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**KARNATAKA HIGH COURT VERDICT ON BONDED LABOUR IS A
DAMPER TO NGOs AND SOCIAL WELFARE ACTIVISTS**

Introduction

On 12 Jan 2017, the four accused in Bonded Labour case at Hangarahalli, Mandya District were acquitted by the Karnataka High Court. The case was first registered on 22 Jun 2000.

Hangarahalli Case

The case in specific pertains to the Bonded Labour, who were put in fetters and had to work from dawn to dusk , six days in a week, at a stone quarry owned by Puttaswamy Gowda. The five bonded labourers were chained at the stone quarry during work. In the night they were locked in a dingy shed near the quarry. Even if they were late by five minutes, they had to pay a fine of ₹100/- and their loan amount always increased instead of decreasing. They were not allowed to go anywhere and even their family members were forbade from visiting them.

They were rescued by Karnataka Rajya Riatha Sangha Leader Mr KS Nanje Gowda on 22 Jun 2000. The victims had taken loan ranging from ₹ 500 to ₹ 2500/- from Puttaswamy Gowda; the owner of the quarry. The case made headlines and put in focus the heinous practice of Bonded Labour. The Karnataka Government was also spurred into action though for a short while, till the case atrophied in the tardy legal system.

Nine years later, on 25 Aug 2009, the Sessions Court had convicted four including Puttaswamy Gowda and given jail terms ranging from two years to one year and a fines ranging from ₹26000 to ₹1500.

In one of the saddest verdicts; on 12 Jan 2017, the High Court of Karnataka has acquitted all the four accused as 42 of the 82 witnesses have turned hostile. Sixteen years have passed and interest in the case has also ebbed. While not going into the judgement of the honourable High Court, it has dealt a severe blow to the NGOs and other social welfare organisations, which are working for abolition of bonded labour.

Dalit Burning Kambalahalli

In a similar incident though not on Bonded Labour, on 11 Mar 2000 seven members belonging to lower caste (Dalit) were burnt to death in revenge killing in Kambalapalli, Chintamani Taluq in Kolar District of Karnataka. In this case both the sessions Judge and the High Court of Karnataka on 22 Aug 2014 had acquitted all the 46 accused, who had locked the Dalits in a house and burnt them alive in broad daylight. Even in this case the victims got scot free.

Comments

In both the cases the verdicts of the High Court have come after 16 and 14 years after the incident. There is no way that the integrity and veracity of the witnesses can be preserved for such a long time. The witnesses and even the victims have moved along in their life and do not have either the financial or the ethical stamina to pursue the case. A typical case of 'justice delayed is justice denied.

In the Hangarahalli case, the verdict was given by Justice Anand Byrareddy. While not commenting on the Honourable Judge the grapevine is that the Justice is known to favour the rich. This information is being given only as an input and the NHRC can take independent view of the matter.

It is also a matter of regret that not even one District Collector in Karnataka has disposed a 'Bonded Labour' case summarily and given any RI to the accused. The Bonded Labour (Abolition) Act 1976 gives summary powers to the District Magistrates and still it is a point for consideration as to why the District Magistrates do not bite the bullet and proceed with the case summarily. Had the Hangarahalli case was dealt by the local Magistrate, justice could have been delivered sixteen years before?

Recommendations

It is recommended that the state be advised to appeal against the High Court Verdict to the Supreme Court. This step will definitely boost the confidence of

general public and further authenticate the resolve of the state government to eradicate 'Bonded Labour' system in the state.

A handwritten signature in black ink, consisting of a large, stylized initial 'G' followed by a long, sweeping horizontal stroke.

Lt Gen PG Kamath (Retd)
Special Rapporteur South Zone II
Bangalore

BRIEF

on the Report of Lt. Gen P.G. Kamath (Retd.) on Karnataka High Court Verdict

1. Lt. Gen P.G. Kamath (Retd.), Special Rapporteur – NHRC for South Zone-II has submitted a report on the following two Verdicts of the Karnataka High Court:-

- (a) **Acquittal of four accused of Bonded Labour.** A Stone quarry owner Puttaswamy Gowda, chained for ever five bonded Labourers after giving a loan between Rs.500/- to Rs.2500/- to each of them. Even family members of these five bonded labourers were not allowed to see them.

On 22 Jun 2000 these five bonded labourers were rescued by Karnataka Rajya Riatha Sandha Leader Mr KS Nanje Gowda.

On 25 Aug 2009, (nine years later), the Sessions Court had convicted four including Puttaswamy Gowda.

On 12 Jan 2017, the High Court of Karnataka has acquitted all the four accused as 42 of the 82 witnesses have turned hostile.

This verdict of the Hon'ble Karnataka High Court has given a severe blow to the NGOs and other social welfare organizations, which are working for abolition of bonded labour.

- (b) **Burning of seven Dalit.** On 11 Mar 2000 seven members of lower caste (Dalit) were burnt to death in broad daylight in revenge killing in Kambalapalli, Chintamani Taluq in Kolar District of Karnataka.

On 22 Aug 2014 both the Sessions Judge and the High Court of Karnataka has acquitted all the 46 accused.

2. **Comments**

In both the cases the verdicts of the High Court came after 16 and 14 years after the incident. **A typical case of `JUSTICE DELAYED IS JUSTICE DENIED`.**

3. **Recommendations**

Both the above two verdicts of the Hon`ble High Court of Karnataka are highly shocking for all the concerned. Hence, it is strongly recommended

that the Government of Karnataka be advised to appeal against the High Court verdict to the Supreme Court which will definitely boost the confidence of general public and further authenticate the resolve of the Government on the above mentioned two sensitive issues.