

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CIVIL WRIT PETITION NO. OF 2020

DISTRICT : MUMBAI

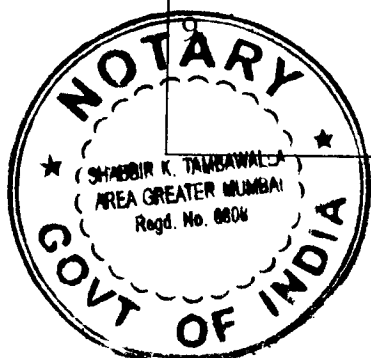
Vijay Ram (Minor) through father & Ors. ...Petitioner

Versus

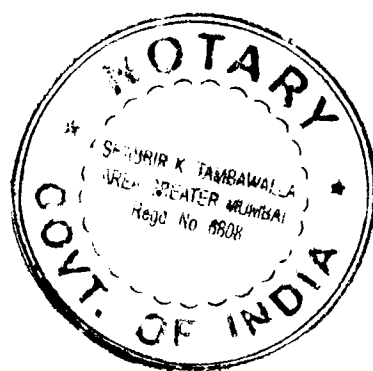
District Collector, Sub-Urban Mumbai & Ors. ...Respondents

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A

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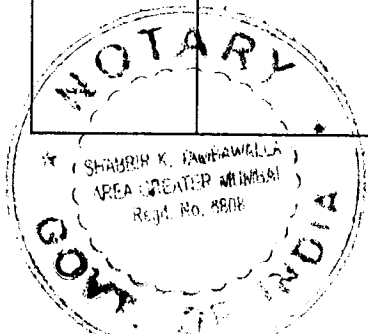
District Collector, Sub-Urban Mumbai & Ors. ...Respondents

SYNOPSIS

Petitioners (through their fathers) are rescued child bonded labourers from different locations in Kurla, Mumbai on 26.07.2019 and were issued release certificates by Sub-divisional Magistrate on 07.09.2019 and are entitled to cash rehabilitation assistance as per the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016.

LIST OF DATES AND EVENTS

SR. NO.	DATE	EVENT	EXHIBIT	PAGE NO
1.	26.08.2019	Petitioners were identified and rescued as Bonded Labourers. FIRs were registered in that effect		
2.	07.09.2019	Petitioners were issued release certificate by Sub-Divisional Commissioner, Eastern Suburban	A	16-19



B

3.	10.12.2019	Representation letter was sent to District Collector for release of immediate cash assistance of Rs. 20,000 to the Petitioners in accordance with the 2016 Policy	C	40-41
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I.POINTS TO BE URGED:

A. Petitioners (minor) are victims of child bonded labour are entitled to cash rehabilitation benefit under the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016.

II.ACTS AND LAWS RELIED UPON:

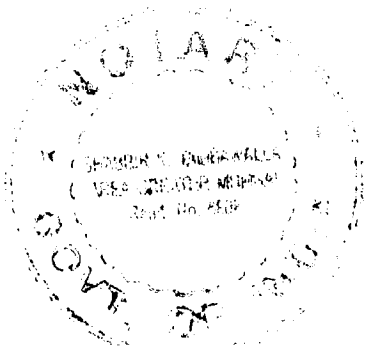
- 1. The Constitution of India, 1950
- 2. The Bonded Labour System (Abolition Act), 1976

III.AUTHORITIES / CASE LAWS CITED

To be relied upon at the time of hearing



Advocate for the Petitioner

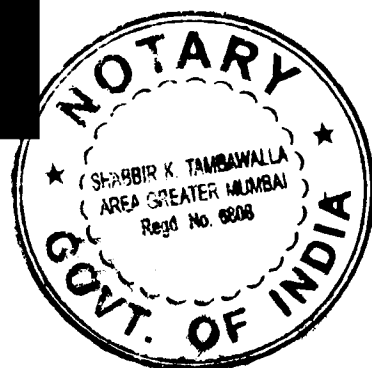
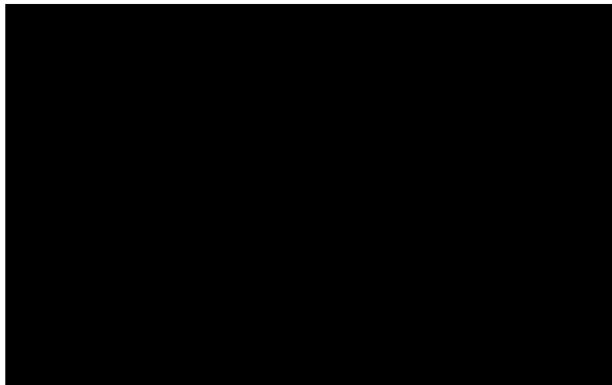


