

RAVI V/S STATE OF HARYANA AND ORS.

Present: Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

The instant petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of Habeas Corpus for appointing a Warrant Officer to visit the spot to ensure the release of the detenues as mentioned in paragraph No. 3 of the writ petition.

Learned counsel for the petitioner *inter alia* contends that the detenues have been illegally detained and were forced to work as bonded labourers by private respondents No. 4 and 5. This Court issued notice of motion on 03.01.2024 and directed respondent No. 2-Deputy Commissioner of Police, Hisar to treat this complaint under the Bonded Labour System (Abolition) Act 1976 and take immediate steps in accordance with law, within a period of one week from the date of receiving a copy of the order dated 03.01.2024. Learned counsel for the petitioner further submits that copy of the order dated 03.01.2024 was duly communicated to respondent No. 2 through e-mail on 04.01.2024.

On 15.01.2024, respondent No. 2 was directed to file an explanation in the shape of an affidavit for non-compliance of the directions issued by this Court on 03.01.2024.

A short reply dated 20.01.2024 by way of affidavit of Uttam Singh, IAS, District Magistrate, Hisar has been filed in compliance of the order dated 15.01.2024. Respondent No. 2 has submitted that compliance of the directions issued by this Court has been made and he has also relied upon the report dated 20.12.2023 and the said report is stated to have been forwarded to the office of Advocate General on 11.01.2024. It was further submitted that the order dated 03.01.2024 has been complied with in its letter and spirit.

The explanation furnished by respondent No. 2 is not only unsatisfactory but the same has been made in a very casual and cavalier manner. A perusal of the record would show that directions were issued to respondent No. 2 by this Court on 03.01.2024 while inspection report that is cited to show compliance is dated 20.12.2023, much prior in time. It appears that the concerned officer has no regard for the majesty of justice and vindication of law. The Division Bench of this Court in LPA No. 32 of 2013 titled as *Murti Vs. State of Punjab and Others* has dealt with the issue of bonded labour *in extenso* and necessary directions have been issued. Further, in light of the constitutional scheme and specifically Article 46 of the Constitution of India, this Court is required to ensure no social or economic injustice is caused to the weaker and marginalised sections of the society, as they are more susceptible to exploitation, especially members of Scheduled Castes and Scheduled Tribes.

In view of the above, let a notice be issued to respondent No. 2 to show cause as to why contempt proceedings be not initiated against him for willful disobedience of the directions issued by this Court vide order dated 03.01.2024.

In the meantime, registry is directed to appoint a Warrant Officer, who shall visit the places as may be pointed out by the petitioner. In case the Warrant Officer finds that the detenues, as mentioned in para No. 3 of this petition, are in illegal confinement of respondents No. 4 and 5, he shall proceed to set them free forthwith and record the statement of the detenues.

Report to this effect shall be prepared and submitted by the Warrant Officer on or before the next date of hearing. The remuneration of the Warrant Officer shall be borne by the District Legal Services Authority, Hisar.

List on 09.02.2024.

(HARPREET SINGH BRAR)
JUDGE

25.01.2024
Ajay Goswami