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PUBLIC INTEREST LITIGATION ON BONDED LABOUR

Over a period of more than two decades, Public Interest Litigation in India has expanded greatly through procedural innovations, initiative and imagination of courts and social activists, to promote justice and uphold fundamental rights guaranteed in the Indian Constitution for the large masses of underprivileged people. This chapter analyzes various cases reflecting the landmark judgements of the Supreme Court where the bonded labourers have been protected from exploitation and where the basic human rights of the poor are being enforced securing enforcement of labour laws including Minimum Wages Act, eliminating bonded labour, improving hygienic conditions etc.

According to Oxford English Dictionary, bonded means, held, pledged or put into bond, and bond means a shackle, chain, fetter or imprisonment, with which a thing is tied down, a restraining force of uniting tie. An agreement or engagement binding on him who makes it. Labourer, etymologically and in general sense means one who labours, one who performs any kind of labour, physical or mental. Thus bonded labourers are those persons who are bound to perform certain services. A bond is forged between two persons, bond master and bondman. This bond is a force, which may be of various types viz. physical, economic, social and psychological.

2.1 Special Legislations Affecting Bonded Labour

Various legislations have been passed to provide dignity, liberty, equality, and freedom to the bonded labourers, so that they may live a life of human being. The President of India promulgated the Bonded Labour System (Abolition) Ordinance, 1975 on 24 October 1975. This Ordinance was replaced by the parliament by the Bonded Labour (Abolition) Act 1976, This
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act was enacted with the object of giving affect to Article 23 of the Constitution and to strike against the system of bonded labour which had been a shameful scar on the Indian social scene even after independence. The Bonded Labour System (Abolition) Act 1976 could be regarded as the most comprehensive, bold and progressive piece of social welfare legislation ever enacted by the Indian Parliament. It aims to declare bonded labourers free from any obligation to render any free service and all such customs, traditions, contracts and agreements as applied to them as void.

The Act gave a wide and comprehensive definition to bonded labour system, [Section 2(g.)] bonded labourer [Section 2(f.)] and bonded debt [Section 2(d)]. The main thrust of the Act is the abolition of bonded system. Sections 4 and 5 of the Act prohibit the practice of all forms of bonded labour system and any such practice in any form is made an offence punishable with imprisonment which may extend to 3 years and with fine up to 2000 rupees [Section 16]. In order to ameliorate the pitiable plight of the then existed bonded labourers, the Act provided that every obligation of a bonded labourer to repay any bonded debt immediately before the commencement of the Act shall be deemed to have extinguished [Section 6(1).] and the property of the bonded labourer pledged to the creditor shall be restored to the possession of the bonded labourer. [Section 7]. The creditors are prevented from accepting any payment against the extinguished debt. [Section 8]. Power has been conferred upon the existence of bonded labour and take sufficient action against the continuance of any such practice. [Sections 10, 11 and 12]

The Act also provides for a vigilance committee in each district and in such sub-division of the district with the duty to advice the district magistrate as to the efforts made and action taken to ensure the proper implementation of the Act and to provide for the economic and social
rehabilitation of the released bonded labourers. [Section 14]. Besides this provisions have been also made to protect their health and strength by providing just and humane conditions of work and maternity relief for instance, The Mines Act 1972, Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979, Contract Labour (Regulation & Abolition) Act 1970, the Minimum wages Act 1948, and the Equal Remuneration Act 1976.

The Bonded Labourer Act has liberated the bonded labourers from any obligation to render bonded labour and forced labour. The binding of any custom, tradition of any contract to render bonded labour has been removed and the payment of bonded debt has been prohibited. The Bonded Labour Act also contains provisions to enable bonded labourers to live a life of human being. District magistrates of every district have been made duty bound to promote the welfare of freed bonded labourers and to provide them social and economic rehabilitation. The suits and proceedings for the recovery of bonded debt have been barred.