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AND

AND

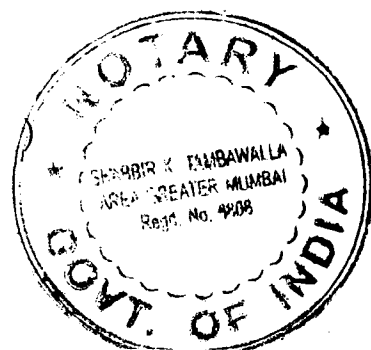
1. Vijay Ram (Minor))
Through his father)



2. Indra Ram (Minor))
Through his father)
Partha Ram)
R/O Gayphal, Udaipur)
Rajasthan - 313704)
3. Mohan (Minor))
Through his father)
Lehra Ram)
R/O Magga Village)
Singhara, Udaipur)
Rajasthan - 313704)
4. Megha Ram (Minor))
Through his father)
Tikam Ram)
R/O Magga Village)
Singhara, Udaipur)
Rajasthan - 313704) ...Petitioners

Versus

1. Sub-Divisional Officer



- Eastern Suburb)
 Ground Floor, A Wing)
 Neelkanth Business Park)
 Vidyavihar (W))
 Mumbai - 400076)
2. District Collector and Magistrate)
 Office of Collector)
 Mumbai Suburban District)
 Administrative Building)
 10th floor, Government)
 Colony, Opp. Chetna College)
 Bandra (East))
 Mumbai - 400051)
3. State of Maharashtra)
 Through Secretary)
 Department of Labour)
 Mantralaya, Mumbai - 400001)...REPPONDENTS

To

**THE HON'BLE CHIEF JUSTICE AND THE HON'BLE PUISNE
 JUDGES OF THE HON'BLE HIGH COURT OF JUDICATURE AT
 BOMBAY**

THE HUMBLE PETITION OF
 THE PETITIONER NAMED
 ABOVE

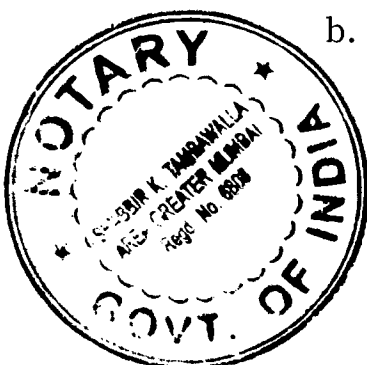
MOST RESPECTFULLY SHOWETH:



1. Petitioners are child bonded labour who were rescued from different places in Kurla, Mumbai in 2019.
2. Respondent No. 1 is Sub-divisional Officer of Eastern Suburb, Mumbai and is entrusted with issuing release certificate and interim compensation to victims of Bonded Labourers. Respondent No. 2 is District Collector, Mumbai Suburban, entrusted with identification and rescue of bonded labourers within the jurisdiction. Respondent No. 3 is the State of Maharashtra, wherein Department of Labour is responsible for implementation of Bonded Labour Act and policy thereunder.
3. The present petition is filed seeking release of interim cost rehabilitation in favour of the Petitioners according to Central Sector Scheme for Rehabilitation of Bonded Labour, 2016.

FACTS OF THE CASE:

4. The brief facts leading to filing of this Writ Petition are as follows:
 - a. Petitioners are 13/14 years old and hail from small villages near Udaipur in Rajasthan. They were the victims of child bonded labour since 2016 at different places in Kurla such as Sushant kar Gold Smith Workers, Dev Bhojnalaya and Ma Sundar Bhojnalaya.
 - b. Petitioners were rescued by district administration on 26.08.2019 and FIR No. 371/2019 was registered under Section 344, 370 and 374 of the Indian Penal Code,



under Section 75 and 79 of the Juvenile (care and protection) Act, 2000 and section 16, 17 and 18 of the Bonded Labour System (Abolition) Act, 1976.

