

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.503 OF 2020

ZAHID HUSSAIN

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

O R D E R

Application for permission to amend the Writ Petition and application for impleading the District Magistrates, Jehanabad and Gaya as respondent Nos.7 and 8, are rejected.

This Writ Petition has been filed in public interest complaining of the inaction of respondent Nos. 3 and 4 in not implementing the directions issued by the National Human Rights Commission (hereinafter in short, the NHRC) relating to the liberation of bonded labourers working in Brick Kilns. Pursuant to the notice issued, respondent Nos. 3 and 4 have filed their affidavits. The Action Taken Report submitted by the District Magistrate, Sambhal (respondent No.3) discloses the facts pertaining to the inspection that was done pursuant to the directions issued by the NHRC in respect of the Brick Kilns in District Sambhal. The Inspection Report dated 28.05.2020 shows that there has been violation of the provisions of the Minimum

Wages Act, 1948 and the Rules made thereunder.

Consequent upon the report, criminal prosecution has been initiated against the Thekedar. The Action Taken Report of the District Magistrate further suggests that all labourers found at the site of the Brick Kilns were rescued and release orders have been issued by the competent authorities. It is further mentioned that the District Magistrates of Gaya and Jehanabad (places to which the labourers have been sent back) were requested to provide rehabilitation of the labourers without any further delay.

The reply filed on behalf of the District Magistrate, Rohtas shows that inspection was conducted and a report was submitted to the NHRC on 03.06.2020. The delay in implementation of the order passed by the NHRC was due to the administration being involved in the care and protection of migrant workers who have returned to the State in large numbers.

As per the inquiry that was conducted pursuant to the order of the NHRC, it was found that labourers were deprived of the Minimum Wages in accordance with the Minimum Wages Act.

It has been stated in the affidavit that the Labour Superintendent, Rohtas has been directed to take lawful action against the Brick Kilns owners under the Minimum Wages Act.

Ms. Anitha Shenoy, learned senior counsel appearing for the petitioners submit that release certificates have

not been issued in respect of the labourers who have been liberated from the Brick Kilns. She also submitted that in view of the directions sought in the Writ Petition, this Court should entertain the Writ Petition to monitor the release and rehabilitation of all persons working in the Brick Kilns in the Districts of Rohtas in Bihar and Sambhal in Uttar Pradesh. Apart from the delay in implementation of the orders passed by the NHRC, further relief pertaining to the guidelines to be issued to the States for protection of bonded labour rehabilitation and protection of bonded labour during the pandemic is also sought in the Writ Petition.

Mr. Gopal Singh, learned counsel appearing for the State of Bihar and Ms. Aishwarya Bhati, learned senior counsel appearing for the State of Uttar Pradesh submitted that the directions issued by the NHRC have been implemented by inspections being conducted over the Brick Kilns and prompt action has been taken pursuant to the reports. The delay, if any, in implementation of the directions, according to Mr. Gopal Singh is in view of the administration being occupied with providing basic amenities to migrant labourers who have returned in thousands from different parts of the country.

The grievance of the Writ petitioner is that the directions issued by the NHRC on 11.05.2020 have not been promptly complied with by respondent Nos. 3 and 4. Though there was some delay, it is not disputed that reports have been submitted to the NHRC. As the NHRC is in seisin of the

complaints filed by the labourers in the Brick Kilns, we permit the petitioners to approach the NHRC for further directions. In case, there is delay in implementation of any further directions given by the NHRC, the petitioner is at liberty to approach this Court under Article 32 of the Constitution of India.

The Petitioner has also sought for a direction to the respondent authorities to frame specific guidelines to release, rehabilitate and repatriate bonded labourers working in Brick Kilns during Covid-19 pandemic.

We request the NHRC to consider issuing guidelines for protection, release and rehabilitation of the bonded labourers during this unprecedented pandemic.

The Writ Petition is, accordingly, disposed of with the above directions. Pending application(s), if any, shall also stand disposed of.

.....J.
(L. NAGESWARA RAO)

.....J.
(KRISHNA MURARI)

NEW DELHI,
June 9, 2020

ITEM NO.21

Virtual Court 5

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).503/2020

ZAHID HUSSAIN

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(FOR APPROPRIATE ORDERS/DIRECTIONS and IA No.50264/2020-APPLICATION FOR FILING THE PETITION WITHOUT DISCLOSING THE IDENTITY OF THE PETITIONER/RESPONDENT, APPLICATION FOR PERMISSION TO AMEND THE WRIT PETITION AND APPLICATION FOR IMPEADING THE DISTRICT MAGISTRATES, JEHANABAD AND GAYA AS RESPONDENT NOS.7 AND 8)

Date : 09-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Ms. Anitha Shenoy, Sr. Adv.
Mr. Abhishek Jabaraj, Adv.
Ms. Srishti Agnihotri, AOR

For Respondent(s) Ms. Aishwarya Bhati, AAG
Mr. Samar Vijay Singh, AOR

Mr. Gopal Singh, AOR
Mr. Manish Kumar, Adv.
Mr. Harpreet Singh Gupta, Adv.

Mr. Mohit Paul, Adv.
Ms. Sunaina P., Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Writ Petition is disposed of in terms
of the signed order. Pending application(s), if any,
shall also stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)