The fundamental rights are though important for the bonded human being the directive principles are more valuable to them. The directive principles contain ample provisions for the upliftment of bonded labourers. According to Article 39(a) it shall be the obligation of the state to direct its policy towards securing its citizens right to adequate means of livelihood. Article 39(a) can only be meaningful if bonded labourers are provided adequate means of livelihood. Art. 41 is also connected with Art. 47 which enjoins on the state to consider the raising of the level of nutrition and standard of the bonded labourers, whose earnings are just sufficient to provide them with few chappatis of juwar and chutney of red chillies and salt everyday of every season. Level of nutrition can only be provided by providing them living wages under Art. 43. The state is directed to ensure
equal pay for equal work for men and women under Article 39(d). It is true that the principle of equal pay for equal work is not expressly declared by our Constitution to be a fundamental right, but the directive principles contained in Article 39(d) have supplemented the deficiency. It has been pointed out by the Supreme Court in some of its judgements, that Articles 14 and 16 should be constructed in the light of the preamble and Article 39(d). The most useful principles for bonded labourers are contained in Article 39(e), (f) and 42.

Art. 39 (e) provides: “the health and the strength of the workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter a vocation unsuited to their age and strength.”

Art. 39 (f) provides: “children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment”

Art. 42 provide: “the state shall make provisions for securing just and humane conditions of work and for maternity relief”

But these provisions of Articles 39(e), (f), and 42 have not come effectively to rescue the bonded labourers. They are forced by economic necessity to enter a vocation most unsuited to their strength and age. There are little opportunities or facilities for them to develop in a healthy manner; there is no protection against exploitation and moral and material abandonment.

Bonded Labourers can be found in various occupations, for example in agriculture, in industry, at the construction sites, stone quarries, and at other places where labour or services are taken or provided under inhuman conditions. They are exposed to fatal and serious injuries while
working in mines, while dynamiting the rocks or crushing the stones. The stone dust pollution in stone quarries is so injurious that many invaluable lives are lost due to tuberculosis while others are reduced to mere skeletons because of the diseases. The workers are not provided with adequate medical care. Mine owners or the lessees violate the safety rules under the Mines Act. In the case of workers migrant from other states, the Central legislation, the Inter-state Migrant Workmen Act 1979 is most flagrantly violated. In the mines, the residential accommodation is worth the name – with scanty clothing, with very impure and polluted drinking water accumulated during rainy season in the ditches with no facilities for schooling or child care, braving all the hazards of the nature, pollution and ill-treatment. Like mines and stone quarries other occupations viz. Plantation, agriculture, carpet industry, hotel industry and other business establishments have bonded labourers and the working conditions and payment of wages are not much better as stated above.

2.2 Human Rights Standard of I.L.O.

According to the definition of the ILO’s objectives, as contained in the Declaration of Philadelphia adopted in 1944 and subsequently incorporated in the ILO constitution, all national and international policies and measures should be based on the principle that all human beings, irrespective of race, creed, or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom, dignity, economic security, and equal opportunity. The ILO’s action to attain these objectives and consequently to promote and protect human rights consist of the adoption of international labour standards in the form of Conventions and recommendations. Most of these Conventions and recommendations are in some measure a contribution to the promotion and protection of human rights of a limited group, which consists of forced labour.
The International Labour Organisation has taken steps to curb the problem of bonded labour which include, exploitatively low wages, forced labour, long hours of work, exploitation of women and children, false records of indebtedness, intimidation, lack or inadequacy of machinery for implementing legislation for their protection, lack of awareness among the public at large, apathy of political institutions and the vested interests working for its perpetuation, by the adoption of two Conventions: the Forced Labour Convention, 1930 and Abolition of Forced Labour Convention, 1957. India ratified the earlier Convention in 1954 but the later still remains unratified because of practical difficulties of implementation.

2.3 The Contribution of PIL – With Leading Cases

The Constitution of India specifically prohibits traffic in human beings and *begar* and other similar forms of forced labour. A deep survey of Indian society, however, discloses that the poor people are still being exploited despite clear mandates of the Constitution. It is not only an affront to basic human dignity but also constitutes gross violation of human rights envisaged in our Constitution.

