

SUPREME COURT OF INDIA

Narender Malav

Vs

State of Gujarat and Others

Writ Petition (Civil) 9 of 2001

(Dr. Ar. Lakshmanan and L. S. Panta, JJ)

19.05.2006

JUDGMENT

DR. AR. LAKSHMANAN, J.

Heard Mr. Sanjeev Kumar Choudhary, learned counsel appearing on behalf of the petitioner and Ms. Hemantika Wahi, learned counsel appearing on behalf of the respondent-State and the counsel for Union of India. This Writ Petition was sent by Narender Malav by post to this Court expressing some grievances in regard to the working conditions of salt workers in Kachchh District, Gujarat. The letter sent by Mr. Narender Malav was considered and numbered as a Writ Petition by this Court. The matter is pending in this Court from 2001. Several Orders were passed issuing several directions to the State of Gujarat and other functionaries. Several reports have also been filed. Finally, an Order was passed by this Court on 20.04.2005 issuing certain directions. By the said Order, the Education Department was directed to look into the issue of education of children of salt pan workers at the work place, where currently no educational facility is made available. The matter was adjourned to facilitate the respondent- State Department to file further status report in regard to what is stated in paragraph 12 of the affidavit. A further direction was also issued directing the Department of Education along with Department of Labour, State of Gujarat to give particulars of number of children of school going age who are actually attending school and also who are not attending school in this area where educational facilities are available. This Court also requested the two NGOs, Gantar and SEWA to also file their own assessment of the children as prevailing now so that this Court can verify the same with the report of the Departments.

Pursuant to the above directions, a detailed Status Report on salt workers in Gujarat was submitted to this Court by Mr.K.B.Vasava, Deputy Secretary (Labour), Government of Gujarat. We have perused the Status Report. The said report deals with the land used for salt production, structure of the salt industry and the action taken which has been divided into four categories namely, Category-I, Category-II, Category-III and Category-IV and the action taken by the State Government with the support and assistance of the Salt Commissioner (under Ministry of commerce, Government of India) and NGOs which has taken a number of remedial steps for the welfare of salt workers and proper monitoring and evaluation. The steps taken by the above authorities are listed in the Status Report particularly with regard to the medical facilities provided by 21 mobile medical vans of the SEWA (NGO) and Bhansali Trust (NGO) are also having one mobile van for salt workers and some salt associations are having ambulances. It is seen from the Report that there are 59 balwadis for children of salt workers out of which 16 are run by SEWA. The Status Report also deals with the educational facilities provided to the salt workers and their children and the housing facilities provided for the salt workers. The Status Report also deals with the ration cards issued to all the salt workers and that the Empowered Committee has sanctioned Rs.48 lacs for 3 mobile fair price shops (FPS) covering Rapar/Santhalpur, Patdi/Dhrangadra, Halved/Malia areas. The report deals with the providing of technical training to salt workers. It also deals with the sustainable development and the monitoring and evaluation and the inspections made by the team of officers of Labour Department and the seminar/workshop which was jointly organised by the Government of India and Government of Gujarat and Confederation of Indian Industries at Ahmedabad. It is further stated that on 19.05.2005, a major workshop on 'salt workers - Issues, Challenges and Areas of Intervention' was organised by CARE India (Gujarat) based on the study on salt workers by SAVE (Saline Area Vitalization Enterprise Ltd.). A number of important recommendations which were made in this workshop have also been elaborately mentioned in para 7.5. The report further deals with outline of plan of action and the organisational issues, technological issues, registration/vocational training, lease of land/railway shipment quota and the financial assistance to NGOs/salt workers co-operatives and also the issue of schooling. In conclusion, it is stated in the report that a draft copy of this report was discussed with NGOs like GANTAR, CARE India, SAVE, Agariya Hitrakshak Manch, Bhansali Trust, in a meeting held on 29.7.2005, at Mahatma Gandhi Labour Institute, Ahmedabad. Besides representatives of Government Departments, Chairman cum Managing Director of M/s. Hindustan Salt Works, Dy. Salt Commissioner, Rural Labour Commissioner, Addl. Industries Commissioner, Director of Primary Education, representative of Director, Central Salt & Marine Chemicals Research Institute, Bhavnagar were present.

It is thus seen from the detailed Status Report that the Government of Gujarat is taking up this issue of socio-economic development of salt workers in a holistic and sustainable manner, in collaboration with the NGOs in Gujarat along with the Government of India. We place on record the status report submitted by Mr.K.B.Vasava in August, 2005.

Mr.K.B.Vasava, Deputy Secretary (Labour), Government of Gujarat has also filed an affidavit on behalf of the State and furnished the details in regard to a number of measures, short term and long term, taken by the State of Gujarat for the welfare of the children of the salt workers and for providing them with adequate number of schools/teachers on priority. On 09.01.2006, the 11th meeting of the Empowered Committee for salt industry and salt workers welfare was held, wherein a number of important decisions were taken namely:-

"i In addition to the grant of Rs.593.32 lakhs sanctioned on 3.11.2004 for providing drinking water to salt works and salt workers by the Gujarat Water Supply and Sewerage Board, Gandhinagar; it was decided to approve Rs.535.63 lakh as additional grant for remaining 12 districts subject to final decision on operating and maintenance charges.

ii.An amount of approximately Rs.150 lakhs was approved for providing health facilities to the salt workers (and including maintenance grant). This includes mobile comprehensive Health Care Units, additional medicines, organising medical camps etc.

iii. In addition to 3 mobile ration shops sanctioned earlier, it was decided to sanction one more mobile ration shop for Kachchh district and also provide grant for operating and maintenance. Proposal for Rs.16.62 lakhs was approved.

iv.It was decided to increase the amount sanctioned earlier for uniforms for school children.

v.Under the Namak Awas Yojna, the progress was reviewed and it was found that 417 houses are completed, 1219 houses are under construction and 1073 houses remain to be constructed."

It is thus seen from the various reports and the affidavit filed by the State of Gujarat that they are making sincere efforts for the welfare of salt workers and their children in collaboration with the Government of India. Since all the necessary steps have already been taken, there is no need to keep the Writ Petition pending. The Writ Petition is accordingly stands disposed of.

We place on record our deep appreciation for the assistance rendered by Mr.Yashank Adhyaru, Sr.Adv.(A.C.) and the services rendered by Mr.Sanjeev Kumar Choudhary, learned counsel appearing on behalf of the petitioner, Ms.Hemantika Wahi, learned counsel appearing for the respondent-State and Ms.Kiran Bhardwaj, learned counsel appearing on behalf of Union of India.