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P. SIVASWAMY

v.

STATE OF ANDHRA PRADESH

AUGUST 10, 1988

B [RANGANATH MISRA AND M.N. VENKATACHALIAH, JJ.]

Bonded Labour System (Abolition) Act, 1976—Section 4—Abolition of Bonded Labour—Every Bonded Labour stands freed from commencement of Act—Identification of Bonded Labour—A difficult task—States must discharge its obligation cast under the Act—
C *Situation is very unsatisfactory—No employer should take advantage of the economic disability of a brother citizen.*

Public Interest Litigation—A letter written by the Secretary of a social organization alleging prevalence of bonded labour in stone quarries in Andhra Pradesh treated as writ petition—Difficult for Court to
D *entertain separate complaints alleging prevalence of bonded labour.*

Section 4 of the Bonded Labour System (Abolition) Act, 1976 abolishes the bonded labour system and states that on commencement of the Act every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour.

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The Secretary of a social organization in Tamil Nadu wrote a letter to the Court alleging prevalence of bonded labour in stone quarries in several districts of Andhra Pradesh. This letter was registered as a writ petition. Three other similar applications were also received and registered as writ petitions. During the pendency of the petitions, the
F **court passed certain interlocutory orders. In the first order the Court directed the District Magistrate, Hyderabad and a representative of a social organisation (AWARE) to visit the site and make a report to the court within two weeks. In the next order the court asked the respondent State of Andhra Pradesh to file an affidavit showing how many bonded labourers had been identified and released since 1.1.1983 and**
G **whether they had been rehabilitated and if so, in what manner and if there is a follow up action. If not rehabilitated then what steps were being taken by the State to do so. It was also directed that Vigilance Committees be set up and a member of social organizations may also be included as a member in each committee. After the District Judge submitted his report the Court asked the State Government to take further**
H **steps and see that several relevant labour laws applicable to labour**

working in stone quarries are fully implemented. The Court also directed that a Joint Secretary of the Ministry of Labour, Government of India should visit the relevant stone quarries to hold an enquiry for the purpose of ascertaining whether there was existence of bonded labour and whether the several relevant mines laws and labour laws were being observed. After the receipt of the report of the Joint Secretary, the Court directed the State of Andhra Pradesh to carry out the suggestions and recommendations made in the said report and to file an affidavit setting out what steps and measures have been taken by the State Government on the recommendations made by the Joint Secretary. The Court also issued notice to the Central Government to take steps to ensure that the provisions of the Mines Act and the connected laws are observed in the stone quarries. As a result of the action taken by the Court about 2200 bonded labourers were freed. The State of Andhra Pradesh arranged for their transport to their homes situated in the States of Orissa, Karnataka and Tamil Nadu. The State Governments of these three States were directed to take further steps for the rehabilitation of the bonded labourers and submit a report to the Court. Pursuant to this direction the State of Orissa submitted a report showing how these persons were rehabilitated by providing assistance to them. The State of Tamil Nadu also filed a report after repeated directions and stated the measures being taken by them for rehabilitation of these labourers. However, in spite of repeated directions the State of Karnataka did not cooperate in filing an affidavit showing how they have rehabilitated the freed bonded labourers.

The Court while disposing of the writ petitions and giving some more time to the State of Karnataka to do the needful.

HELD/OBSERVED: Detailed provisions have been made for extinguishment of liability to repay bonded debt, implementing authorities have been set up, vigilance committees have been provided, resort to bonded labour has been made an offence and steps for rehabilitation have also been indicated. Laws, however beneficial they may be, are difficult to be implemented unless the requisite social consciousness has grown. The system of Bonded Labour has prevailed in this Country for centuries. The gap in economic conditions has been the main cause for this. [358F-G]