During the recent years, the judiciary, particularly the Apex Court, has played an important role in making the right to live with human dignity a reality for millions of Indians and has protected them from exploitation. The Supreme Court has not only given the widest possible meaning to the fundamental rights enshrined in Articles 21 and 23 but also took into consideration the various factors which were responsible for the failure of various other social welfare laws.

1. Working Below Minimum Wage

The true scope and ambit of the expression *begar* and other similar forms of forced labour have been most eloquently explained by the Supreme
Court in a monumental case of People's Union for Democratic Rights V. Union of India. In this case, a writ petition was filed by way of public interest litigation concerning the working conditions of workmen employed in the construction work of the various projects connected with the Asian games. In the petition, it was pointed out that the workers did not get the minimum wages as prescribed under the Minimum Wages Act, 1948. The violation of various other laws, such as the Employment of the Children Act, 1938; Contract Labour (Regulation and Abolition) Act, 1970; the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979 and Equal Remuneration Act, 1976 etc., was also alleged in the writ petition.

Defending the public interest litigation, Justice P.N. Bhagwati pointed out that public interest litigation is intended to bring justice within the reach of the poor masses, who constitute the low visibility area of humanity and is totally different from the ordinary traditional litigation, which is essentially an adversary in character. The rule of law, which is a part of "just, fair and reasonable procedure" under Article 21 of the Constitution, does not mean that the protection of the law must be available only to a fortunate few or that the law should be allowed to be prostituted by the vested interests for protecting and upholding the status quo under the guise of enforcement of their civil and political rights. It was further pointed out that so far the courts have been used only for the purpose of vindicating the rights of wealthy and affluent. It is only the moneyed that have so far had the golden key to unlock the doors of justice. But, now for the first time the portals of the Court are being thrown open to the poor and the downtrodden, the ignorant and the illiterate.

Dwelling on the scope of Art.23 of the Constitution, Justice Bhagwati, speaking for the court, observed: Art.23 is clearly designed to
protect the individual not only against the State but also against other private citizens. Art. 23 is not limited in its application .... The sweep of Art.23 is wide and unlimited and it strikes at "traffic in human beings and begar and other similar forms of forced labour" wherever they are found.

It was pointed out that the word begar used in Art. 23 is not a word of common use in English language. It is a word of Indian origin, which like many other words had found its way in the English vocabulary. It is very difficult to formulate a precise definition of the word begar, but there can be no doubt that it is a form of forced labour under which a person is compelled to work without receiving any remuneration. It is thus clearly a form of forced labour. Now not only begar is prohibited under Article 23 but also all other similar forms of forced labour, wherever they are found. The learned judge observed:

The Art.23 strikes at forced labour in whatever form it may manifest itself, because it is violative of human dignity and is contrary to basic human values.

Explaining the meaning of other similar forms of forced labour, the Court observed:

We do not think it would be right to place on the language of Art.23 an interpretation, which would emasculate its beneficial provisions and defeat the very purpose of enacting them. We are clear of the view that Art.23 is intended to abolish every form of forced labour. The words other similar forms of forced labour are used in Art.23 not with a view to imparting the particular characteristic of begar that labour or service should be exacted without payment of any remuneration but with a view to bringing within the scope and ambit of that Article all other forms of forced labour and since begar is one form of forced labour, the Constitution makers used the words other similar forms of forced labour.
Another important question that arose before the court for consideration was whether there was any breach of Art 23 when a person provides labour or service to the state or to any other person and is paid less than the minimum wage for it. Lamenting on this question, Justice Bhagwati, observed that:

That where a person provides labour or services to another for remuneration which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words forced labour under Art.23.8

What is prohibited under Art.23 is forced labour, that is labour or service, which a person is forced to provide, and ‘force’ which would make such labour or service forced labour may arise in several ways. It may be physical force which may compel a person to provide labour or service to another or it may be force exerted through legal provisions such as a provision for imprisonment or fine in case the employee fails to provide labour or service or it may even be compulsion arising from hunger and poverty, want and destitution. Thus, the Court in the following words explained the term ‘force’:

