

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-794-2019(O&M)
Date of decision: 08.11.2019

Malkiat Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the petitioner

Mr. Hittan Nehra, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

Present writ petition has been filed complaining that detenues, list whereof has been provided in para 4 have been detained as bonded labourers on a brick kiln owned by respondent No.5.

On 10.9.2019, following order was passed:

“Learned counsel for the petitioner contends that the persons whose names have been mentioned in para No.4 of this writ petition, are kept as bonded labour by respondent No.5.

In terms of Section 12 of Bonded Labour System (Abolition) Act of 1976, it is the duty of the District Magistrate and every officer specified by him under section 10 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or

on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.

Notice of motion for 19.09.2019.

On the asking of this Court, Mr. Sidakmeet Singh Sandhu, AAG, Punjab, accepts notice on behalf of respondents No.1 to 4.

In the meantime, the District Magistrate, Tarn Taran, shall either himself or shall depute a responsible officer to visit the premises of M/s Balwinder Singh Brick kiln BBK, Hotian to Khuwaspur Road, Khuwaspur, District Tarn Taran, and ascertain whether the persons as mentioned in para No.4 of the petition are in illegal detention at the said brick kiln and if so, they shall be got released forthwith. A report in this regard shall be submitted in the Court on the date fixed.

A copy of this order be given *dasti* to the learned State counsel under the signatures of Court Secretary of this Bench.”

Pursuant to the aforesaid order, District Magistrate-cum-Deputy Commissioner has filed a reply in which it has been stated as under:-

“Hence, no bonded labourers were detected at M/s Balwinder Singh brick kiln BBK Hothian to Khwaspur Road, Khwaspur, Tehsil Khadur Sahib, District Tarn Taran in the raid conducted by Executive Magistrate-cum-Tehsildar, Khadur Sahib on 13.9.2019, as the labourers found there had stated that they came on brick kiln on their own will and were leaving the brick kiln on their own sweet will.”

As per the provisions of Section 10 of the Bonded Labour System (Abolition) Act, 1976, District Magistrate of the concerned District is the competent authority to entertain such grievances and take remedial measures.

Keeping in view the aforesaid stand, no further order is required to be passed.

08.11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)**JUDGE**

Yes / No

Yes / No