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**Bachpan Bachao Andolan v. Union of India -  
decided on 23.01.2009**

**Case Details**

Appellants – Bachpan Bachao Andolan

Respondents – Union of India

Case Number - W.P. (Crl.) No. 82/2009

Bench - [K.G. Balakrishnan](#), C.J. and [Sanjiv Khanna](#), J.

Date – 23.01.2009

**Facts:** A status report by Bachpan Bachao Andolan was taken on record by the Delhi High Court. The report stated that 23 minor girls, 4 minor boys and 9 major girls/women were rescued pursuant to search operations at Sheetal Enterprises, in JJ Colony, New Delhi. FIR No. 20/2009 under Section [406](#) of the Indian Penal Code had been recorded by the Police Station, Saraswati Vihar, but no one had been arrested.

**Observations of the Court:** The status report revealed that the Standard Operating Procedures (published jointly by Government of India and United Nations) in respect of investigation of crimes for trafficking in forced labour were not being complied with. The police officers concerned were not investigating and proceeding as per the SOP.

Also, the investigations and proceedings had proceeded on a wrong basis, without regard to several relevant enactments/provisions under the Indian Penal Code, 1860, Bonded Labour System Abolition Act, 1976, the Child Labour (Prohibition and Regulation) Act, 1986 and Sections 23 and 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

Action had been taken by Bachpan Bachao Andolan and Delhi Commission for Women on the basis of a complaint made by Mr. Hem Bahadur who had subsequently gone missing since 15th January, 2009. No effective steps had been taken to locate and find out whereabouts of Mr. Hem Bahadur. The police claimed that this was on account of non-availability of photograph and description of Mr. Hem Bahadur. The Court reprimanded the police, considering the approach and the explanations given by Delhi Police to be unacceptable. Serious allegations had been made by Mr. Hem Bahadur in his complaint and it was the duty and responsibility of Delhi Police to further investigate and locate Mr. Hem Bahadur.

The Court expressed deep dissatisfaction with the Delhi Police, observing that the approach of Delhi Police with regard to the rescued children/women had been completely lackadaisical. They had not realized the sensitivity and efforts which have to be made to stem crime relating to exploitation of children and females.

**Order of the Court:** The Court issued summons to the Commissioner of Police, Delhi and asked him to personally give directions and oversee the investigation in the present case. The Delhi Police prayed for one week's time and undertook that effective and proper steps for investigation would be taken within this period while keeping in mind the Standing Operating Procedures and the investigation would cover all aspects and provisions of Indian Penal Code and other enactments and action would be taken as per law. In light of this, the matter was adjourned to 28th January, 2009 and the Delhi Police was directed to file a status report on that date.