The word ‘force’ must, therefore, be construed to include not only physical or legal force but also force arising from compulsion of economic circumstances which leaves no choice of alternatives to a person in want and compels him to provide labour or service even though the remuneration received for it is less than the minimum wages.9

2. Liberation of the Bonded Labourers

Bandhua Mukti Morcha V. Union of India10 is a landmark judgement of the Supreme Court where the bonded labourers have been protected from exploitation. Through the Public Interest Litigation filed in
1982 Bandhua Mukti Morcha, an organization dedicated to the cause of release of the bonded labourers in the country, brought to the notice of the Court about the inhuman living and intolerable conditions in which the labourers were working in the two stone quarries of Faridabad district in Haryana inspite of Art.23 of the Constitution and the provisions of Bonded Labour System (Abolition) Act 1976. In the letter it was also stated that almost 90 percent of the workers were migrants from other states of Uttar Pradesh, Rajasthan, Madhya Pradesh, and Maharashtra, and the provisions of the legislation meant for them was not followed. The letter sent by the organization activated the judicial process.

The Supreme Court by its order dated 26 Feb, 1982 treated the letter as a writ petition Thereupon the court appointed Ashok Shrivastava and Ashok Panda (advocates) as commissioners and directed them to visit the stone quarries and to interview each person whose name was mentioned in the letter of the petitioner and also a cross section of other workers with a view to find out and also to enquire about the conditions in which they were working. The commissioners submitted their report confirming allegations made in the letter. They indicated that some of the workers were not allowed to leave the stone quarries and were forced to work and many of them suffered from tuberculosis and accidental injuries. On the basis of the report submitted by the commissioners, the Supreme Court issued directives to the central and state government of Haryana. The court held that the stone quarries were 'mines' for the purpose of the Mines Act. Therefore, the workers were entitled to all the benefits listed in the Mines Act. Since it is a central law the central government has an obligation to see that the mine lessees and stone crusher owners comply with its provisions. The Haryana government also has a duty to see that the labour laws are enforced.
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If the *jamadars or thekedars* are engaged by the mine lessees or stone crusher owners to supply labour, then they would become ‘contractors’ under the relevant laws and certain duties follow. If they bring workers from other states as they often do, the workers become (inter-state migrant workmen) in the eye of the law, who are entitled to certain benefits. The laws involved are the inter-state migrant workmen (Regulation of Employment and Conditions of Service) Act 1979 and the rules made under it. Since these are social welfare laws, the provisions should be given a broad interpretation to prevent mischief and advanced remedy.

The court noted that such workers are also entitled to the benefits contained in the Workmen Compensation Act, the Payment of Wages Act, the Employees State Insurance Act, the Employees Provident Fund Act, the Maternity Benefit Act, the Contract Labour (Regulations and Abolitions) Act and the Bonded Labour System (Abolition) Act. Whenever the workers are paid less than the minimum wage, there would be a presumption that they are bonded labourers. Apart from laying down these legal principles, the court in this particular case passed 21 directions to help the workers. Among them the directives included the setting up of vigilance committees in each district, identification of bonded labourers in the state, educating the labourers for their rights, taking the assistance of social action groups and voluntary agencies for securing the implementation of the provisions of Bonded Labour System (Abolition) Act 1976, payment of minimum wages to labourers, to take steps to prevent air pollution, to provide pure drinking water, conservancy facilities and medical aid etc. The Supreme Court in *Bandhua Mukti Morcha* case also found that there was violation of various social welfare laws by the state and the workers were being denied of their right to have ‘just and humane conditions of work’. The court observed:
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The right to live with human dignity enshrined in Art.21...... includes protection of health and strength of workers, men and women, and...... just and humane conditions of work and maternity relief.  

The direction given by the court in this judgement not only released bonded labourers in the stone quarries of Faridabad district, to whom it was intended, but also secured freedom from bondage to the similarly placed labourers all over the country.