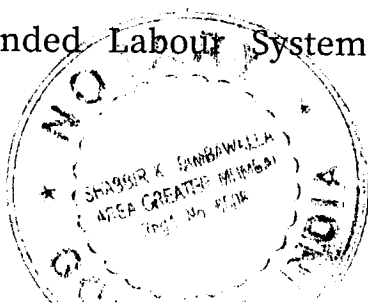
- c. Thereafter, the Petitioners were issued release certificates on 07.09.2019. Copy of the release certificates of the Petitioners is annexed as Exhibit A.
- d. According to the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016, the Petitioners were to be awarded immediate cash assistance worth Rs. 20,000 by the District Administration. Copy of the Central Sector Scheme for Rehabilitation of Bonded Labour, 2016 and subsequent modifications thereafter, is annexed as Exhibit B.
- e. To this effect, a representation was made by National Campaign Committee for Eradication of Bonded Labour, a national network that works towards identification, rescue and rehabilitation of trafficked bonded labourers across the country. Copy of the Representation Letter to District Collector, dated 10.12.2019, is annexed as Exhibit C.
- f. However, the interim cash assistance remains unpaid to the Petitioners and has already frustrated what is sought to be achieved by immediate assistance.

GROUND



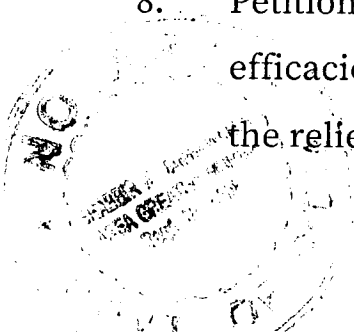
5. The Petitioner approaches this Hon'ble Court on the following grounds which are without prejudice to one another:

- a. The right to life of the Petitioner is protected by Article 21 of the Constitution.
- b. Time and again, the Hon'ble Courts have also recognized that the right to life includes the right to be free from inhuman and degrading treatment.
- c. Petitioners are 13/14 years old minors who were kept as bonded labourers during their formative age and have suffered irreparable at a crucial stage in their lives.
- d. Petitioners were kept at the place of their employment putting them directly under the control of the employer, who held them hostage in lieu of their payment.
- e. Petitioners were kept in abysmal condition making lives of the Petitioner more deplorable than before by each day.
- f. Petitioners were absolutely denied any education facilities and denied their right to primary education.
- g. District Magistrate has failed to act in accordance with the law by wilfully neglecting his duties to implement Bonded Labour System (Abolition) Act, 1976 and



Central Sector Scheme for Rehabilitation of Bonded Labourers, 2016.

- h. Sub-Divisional Officer, Eastern Suburb, willfully ignored the conditions of the Bonded Labourers and repatriated them without the release of the immediate interim relief which was to be given to them at the time of the release.
 - i. A stringent view condemning the practice of bonded labourers strongly while recommending rehabilitation has been taken strongly by the Hon'ble Supreme Court 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.
6. Petitioners submit 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.
7. Petitioners were rescued from Kurla, which is in Mumbai and in Maharashtra. Thus, the cause of action arises under the jurisdiction of this High Court.
8. 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.

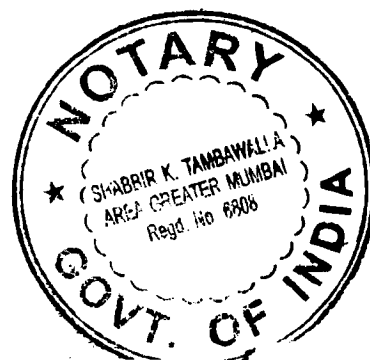


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9. Petitioner will rely on documents a list whereof is annexed hereto.
10. There is no delay or laches in filing this petition.
11. The Petitioners have affixed the required court fees of Rs._____ to this Petition.
12. No caveat with regard to the subject matter of this petition has been received by the Petitioner from the Respondents till date.

PRAYER

13. The Petitioner pray as under:
 - a. For a writ of Mandamus or any other appropriate writ or order directing the Divisional Commissioner to release interim cash assistance of Rs. 20,000 to the Petitioners immediately.
 - b. For an order and direction to the Respondent to pay the costs of this petition as quantified by this Hon'ble Court;
 - c. 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.



