

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO.                      OF 2020**

**DISTRICT : PUNE**

In the matter of Article 14,  
21 and 226 of the  
Constitution of India

AND

In the matter of The Bonded  
Labour System (Abolition)  
Act, 1976

AND

In the matter of Central  
Sector Scheme for  
Rehabilitation of Bonded  
Labour 2016 dated  
18/05/2016

AND

In the matter of Central  
Sector Scheme for  
Rehabilitation of Bonded  
Labour 2016 Modification  
dated 23/06/2017

Nirmal Gorana, Aged 38 Years

S/O ML Gorana

Convener, National Campaign Committee for Eradication of  
Bonded Labour (NCCEBL),

243, Main Market Road, Badarpur,

New Delhi-110042

Versus

1. Sub-Divisional Officer

6C, Abhimanyu Road Camp,

Nilgiri Ln, Near 7,

Banglow, Pune,

Maharashtra 411001.

2. Superintendent of Police, Pune

Opp St Joseph High School,

Pashan Road, Pune

Maharashtra 411043.

3. District Collector and Magistrate

Office of Collector

New Collector Office Building,

Station Rd,

opposite Sasoon Hospital,

Pune, Maharashtra 411001.

4. State of Maharashtra

Through Secretary

Department of Labour

Mantralaya, Mumbai - 400001.

5. Gur Factory, Shirur

Through owners

Mohammad Daud, Mota Bhai & Hannan Bhai

Address- Alegaon paga, Taluka - Shirur,

District - Pune 412211

**TO,**

**THE HON'BLE CHIEF JUSTICE AND THE HON'BLE**

**PUISNE JUDGES OF THE HON'BLE HIGH COURT OF**

**JUDICATURE AT BOMBAY**

**THE                    HUMBLES**  
**PETITION    OF    THE**  
**PETITIONER    NAMED**  
**ABOVE**

**MOST RESPECTFULLY SHOWETH:**

1.     Petitioner, a resident of Badarpur, New Delhi, is the National Convenor, National Campaign Committee for the Eradication of Bonded Labour (NCCEBL). The Petitioner has completed his Masters in Social Work (MSW) from Janardhan Rai Nagar Rajasthan Vidyapeeth University, Udaipur, Rajasthan. The Petitioner is an activist who has worked extensively for the cause of bonded labourers in India and is actively engaged in their rescue, relief and rehabilitation. The Petitioner has previously filed Public Interest Litigations before the High Court of Delhi, High Court of Hyderabad, High Court Telangana and High Court of Jammu and Kashmir at Srinagar with regard to several issues.
  
1. Respondent No. 1 is Sub-divisional Officer of Pune and is entrusted with issuing release certificate and interim compensation to victims of Bonded Labourers. Respondent No. 2 is Superintendent of Police, Pune is responsible for

registration of FIR. Respondent No.3 is District Collector, Pune entrusted with identification and rescue of bonded labourers within the jurisdiction. Respondent No.4 is the State of Maharashtra, wherein Department of Labour is responsible for implementation of Bonded Labour Act and policy thereunder. ~~Respondent No.5 are owners and occupiers of the Gur factory from where the persons were rescued as being bonded labour.~~

2. The present petition has been filed to ensure the rehabilitation of rescued bonded labour in Pune District and thereby, effective implementation of the Bonded Labour System (Abolition) Act, 1976 and the Rehabilitation of Bonded Labour Scheme, 2016 in the State of Maharashtra.

### **FACTS OF THE CASE**

3. The brief facts leading to filing of this Public Interest Litigation are as follows:
  - a. The bonded labour system was legally abolished throughout the country, w.e.f. 25th October, 1975 by the means of Bonded Labour System (Abolition) Ordinance, replaced by Bonded Labour System (Abolition) Act, 1976. Under the Act, the State

Governments are responsible for release and rehabilitation of bonded labourers identified in the state.

b. Subsequently, a Centrally Sponsored Scheme was introduced in May, 1978. This scheme has been revamped w.e.f. 17th May, 2016 and is known as ‘Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016.’ Hereto annexed and marked as **Exhibit-A(Colly)** is the copy of Central Sector Scheme for Rehabilitation of Bonded Labour, 2016 and Modification dated 23/06/2017.

c. A perusal of the 2016 Scheme bears out the following provision that subsists as of today;

