

**DELHI HIGH COURT JUDGMENTS ON THE BONDED LABOUR SYSTEM
(ABOLITION) ACT, 1976**

**State v Nayan Ahmad - 2012 (3) JCC 1813
decided on 02.07.2012**

Case Details

Appellants – State

Respondent – Nayan Ahmad

Case Number - CrI. Rev. No. 454/2011

Bench - Mr. Justice [Suresh Kait](#)

Date – 02.07.2012

Facts – A ten year old girl named Reshma who was living with her grandmother was sent to the respondent's family because the grandmother did not have the means or ability to look after her. The father of Reshma had abandoned her, and her mother was of unsound mind. On complaint of the President of the Housing Society where the respondent lived, an inspection was done and it was found that the girl had been working as domestic help for the past year, from where she was taken under the custody of the Child Welfare Committee. However, on production before the Child Welfare Committee, Reshma insisted that she wanted to go back to the respondent's house and that they took care of her. Further, it was recorded that communication between Reshma and the respondent while she was within the custody of the Committee was impossible.

Observations of the Court – The Court went through affidavits of records of the children who have been sent to the children's homes and observed that from the years 2009 to 2011 not even a single child had been graduated through these children homes which was noted as a matter of concern. However, the Court also observed that through these children homes at least 49 women were doing jobs in the year 2009-2010 and 19 women in the year 2010-2011.

It was stated by the Court that the purpose and intent of the Act is that no child should be like a bonded labour, uneducated and unemployed. Therefore, the prime duty of the State is to put

such children either in educational institutions or engaged in some technical work so that they would be able to earn their livelihood and can easily be brought up there and prepare them to serve the nation as a good citizen.

Judgment – The Court held that it was clear from the statement of the child to the Child Welfare Committee that she was neither treated as a servant nor for bonded labour in the house of the respondent, and that she was happy there and wished to return. Further, the Court also noted that the State did not have the requisite infrastructure or resources to provide shelter to such children and to give them a life of dignity to prepare them as good citizens and requested the Government of India to ‘think and act upon’ it.

In such a scenario, the Court found there to be no offence made out under the Juvenile Act, the Child Labour Act, nor the Bonded Labour Act, and ordered the child to be sent back to the respondent’s house.