

Balram and Others

Vs

State of M. P. and Others

Writ Petition (Civil) Nos. 927-28, 1185, 1479-82, 1337-45, 483 & 1120 of 1987 and 1469 of 1986

(M. N. Venkatachaliah, Ranganath Misra JJ)

26.09.1989

ORDER

1. On July 13, 1989 this Court directed :

"Shri P. V. Rajagopal has been acting as the Commissioner in this area regarding implementation of the Act and the Rules. He is requested to have a local investigation to ascertain as to how many out of the 3949 freed labourers have been provided the benefit of the scheme particularly in relation to payment of Rs. 6250 to each of the rehabilitated persons to this Court within four weeks from now. Shri Rajagopal shall give preference to this investigation as the court intends to dispose of this matter before August 15, 1989."

2. Pursuant to the aforesaid order Shri Rajagopal has submitted his report which shows that he had visited three blocks, namely, Pithora, Basna and Saraipalli within the district of Raipur. The local Revenue Officers extended assistance to him. According to the Scheme, a released bonded labourer is entitled to assistance of Rs. 6250 out of which Rs. 3000 is the contribution of the Central Government and the balance is to be met by the state Government. In Pithora Block 621 persons have been released from bond while in Basna that number is 1333. The report indicates that only 14 persons have been paid the sum of Rs. 6250 in Pithora Block while 11 persons have been paid that amount in Basna Block. The Central Government's share of Rs. 3000 has been paid to 122 persons in Pithora Block and to 41 persons in Basna Block. Out of the total number from the two blocks, 25 people have thus been paid the full amount of Rs. 6250; while 163 persons have been paid Rs. 3000 which is the Central contribution. In Saraipalli Block the total number of such released persons is 739; 434 persons have been paid a sum of Rs. 3000; three persons have been paid Rs. 4250 and six persons have been paid up to Rs. 1660; 12 persons up to Rs. 1000 and 6 persons up to Rs. 2,000. The figures of Kasdol Block are yet to be received.

3. The report clearly indicates that proper attention has not been bestowed on rehabilitation of the bonded labourers who have been released through court. The rehabilitation scheme contemplates provision of Rs. 6250 for each of the adult freed bonded labourers. Though under orders of the court the persons have been freed for more than 2 years, in the absence of appropriate rehabilitation, they have found it difficult to sustain themselves and if this position continues longer they would be obliged to return to bondage again.

4. The Additional Collector and such other officers who have been assigned the responsibility of supervising rehabilitation shall ensure that the full amount intended for the freed labourers reaches them. Therefore, all such persons who are willing to have an account opened in their respective

names for facilitating credit of the amount in such account shall have accounts opened and the money shall be credited in such accounts. Those of them who do not want bank accounts to be opened for receiving the deposit shall be given the amount on proper identification in the presence of a Judicial Officer, if available, or before a gazetted Executive Officer who will personally certify the receipt of the payment.

5. The Union of India is directed to release adequate funds under the Scheme to meet its liability under the Scheme framed under the Bonded Labour System (Abolition) Act, 1976 within four weeks to enable compliance of the directions now made. The State of Madhya Pradesh shall within the same time provide the funds to meet its share of contribution under the Scheme. We direct Shri Sewa Ram, Additional Collector of Raipur, who is in charge of implementation of the rehabilitation project to ensure compliance of this order and he shall file an affidavit in this Court by December 7, 1989 indicating compliance.

6. These cases shall be re-listed along with the affidavit of the Additional Collector on December 12, 1989.

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