- a. The scheme has provisions for identification,
- b. Release,
- c. Cash and non-cash assistance,
- d. Repatriation of migrant bonded labour to their home state and
- e. Rehabilitation of the released bonded labour.
- f. The scheme also provides that a summary trial must be conducted against the accused as per the provisions of the Bonded Labour (Abolition) Act, 1976.

d. That the provision of the Act as well as of the 2016 are not being implemented is borne out by the below mentioned recent events;

i. The Petitioner, on 27th August, 2019, sent an electronic mail to District Magistrate, SDM and Superintendent of Police, Pune Maharashtra, informing them that ;

1. He had received information from one Mr. Imran Khan that 23 agricultural workers had been trafficked from four districts of Uttar Pradesh (Muzaffarnagar, Saharanpur, Bijnor and Sitapur) to Pune, Maharashtra in June 2019.

2. That the labourers had been forced to move to another place of living and employment and were under continuous surveillance of the principal employers and traffickers.

3. That an advance of Rs. 30,000/- was given to the 23 agricultural workers in

lieu of which they were forced to work against their will.

4. That they were not allowed to return to their native place by the principal employers and traffickers, and that there were restrictions on their movement and they were also not allowed to work elsewhere.

5. That they were forced to put their thumb impressions on some registers by the principal employers and traffickers and were beaten up by four people (Mr. Harun, Mr. Dawood, Mr. Hannan and Mr. Mota Bhai) on requesting their monthly wages.

6. That they were forced to work under the principal employers, who are the owners of jaggery (gur) factory in Shirur tehsil, Pune District, Maharashtra. That the jaggery which is made in the factory contains Salkadi, which gives a good



texture to the jaggery, but is poisonous and dangerous for consumption.

A copy of the electronic mail is filed herewith and marked as **Exhibit B**.

ii. A similar electronic mail was also sent by the Petitioner, on 27th August, 2019 to District Magistrates of Muzaffarnagar, Saharanpur, Bijnor and Sitapur. A copy of the electronic mail is filed herewith and marked as **Exhibit C**.

iii. It was requested vide the aforementioned electronic mails that

1. A rescue team be constituted for the rescue of the bonded labourers as provided for under the Bonded Labour (Abolition) Act, 1976 and various other provisions of IPC.

2. That an FIR be registered in the case;

3. The earned wages of the labourers be recovered,

4. Release certificates be issued to them.

5. An investigation be conducted in the matter.

e. Inquiries by the Petitioner reveal that of the 23 Bonded Labourers rescued, only 17 were provided with Release Certificates. For reasons best known to the authorities Nanu, Mukesh, Anil, Falak and Lucky have not been provided with release certificates to date. Copies of the release certificates are filed herewith and marked as **Exhibit D**.

f. Inquiries also bear out that the Bonded Labourers were neither paid the initial monetary assistance before being sent to their homes in Muzaffarnagar, Saharanpur, Bijnor and Sitapur.

g. Curiously, when the Petitioner informed this to the District Magistrates from each of the Districts that the Bonded Labourers had reached for subsequent rehabilitation, the Senior Labour Officer Saharanpur sought the names and details of the bonded labourers belonging to the Muzaffarnagar and Saharanpur districts. A copy of the letter dated 02/09/2019 is filed herewith and has been marked as **Exhibit E**.

h. On the complaint filed by the Petitioner, the National Human Rights Commission, New Delhi also directed the District Collector and District Magistrate, Pune, Maharashtra to depute a responsible officer and get the bonded labourers released. They were further directed to file an Action Taken Report (including the response to specific queries raised by the Commission) within four weeks. A copy of the letter dated 30/10/2019 is filed herewith and has been marked as **Exhibit F**.

i. Inquiries by the Petitioner also reveal that The District Magistrate, Pune has failed to conduct a summary trial as provided under Section 21 of the Bonded Labour (Abolition) Act, 1976. As a result no proposal for release of funds and assistance has been submitted to the Central Government, as provided under Section 6 of Rehabilitation of Bonded Labour Scheme, 2016, which has resulted in a delay in provision of rehabilitation assistance to the released bonded labourers.

