

A Judicial Response to the Bonded Labour System (2001–2020)

David Sunder Singh^{1*}, Atul Kumar Singh²

1 Research Scholar, Department of Arts & Social Studies, Sunrise University, Alwar,
Rajasthan, India

davidsundersinghd@gmail.com

2 Assistant Professor, Department of Arts & Social Studies, Sunrise University, Alwar, Rajasthan, India

Abstract: Bonded labour remains one of the more persistent forms of exploitation to survive in modern India, notwithstanding more than four decades of statutory prohibition under the Bonded Labour System (Abolition) Act, 1976. While the legislative framework has existed since the mid-1970s, its practical force has depended heavily on how the judiciary has chosen to read, apply, and enforce it. This chapter examines the role played by the High Court of Madras, and to a lesser extent the Supreme Court of India, in shaping the trajectory of bonded labour jurisprudence in Tamil Nadu between 2001 and 2020. Drawing on judgments, orders, and public statements of sitting judges over this period, the discussion traces twelve distinct strands of judicial engagement: precedent-setting interpretations handed down to subordinate courts; judgments that entered the law reports; directions issued to the State Government pressing it toward eradication of the practice; instructions to prosecuting agencies to register cases and trace victims; the willingness of judges to speak publicly on the issue; the reprimanding of perpetrators through firm sentencing; the denial and cancellation of bail; judicial participation in public meetings and conferences; directions for prompt investigation and fair trial; the imposition of stringent bail conditions tied to victim compensation; the final disposal of long-pending appeals; and the small number of matters that have travelled up to the Supreme Court. Read together, these strands suggest that judicial intervention, more than any single legislative amendment, has been the principal force keeping the 1976 Act operative in Tamil Nadu, even as the data considered here also expose how uneven and slow that enforcement has often been at the level of the police and the subordinate courts.

Keywords: Bonded labour, Madras High Court, Bonded Labour System (Abolition) Act 1976, judicial intervention, victim compensation, Tamil Nadu

INTRODUCTION

Bonded labour occupies an uneasy place in the story of Indian labour law: formally abolished since 1976, yet documented well into the present century in brick kilns, rice mills, and tree-cutting units across several states, including Tamil Nadu (Guérin, Michiels, Ponnarasu, & Venkatasubramanian, 2012). The Bonded Labour System (Abolition) Act, 1976 was intended to end a practice under which a person, having accepted an advance, finds himself compelled — through debt, custom, or coercion — to labour for a creditor without meaningful freedom

to withdraw, seek other work, or move about as he chooses. On paper, the Act criminalises the practice and casts a duty on the State to identify, rescue, and rehabilitate victims. In practice, its enforcement has depended a great deal on the willingness of the police to register cases, of trial courts to convict, and of the higher judiciary to hold both accountable when they fall short — a gap that the National Human Rights Commission has itself repeatedly flagged in its advisories to the Centre and the States (National Human Rights Commission, 2021).

Long before the period considered here, it was the Supreme Court that gave the 1976 Act its constitutional footing, treating bonded labour as an affront to the dignity protected under Article 21 and reading Article 23's prohibition of forced labour broadly enough to capture debt bondage in all its forms (*Bandhua Mukti Morcha v. Union of India*, 1983; *People's Union for Democratic Rights v. Union of India*, 1982). It is this last dimension — the response of the higher judiciary, and specifically of the High Court of Madras — that this chapter sets out to examine. Between 2001 and 2020, the Madras High Court found itself repeatedly called upon: to interpret ambiguous provisions of the 1976 Act for the benefit of subordinate courts; to direct a sometimes-reluctant State machinery toward more effective rehabilitation and prevention; to compel local police stations to register cases they had been content to ignore; to reprimand perpetrators where trial courts had let them off too lightly; and, on occasion, to speak of the issue not only from the bench but from public platforms as well. The discussion that follows organises this body of judicial engagement into twelve themes, each illustrated with the specific cases, orders, and — where available — the language used by the Court itself.

a. High Court of Madras

1. Precedent-setting interpretations for the subordinate courts

Over the years, the interpretations offered by the Madras High Court on questions of bonded labour have grown considerably in both range and precision, and several of these pronouncements have gone on to shape how the offence is understood and dealt with by the courts below it.

