



## ABSTRACT

Adi Dravidar and Tribal Welfare Department –Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976) W.P.No.7650 of 2013 High Court of Madras filed by Thiru.Ganjendran - conduct of cases relating to Bonded Labour by Judicial Magistrate – orders issued.

### ADI DRAVIDAR AND TRIBAL WELFARE (ADW-6) DEPARTMENT

G.O (D) No.44

Dated: 23.02.2015

ஐய, மாசி 11 ஆம் நாள் ,  
திருவள்ளூர் ஆண்டு, 2046.

Read:

1. G.O.(Ms) No.1188, Social Welfare Department, Dated 17.07.1987.
2. High Court order dated 03.06.2014 in W.P.No.7650 of 2013 and M.P. Nos. 1 & 2 of 2013 filed by Thiru.Ganjendran.

### ORDER:

In the Government Order read above the Government have issued orders conferring power upon all Revenue Divisional Officers in the State, the powers of a Judicial Magistrate of First Class and on all Tahsildars in independent charge of Taluks in the State, the powers of a Judicial Magistrate of the second class, for the trial of offences under the Bonded Labour system (Abolition) Act, 1976 (Central Act 19 of 1976) Act.

2. Thiru Ganjendran, Thiruthani taluk, Thiruvallur District has filed a W.P. No.7650 of 2013 before the Hon'ble High Court of Madras praying for issuance of certiorarified mandamus calling for the records relating to G.O.(Ms) No.1188 Social Welfare Department dated 17.07.1987 and quash the same and to forbid the sub divisional executive magistrate /Revenue Divisional Officer Thiruvallur from conducting further trial in Crime.No.41/2006.

3. Meanwhile in the above said case the Hon'ble High Court of Madras in its order dated 03.06.2014 have ordered as follows:-

“xxxx      xxxx      xxxx      xxxx      xxxx  
“xxxx      xxxx      xxxx      xxxx      xxxx

Section 21 of the Bonded Labour System (Abolition) Act, 1976 is in violation of Articles 14, 21 and 50 of the Constitution of India and consequently, the Government Order in G.O. (Ms) No. 1188/1987, Social Welfare Department, dated 17.07.1987 is also quashed. No costs. Consequently, the connected miscellaneous petitions are closed.

P.T.O

The Jurisdictional Revenue Divisional Officers are directed to transfer the criminal cases, along with the relevant records, instituted under the said Act to the file of the respective Chief Judicial Magistrates and they in-turn, are directed to transfer the cases to the respective Jurisdictional Magistrates and on such transfer, the respective Jurisdictional Magistrates shall make every endeavour and dispose of the cases as expeditiously as possible".

4. The Government have examined the matter in consultation with the Additional Chief Secretary / Commissioner of Revenue Administration, Director of Adi Dravidar Welfare and with the advisory Departments i.e., Revenue Department and Law Departments.

5. In the above said circumstances, the Government direct that the Director of Adi Dravidar Welfare to give proper instructions to all the District Collectors to advise the concerned Revenue Divisional Officers in their jurisdiction to the effect that the Jurisdictional Revenue Divisional Officers are directed to transfer the criminal cases, along with the relevant records, instituted under the said Act to the file of the respective Chief Judicial Magistrates and they in-turn, are directed to transfer the cases to the respective Jurisdictional Magistrates and on such transfer, the respective Jurisdictional Magistrates shall make every endeavor and dispose of the cases as expeditiously as possible".

6. The Director, Adi Dravidar Welfare is also requested to obtain the action taken report from the respective Jurisdictional Revenue Divisional Officers and to send the compliance report to Government in due course.

**/BY ORDER OF THE GOVERNOR/**

**KANNEGI PACKIANATHAN  
SECRETARY TO GOVERNMENT**

**To**

The Director,

Adi Dravidar Welfare, Chennai-5.

The Additional Director General of Police,

Social Justice and Human Rights, Chennai-4.

The Registrar of High Court, Chennai-10.

The Secretary, Ministry of Labour, Government of India, New Delhi.

The Additional Chief Secretary/ Commissioner of Revenue Administration, Chennai-5.

The Secretary, Revenue Department

The Secretary, Law Department.

The Principal Secretary, Labour and Employment Department.

The Secretary, Home Department.

Copy to:-

The Private Secretary to Chief Secretary, Chennai-9.

Stock file/Spare copy.

**/FORWARDED BY ORDER/**

*Handwritten signature*  
**SECTION OFFICER.** 23/2/2015

*Handwritten date*  
23/2/15