

CASE COMMENT ON
BANDHUA MUKTI MORCHA VS. UNION OF INDIA AND ORS

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FACTS

On February 25, 1982, the petitioner Bandhua Mukti Morcha penned a letter to Justice P N Bhagwati to air their grievances. They claimed that a significant number of workers in stone quarries in the Faridabad district of Haryana were subjected to "inhumane and intolerable conditions" on a daily basis, based on the results of a survey they conducted.

The letter's author lamented the appalling circumstances in the stone quarries. A large number of people from all over the nation were forced to work as bonded labourers. Specifically, the message identified and quoted 11 Rajasthan employees, 30 Madhya Pradesh employees, and 14 Uttar Pradesh employees who all felt particularly vulnerable. The letter sheds some light on the plight of quarry employees, who had to rely on unclean water from nullahs and went without adequate housing. All that covered the top of their Jhuggies was a thin layer of straw. Workers were not even compensated for their deaths or the dusty working conditions in the mines.

To ensure that labour protection laws like the Mines Act (1952), the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act (1979), the Contract Labour (Regulation and Abolition) Act (1970), the Bonded Labour System (Abolition) Act (1976), and the Minimum Wages Act (1948) are enforced in a fair and equitable manner, the petitioners asked for a writ petition to be issued.

When the letter was received, the Supreme Court regarded it as a writ petition and formed a committee to look into the petitioners' claims. A notification from the Hon'ble Supreme Court announced that two lawyers, Ashok Shrivastava and Ashok Panda, would be appointed as Commissioners to look into the case. On March 2, 1982, the Commission handed in its findings from its inquiry into stone quarries. Dr. Patwardhan of the Indian Institute of Technology was tasked by the court to conduct a socio-legal inquiry to determine the legality of the state's responsibilities so that the State Government and its employees could take appropriate action to resolve the issue.

ISSUES RAISED

1. Will the communication to the judge be considered a Writ Petition?
2. Was there a violation of the individual's right to life, liberty, or property?
3. Whether the Supreme Court has the authority to establish a Commission?
4. To what extent the Bonded Labour System (Abolition) Act of 1976 apply?

OVERVIEW OF JUDGEMENT

The Hon'ble Court made the right call in this case by directing relevant agencies to deal with the societal issue of bonded labour. Despite the Court's best efforts, its 21 directives won't be enough to help dislocated employees rebuild their lives socially and financially. Even though the judge ordered the Haryana government to come up with a plan to restore workers, that plan fell short. The quarry owners complied with the Supreme Court's ruling and freed 135 bonded workers. On the other hand, they did not change their ways. Ms. Neerja Chowdhury drew attention to their terrible apathy after they were freed from servitude by bringing the case to the Supreme Court. Protection of employees' rights under Articles 21 and 23 requires more than just locating and releasing them, the court ruled. Rehabilitation is also necessary.

In 1997, the Court requested the National Human Rights Commission (NHRC) to take over responsibility for monitoring the Court's bonded labour standards. A number of restoration-related directives were published in 2004. The court also recognised the worth of non-government organisations, suggesting that bonded labourers' access to their facilities contributed to their eventual recovery. While the Bandhua Mukti Morcha did incredible work, others like Neerja Chowdhury were able to fill in some of the gaps in our understanding of how to restore workers.

ANALYSIS

Regarding the social problem of bonded labour, I believe the Supreme Court has done the right thing by referring the directions to the proper authority in the hopes of raising public consciousness of the issue of child labour. The Supreme Court's ruling clearly provided victims with justice and was supported by reasonable justification. In my opinion, the petitioners and others like them can once again put their faith in the judicial system thanks to the Supreme Court's orders in the current case. The Supreme Court's reasoning ran counter to that of the State Government, but it made compelling arguments and ultimately emerged as the real guardians of society. Thus, the verdict was truly remarkable and consequential, as no

one has a right to be handled badly or to endure a life devoid of human decency. As the highest authority in the land, the Supreme Court has a duty to prevent injustice from happening to its own citizens. Due to widespread illiteracy and ignorance of one's rights, the affluent and powerful can exploit the weak and employ unjust measures that put them in danger. As a result, the public and the judiciary's trustworthiness would have suffered if the bonded employees' voices had not been heard and they had been denied the rights to which they were entitled. Due to this, the Supreme Court ruled in favour of the bound workers, upholding their constitutional rights.

CONCLUSION

Bandhua Mukti Morcha v. Union of India & Ors. is a seminal legal battle in the fight to end indentured servitude in India. As of 1976, the United Kingdom no longer uses bonded labour. Article 21 makes it crystal clear that bonded workers must be found, let go, and given proper treatment. This law was enacted under the state's Directive Principles of State Policy to ensure the safety and respect of confined workers. It would be a violation of Article 21 of the Indian Constitution if the government did not step in to prevent this. One way to sum up the court's decision to enable Public Interest Litigation is to say that it gave good-faith citizens a place to fight for their rights under the law.

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