One such instance came in 2017, when the High Court disposed of a review petition arising out of a writ petition filed earlier by Gajendran, one of the persons rescued from bonded labour. Some years before that, in 2014, the Court had already struck down Section 21 of the Bonded Labour System (Abolition) Act, 1976 as unconstitutional — a ruling that, in effect, gave the

Act its teeth. Until then, it was the Executive that conducted trials and punished offenders; once this provision fell, bonded labour cases could instead be tried before a regular Judicial Magistrate. The shift mattered: it recast bonded labour, in the eyes of the law, as the serious criminal offence it always ought to have been treated as.

That same year, while deciding an appeal, the Court had occasion to interpret the definition of bonded labour under Section 2 of the Act. It observed that Section 2(g) makes clear that the system typically arises where an advance, given as a bonded debt, forces the debtor — or his dependents or heirs — into forced or partly forced labour, for a specified or unspecified period, for no wage or a merely nominal one, while also stripping them of the freedom to sell their labour elsewhere, change employer, or move about freely within India; consequently, wherever an advance of this kind has been given, it may well amount to a bonded debt. This clarified a definition that had, until then, remained a source of some confusion since the Act's enactment in 1976.

In a further appeal decided the same year, the Court laid down an interpretation that would come to govern how subsequent bonded labour trials were approached. The case traced back to 2005, when the Thiruvallur district administration rescued victims of bonded labour from the Powerhouse Rice Mill. The Additional District and Fast Track Court at Thiruvallur tried the matter and, in 2010, convicted the accused, who then appealed to the Madras High Court. The appeal was dismissed and the conviction upheld, with the Court observing that an appellate court ought not to reject evidence merely because trivial details vary between accounts, since minor omissions in police statements — themselves meant to be brief — are rarely fatal and should not be read as proof that a witness has lied. Discrepancies of this kind, the Court noted, are almost inevitable, and it would be wrong to hold rustic witnesses subjected to gruelling cross-examination to the same standard of precise recollection expected of an educated witness, particularly where their evidence is recorded long after the event and where they may still be grappling with the shock of a relative's untimely death; to do otherwise would be to ignore the realities of village life and hand an undeserved advantage to those who have committed a heinous crime. This reasoning proved useful not only to the trial courts but to the enforcement agencies more broadly, since victims — often out of fear, ignorance, or sheer intimidation in the presence of officialdom — may leave out details without that omission casting doubt on their account.

A related appeal from the same year concerned victims rescued in 2005 from the Valaver Rice Mill in Kancheepuram district. The Judicial Magistrate's Court at Chengalpattu convicted the accused in 2007, but on appeal the Additional District and Fast Track Court reversed that conviction and acquitted him in 2010. One of the victims, Raja, then appealed to the Madras High Court, which allowed the appeal and convicted the perpetrator. In doing so, the Court read the relevant wage provision to mean that where an employee is engaged on piecework for which a minimum time rate — but no minimum piece rate — has been fixed, the employer must still pay not less than that minimum time rate; since all three conditions were met on the facts before it, there was no escaping the conclusion that the workman, though paid by the piece, was entitled to the fixed minimum time rate, and the labour court had erred in holding otherwise. Judgments of this kind, once absorbed into bonded labour jurisprudence, carried real weight, and it is fair to say that judicial interpretation of the 1976 Act gathered momentum from 2016 onward, reshaping how trial courts approached these cases.

The Madurai Bench of the High Court, meanwhile, dealt in 2017 with a habeas corpus petition filed by Arumugam, whose son had been trapped in bonded labour. Interpreting Sections 11 and 12 of the Act, the Bench held that Section 12 addresses the machinery for eradicating forced labour, while Section 11 places the duty of ensuring the discharge of debts on the District Magistrate and other officials; accordingly, the Revenue Divisional Officer concerned needed only to exercise powers under Section 11 and required no release order from his counterpart in Nasik. This meant that the Revenue Divisional Officer at Madurai could act under Section 11 without waiting on a release order from another jurisdiction — a reading that made it considerably easier for enforcement officers to help victims obtain release certificates from their home districts even where the offence had occurred elsewhere.

