

**ORISSA HIGH COURT JUDGMENTS ON THE BONDED LABOUR SYSTEM
(ABOLITION) ACT, 1976**

1.

K. Ramamurty Patro and Ors v. Sub-Divisional Officer and Ors. – 1989 Cri LJ 1036,

decided on 14.09.1988

Case Details

Appellants – K. Ramamurty Patra & Ors.

Respondents – Sub-Divisional Officer & Ors.

Bench – [G.B. Patnaik, J.](#)

Date – 14.09.1988

Facts

The petition prayed for the quashing of proceedings initiated against the petitioners for offences under the Bonded Labour Act. The respondents had filed a petition alleging that the petitioners employed the respondents and after a year drove them out without paying them.

Judgment

The Court perused the definitions under the Bonded Labour Act and examined what would amount to an offence under the Act. The Court reasoned that the entire allegations against the petitioners merely reveal that during the past some of the respondents had worked as domestic servants in the house of the petitioners and their entire salary has not been paid. It is not the case that there was a relationship of creditor or debtor between the petitioner and the respondents for discharging a debt, nor that the respondents had been engaged to work either free or on a paltry sum. Further, the period for which they had worked was also prior to the enforcement of the Act. On these grounds, the Court allowed the appeal and quashed the proceedings against the petitioners.

2.

Narayan Mohanty v. State of Orissa & Anr. – 1995 Cri LJ 1788

decided on 22.11.1994

Case Details

Appellants – Narayan Mohanty

Respondents – State of Orissa & Anr.

Case Number – Criminal Misc. Cases No. 1204 of 1991

Bench – [A. Pasayat](#), J.

Date – 22.11.1994

Facts

This petition seeks to quash proceedings under the Bonded Labour Act initiated by order of the Sub-Divisional Magistrate directing the institution of a suit under section 17 of the Bonded Labour Act. The proceedings were instituted on the facts that the petitioner had employed the respondent on remuneration of Rs. 120/- and 12 pauttis of paddy per year.

Judgment

The Court held that as there was no material to show the existence of a relationship of creditor or debtor between the petitioner and the respondents for discharging a debt, nor that the respondents had been engaged to work either free or on a paltry sum. On such basis, the Court allowed the petition, and the proceedings against the petitioner were quashed.

3.

**Gedela Sankaram Naidu v. Kadraka Surana – 55 (1983) CLT 452
decided on 27.09.1982**

Case Details

Appellants - Gedela Sankaram Naidu

Respondents – Kadraka Surana

Case Number – Criminal Misc. Case No. 466 of 1980

Bench – [B.K. Behera](#), J.

Date – 27.09.1982

Facts

Application has been made by the petitioner under section 482 of the Code of Criminal Procedure for quashing the proceedings against him under the Bonded Labour Act. The respondent had not entered appearance despite service of summons.

Judgment

The Court observed that proceedings against the petitioner was initiated under section 2(g)(4), a definitional provision, instead of the penal provisions under sections 16-20. The Court further held that there was no allegation whatsoever that the petitioner had compelled any person to render any bonded labour. As a result, the application was allowed and the criminal proceedings against the petitioner were quashed.

FIVE RUPEES
TWO AND ONE RUPEE
IN THE HIGH COURT OF ORISSA, CUTTACK

5705

WRIT PETITION (CIVIL)

W.P. (C) No. 12698 /2011

Code No 219900

IN THE MATTER OF: PUBLIC INTEREST LITIGATION

AND

IN THE MATTER OF:

A writ petition under Article 226 & 227 of the Constitution of India for challenging the negligence in duties of the Opposite Parties to interdict the violation of fundamental right of two bonded labour families belonging to barber caste and apathy of the State from its constitutional obligation to prevent such violation.

Presented in Court
P.C.

AND

IN THE MATTER OF:

A writ petition praying for issuance of a writ of mandamus or any other writ of like nature and direction(s) or order(s) to Opposite Parties for passing executive orders for conducting inquiry as per provisions, release of bonded laborers,



Baghambor Pattnaik
Adviser
Odisha Gati Mukti Andolan

09/02/2011

Cultural Rights (ICESCR), ILO Abolition of Forced Labour
Convention (No105)

AND

IN THE MATTER OF:

1. Odisha Goti Mukti Andolan
Represented through its adviser
Baghambar Pattanaik, aged about 62 years
S/o Late Sanatan Pattanaik
L-232, GGP Colony, Rasulgarh,
P.S.- Mancheswar
Bhubaneswar, Dist.-Khurdha
2. Laxmidhar Barik, aged about 58 years
S/o Late Bhramar Barik
Village- Belapada, Post- Muninda
P.S.-Delang, Dist.-Puri
3. Keshab Barik , aged about 65 years
S/o Late Aparti Barik
Village- Pattanaiksahi,
Post-Biraharekrishnapur
P.S.-Puri Sadar, Dist- Puri

----- Petitioners

Verses



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Baghambar Pattanaik
Adviser
Odisha Goti Mukti Andolan

