
(1992) 04 AHC CK 0078

In the Allahabad High Court

Case No : Hab. Corp. Petition No. 18392 of 1989

Champa Srivastava

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 08-04-1992

Acts Referred:

Citation : (1992) 2 AWC 1017 : (1992) 65 FLR 569 : (1999) 3 LLJ 1588

Hon'ble Judges : U.K. Verma, J;Palok Basu, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Palok Basu, J.—This is a writ petition filed by Smt. Champa Srivastava claiming herself to be the Vice- President and Chairman of an Organisation named Bonded Labour Liberation Front and Bandhwa Mukti Samiti respectively having its Head office at 7, Jantar Mantar Marg, New Delhi, Branch Office at Ramai Patti, district Mirzapur. In this petition it has been stated that in spite of the district Mirzapur being still infested with innumerable bonded labourers in the villages and the District Authorities having been duly informed of those unfortunate citizens, adequate measures under the Bonded Labour System (Abolition) Act, 1976, hereinafter referred to as the Act has not been taken. It has further been averred that the State Government has allocated land for rehabilitation of the bonded labourers in as much as adequate grant was also provided for the said rehabilitation job but no rehabilitation has taken place much less allotment of any land to those bonded labourers, Still further averments are that the entire land earmarked for such labourers has been usurped illegally and rehabilitation grant has been and is being mis-utilised and thus embezzled.

2. A counter-affidavit was called for in response to which the State has come out with an affidavit of one Shiv Mohan Lal Srivastava, Tehsildar, tehsil-Sadar district Mirzapur. The petitioner has filed a rejoinder-affidavit.

3. Sri G.N. Chandra, learned counsel for the petitioner and Sri Shivji Misra,

learned counsel for the State have been heard at length.

4. There is no doubt that the petitioner has appended several lists indicating the names and details of persons who are still forced to work as bonded Labourers for an alleged outstanding loan against them or their family. The reply in the counter-affidavit to say the least, has wholly been made without any reference whatsoever to the actions taken under the Act. It has also not been disclosed as to whether anyone who had been forcing bonded labourers to continue, was prosecuted or not. The details of the rehabilitation with specific reference to the persons freed have also not been revealed. It is unfortunate that the officers are still not aware of the responsibility cast on them by Chapter-4 of the Act. No Government, can act smoothly and implement the provisions of the Act unless its officers at district level cooperate and faithfully carry out the responsibility fixed on them individually by the provisions of the Act. No specific directions or instructions are needed in such matter from the State Government because the Legislature is supreme in this regard and the responsibility or should we say liability on them has to be discharged in accordance with law. We are constrained to say that the counter-affidavit has more or less observed a formality of letting this Court know that everything is fair in district Mirzapur and there is no single bonded labourer working therein. The fact, however, that in para Nos. 8 and 9 they have stated that some persons were freed from being forced to work as bonded labourer goes to indicate that no follow up action was taken. In any case this Court has not apprised of the steps taken by the opposite parties to redress the grievances of those bonded labourers.

5. The petitioner in the rejoinder-affidavit has emphasised the points made out in the writ petition and has forcefully found fault with the counter affidavit to executive officers for not carrying the mandate of law more explicitly explained by the Supreme Court in the decisions of *Niraja Chaudhary v. State*, and *Balram and Ors. v. state of M.P.*

6. The learned counsel, however, agreed that no useful purpose would be served in detaining the writ petition here any longer and it can be disposed of with some specific directions. It is true that the Court is not satisfied about all pervasiveness of the averments made in the counter-affidavit and, therefore, it is imperative to permit the petitioner to take further steps to proceed ahead with her social pursuits.

7. It is hereby directed that within a period of three months from the day a certified copy of this judgment is produced, the District Magistrate shall himself or through Addl. District Magistrate under him get an enquiry conducted about the list to be submitted before him by the petitioner and then pass speaking order relating to their rehabilitation. The District Magistrate or the Addl. District Magistrate under Him is also directed to prepare a survey map of the land allotted to the bonded labourers and also give details as to who are the bonded labourers who have been settled therein. The petitioner will also be entitled to have full information from the District Magistrate or the Addl. District Magistrate

as to where and how those bonded labourers have been settled about whom averments have been made in para Nos. 8 and 9 of the counter-affidavit that they were got freed.

8. It is made clear that when the enquiries are made the presence of the petitioner or some other social workers may be ensured.

9. A copy of the reports delivered may be compiled by the District Magistrate in his office and sent along with a forwarding letter to the Registrar of this Court within a period of one year from today whereupon the Registrar shall place the said report before this Court.

10. The writ petition stands disposed of in terms of what has been said above. Let a copy of this judgment be furnished to the learned counsel for the petitioner free of charge within a week from today.