

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

CRWP-7852-2020

Date of decision : 30.09.2020

Raj Singh

.... Petitioner

Versus

State of Punjab and others

... Respondents

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Amandeep Singh Gulati, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

By way of the instant petition, petitioner Raj Singh has prayed for issuance of an appropriate writ, order or direction in the nature of habeas corpus, directing the respondents to get the detenues, as mentioned in para 4 of the petition, released from the illegal detention of respondents No.4 to 7 with a further prayer to punish respondents No.4 to 7 and their accomplices under the provisions of Bonded Labour (Abolition) Act, 1976 (for short 'the Act' of 1976) and to rehabilitate them.

As per the averments, as set-forth by the petitioner in this petition, the persons, as detailed in para 4, have been illegally detained by respondents No.4 to 7 to work in their brick-kiln as bonded labourers, without payment of any wages to them.

The Hon'ble Division Bench of this Court, in LPA No.32 of 2013, titled '**Maruti versus The State of Punjab and others**', has made the following observations:-

“ 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.”

In light of the above-mentioned observations, the present petition is hereby disposed of with a direction to respondent No.2- The District Magistrate, Amritsar to treat this petition as a complaint and to take immediate appropriate action in accordance with law within a period of one week from the date of receipt of the certified copy of this order alongwith the copy of this criminal writ petition.

(MEENAKSHI I. MEHTA)
JUDGE

30.09.2020

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No