- 4
1. State of Orissa represented through its
Principal Secretary,
Home Department
Secretariat Building,
Bhubaneswar, District- Khurdha
 2. The District Magistrate and Collector, Puri,
At/PO-Puri,
Dist- Puri
 3. The Superintendent of Police, Puri
At/P.O.- Puri
Dist.- Puri
 4. Amiya Parada, aged about 45 yrs
S/o Late Madan Parida
 5. Narendra Parida aged about 50 yrs
S/o Late Damodar Parida
Serial No.4 to 5 is of Village- Belapada, Post- Muninda,
P.S.- Delang, Dist.-Puri
 6. Bhaskar Patra, aged about 40 yrs
S/o Late Uchhab Patra
 7. Prafulla Patra, aged about 42 yrs
S/o Lingaraj Patra
 8. Nakul Patra, aged about 70 yrs
S/o Late Govind Patra
Serial No.6 to 8 is of Village- Pattanaiksahi
Post- Biraharekrishnapur, P.S.- Puri Sadar, Dist.-Puri

.....Opp. Parties



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Baghambir Pattnaik
Adviser
Odisha Gati Mukti Andolan

[O. H. C.-98]

W.P.(C) NO. 12638 of 2011

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any) taken on Order
7	31.10.2011	<p>Heard the petitioners represented through Mr. Baghambar Pattanaik, adviser, Odisha Goti Mukti Andolan, appearing in person who is also representing the Odisha Goti Mukti Andolan (petitioner no.1), a social action group espousing for expulsion of bonded labour system in the State of Orissa. The petitioners 2 and 3 are barbers by caste who render service in their villages as per custom hereditarily in exchange of 'Bartan' amounting to nearly 15 Kgs. of paddy per head for each married male member of the families of Opposite Parties 4 to 8. Since the petitioners 2 and 3 do not render service breaking the custom, they are ostracized, physically assaulted and threatened to be killed for which they have been forced to leave their villages. Placing reliance upon the Government Notification No. 3795 dated 17.2.2011, the petitioner no.1 approached the opposite party no.2 to release the victims from bonded labour system. The petitioner no.1 also approached the opposite party no.3 to take preventive measures against the trouble mongers as per circular No. 6156 dated 24.11.2010 of the Addl. D.G. of Police, HRPC, Orissa, Cuttack. But the opposite parties 2 & 3 turned a deaf ear to such request. Therefore, the petitioners have approached this Court seeking the relief sought for.</p>	



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Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
		<p>petitioners in the writ petition is to conduct enquiry under the notification issued by opposite party no.2 to release the petitioners 2 & 3 from the bondage of rendering customary service of the villagers.</p> <p>3. The fact is that since the petitioners 2 & 3 are not performing their customary service to the villagers, particularly to opposite parties 4 to 8, these opposite parties not only physically assaulted and tortured the petitioners 2 & 3 along with their family members, they also forced these petitioners to leave their village, thereby they have been permanently displaced from their residence.</p> <p>4. Therefore, it would be just and proper for this Court to direct O.P. No.2 to conduct enquiry on the petition filed by the petitioners or take this writ petition as the petition and consider the claim of the petitioners to release the petitioners 2 and 3 from rendering customary service to the villagers, upon hearing the representative of the State and the petitioner no.1 on behalf of petitioners 2 and 3. The matter shall be disposed of within two weeks from the date of receipt of this order. During the pendency of this enquiry, the petitioners 2 and 3 shall be allowed to reside in their respective houses along with their family members in their respective villages in Belapada and Pattanaiksahi under Delang and Puri Sadar P.S. in the district of Puri. We further direct O.P. No.3 to provide police protection</p>	



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[O. H. C.-98]

Sl. No. of Order	Date of Order	3 ORDER WITH SIGNATURE	Office notes as to action (if any), taken on Order
dutta		<p>for the peaceful living of the petitioners 2 and 3 in their respective villages. Mr. Mohapatra, learned Government Advocate is directed to communicate this order to both O.Ps.2 and 3 to facilitate them to comply with our order.</p> <p>With the aforesaid observation and direction, this writ petition is disposed of.</p> <p>A copy of the order be handed over to Mr. Mohapatra, learned Government Advocate for compliance.</p> <p>Urgent certified copy of this order be granted on proper application.</p>	<p>Sd/- V. Gopala Gowda: C.J. Sd/- B. N. Mahapatra: J.</p>

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FIVE RUPEES
ONE RUPEE
RESWARACHARYA

IN THE HIGH COURT OF ORISSA, CUTTACK
WRIT PETITION (CIVIL)

W.P. (C) No. TT38 /2011

Code No - 180600

IN THE MATTER OF: PUBLIC INTEREST LITIGATION

AND

IN THE MATTER OF:



A writ petition under Article 226 & 227 of the Constitution of India for challenging the negligence in duty of the Opposite Parties to inquire the prevalence of bonded labour system within the local limits of their jurisdiction and to eradicate the enforcement of such bonded labour as specified in law under the Bonded Labour System (Abolition) Act, 1976.

AND

IN THE MATTER OF:

A writ petition praying for issuance of a writ of mandamus or any other writ of like nature and direction(s) or order(s) to Opposite Parties for passing executive orders for conducting inquiry as per provisions and release of bonded labourers and prosecution of offences under the Bonded Labour System (Abolition) Act, 1976.

