

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP No.1359 of 2015

Date of decision: 15th September, 2015

Major Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Petitioner Major Singh claiming to be a worker at the brick kiln of respondent No.4 in Tehsil Ajnala, District Amritsar through this criminal writ petition under Article 226 of the Constitution of India has sought issuance of an appropriate writ, order or direction in the nature of habeas corpus wherein he has sought directions for the release of detainees detailed in the writ petition by appointment of a Warrant Officer, for initiation of criminal prosecution as well as for compensation and rehabilitation in terms of the Bonded Labour

System (Abolition) Act, 1976 (in short, 'the Act') and Rules framed thereunder.

Heard Mr. Surinder Gandhi, Advocate representing the petitioner, who has made a marathon argument in support of his petition with a view to seek the reliefs being claimed therein.

Admittedly, the Act has provided exhaustive mechanism to deal with such an eventuality. Section 13 of the Act provides for constitution of a Vigilance Committee headed preferably by the District Magistrate of the District or his nominee besides the officers of other departments including Labour etc. Section 14 of the Act lays down the functions of this Committee and a part of these functions ensures provisions of economic and social rehabilitation as well as keeping a watchful eye on the offences which are cognizable under this Act besides carrying on survey for detection of such crimes and for the recovery of the bonded debt, if any.

In this case, the only allegations that have been levelled are that the brick kiln labour has been kept under detention in illegal custody and their dues have not been paid. Under the provisions of Section 12 of the Act, the Vigilance Committee on getting information of such a violation of the provisions of the Act and the Rules is supposed to act without loss of time and not only to ensure that the alleged detainees at the brick kiln are immediately set at liberty but also to ensure immediate payment of adequate compensation under the Rules and also to carry on their rehabilitation and release of properties, if any.

To the very query of the Court, learned counsel for the petitioner squarely accepts that the petitioner did not invoke the jurisdiction of the Vigilance Committee or sought prosecution of the violators as per the procedure of law prescribed under the Act. Though much emphasis has been sought to be laid by placing reliance upon **‘Neeraja Chaudhary v. State of M.P.’ AIR 1984 SC 1099** and **‘S.P. Gupta v. M. Tarkunde and others’ AIR 1982 SC 149**, however, the same do not come to the aid of the petitioner as in the cited ratio in **Neeraja Chaudhary’s case (ibid)**, the prominent issue that has cropped up before their Lordships was regarding rehabilitation of field bonded labour, which is the obligation of the State Government and were more in larger canvas commensurate with the provisions of the Directive Principles of State Policy and the non-implementation of the Legislative provisions qua such bonded labour which is factually at much variance and similarly, in another view cited on behalf of the petitioner in **S.P. Gupta’s case (ibid)**, the very locus-standi of public interest litigation was at stake where an individual acted *pro bono publico*, which is not before this Court in the present matter.

Since a specific provision has been enshrined in the Act catering to the individual rights and duties and coming to this Court by way of criminal writ petition certainly is unwarranted and the petitioner ought to have availed of statutory remedies provided under the Act and present petition is more aimed at unnecessarily burdening this Court without having recourse to the provisions before the appropriate authority.

Present petition stands disposed off directing the petitioner to invoke jurisdiction of the Vigilance Committee under the provisions of Bonded Labour System (Abolition) Act, 1976.

(FATEH DEEP SINGH)
JUDGE

September 15, 2015
rps