3. Rehabilitation of the Freed Labour

Neeraj Choudhary V. State of Madhya Pradesh illustrates a landmark decision of the Supreme Court on the rehabilitation of the bonded labourers. In this case a petitioner, a civil rights activist, correspondent of the The Statesman brought to the notice of the court about the plight of released bonded labourers. In a letter addressed to a judge of the Supreme Court Neeraj Choudhry pointed out that about 135 labourers were released from bondage in 1982 from Faridabad and they were brought back to their respective village in Madhya Pradesh. But they were not rehabilitated even after six months of their release and they were living on the verge of starvation. Justice Bhagwati, speaking to the court, observed:

It is the plainest requirement of the Art.21 and 23 of the Constitution that bonded labourers must be identified and released and on release, they must be suitably rehabilitated. The Bonded Labour System Abolition Act, 1976 has been enacted pursuant to the Directive Principles Of State Policy with a view to ensuring basic human dignity to the bonded labourers and any failure of action on the part of the State Government in implementing the provisions of this legislation would be the clearest violation of Art. 21 apart from Art. 23 of the Constitution.
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The court directed the State government to take steps to rehabilitate the released bonded labourers within a time bound programme. The rehabilitative assistance to be paid by the government in presence of a representative social action group. The Government is called upon to file an affidavit stating how and in what manner the State administration has provided rehabilitative assistance to the freed bonded labourers and which representative of the social action groups was present at the time when such assistance was given. Thus from the above observations of the Supreme Court, it is amply clear that it is not enough merely to identify and release bonded labourers but it is equally, perhaps more, important that after identification and release, they must be properly rehabilitated. Because without rehabilitation they would be driven with poverty, helplessness and despair into serfdom once again. Thus the petitioner Neeraj Chaudhry rightly urged that failure on the part of the state government to ensure the proper rehabilitation of the freed bonded labourers amounted to violation of the fundamental right of the bonded labourers to live with human dignity under Article 21 of the Constitution.

4. Inter-State Movement of Bonded Labour

The case of *P. Sivaswami V. State of Andhra Pradesh* involved workers from Orissa, Andhra Pradesh, Tamil Nadu and Karnataka. The Supreme Court once again stressed the need for the effective rehabilitation of the released bonded labourers. It revealed the narrow pedantic approach of the State Government in carrying out the earlier directives of the Supreme Court for the release and rehabilitation of the bonded labourers. In this case the Government of Andhra Pradesh, in order to carry out a earlier direction of the Supreme Court, chalked out a rehabilitation scheme for the release of bonded labourers. Under this scheme Rs.738/- were given to the freed bonded labourer families which was quite inadequate for rehabilitation and
opined that unless there is effective rehabilitation the purpose of the Act will be frustrated. The court further observed that unless there is cooperation from the citizens to abolish bonded labour, the beneficial legislation would remain on paper with a mere statutory declaration. Criticizing the inaction on the part of the administrative authorities in implementing the provisions of the Act Justice Ranganath Misra observed:

"......... even those on whom the statute cast the responsibility of implementing the provisions of the Act do not appear to be in a situation to respond. It is difficult for the court to entertain repeated complaints of this type and devote attention by way of monitoring the administration of the Act."