The society envisaged under the constitutional set-up can no more take bonded labour as a part of it. Every citizen must be prepared to accept every other citizen as a person equal to him for enjoying the social benefits and the guarantees provided under the Constitution. It

must, therefore, become a conscious obligation of every employer not to take advantage of the economic disability of a brother citizen and force him into the system of Bonded Labour. It must equally be the obligation of every citizen to cooperate in bringing about abolition or what is condemned by the laws as Bonded Labour; otherwise, the beneficial legislation would remain on paper with mere a statutory declaration of abolishing bonded labour as provided in section 4 and yet continue to prevail unabated in the community. [359D-F]

Bandhua Mukti Morcha **v.** *Union of India,* **[1984] 3 SCC 161, referred to.**

Twelve years have passed since the law came into the Statute Book and surprisingly it came 26 years after the Constitution came into force. In 38 years under the Constitution, we have not been able to generate appropriate attitudes and dispositions to live amicably in the polity. Instead of appropriate consciousness manifesting itself contra-indications have widely appeared. Even those on whom the Statute casts 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, as has been in this case. We are surprised that about three years were necessary to persuade the State of Andhra Pradesh (Where bonded labour was identified and from where repatriation was necessary) and the States of Karnataka, Orissa and Tamil Nadu where rehabilitation was to be provided to perform their statutory obligations. [360A-C]

ORIGINAL JURISDICTION: Writ Petition (Crl.) No. 1574 of 1982.

(Under Article 32 of the Constitution of India)

T.V.S.N. Chari for the Petitioner.

G. Narasimhulu, N. Santosh Hegde, Advocate General, P. R. Ramasesh, A.V. Rangam and S.K. Mehta for the Respondent.

The Judgment of the Court was delivered by

RANGANATH MISRA, J. A letter written by the Secretary/ Spokesman of the Great War Ex-Services Organisation at Tirukkoyilur in South Arcot District of Tamil Nadu alleging prevalence of

bonded labour in stone quarries in several districts of Andhra Pradesh and other areas was registered as Writ Petition No. 1574 of 1982. The other three applications are similar matters. We propose to confine reference to the first case as, through interlocutory orders, whatever relief was necessary had been given in these matters.

On 25th of January, 1983, this Court made the following order:

> "Writ petition is adjourned for three weeks. Meanwhile District Magistrate, Hyderabad, and a representative of AWARE will jointly and together visit the site referred to in the writ petition of the petitioner and make a report to this Court in regard to the various averments made in the writ petition. The report shall be made by the District Magistrate, Hyderabad and the representative of the AWARE within two weeks from today .....".

On 19th August, 1983, this Court again directed:

> "The writ petition is adjourned to 28.9.83. Meanwhile, the respondent State of Andhra Pradesh will file an affidavit setting out in detail facts and figures showing how many bonded labourers have been identified and released in the different districts of the State since 1.1.83 and whether they have been rehabilitated and if so, in what manner and whether there is any follow up action. If there are any freed bonded labourers who have not yet been rehabilitated, the respondent State of Andhra Pradesh will set out in its affidavit whether any steps have been taken for keeping track of them after their release and what measures it proposes to adopt in the immediate future for their rehabilitation. We are informed that Vigilance Committees have been constituted in some of the districts of the State. We would, therefore, direct that Vigilance Committees shall be set up at a very early date in all the districts and sub-divisions of the State and in these Vigilance Committees, social activists shall be included as members on the basis of their record of social commitment because it is now recognised on all hands that it is only through the active involvement of voluntary agencies and social action groups that the problem of identification of bonded labour can be solved. We would also direct that in every Vigilance Committee, constituted or to be constituted, a representative of

A *AWARE* if available, shall be included as a member in order to ensure vigorous and effective implementation of the programme of identification and rehabilitation of bonded labour.

We would also like the district Judge, Krishna B District to visit the stone quarries at Kailaspuram and inquire whether there are still any workmen working in the stone quarries against their will and whether the advances made to the workmen are written off as promised by the contractors and whether they are paying to the workmen higher wages ranging from Rs.56 to Rs.75 per unit without C any deductions .....".

