

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRWP-1808-2022
Date of decision : 25.02.2022

Meena Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rajesh Tushar, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

This is a Criminal Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of habeas corpus for appointment of a warrant officer to visit the spot or in the alternative directing the official respondent to get the detenues released as has been detailed in para 4 of the petition who are stated to be in illegal custody of respondents no.4 and 5.

It has been averred in the petition that the petitioner and other detenues were contacted by respondents no.4 and 5 in their village in the month of October 2021 and they were contacted by respondents no.4 and 5 for making kacha bricks at the rate of Rs.500/- per thousand but they are being paid Rs.400/-. It has further been averred that the respondents have kept 7 persons as detailed in para 4 of the petition and their family members in illegal custody / confinement against their wishes and are even harassing them. It has been submitted that the said act are in violation of mandatory

provisions of the Bonded Labour (Abolition) Act, 1976 (in short “the Act of 1976”).

It has been held by this Court in “**Murti versus The State of Punjab and others**”, **LPA No. 32 of 2013**, 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, the present Criminal Writ Petition is disposed of

this petition as a complaint under the Act of 1976 and to take immediate action in accordance with law, within a period of one week from the date of receipt of certified copy of this order along with a copy of the present petition.

(VIKAS BAHL)
JUDGE

February 25, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No