5. Workers in Madhya Pradesh Quarries

In Mukesh Advani V. State of Madhya Pradesh the Supreme Court, by way of public interest litigation, again came to the rescue of bonded labourers. In this case Mukesh Advani, an advocate by profession and a social activist, invoked the epistolary jurisdiction of the Supreme Court under Art.32 of the Constitution by annexing a newspaper cutting from The Indian Express dated 14 September, 1982, brought to the notice of the court about the sordid state of bonded labourers working in the stone quarries of Raisen in Madhya Pradesh. In a blood curdling report it was narrated that those labourers brought from Tamil Nadu were subjected to permanent bondage. They were living in sub-human conditions and working with meagre wages. In the letter it was also alleged that the working conditions of the workers were of the 18th century vintage, the sanitary conditions were in a deplorable state and during the rainy season the operation of the mines were shut off and consequently the workmen were not paid wages. Not even a single legislation enacted for the welfare of the labour was implemented or respected.
As a part of social action litigation this letter was treated by the Supreme Court as a writ petition under Art.32 of the Constitution. The court directed the district judge Bhopal to visit the area and report about the bonded labour to the court. The judge was allowed to get the assistance of the writer of the news report. The judge’s report largely confirmed the allegations. The workers had already complained to the Secretary of the Labour Department and the police about the harassment. Some cases had been filed and some labourers were released. The state government admitted most of the findings in the judge’s report. But it stated that the implementation of labour laws in the mines was the responsibility of the central government. The Tamil Nadu government stated that “gullible, illiterate and poor rural people” were kidnapped from the state or lured to MP with promise of good jobs and they landed in the clutches of the labour contractors who treated them as slaves. However, the Supreme Court gave directions to the center and the state to take steps to prevent recurrence of the bonded labourers and for taking suitable steps for implementation of labour welfare legislations in their true spirit. It stressed that the labourers, should be protected against unauthorized exploitation by paying less than the minimum. In this case due to the interference of the court bonded labourers of the stone quarries at Raisen were liberated.

6. Wages for Famine Relief Workers

Sanjit Roy V. State of Rajasthan. Sanjit Roy, director of social action group, filed a writ petition challenging the system of payment and demanding minimum wages from PWD, when the government provides work to the affected people when famine, flood or other calamities occur. The Rajasthan government was building a road as part of famine relief work to provide work to the drought-hit people in the area. The PWD set work target for the workers and if they fell short of that, they would be paid
proportionately fewer wages. The minimum wage was Rs.7. Because of the work target most labourers got less than that, as they were not able to meet the requirements. Women were the most affected in this respect. During hearing of the case, the state government produced the Rajasthan Famine Relief Works Employment (Exemption from Labour Laws) Act 1964. According to this law, famine relief workers were exempted from labour laws, including the Minimum Wages Act.

The law exempting famine relief work from the normal labour laws was held to be unconstitutional. The Supreme Court relied on the *Asiad Workers Case* and held that the payment of the wages less than the minimum wage amounts to "forced labour" and hence violates Art.23 of the Constitution. It rejected the argument of the government that if the labour laws were implemented, it would cripple its ability to provide work to the maximum number of affected people. The court said that the labourers were providing useful work, which ensures benefit to society, like road building. The presumption therefore was that they were doing useful work, "productive in terms of creation of some asset or wealth". The court asked the government to pay minimum wage to each worker, including the arrears, as no work of utility and value can be allowed to be constructed on the blood and sweat of persons who are reduced to state of helplessness on account of drought and scarcity conditions. The state could not under the guise of helping persons extract work of utility and value without paying them the minimum wages.

7. Labourers of Government Contractors

*In Labourers Working in Salal Hydro Project V. State Of J&K.*

The case was started on the basis of a letter by the People’s Union For Democratic Rights (PUDR), to D.A.Desai, a social activist enclosing a copy of the news items which appeared in *The Indian Express* dated August 26,
1982. In the letter it was alleged that the labourers coming from different parts of the country especially Orissa to the site of Salal-Hydro Project in the state of J&K were being exploited and they were being denied the right to live with human dignity and the benefits of Labour Laws. The Supreme Court passed a series of interim orders and directions. It directed the Union of India and Chief Labour Commissioner of central government to ensure that minimum wages must be paid to the workmen directly without any deduction save and except those authorized by the statute.\(^6\) The central government was asked to ensure that the provisions of the Contract Labour Act (Sections 16 and 19) are complied with. Since the sub-contractors were not carrying licences under the law, the court directed the central government to ensure that none of them carried out any work without first getting a license. The sub-contractors had not provided canteens, rest rooms, and washing facilities as enjoined by law. Therefore the government was asked to ensure that these facilities were provided to the workers. Since the Labour Commissioner’s report indicated that children were employed in the project, the court stated that this was a violation of Article 24 of the Constitution and directed the government to see that no child below 14 years of age worked there. Children at the site should be given schooling facilities, and to give compulsory weekly paid holiday to every workman.

