

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(113)

CRWP-1913-2022

Date of decision: - 03.03.2022

Surender Kumar

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Amrita Garg, Advocate
and Ms. Alina Matthew, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present Criminal Writ Petition filed under Articles 226 & 227 of the Constitution of India is for issuance of writ in the nature of Habeas Corpus or any other appropriate writ or order for the immediate release of 11 detenues, who have been detailed in the list annexed as Annexure P-1.

It has been submitted that 11 persons who have been detailed in the list (P-1) have been taken as bonded labourers to an unknown brick kiln, situated at Tehsil Chupki, Dehlon, Punjab and are forced by a person whose surname is Puri (owner of the concerned brick klin) and his other employees to work under bondage conditions. It is submitted that even

adequate wages are not being paid to the said detenues. It is also argued that the acts of the brick kiln owner and his employees are also in violation of the mandatory provisions of the Bonded Labour (Abolition) Act, 1976 (hereinafter to be referred as “the Act of 1976”). It is further submitted that in this regard, the petitioner has given several representations including Annexures P-3 and P-4 to the respondent authorities.

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 with a direction to District Magistrate-cum-Deputy Commissioner, Ludhiana-respondent No.2 to treat this petition as a complaint under the Act of 1976 and take immediate action in accordance with law. The same be done as expeditiously as possible and in any case, within a period of six days from the date of receipt of copy of this order.

March 03, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No