

SUPREME COURT OF INDIA

Peoples Union for Civil Liberties

Versus

State of T.N. and Others

Writ Petition (C) No. 3922 of 1985 with WP (Crl.) No. 153 of 1982,
WP (C) No. 166 of 1995 and SLP (C) No. 9795 of 1996,
decided on November 19, 1996

Judges : Mr. J.S. Verma and Mr. S.C. Sen

JUDGEMENT

1. Shri Kapil Sibal, amicus curiae, and the learned Advocate General of the State of Tamil Nadu are heard partly. Certain decisions taken by the Ministry of Labour, Government of India, in a meeting of Secretaries to the State Governments, held on 15-10-1996, recognising the gravity of the problem of bonded labour in the States, have also been pointed out. One such decision is the requirement by each State to complete the survey of bonded labour in the State before the end of December 1996, in addition to the further steps required to be taken to implement the Bonded Labour System (Abolition) Act, 1976. In view of this decision to which every State is a party, we consider it appropriate to require each State Government to file an affidavit of a senior officer giving therein the details of the result of the survey made and the steps taken as well as those proposed to be taken for eradication of this evil. Since the survey is required to be completed by the end of December 1996, such an affidavit be filed by each State on or before 13-1-1997. Copy of the same be furnished to learned amicus curiae. The affidavit is required to be filed by the Chief Secretary of the State concerned indicating therein clearly the basis for making the statement contained therein.

2. A copy of the brief written submissions filed by Shri Kapil Sibal, amicus curiae be furnished to the Standing Counsel for each State by the Registry within a week. Each State Government is also required to respond to the suggestions contained in the written statements of the amicus curiae which have been filed today. This be done by 13-1-1997.

3. Learned counsel for some of the States submit that the amount of Rs 50,000 required to be deposited by each State in the Registry have not yet been deposited by some of them but they undertake to make the deposit within two weeks. They are permitted to do so.

4. There is no reason to assume that this problem does not exist in the State of U.P. In fact, it does appear prima facie that the problem is likely

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to be acute in the State of U.P. We are surprised at the lack of interest shown so far by the Government of U.P. in its participation in this proceeding. Today also, none appeared for the State of U.P. even though the hearing in this matter continued for more than two hours and several attempts were made by the court staff to contact the Standing Counsel for the State of U.P. since we wanted his reply to some of the queries, which came up for consideration during the hearing. In view of the lack of interest of the Government of U.P. in arranging its representation before this Court, we are left with no option and we direct that a copy of this order be served on the Standing Counsel for the State of U.P.; and we further direct that the Secretary to the Government of U.P. concerned with this subject would remain personally present in the Court on the next hearing. We also direct strict compliance with the directions given in this order by the Government of U.P. in the manner required to be done by each State.

5. At this stage of the proceeding, we also consider it appropriate to have assistance of a law officer of the Government of India. We, therefore, request the Solicitor General to be present on the next date of hearing. Copy of this order be sent to learned Solicitor General.

6. List the matters on 20-1-1997.

Court Masters

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