Soon after the report of the District Judge was received, this Court made another order on 20th of October, 1983, where it was stated *inter alia*:

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"The second direction relates to the observance of the various labour laws in stone quarries in Kailaspuram in Krishna District. The State Government has made various suggestions in the affidavit of Shri K. Parthsarathy for the purpose of ensuring observance of the labour laws for the F benefit of the workers engaged in the stone quarries and has also put forward a few other suggestions with a view to improve the living conditions of the workmen. We hope and trust that the State Government will, without any undue delay, proceed to carry out these suggestions and shall not wait for any directions to be given by this Court in F that behalf. It appears from the report of the District Judge that it is extremely doubtful whether the Labour laws are being enforced properly. It is, therefore, necessary to direct an inquiry for the purpose of ascertaining whether the labour laws are being properly observed. There can be no doubt that the stone quarry being a mine within the G meaning of Mines Act, 1952, the provisions of Mines Act, 1952, the Mines Rules, 1955, Mines Vocational Training Rules, Mines Crush Rules and Minimum Wages Act are applicable to workmen employed/engaged in stone quarries. So also the provisions of the Contract Labour Regulations and Abolition Act are applicable. In case the H work of the stone quarrying or any part thereof is entrusted

by the mine owners of the stone quarries or the lessee of stone quarries to contractor or labour/workmen are recruited through the agency of contractors, there are various magnificent provisions enacted in these labour laws for the benefit of persons engaged/employed in stone quarries and it is essential that the benefits of these provisions must be made available to the workmen. We would, therefore, direct Shri Lakshmidhar Mishra, Joint Secretary, Ministry of Labour, Government of India, to visit the stone quarry at Kailaspuram and to hold an inquiry for the purpose of ascertaining whether there is existence of bonded labour and whether the Mines Act, 1952, Mines Rules, 1955, Mines Vocational Training Rules, Mines Crush Rules and the Contract Labour (Regulations and Abolition) Act, and the Minimum Wages Act, 1948, are being observed .....".

Pursuant to these orders the District Judge of Krishna District, AWARE and Mr. Lakshmidhar Mishra submitted three separate reports, copies whereof had been furnished to the respondents. It is appropriate to indicate at this stage that the necessity to appoint Mr. Lakshmidhar Mishra to go into the aspects indicated in the order referred to above arose out of the report of the District Judge as he had indicated that several beneficial legislations meant for protecting the interests of the workmen were not being enforced.

On 10th of January, 1984, after the report by Mr. Mishra was furnished to the Court, the following order was made:

"Pursuant to the order made by us on 20th of October, 1983, Sri Lakshmidhar Mishra, Joint Secretary, Ministry of Labour, Government of India, visited the stone quarries at kailaspuram and held an inquiry for the purpose of ascertaining whether there is existence of bonded labour and whether the Mines Act, 1952, Mines Rules, 1955, Mines Vocational Training Rules, Mines Creche Rules, the Contract Labour (Regulation & Abolition) Act, and the Minimum Wages Act are being observed or not. He has submitted a report to the Court and copies of this report have been supplied to the learned advocates appearing on behalf of the parties. Mr. Ram Reddy, learned Advocate appearing on behalf of the State of Andhra Pradesh has requested for time in order to consider this report and he

has assured us that the suggestions and recommendations of Shri Lakshmidhar Mishra in this report will be carried out by the State of Andhra Pradesh to the extent feasible and in case of any difficulty, the matter will be brought to the notice of the Court so that appropriate directions can be given. We adjourn the writ petitions to 21.2.1984 in order to enable the State of Andhra Pradesh to carry out the suggestions and recommendations made in the report of Shri Lakshmidhar Mishra and to file appropriate affidavit setting out what steps and measures have been taken by the State Government and if any of the suggestions and recommendations have not been carried out what are the difficulties in regard to the carrying out of such suggestions and recommendations and also as to how the State Government propose to resolve them. We hope and trust that the State of Andhra Pradesh will carry out the suggestions and recommendations contained in the report of Shri Lakshmidhar Mishra within the time allowed to them.

