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

CRWP-6887-2024

Date of Decision: 19.07.2024

KASHMIR MASIH

..... Petitioner

Versus

STATE OF PUNJAB AND ORS

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. A.S. Gulati, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.(oral)

Petitioner- Kashmir Masih has filed criminal writ petition under Article 226 of the Constitution of India for issuance of writ in the nature of Habeas Corpus for the release of detenues mentioned in para No.4 of writ petition alleging that they are in illegal and unlawful custody of respondents No.4.

In the petition, there are allegations against respondent No. 4 for not giving them their wages and approximately Rs.4.80 lakhs are due against him. Respondent No.4 has obtained thumb marks and signature of petitioner as well as detenues on blank papers and recorded their statements that all detenues are working without any pressure and undue influence and getting full wages. It is further alleged that they are illegally and forcibly kept in the premises for doing the labour work.

The aforesaid allegations mentioned in the petition falls under the provisions of The Bonded Labour System (Abolition) Act, 1976 and as

per Section 10 of the aforesaid Act, the State Government confers powers and imposes duty on a District Magistrate to ensure proper implementation of the aforesaid Act. Section 12 of the aforesaid Act cast a duty on every District Magistrate and every officer specified by him under Section 10 to inquire whether after the commencement of this Act any bonded labour system or any other form of forced labour is being enforced by or on behalf of any person resident within the local limits of his jurisdiction.

Considering the aforesaid provisions, it is the duty of District Magistrate, Gurdaspur, Punjab to look into the facts and allegations levelled by petitioner. Gainful reference can be made to the judgment of the Division Bench of this Court in **LPA No. 32 of 2013** titled “***Murti versus The State of Punjab and others***”.

In view of these facts and circumstances, present criminal writ petition is disposed of with the direction to District Magistrate, Gurdaspur, Punjab to treat this petition as complaint 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 copy of writ petition.

(AMARJOT BHATTI)
JUDGE

19.07.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No