, 1982" in virtue of the fact that the Ministry of Civil Supplies, Government of India, has under its Order dated August 1, 1981 declared power threshers as an essential commodity. She has handed over to us a copy of this Order and it is clear from Clause 4 of this Order that no person, either himself or through any other person, acting on his behalf can purchase, store or use any power thresher which is not of the standard specified by ISI, which means that no power thresher not fitted with safety device can be used by any person after the coming into force of this Order in the State of Uttar Pradesh and this has been made amply clear by a further provision made in the second paragraph of Clause 4 that where there is any power thresher which is not of the specified standard and which has

been produced prior to the passing of this Order, the person in possession of such power thresher or any person acting on his behalf shall not use such power thresher till a safety device in accordance with the specified standard has been fitted or attached to such power thresher. We must express our sense of appreciation for the highly laudable action taken by the Government of Uttar Pradesh in this behalf. We have no doubt that this Order, if properly enforced, will ensure that the existing power threshers are fitted with safety device and that will go a long way towards minimising if not altogether eliminating, accidents causing bodily injury to poor and ignorant agricultural workers. We hope and trust that the provisions of this Order will be rigorously enforced by the Government of Uttar Pradesh and if necessary, loans will be granted or arranged for enabling the owners of the existing power threshers to fit them with safety device as required by this Order.

3. Since the object for which notice was issued by us in the present special leave petition has been achieved and adequate steps have been taken for the purpose of making power threshers safe for poor, ignorant agricultural workers, nothing further to be done. We accordingly dispose of the special leave petition.

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