

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

134

CRWP-4560-2022

Date of decision: 11.05.2022

SUSHANT SARKAR

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Chandra Shekhar Singh, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Habeas Corpus by directing the respondents No. 1 to 3 to release the 22 detenues mentioned at paragraph No.4 of the petition and who are claimed to be in illegal custody of respondents No.4 to 10.

Learned counsel appearing on behalf of the petitioner contends that the petitioner and other co-labourers have been illegally detained by private respondents No. 4 to 10. He contends that the petitioner and other co-labourers were engaged by the private respondents for moulding kacha bricks for their brick kiln and the rate for moulding kacha bricks was fixed for Rs.600/- per thousand bricks and that they had left behind their native place to work for the private respondents on the above said rates. That he argues that the private respondents had stopped making the payment to the petitioner and other co-labourers and that amount of Rs.1,00,000/- approximately is due

towards private respondents. It is also alleged that the private respondents have hired some musclemen and humiliate the women folk and also the minor children of the petitioner and the other co-labourers and have been mal-treating them as well.

He contends that there is violation of provision of the Bonded Labour System (Abolition) Act, 1976. In view of the order that is proposed to be passed with the consent of the counsel for the petitioner, I do not deem it appropriate to issue a formal notice to the respondents. An issue of similar nature had come up in Appeal before the Division Bench of this Court in LPA No. 32 of 2013 (O&M) decided vide order dated 11.11.2013 titled as “Murti versus The State of Punjab and others”.

In the event the allegations levelled have a semblance of truth, the same would at best attract Section 16 and 17 of the Bonded Labour System (Abolition) Act, 1976. However, it is specifically contemplated in Section 21 of the aforesaid Act that the offences, if any are to be tried by the Executive Magistrate on any such power has been conferred. Further, as per Chapter IV of the Bonded Labour System (Abolition) Act, 1976, it is the duty of the District Magistrate-cum-Deputy Commissioner to ensure implementation of the provisions of the Bonded Labour System (Abolition) Act, 1976.

Since the petitioner in the present petition has averred that the persons mentioned in Paragraph No.4 of the writ petition had been detained as a bonded labour, the present petition is disposed off with a direction to the District Magistrate, Mewat to treat this writ petition as a complaint under the Act of 1976 and to take appropriate action in

accordance with law within a period of 02 weeks from the date of receipt of copy of this order.

The petition is disposed of.

(VINOD S. BHARDWAJ)

JUDGE

MAY 11, 2022

Vishal sharma

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