

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

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**Sannasomannara Somashekarappa and Ors v. Gorappa Rudraswamy and Ors.
– 2005 Cri LJ 1
decided on 21.09.2004**

Case Details

Appellant - Sannasomannara Somashekarappa and Ors

Respondent - Gorappa Rudraswamy and Ors.

Case Number - CrI.P. No. 3577 and 3578/2002

Bench - [Huluvadi G. Ramesh, J.](#)

Date – 21.09.2004

Facts

The petition seeks to quash the proceedings against the accused under the Bonded Labour Act for employing four children who are allegedly working as bonded labourers. It is the case of the prosecution that the petitioners had approached the parents of the children and paid advance to them and in turn, the children had to render service for a period of one year and graze cattle. Food and clothes were provided to the children who were working with the petitioners. Later the children were freed and admitted to Dan Vasco school at Davangere.

Judgment

The Court held that The allegation made against the petitioners must attract the definition of "bonded labour system" which means the system of forced, or partly forced labour under which debtor enters or has or is presumed to have entered into an agreement with the creditor to the effect that in the event of failure of the debtor to repay the debt obtained by him or by any of his lineal ascendants or descendants for any economic consideration received by him he would render bonded labour on behalf of the debtor. In the instant case, as noted the petitioners are said to have

offered to the parents of the children advance of Rs. 1, 000/-, Rs. 2, 000, Rs. 1, 650/- and the like and asked them to send their children to graze cattle. There was no debt or liability incurred by the parents, thus no creditor-debtor relationship between the parents of the boys and the petitioner-accused. Thus the Court held that while such exploitation of children could be prosecuted according to the provisions of some other law, the provisions under the Bonded Labour (Abolition) Act did not apply to this case. The proceedings before the petitioner-accused were quashed.