

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

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CRWP-3416-2020

Date of Decision: 03.06.2020.

Manvendra Kumar

....Petitioner.

Versus

State of Punjab and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Raman Goklaney, Advocate for the petitioner.

Suvir Sehgal, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus directing official respondents to get the detenues, mentioned in para 3 of the petition, released from the illegal detention of respondents No.5 and 6.

The petitioner and the detenues, who belong to Schedule Castes and are permanent residents of the State of UP, are working with respondents No.5 and 6 as labour in the brick kiln since September, 2019. Respondent No.5 is the owner of the brick kiln. The petitioner managed to escape but the detenues, mentioned in para 3, continue to be in the illegal custody of the said respondents.

A Division Bench of this Court in LPA No. 32 of 2013, titled

as **Murti versus The State of Punjab and others**, has held as under:

“It may be mentioned here that the allegations of the appellant in the writ petition are that the alleged detenues mentioned in para No.3 of the writ petition who are working as labourers at the brick kiln of respondent Nos.4 & 5 are being kept as bonded labours. There can indeed be no doubt that if a labourer has been detained as bonded labour, it amounts to an offence under Sections 16 & 17 of the Bonded Labour (Abolition) Act, 1976. We, however, clarify that the aforesaid observation does not mean that the allegations levelled by the appellant have been accepted. Suffice it to observe that under the Act, the District Magistrate is under statutory obligation to hold a fact finding enquiry as and when a complaint alleging violation of the provisions of Bonded Labour (Abolition) Act, 1976 is received. Since the appellant in the instant case has specifically averred that the persons mentioned in para No.3 of the writ petition have been detained as bonded labourers, we allow this appeal and set aside/modify the order dated 9.1.2013 passed by the learned Single Judge to the extent that the petitioner's writ petition is disposed of with a direction to the District Magistrate, Sangrur, to treat this writ petition as a complaint under the 1976 Act and take immediate action in accordance with law, within a period of one week from the date of receiving a certified copy of this order alongwith a copy of the writ petition.”

Accordingly, this Criminal Writ Petition is disposed of with a direction to District Magistrate, Fazilka, to treat this petition as a complaint under the Bonded Labour System (Abolition) Act, 1976 and take immediate action in accordance with law, within a period of one week from the date of receipt of a certified copy of this order along with a copy of the writ petition.

03.06.2020

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(SUVIR SEHGAL)
JUDGE