*referred in Govt
L.O.
25/3/11*

AND

IN THE MATTER OF:

Article 14, 15, 21 & 23 of the Constitution of India

AND

IN THE MATTER OF:

The Bonded Labour System (Abolition) Act, 1976.



S. S. S.

Pranab Kumar Talwar

AND

IN THE MATTER OF:

Universal Declaration of Human Rights (UDHR),
Supplementary Convention on the Abolition of Slavery, the Slave Trade,
and Institutions and Practices Similar to Slavery (SCAS), International
Covenant on Civil and Political Rights (ICCPR), International Covenant
on Economic, Social and Cultural Rights (ICESCR), ILO Abolition of
Forced Labour Convention (No105)

AND

IN THE MATTER OF:



Baghambar Pattnaik,
Aged about 62 years
S/o Late Sanatan Pattanaik
At/P.O.-Dimirisena
P.S.- Brahmagiri
Dist.- Puri
Adviser
Odisha Goti Mukti Andolan
L-232, GGP Colony
Rasulgarh
P.S.- Mancheswar
Bhubaneswar, Dist.-Khurdha

----- Petitioner

Versus



1. Union of India represented through its
Secretary,
Ministry of Labour
Shrama Shakti Bhavan,
New Delhi

2. State of Orissa represented through its
Chief Secretary,
Secretariat Building,
Bhubaneswar.
District- Khurdha



Baghambar Pattnaik

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3. The Principal Secretary to Government,
 Panchayati Raj Department
 Secretariat building,
 Bhubaneswar
 Dist.-Khurdha

*parties 4 to 8
 stipulated by
 order of the
 Hon'ble Count
 dated 5.4.2011.*

3aghambor/Attarak

☒ The District Magistrate and Collector, Puri,
 At/PO-Puri,
 Dist- Puri.

☒ The District Magistrate and Collector, Cuttack,
 At/PO-Cuttack,
 Dist- Cuttack.

☒ The District Magistrate and Collector, Khurdha,
 At/PO- Khurdha,
 Dist- Khurdha.

☒ The District Magistrate and Collector
 Jagatsinghpur
 At/PO-Jagatsinghpur,
 Dist- Jagatsinghpur.



☒ The Sub-Divisional Magistrate and Sub-
 Collector, Puri
 At/P.O.- Puri
 Dist.- Puri

4. *The Principal Secretary to Government*
 Revenue & Disaster Management Department
 Government of Orissa
 Secretariate Building, Bhubaneswar, Dist.- Khurdha.

AND

3/1/11



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W.P.(C) NO. 7738 of 2011

(14)

[O. H. C.-98]

Serial No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any) taken on Order
4	18.1.2012	<p>Baghambar Pattnaik-Adviser, Odisha Goti Mukti Andolan has approached this Court seeking for issuance of a writ of mandamus to the opposite parties to strictly adhere to the letters circulated by the Government of Orissa in Panchayati Raj, Manual on Identification, Release and Rehabilitation of Bonded Labour published by the Government of India, Ministry of Labour; Guidelines emerged in the National Workshop on Elimination of Bonded Labour System and Child Labour sent by National Human Rights Commission and order of the Hon'ble Supreme Court of India circulated by Assistant Registrar PIL (Writ) for abolition of bonded labour system, urging various facts and legal contentions.</p> <p>2. The petitioner had originally impleaded the District Magistrates and Collectors of Puri, Cuttack, Khurda, Jagatsinghpur and Subdivisional Magistrate and Sub-Collector, Puri who had been deleted vide order dated 5.4.2011. The release and rehabilitation of bonded labour in the State shall be made by the concerned District Magistrates and Collectors & Subdivisional Magistrate and Sub-Collectors of the district in question. Therefore, the order dated 5.4.2011 is recalled, original opposite parties 4 to 7 are restored to their ranking. The order dated 5.4.2011 is modified to that extent. The concerned District Magistrates and Collectors & Subdivisional Magistrate and Sub-Collectors of various districts(opposite parties 4 to 7) are directed to consider the representations of the petitioner with reference to the circular instructions on Identification, Release and Rehabilitation of Bonded Labours published by the Government of India, Ministry of Labour; Guidelines emerged in the National Workshop on Elimination of Bonded Labour System and Child Labour sent by National Human Rights Commission and order of the Hon'ble Supreme</p>	



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[O. H. C.-98]

Sl. No. of Order	Date of Order	2 ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
		<p>Court of India circulated by Assistant Registrar PIL (Writ) for abolition of bonded labour system and take necessary steps accordingly within twelve weeks from the date of receipt of a copy of this order.</p> <p>A copy of the order be handed over to Mr. Mohapatra, learned Government Advocate to communicate the same to the concerned District Magistrates and Collectors & Subdivisional Magistrate and Sub-Collectors of various districts for compliance.</p> <p>Urgent certified copy of this order be granted on proper application.</p>	<p>Sd/- V. Gopala Gowda, C.J.</p> <p>Sd/- B. N. Mahapatra, J.</p>



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comp by: - ^SRB 4.2.6/2