We also issue notice to the Central Government which is responsible for the enforcement of the Mines Act, 1952, Mines Rules, 1955, Mines Vocational Training Rules and Mines Creche Rules since it has already been held by this Court in a judgment delivered on 16.12.1983 in the case of *Bandhua Mukti Morcha* v. *Union of India &Ors.*, [1984] 3 SCC 161 that stone quarries are *mines* within the meaning of the Mines Act, 1952 and the provisions of the Mines Act, 1952, Mines Rules, 1955, Mines Vocational Rules and Mines Creche Rules are applicable to the stone quarries. The Registry will forward to the Ministry of Mines as also to the Ministry of Labour, Government of India, along with the notice, copies of the writ petitions and of the report made by Shri Lakshmidhar Mishra. The Central Government will in the meanwhile take steps to ensure that the provisions of the Mines Act, 1952 and the connected laws are observed in the stone quarries of Kailasgiri and make a report in that behalf of this Court before the next date of hearing .....

As a result of the action taken by the Court in these writ petitions, about 700 bonded labourers were freed earlier and thereafter about 1,500 more bonded labourers were freed. The State of Andhra Pradesh also arranged for

their transport from Kailasgiri to their homes situated outside the State of Andhra Pradesh. We would direct the State of Andhra Pradesh to furnish to the Court at the next hearing of the writ petitions a list of bonded labourers who were thus freed and sent back to their homes so that we can give appropriate directions for their rehabilitation."

Pursuant to these directions, the State of Andhra Pradesh filed an affidavit and supplied particulars of 1417 persons freed from bonded labour and took the stand that in regard to the remaining, particulars were not available. The Union of India in the Ministry of Labour and Rehabilitation also filed its affidavit through Shri J.K. Jain, Under Secretary in the Ministry. On 7th of March, 1984, this Court made the following Order:

"The Union of India has filed a counter affidavit in this case a copy of which has been supplied to Mrs. Hingorani, Advocate for the petitioner. Copies have not yet been supplied to the Advocate for the State of Andhra Pradesh and the same may be done immediately. The State of Andhra Pradesh has filed an affidavit setting out a list of 1417 bonded labourers who have been released and repatriated to their respective State namely, Orissa, Karnataka and Tamilnadu ..... We would direct the State of Andhra Pradesh to prepare three separate lists of the released bonded labourers repatriated to the State of Tamilnadu, the State of Karnataka and the State of Orissa and supply copies of these lists to Mrs. Hingorani on behalf of the petitioner and also a copy of the concerned list to the Advocates appearing on behalf of the States of Tamilnadu and Karnataka. So far as the State of Orissa is concerned a copy of the concerned list shall be forwarded to the Chief Secretary of the State of Orissa and also served on the standing counsel for the State of Orissa. Notice on the writ petition shall be served on the State of Karnataka and Orissa and also additionally on the standing counsel of these two States. We would direct the State of Tamilnadu, Karnataka and Orissa to take immediate steps for the purpose of rehabilitating these released bonded labourers who have been repatriated to their respective States as is shown in the list supplied to them and then to inform the court at the next hearing of the writ petition as to what steps they have taken and are taking to rehabilitate them.

A It is the obligation of the State Government under the Bonded Labour Act, 1976 to rehabilitate the freed bonded labourers. We would also suggest to the States of Tamilnadu, Karnataka and Orissa that in constituting the vigilance committees which are also to be associated in the work of rehabilitation of the freed bonded labourers, they B should involve the representatives of social action groups and voluntary agencies operating in these areas and whatever rehabilitation is provided to the freed bonded labourers, must be provided in the presence of a representative of such social action groups or voluntary agencies so as to ensure that rehabilitation provisions actually reach the hands of such labourers. These three State Governments will submit a report to this Court on or before 13th of April, 1984 .....".

