

## **Hanumant Singh v. State of Madhya Pradesh**

**Decided on 28.09.1995**

### **Case Details**

Appellants – Hanumant Singh

Respondents – State of Madhya Pradesh

Case Number – M.P. No. 2522 of 1984 (J)

Bench – [U.L. Bhatt](#), Chief Justice, [S.K. Dubey](#) and [Vijay Kumar Agrawal](#), JJ.

Date – 28.09.1995

### **Facts:**

Several agriculturists in Madhya Pradesh had hired labourers from the Bhil community for working in agricultural operations. On receiving some complaints, and after conducting investigation, the Police filed charge sheets under Sections [16](#), [17](#) and [18](#) of the Bonded Labour System (Abolition) Act, 1976 (for short 'the Act') against these agriculturists.

During trial, the agriculturists were apprehensive that they would not get fair and just trial, hence they filed applications for transfer of their cases from the Executive Magistrate to the Court of Judicial Magistrate First Class of the competent jurisdiction. Their applications were rejected.

Section 21 of the Bonded Labour System (Abolition) Act gives enabling power to the State Government to confer powers of a Judicial Magistrate onto an Executive Magistrate for hearing of offences under the Bonded Labour System (Abolition) Act. Hence the agriculturists filed petitions challenging the constitutional validity of Section [21](#) of the Bonded Labour System (Abolition) Act.

### **Judgement:**

The Court struck down section 21 of the Bonded Labour System (Abolition) Act. This provision was unfair and unreasonable as an Executive Magistrate is also part of the Vigilance Committee constituted under the Bonded Labour System (Abolition) Act to look into existence of bonded labour and would therefore be biased. This section was also against Article 50 of the Constitution of India which enshrines the principle of separation of powers. Section 21 was also violative of

Articles 14, 19 and 21 which mandate the right to fair hearing and trial as part of right to life and liberty.

The Court thereby directed that all cases pending under the Act before the Executive Magistrates or Sub-Divisional Magistrates would stand transferred to concerned Judicial Magistrates and for that Executive Magistrates or Sub-Divisional Magistrates must take steps and transmit the records of the cases to the appropriate Judicial Magistrates.