~~A~~ A. For costs of this petition

~~B~~ B. For any such order and further reliefs as this Hon'ble Court may deem fit and proper.

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Advocate for

Petitioner No. 1

(Bhima Ram)

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Adv. for Petitioner

Petitioner No. 2

Petitioner No.

(Lehra Ram) Adv. for Petitioner

Petitioner No. 4

(Tikam Ram)

VERIFICATION

Petitioner No. 1

I, Bhima Ram, Age 48 years, residing at

Petitioner above named, do hereby state

to declare on solemn affirmation that whatever is stated in paragraph 1 and 13 is true and correct to the best of my knowledge and whatever stated in rest of the paragraphs are the legal submission and I believe the same to be true.

Solemnly Affirmed At Mumbai

ON THIS 7 DAY OF JANUARY 2020

Identified and explained by me,

KRANTI L C / ADITI SAXENA

Advocate for Petitioner

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Adv. for Petitioner

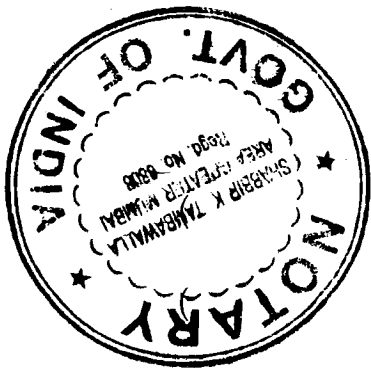
(Bhima Ram)

S. K. TAMBAWALLA
ADVOCATE, HIGH COURT
B-23, Taheri Manzil
Nesbit Road, Mazgaon
Mumbai - 400 010

BEFORE ME, 7/3/20

NOTARY & REGISTERED
143669 7/3/2020
St. No. dt.

...Petitioners



Rajasthan - 313704

Singhara, Udaipur

R/O Magga Village

Tikam Ram

Through his father

4. Megha Ram (Minor)

Rajasthan - 313704

Singhara, Udaipur

R/O Magga Village

Lehra Ram

Through his father

3. Mohan (Minor)

Rajasthan - 313704

R/O Gayphal, Udaipur

Partha Ram

Through his father

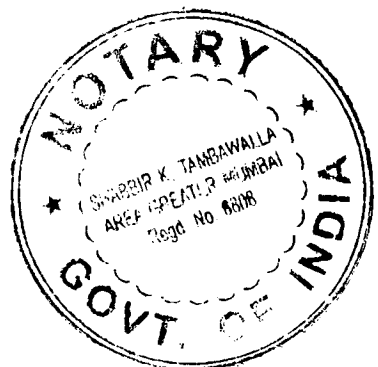
2. Indra Ram (Minor)

Versus

1. Sub-Divisional Officer)
 Eastern Suburb)
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 Vidyavihar (W))
 Mumbai - 400076)

2. District Collector and Magistrate)
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 Colony, Opp. Chetna College)
 Bandra (East))
 Mumbai - 400051)

3. State of Maharashtra)
 Through Secretary)
 Department of Labour)
 Mantralaya, Mumbai - 400001)...RESPONDENTS



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VAKALATNAMA

To,

The Prothonotary and Senior Master,

High Court, Civil Original Side,

Mumbai

Sir,

We, the Petitioners above named, do hereby appoint Mr. **KRANTI L C**
AND MS. ADITI SAXENA, Advocate, High Court, to act, appear and
plead on behalf of us before this Hon'ble High Court.

IN WITNESS WHEREOF I HAVE SET AND SUBSCRIBED My
HANDS TO THIS WRITING, on this st day of JANUARY 2020, at
Mumbai.

Accepted,

[Redacted Signature]

KRANTI L C / ADITI SAXENA

[Redacted Signature]

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[Redacted Signature]

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[Redacted Signature]

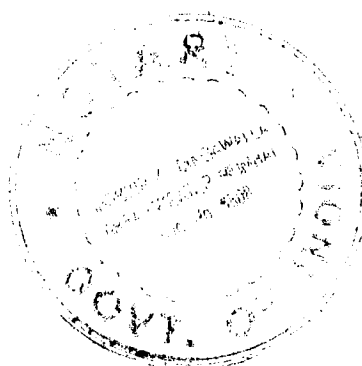
(Partha Ram)
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[Redacted Signature]

Petitioner No.3
(Lehra Ram)

[Redacted Signature]

Petitioner No.4
(Tikam Ram)



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DISTRICT : MUMBAI

Vijay Ram (Minor) & Ors.

