

Bandhua Mukti Morcha

Vs

Union of India and Others

Writ Petition No. 2135 of 1982

(CJI Ranganath Misra, S. C. Agarwal, M. M. Punchhi JJ)

21.02.1991

ORDER

1. This Court by the judgment dated December 16, 1983 (Bandhua Mukti Morcha v. Union of India, (1984) 3 SCC 161 : 1984 SCC (L&S) 389 : AIR 1984 SC 802 : (1984) 2 SCR 67) disposed of the main matter. By the judgment the Court gave certain directions and appointed Mr Lakshmidhar Misra, the then Central Labour Commissioner to investigate and submit a report to the Court keeping the 21 directives in view. Subsequently, on a petition for contempt at the instance of the petitioner, Dr Jain of the Faculty of the National Labour Institute was appointed to inquire into the measures and report on the extent to which the Court directives had been implemented and to present to the Court a clear picture of the issues involved for enabling the Court to make necessary assessment and reach its conclusion as to whether the directions were being implemented, and as to whether it was appropriate or in the matter of monitoring the problems, some other course was necessary to be adopted. Dr Jain has also given his report.

2. Since the judgment delivered in December 1983 did not conclude the matter and the Court intended monitoring the subsequent steps, we heard and matter in July 1990. Swami Agnivesh appearing on behalf of the persons said to be freed bonded labour, supplied a list of such persons from the Faridabad quarries who, according to him, required rehabilitation in terms of the scheme for freed bonded labour. The Registry pointed out that the list was not complete in the sense that it did not bear consecutive numbers and counsel for the petitioner had been called upon to rectify the defect. We do not find any adequate response from him. In due course, a letter came from the Director General, Labour Welfare in the Ministry of Labour dated January 24, 1991, wherein the relevant aspect was dealt with thus :

"... as per the report received from the office of the Finance Commissioner and Secretary to the Government of Haryana, 544 bonded labourers were detected and identified in that State as on November 30, 1990. All these bonded labourers were stated to have been rehabilitated except 124 who left on their own, 96 were not willing to go back, two expired due to natural death.

It was further stated by the Government of Haryana that for identification of bonded labour. Vigilance Committees at each district and sub-divisional levels have been constituted in accordance with Section 13 of the Bonded Labour System (Abolition) Act, 1976. Out of these 544 bonded labourers, none is stated to belong to the State of Haryana. I am also enclosing a statement containing statistical information of bonded labourers, identified and rehabilitated as on December 31, 1990. According to this information, the number of bonded labourers identified in Haryana State is 544 out

of which 21 are stated to have been rehabilitated and the rest 523 are stated to be not available for rehabilitation."

The enclosed statement in respect of Haryana indicated the number of bonded labourers identified to be 544 out of which number of bonded labourers rehabilitated is 21 as on November 30, 1990, and the balance figure was shown as 523. There is a wide gap between the figure indicated on behalf of the petitioner and what has been shown in the letter dated January 24, 1991, referred to above.

3. This matter was, therefore, placed for directions and counsel for the parties have again been heard. They have suggested that the exact number should be determined and the persons should be identified so that with reference to that number directions for rehabilitation may be given. An apprehension has been indicated that if the matter is left to the State Government with no definite details, particularly when the State Government has disclosed a smaller number, the benefit contemplated by the scheme and the Court's order would not be available and monitoring would not be effective.

4. With a view to meeting the situation, we direct that a Committee shall immediately be set up with Director General, Labour Welfare of the Union Government or a very senior officer from his establishment, the Chief Judicial Magistrate, Faridabad, Mrs Raju Ramachandran, an advocate of the Supreme Court with social service background, an officer from the Haryana Government no below the rank of Additional District Commissioner and Swami Agnivesh representing the petitioner. Mr Rohtagi or his nominee advocate appearing for the brick kiln owners would be permitted to associate in the activities of the Committee.

5. This Committee shall within six weeks from now check up the particulars provided in the list by the petitioner, identify the persons claimed to have been bonded labour and collect all relevant material in respect of them; so as to assist this Court to make further directions in terms of the requirement of the scheme to rehabilitate them. In course of their movement, for the purpose of complying with this order if fresh cases of bonded labour are noticed by them they would collect the particulars separately and report to the Court.

6. The State of Haryana is directed to deposit in the registry a sum of Rs 20,000 within three weeks hence to meet the expenses of the Committee. An ambassador car may be placed at the disposal of the Committee as and when required. Payment, if any, to the unofficial members of the Committee shall be decided by the Court after receipt of the report. The Haryana officer shall act as the Convener of the Committee and be responsible for arrangements.

7. The report should reach the Registry of the Court within eight weeks hence. The matter shall be placed for further hearing on the basis of the report after the report is circulated to the parties.

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