4. Petitioners approach this Hon'ble Court on the following grounds which are without prejudice to one another:

- a. Section 5(x) of the Rehabilitation of Bonded Labour Scheme, 2016, provides for allocation of Rs. 4.50 lakh per district for conduct of survey of bonded labourers. The State Government and the District Magistrate, Pune, have failed to undertake such a survey.
- b. That the State Government has failed to provide cash assistance to the released bonded labourers as provided under Section 5(ii) and 5(iii) of Rehabilitation of Bonded Labour Scheme, 2016.
- c. The State Government has failed to provide non-cash assistance to the rescued bonded labourers as provided under Section 5(v) of Rehabilitation of Bonded Labour Scheme, 2016.
- d. The State Government is mandated to undertake certain activities for the rehabilitation and capacity building of the rescued bonded labour under the provisions of Section 5(viii) of Rehabilitation of Bonded Labour Scheme, 2016. However, the State Government has failed to undertake any such activity.
- e. The State Government and the District Magistrate have failed to act in accordance with law by wilfully

neglecting their duties to comply with the provisions of Bonded Labour (Abolition) Act, 1976 and the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016.

f. As per the Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016, the financial assistance to be given is of Rs. 1,00,000/- per adult male beneficiary, Rs. 2,00,000/- for women and Three lakh for special category beneficiaries such as children including orphans or those rescued from organized & forced begging or other forms of forced child labour, in case of forced labour involving extreme cases of deprivation and the victims in such cases are entitled to receive Rs 3,00,000/- each. However, the Respondents have failed to comply with these provisions.

g. The Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016 also provides for protection to the freed bonded labourers from eviction from their homestead. District Administration is mandated to restore the bonded labourers to the possession of such homestead or other residential premises as early as practicable. The Act also provides for the economic

and social rehabilitation of the freed bonded labourers. The Respondents have failed to comply with these provisions.

- h. The Respondents have failed to adhere to the Inter-State Migrant Workmen Act, 1979, which provides that all the migrant workers be registered at both places, from the state where they are migrating and at the state where they are employed. The Act further stipulates that the contractor or the responsible person, who facilitates the recruitment of migrant workers, should obtain a license before facilitating such recruitment. This Act is aimed at securing the rights of migrant workers, who face high risk of becoming bonded labour. Thus, the violation of the Inter-State Migrant Workmen Act, 1979, encourages practice of bonded labour, and hence it becomes not only important but necessary that in order to curb the practice of bonded labour, the Inter-State Migrant Workmen Act, be strictly adhered. The Respondents have, however, failed to adhere to the same.
- i. The District Magistrate has failed to take cognizance of offences under Section 3(vi) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act

1989 and immediately refer the matter to the investigation officer as stated in section 17 of the POA Act, 1989.

- j. The Respondents have failed to ensure that the fundamental right to health subsumed under the right to life of the bonded labourers, as guaranteed by Article 21 of the Constitution of India is protected.
- k. The Respondents have failed to guarantee the protection provided against trafficking in human beings, forced labour and begar under Article 23 of the Constitution of India.
- l. The Respondents have failed to guarantee to the bonded labourers the fundamental right of freedom of movement as provided under Article 19(1)(d) of the Constitution of India.
- m. The Respondents have failed to guarantee to the bonded labourers the fundamental right to reside in any part of the territory of India as provided under Article 19(1)(e) of the Constitution of India.

- n. The Respondents have failed to guarantee to the bonded labourers the fundamental right to practice any profession, or to carry on any occupation trade or business as provided under Article 19(1)(g) of the Constitution of India.
- o. The Respondents have failed to adhere to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC).
- p. This Hon'ble Court and the Hon'ble Supreme Court have time and again taken a stringent view condemning the practice of bonded labourers strongly while recommending rehabilitation in the cases of Peoples Union for Democratic Rights v. Union of India reported in 1982 (3) SCC 235, Bandhua Mukti Morcha v. Union of India reported in 1984 (3) SCC 161, Neeraja Choudhary v. State of M.P. reported in 1984 (3) SCC 243 and Public Union for Civil Liberties v. State of Tamil Nadu & Ors. reported in 2013 (1) SCC 585.