...Petitioners

Versus

Sub-divisional Officer,
Eastern Suburb & Ors.

...Respondents

List of Documents upon which the Petitioner will rely upon

All documents annexed at Exhibit A - Exhibit C.

Any other documents relevant for the successful prosecution.



Advocates for the Petitioner



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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. of 2020

Vijay Ram (Minor) through father & Ors.

...Petitioner

V/S.

Subdivisional Magistrate, Eastern Suburb & Ors

...Respondents

AFFIDAVIT IN SUPPORT

I, Bheema Ram, Age 48 years, residing at Village Vasna, Dhundi, Gogunda, Udaipur, Rajasthan - 313001, the Petitioner above named, do hereby state on solemn affirmation as under:-

1. We are conversant with facts of the case and we are able to depose on the same.
2. We repeat, reiterate and confirm all that has been stated in the Petition and respectfully submit that same to be treated as part and parcel of this Affidavit to avoid repetition.
3. In the above circumstances, I say and submit that the prayers sought in the Petition be taken on record and the same may be granted.

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Solemnly affirmed at Mumbai)

This 4th day of March 2020)

Identified By Me

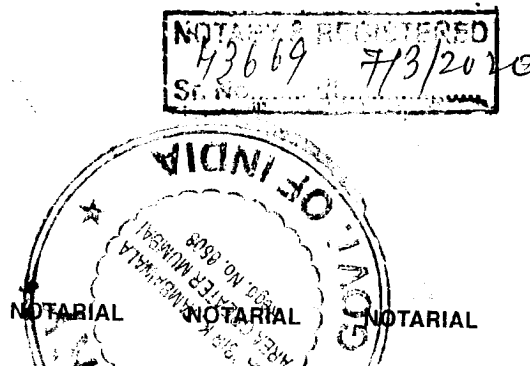
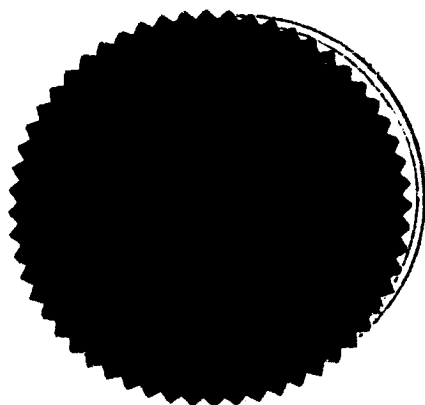
Kranti L C/Amit Saxena,

Advocates for the Petitioner

S. K. TAMBAWALLA
ADVOCATE, HIGH COURT
B-23, Taheri Manzil
Nesbit Road, Mazgaon
Mumbai - 400 010

Before me

7/3/20



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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DISTRICT : MUMBAI

Vijay Ram (Minor) & Ors.

...Petitioners

Versus

Sub-divisional Commissioner,

Eastern Suburb & Ors.

...Respondents

ADVOCATE'S CERTIFICATE

I, Aditi Saxena / Kranti L C, Advocate for the Petitioner herein, do hereby certify and state that the issues involved in the Present Writ Petition is to be entertained by the Divisional Bench of this Hon'ble Court because this Petition does not challenge any judicial order as contemplated under the amended Rule 636(1)(b) of the Bombay High Court, O.S Rules. Therefore, the said Petition is required to be placed before the Divisional Bench.

Dated this ^{7th} 1st day of March, 2020

[Redacted Signature]

Aditi Saxena / Kranti L C

Advocate for the Petitioner



**IN THE HIGH COURT OF JUDICATURE AT
BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. OF 2020**

DISTRICT : MUMBAI

Vijay Ram (Minor) ...Petitioner
Versus
Sub-Divisional Officer,
Eastern Suburb & Ors. ...Respondents

WRIT PETITION

Dated this 7th day of March, 2020



ADITI SAXENA/ KRANTI L. C.

Advocate for the Appellant

403, Sheel Chambers

Cawasji Patel Marg

Fort, Mumbai-400001

Advocate Code No. I10585 / I22020

aditisaxena.0202@gmail.com

Phone No. 9892917195