On 6th October, 1987, when the matter was again listed this Court made the following Order:

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"On 7th March, 1984, this Court directed the States of Tamil Nadu, Karnataka and Orissa to take immediate steps for rehabilitating the 1417 bonded labourers released from the site in Ranga Reddy district. Directions were also given to these three States to submit Reports of action E taken. We are surprised that though three and a half years have elapsed, there has been no compliance on behalf of any of the States. We are prepared to give one more opportunity to these three States but on terms of costs.

A copy of the Report furnished by the State of Orissa F to the Registry of this Court dated 4.11.86 is supplied to us in Court by the counsel for the State of Orissa, which indicates that 86 freed bonded labourers repatriated from Andhra Pradesh came to that State. 80 of them have been rehabilitated. Of the remaining six two left their place of residence after getting rehabilitation assistance and in re- G gard to the remaining four, it is stated that they have left for unknown destination and efforts are on to trace them.

In the absence of any Report from the States of Tamil Nadu and Karnataka it is not known as to how many of the released bonded labourers went to those States and what H happened to them. Counsel for the petitioner makes grie-

vance that a complete list of 1417 released bonded labourers has not been supplied to her in spite of the Court's direction. Counsel appearing for the State of Andhra Pradesh who supplied the particulars to the Court is directed to furnish such a list to the counsel for the petitioner as also to the learned Standing Counsel for each of the three States Karnataka, Orissa and Tamil Nadu. Each of the States is now directed within three weeks from today to furnish a complete affidavit indicating how many of the bonded labourers out of these 1417 came to the State and the manner of rehabilitation provided. Unless a compliance report is furnished as directed above, each of the States shall be treated to be in contempt of this Court .....

Each of the three States is directed to pay into the Registry of this Court a sum of Rs.5,000 by way of costs for condonation of the lapses and extention of a further opportunity as indicated above within four weeks."

By way of complying with the aforesaid Order, the State of Orissa filed an affidavit dated 27th October, 1987. It stated that as per the particulars provided by the State of Andhra Pradesh only 86 bonded labourers have been repatriated to the State of Orissa. According to the affidavit of the Under Secretary to the Government of Orissa, Community Development and Rural Reconstruction Department, one of the six alternatives available for rehabilitation had to be opted for by the persons to be rehabilitated and 80 out of these 86 were adequately rehabilitated by being provided with bullock with cart or goatery/sheepery and cow or small tailoring shop, small grocery shop, other small shop or possible combination of the above options with a cash financial assistance of Rs.4,000. Out of the six left out, two had gone away from their place after partly getting rehabilitation assistance and the remaining four could not be traced.

The State of Tamil Nadu furnished the particulars by an affidavit through its Deputy Secretary in the Social Welfare Department. The particulars furnished by the State of Andhra Pradesh indicated that a total of 1255 bonded labourers had been repatriated from Andhra Pradesh to Tamil Nadu being 556 from Krishna district, 625 from Ranga Reddy and 74 from Nalgonda. Paragraph 6 of this affidavit states:

"..... I beg to enclose a true copy of the letter

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> ..... dated 26.6.87 addressed to the District Collectors as Annexure VI. I beg to submit that subsequent reminders have also been sent to District Collectors. So far particulars have been received from some of the District Collectors and details from other Collectors are awaited."

B and extension of three months' time was asked for. The affidavit was sworn on the 28th of October, 1987. Later a further affidavit was filed by the Commissioner and Secretary to the Government in Social Welfare Department of the State of Tamil Nadu disclosing arrival of 138 of these families in Salem. Paragraph 4 gave taluk-wise details of the families. In this affidavit, it is stated:

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> "It is submitted that the Government of Tamil Nadu have since issued orders for the grant of cash assistance from Cheif Minister's Public Relief Fund at the rate of Rs. 1,000 per family for the 138 families. It is also proposed to rehabilitate the bonded labourers as follows:

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> (i) Supply of quarrying implements like hammer and crow bar etc. at the rate of one set for each family free of cost.
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> (ii) It is proposed to form an Industrial Cooperative
E Society. The District Rural Development Agency, Salem is to purchase two stone crushing machines at Rs. 1.75 lakhs each of which 50% will be subsidy from Integrated Rural Development Programme and the remaining 50% as loan from the Government. Share capital and interest free working capital loans are to
F be sanctioned by Government.
>
> (iii) Construction of thatched sheds for the 138 families at Rs. 1,000."