5. The Petitioners submit;
- a. That they have not filed any other petition in respect of the present subject matter before this Honourable Court or any other court or the Supreme Court of India.
  - b. The cause of action occurred in Pune hence, this Hon'ble Court has jurisdiction.
  - c. Petitioners state that they have no other alternative efficacious remedy but to approach this Hon'ble Court and the reliefs prayed for herein, if granted, shall be complete.
  - d. Petitioner will rely on documents a list whereof is annexed hereto.
  - e. There is no delay or laches in filing this petition.
  - f. The Petitioners have affixed the required court fees of Rs.            to this Petition.

- g. No caveat with regard to the subject matter of this petition has been received by the Petitioner from the Respondents till date.

## **PRAYER**

6. The Petitioner prays as under:
  - a. For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents to disburse payment of earned wages, full cash compensation and ensure complete rehabilitation of the 20 rescued bonded labourers.
  - b. For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents to conduct a survey for identification of bonded labourers as mandated under Bonded Labour Rehabilitation Scheme, 2016 and to take action on the same in a time bound manner.
  - c. For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents No. 1 and 2 to register an FIR and take stringent action against the owners of the factory who

had held the 20 rescued bonded labourers under bondage.

- d. For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing a summary trial as mandated under Section 21 of Bonded Labour (Abolition) Act, 1976.
- e. For a writ of mandamus or any other writ, order or direction in the nature of mandamus directing the Respondents to constitute Vigilance Committee at district level and sub-division level, as provided under section 13 of the Bonded Labour System (Abolition) Act, 1976 and where the committee is defunct, it must be reconstituted.
- f. For an order and direction to the Respondent to pay the costs of this petition as quantified by this Hon'ble Court;
- g. For any other order or direction that this Hon'ble Court may deem fit and appropriate under the facts and circumstances of the instant case and in the interest of justice.

Mumbai

Dated : 22nd day of February 2021

Advocate for the Petitioner

Petitioner

**VERIFICATION**

I, Nirmal, aged years, R/O, do hereby state and solemnly declare that what is stated in Para. No.1 to 4 is true to my own knowledge and what is stated in the remaining paras no. 5 to 12 is stated on information and belief and I believe the same to be true.

Solemnly affirmed at Mumbai )

on this th day of February 2021 ) Petitioner

Identified by me

Aditi Saxena

Advocate for the Petitioner

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Nirmal Gorana, Aged 38 Years

S/O ML Gorana

Convener, National Campaign Committee for Eradication of  
Bonded Labour (NCCEBL),  
243, Main Market Road, Badarpur,  
New Delhi-110042

Versus

1. Sub-Divisional Officer  
6C, Abhimanyu Road Camp,  
Nilgiri Ln, Near 7,  
Banglow, Pune,  
Maharashtra 411001.
2. Superintendent of Police, Pune  
Opp St Joseph High School,

Pashan Road, Pune

Maharashtra 411043

3. District Collector and Magistrate

Office of Collector

New Collector Office Building,

Station Rd,

opposite Sasoon Hospital,

Pune, Maharashtra 411001.

4. State of Maharashtra

Through Secretary

Department of Labour

Mantralaya, Mumbai - 400001

**VAKALATNAMA**

To,  
The Registrar,  
High Court, Civil Appellate Side,  
Mumbai

Sir,

I, the Petitioner, herein do hereby appoint Aditi Saxena, Kaustubh  
Gidh to act, appear and plead on our behalf in the above matter.

IN WITNESS WHEREOF WE HAVE SET AND SUBSCRIBED  
OUR HANDS TO THIS WRITING, on this    th day of February  
2021, at Mumbai.

Accepted,

Aditi Saxena/ Kaustubh Gidh

Petitioner

Advocate for the Petitioner

First Floor, Jalaram krupa,

61, Janmabhoomi Marg,

Fort, Mumbai- 400001.

Advocate Code No.I22791

[aditisaxena.0202@gmail.com](mailto:aditisaxena.0202@gmail.com)



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. OF 2020**

**DISTRICT : PUNE**

Nirmal Gorana ...Petitioner

Versus

State of Maharashtra & Anr. ...Respondents

**AFFIDAVIT IN SUPPORT OF THE PETITION**

I, Nirmal Gorana, do hereby solemnly affirm and state as under:

1. I say that I have filed the above Public Interest Litigation for the reliefs more specifically set out in the Public Interest Litigation.
2. I say that I am a social activist. My email id is [ncebli@gmail.com](mailto:ncebli@gmail.com). My pan card detail is ARLPG8429R. My Aadhar card detail is 33195510910. My annual income is approximately Rs. 5,00,000.
3. I say that there is no personal gain, private motive or oblique reason on filing this Public Interest Litigation.

