

116 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRWP No.8223 of 2020
Date of Decision: 08.10.2020

Parminder

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

(Heard through Video-Conferencing)

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

Present: Mr. Aditya Partap Singh, Advocate
for the petitioner.

MEENAKSHI I. MEHTA J. (ORAL)

By way of the instant petition, petitioner-Parminder has prayed for issuance of a writ in the nature of habeas corpus for the release of the detenues, as detailed in para 2 of this petition, from the illegal custody of respondents No.4 and 5, by appointing a Warrant Officer.

Bereft of unnecessary details, the averments, as canvassed by the petitioner in this petition, are that the persons, as detailed in para 2, are his family members and they have been illegally detained by respondents No.4 and 5 to work in their brick-kiln and they are left with no money to arrange for their meals and in case they are not got released from their illegal detention, they are likely to die due to starvation. It has also been mentioned in this petition that on 05.10.2010, the petitioner moved an application (Annexure P-1) to respondent No.2 in this regard but in vain.

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 along-with a copy of the writ petition.”

In the light of the above-mentioned observations, the present petition is hereby disposed of with a direction to respondent No.2-The District Magistrate, District Sangrur to treat the application (Annexure P-1) as a complaint under the relevant provisions of Bonded Labour (Abolition) Act, 1976 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 along-with the copy of the application (Annexure P-1).

(MEENAKSHI I. MEHTA)
JUDGE

October 08, 2020

hemlata

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No