Further affidavits have come from the State of Tamil Nadu through its
G different officers but a complete disclosure has not yet been made in regard to the bonded labourers who have been repatriated from Andhra Pradesh.

There was, however, no compliance from the State of Karnataka by the time the matter came up before this Court on 3rd November,
H 1987. On that day, the Court made the following order:

"Learned Advocate General appearing for the State of Karnataka requires eight weeks' further time to comply with the previous directions. We find that all other States have complied with the directions. Advocate General assures as that within this time counter-affidavit will be produced before the Court. We expect the counsel to deal with the up-to-date situation. Counsel for the State of Tamil Nadu states that if given time they will file a better further affidavit ....."

In the affidavit of the Deputy Secretary to the Government in the Social Welfare Department sworn on 31st of December, 1987, on behalf of the State of Tamil Nadu it has been further submitted that:

"apart from 1255 bonded labourers, the Government of Tamil Nadu have rehabilitated 825 bonded labourers who were identified and released from the States of Andhra Predesh and Karnataka and settled in Tamil Nadu. In all, 2080 bonded labourers of the States of Andra Pradesh and Karnataka, including 1255 bonded labourers of Andhra Pradesh covered in these writ petitions have been given relief measures. The details are furnished in Annexure II."

Annexure II shows that 1384 freed bonded labour families have been given a total financial assistance of Rs.10,21,460 and on the average it works out to Rs.738 per family which is certainly inadequate for rehabilitation. Unless there is effective rehabilitation the purpose of this Act would not be fulfilled. Up-rooted from one place of bonded labour conditions the persons are likely to be subjected to the same miscriet at another place. The net result would be that the steps taken by this Court would be rendered ineffective and there would be mounting frustration because the persons who were up-rooted from a place where they were working under bonded labour situations.

On 11th of May, 1988, when the matter was adjoured to 18th of July, 1988, the Court made the following order:

"The matter be called on 18.7.88. In the meantime State of Karnataka will take further steps to identify the persons and trace their whereabout. If they are traced out, steps for their rehabilitation should be taken ....."

A We are sorry to indicate that there has been really no effective co-operation by the State of Karnataka in spite of several accommodations granted by the Court and assurances by its counsel.

We have referred to the several orders made by this Court from time to time during these five years that the proceedings have been B before this Court with a view to impressing on all the concerned as to how difficult it is to work out the Act and to give effect to the scheme of rehabilitation contemplated by the Statute.

Article 23 in the Chapter of Fundamental Rights provides:

C "Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provisions shall be an offence punishable in accordance with law."

Article 42 of the Constitution makes it the obligation of the State to D make provision for securing just and human conditions of work. There are several other Articles in Part IV of the Constitution which indicate that it is the State's obligation to create social atmosphere befitting human dignity for citizens to live in. The Bonded Labour System (Abolition) Act of 1976 defines "bonded labour" and section 4 thereof makes a statutory declaration that—

E "On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour."