8. Monitoring Rehabilitation

In Balram V. State of Madhya Pradesh\(^20\) the Supreme Court once again monitored and stressed the need for the rehabilitation of the bonded labour freed by it and tried to ensure that the freed bonded labourers are not forced to return to bondage. The court had appointed a commissioner to visit the areas in Indore district from where the bonded labourers were released by the court. The commissioner was required to report to the court regarding the
implementation of the rehabilitation scheme and whether Rs.6,250 was paid to each of the labourers.

The court stated that the report clearly indicated that proper attention was not bestowed on rehabilitation. About 3,950 labourers were released but the money for the rehabilitation was not fully paid. The central government was to pay Rs.3,000 each and the rest by the MP government. Though the labourers were released two years earlier, they were finding it difficult to sustain them and were under the shadow of renewed bondage. The Supreme Court issued certain directions to the central government to release adequate funds to meet its liability under the scheme framed under the Bonded Labour System (Abolition) Act 1976. The court further directed that the collector and such other officials who have been assigned the responsibility of supervising rehabilitation should ensure that the full amount intended for the freed bonded labourers reaches them. Those labourers who open a bank account shall be paid the amount through the bank. A judicial officer shall pay others after identification of the labourers. The central government and the State government were asked to release their respective shares. The collector was asked to file the compliance report in the court.

9. Children Bought Cheap for Bonded Labour

*People's Union for Civil Liberties V. Union of India*<sup>21</sup>, this order of the Supreme Court in 1998 tells the story of five children procured for labour. One was beaten to death and four were missing. The court asked the state governments concerned to pay damages.

This was Public Interest Litigation based on the report of a non-governmental organization. Campaign Against Child Labour. According to the report, one Rajput used to travel to Madurai in Tamil Nadu for procuring child labour by paying Rs.500 to Rs.1,500 to poor parents. The children were
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below 15 years. They were forced into bonded labour. An eight-year-old boy was reported to have been beaten to death by one Rajput. Four others were found missing. The Maharashtra police recovered three of them after court intervention. The court directed the Maharashtra government to pay Rs. 2 lakh for the death of the boy. The amount was to be deposited in a bank and the interest to be given to his brother. The rescued boys were awarded Rs. 75,000 each. The Court noted the petitioner’s submission that the vigilance machinery set up under the Bonded Labour Act was not functioning properly. Even the trial court confirmed this.

From the above observations, it is clear that the Supreme Court has given the widest possible interpretation to the various phrases used in Art.23 of the Constitution. This interpretation of the Supreme Court, it is hoped, would make right to live with human dignity a living reality for millions of workers who are doing forced labour for one reason or the other.

References:

1. AIR 1982 SC 1473. This case is popularly known as Asiad Workers case.
2. Ibid. at 1476-77.
3. Ibid. at 1478.
4. Ibid. at 1485.
5. Ibid. at 1486-87.
6. Ibid. at 1487. The practice of forced labour has been condemned in almost every international instrument dealing with human rights. For example, Convention No. 29 and 105 of ILO, Article 4 of the European Convention of Human Rights and Article 8 of the International Covenant on Civil and Political Rights.
7. Ibid. at 1487-88.
8. Ibid. at 1490.

9. Ibid.


11. Ibid, total lack of medical facilities to workers who are seriously and fatally injured in stone quarries. Many workers are prone to tuberculosis due to dust pollution. Workers are not even provided with residential accommodation. They are exposed to the icy winds, winter rains or scorching heat in mid summer, due to scanty clothing. Drinking water highly polluted and impure, no conservancies of medical facilities are available to them.

12. Ibid. at p 834-837.


14. Ibid. at 1100-01.

15. Ibid. at 11069.


17. AIR 1985 SC 1363.

18. AIR 1983 SC 328.


20. AIR 1990 SC 44.