4. I repeat, reiterate and adopt each and every statement in the Petition as if the same were set out herein and form a part of this affidavit. I crave leave to refer and rely upon the Public Interest Litigation.
5. I undertake to pay costs as ordered by the Court, if it is ultimately held that, the Petition is frivolous or has been filed for extraneous considerations or that it lacks bona-fide.
6. I undertake that I will disclose the source of his/its information, leading to the filing of the Public Interest Litigation, if and when called upon by the Court, to do so.
7. I hereby submit that the entire litigation costs, including the advocate's fee and other charges are being borne me.
8. I hereby state that a thorough research has been conducted in the matter raised through the Petition (all the relevant material in respect of such research is annexed with the petition).
9. I say that I have filed the above Petition for the reliefs more specifically set out in the Petition.

10. I repeat, reiterate and adopt each and every statement in the  
Petition as if the same were set out herein and form a part of  
this affidavit. I crave leave to rely and refer upon the Petition.

11. I therefore, pray that the Petition be made absolute with cost  
and ad interim reliefs may be granted.

Solemnly affirmed at Mumbai )

Dated this 22nd day of February 2021 )

Petitioner

Identified by me

Aditi Saxena/ Kaustubh Gidh

Advocate for Petitioner

**IN THE HIGH COURT  
OF JUDICATURE AT  
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**CIVIL APPELLATE  
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**PUBLIC INTEREST  
LITIGATION NO.**

**OF 2020**

**DISTRICT : PUNE**

Nirmal Gorana

...Petitioner

Versus

State of Maharashtra & Anr

...Respondents

Dated this 22nd day of

February , 2021

Aditi Saxena/ Kaustubh Gidh

Advocate for the Appellant

403, Sheel Chambers

Cawasji Patel Marg

Fort, Mumbai-400001

Advocate Code No.I22020

aditisaxena.0202@gmail.co

m

Phone No.9892917195

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

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4.	<b>Exhibit B</b> is a copy of the electronic mail dated 27th August, 2019, to District Magistrate, SDM and Superintendent of Police, Pune Maharashtra.	

5.	<b>Exhibit C</b> is a copy of the electronic mail dated 27th August, 2019, to District Magistrates of Muzaffarnagar, Saharanpur, Bijnor and Sitapur.	
6.	<b>Exhibit D</b> are the Copies of the release certificates.	
7.	<b>Exhibit E</b> is a copy of the letter dated 02/09/2019.	
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**Synopsis**

The present petition has been filed to ensure the rehabilitation of rescued bonded labour in Pune District and thereby, effective implementation of the Bonded Labour System (Abolition) Act, 1976 and the Rehabilitation of Bonded Labour Scheme, 2016 in the State of Maharashtra.

**LIST OF DATES AND EVENTS**

Sr. No.	Date	Event
1.	1976	The Bonded Labour System (Abolition) Act was established.
2.	May, 1978	A Centrally Sponsored Scheme was introduced.
3.	17th May, 2016	The Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016 came into force.



4	27th August ,2019	Mail to District Magistrate, SDM and Superintendent of Police, Pune and to District Magistrates of Muzaffarnagar, Saharanpur, Bijnor and Sitapur informing about trafficking of bonded labourers.
5		Release Certificate were issued
6	2nd September, 2019	Informed the District Magistrates from each of the Districts that the Bonded Labourers had reached and further procedure need to done.
7	30th October, 2019	Action report not filed in four weeks inspite of directions from National Human Rights Commission, New Delhi.
8		Hence this petition

**I. POINTS TO BE URGED:**

1. State of Maharashtra has failed in its statutory obligation to implement the Bonded Labour System (Abolition) Act, 1976 and the Rehabilitation of Bonded Labour Scheme, 2016 in the state.

**II. ACTS AND LAWS RELIED UPON:**

1. The Constitution of India, 1950

2. The Bonded Labour System (Abolition Act), 1976
3. The Central Sector Scheme for Rehabilitation of Bonded Labour, 2016

### **III. AUTHORITIES / CASE LAWS CITED**

To be relied upon at the time of hearing

Advocate for the Petitioner