F Detailed provisions have been made for extinguishment of liability to repay bonded debt, implementing authorities have been set up, vigilance committees have been provided, resort to bonded labour has been made an offence and steps for rehabilitation have also been indicated. Laws, however beneficial they may be, are difficult to be G implemented unless the requisite social consciousness has grown. The system of Bonded Labour has prevailed in this country for centuries. The gap in economic conditions has been the main cause for this. This Court in *Bandhua Mukti Morcha* v. *Union of India,* (supra) said:

H "The system of bonded labour has been prevalent in various parts of the country since long prior to the attain-

ment of political freedom and it constitutes an ugly and shameful feature of our national life. This system based on exploitation by a few socially and economically powerful persons trading on the misery and suffering of large numbers of men and holding them in bondage is a relic of a feudal hierarchical society which hypocitically proclaims the divinity of man but treats large masses of people belonging to the lower rungs of the social ladder or economically impoverished segments of society as dirt and chattel. This system under which person can be bonded to provide labour to another for years and years until an alleged debt is supposed to be wiped out—which never seems to happen during the life-time of the bonded labourer is totally incompatible with the new egalitarian socio-economic order which we have promised to build and it is not only an affront to basic human dignity but also constitutes gross and revolting violation of constitutional values."

The society envisaged under the constitutional set-up can no more take bonded labour as a part of it. Every citizen must be prepared to accept every other citizen as a person equal to him for enjoying the social benefits and the guarantees provided under the Constitution. It must, therefore, become a conscious obligation of every employer not to take advantage of the economic disability of a brother citizen and force him into the system of Bonded Labour. It must equally be the obligation of every citizen to cooperate in bringing about abolition or what is condemned by the laws as Bonded Labour; otherwise, the beneficial legislation would remain on paper with mere a statutory declaration of abolishing bonded labour as provided in section 4 and yet continue to prevail unabated in the community. Tolstoy said:

> "The abolition of slavery has gone on for a long time. Rome abolished slavery. America abolished it and we did, but only the words were abolished, not the thing."

Identifying bonded labour is the real difficult task because very often even the workmen working under Bonded Labour system are not prepared to disclose their unfortunate situation and become a party to its continuance by collaborating with the employer.

The concern of this Court in a matter of this type has been sufficiently indicated in *Bandhua Mukti Morcha,* case (supra). Repeti-

A tion at greater length thereof is perhaps not warranted. Twelve years have passed since the law came into the Statute Book and surprisingly it came 26 years after the Constitution came into force. In 38 years under the Constitution, we have not been able to generate appropriate attitudes and dispositions to live amicably in the polity. Instead of appropriate consciousness manifesting itself contra-indications have B widely appeared. Even those on whom the Statute casts 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, as has been done in this case. We are surprised that about three years were necessary to persuade the State of Andhra Pradesh (where bonded labour was identified and from C where repatriation was necessary) and the States of Karnataka, Orissa and Tamil Nadu where rehabilitation was to be provided to perform their statutory obligations. Here again Karnataka has not yet done its part. Once notice was issued to them there should have been immediate response and the obligations cast under the Statute should D have been readily discharged. The States should have indicated their regrets to the Court that at their level they had failed to satisfy the requirements of the law and this Court's interference has become necessary. This only shows how unsatisfactory the situation is. Where the man below the poverty line is a citizen entitled to all the benefits and protections so eloquently put into the Constitution, are 38 years E not sufficient to generate the appropriate consciousness?

Before we part with the case we must again indicate that there has been no satisfactory compliance in regard to rehabilitation by the State of Karnataka. They are given two months' extended time from today to file an affidavit before this Court that there has been total F compliance regarding rehabilitation in respect of those persons who come to Karnataka and when that affidavit is filed, the matter should be placed before us for a further direction by way of a Civil Miscellaneous proceeding. That matter should be listed before this Court on 26th October, 1988. We can only at this stage administer the warning that the matter shall be very strictly viewed in the event of continued G failure.

We must record our appreciation for the assistance rendered by Mr. Lakshmidhar Mishra as also the management of AWARE. Report given by AWARE is indicative of how objective and at the same time informative can the social activists be when entrusted with this type of H work. Gandhiji once said:

"The earth has enough for every man's need but not for every man's greed." A

The employer who employs the bonded labour should remember this statement of the Father of the Nation.

We make no directions for costs at this stage. No separate orders are necessary in the connected writ petitions. B

H.S.K.