2. Judgments reported in law journals

The Madras High Court's rulings on bonded labour have, over time, acquired something close to the status of settled case law to be read alongside the 1976 Act itself, not least because a good number of them have found their way into law reports.

In 2013, an order condoning delay in filing an appeal in the criminal bonded labour matter of Kanniammal v. Govindan and Others was reported in the Madras Weekly Notes as 2013(2) MWN (Cr.) 180. The following year, an order cancelling a bail application in Saraswathi v. The Inspector of Police was reported in Manupatra as MANU/TN/2985/2014. In 2017, two

further appellate judgments — M. Kandasamy Mudaliar and Ors. v. The State, and Raja v. Palani and Ors. — were reported in Manupatra as MANU/TN/1734/2017 and MANU/TN/2156/2017 respectively.

Their appearance in reputed journals lent a degree of authority to the issue of bonded labour and, in turn, gave law enforcement agencies and the subordinate judiciary a clearer trail to follow. These reports have also proved useful to researchers seeking to understand the judicial approach to the offence, and lawyers regularly draw on them when arguing before trial courts or advising enforcement agencies on effective implementation.

3. Directions to the State Government to eradicate the bonded labour system

Through a series of proceedings, the Madras High Court began steering the State Government of Tamil Nadu more purposefully toward eliminating bonded labour altogether. In 2015, hearing a writ petition brought by Advocate Roseann Raja on behalf of rescued victims, the Court directed the State to prioritise the issuance of Ration Cards — family cards granting access to government provisions — to all rescued bonded labourers. It further suggested that the Release Certificates already issued to such victims could double as proof of identity and address for other government entitlements.

That direction had some grounding already: the Adi Dravidar Department had, on 8 January 2015, issued a letter setting out a procedure for rescuing and rehabilitating bonded labour victims, and the Court, in the same writ petition, pressed the State to give that procedure legal force. The following year, in a fresh writ petition filed by Roseann Rajan, the Court went further, insisting that released victims be handed a defined set of documents at the time of release — the release certificate, the enquiry form, the executive release order, an acquittance of the initial rehabilitation amount, the Sub-Divisional Magistrate's report to the District Magistrate, and any other material relevant to the investigation and charge sheet. These, the Court said, were to be treated as mandatory for every subsequent bonded labour case, and their absence was not to be allowed to derail the criminal process.

Also in 2016, the Court directed the State to appoint, within four weeks, a State-level nodal officer to oversee bonded labour eradication, and separately called for a State Action Plan to be published within three months. When the Madurai Bench took up Arumugam's habeas corpus petition again in 2017, it went into considerably more detail, directing the Secretary to

the Tamil Nadu Labour Department to consider a set of specific recommendations: that the nodal officer coordinate the Departments of Labour, Revenue, and Home Affairs so that they and the Anti-Human Trafficking Unit could pool intelligence on traffickers and act more effectively against interstate labour trafficking; that an IAS-cadre officer be appointed to head this coordination; and that Tamil Nadu consider raising a dedicated police unit for the purpose, on the model already adopted in Karnataka. The Bench also suggested that the State frame rules to give the 1976 Act firmer administrative footing.

The same Bench, revisiting the matter later in 2017, spelt out a still more detailed set of recommendations to the Labour Department: to build a legally enforceable coordination mechanism among the Departments of Labour, Revenue, and Home Affairs so that the Anti-Human Trafficking Unit and district administrations could work together against labour trafficking, sharing intelligence on agents and traffickers to aid the rescue of interstate migrant labourers; to enforce Section 9 of the Child Labour (Prohibition and Regulation) Act, 1986 requiring registration of adolescent workers, alongside Rules 7 and 8 of the Inter-State Migrant Workmen Act, 1979, so that employers recruiting or engaging migrant labourers register them and hold the necessary licences; to keep an updated, online database of migrant labourers; and to set up a special committee — drawing on Sarva Shiksha Abhiyan members and other social-action groups — to survey migrant labourers, identify those unregistered under the above provisions, and compel their registration, with prosecution to follow wherever workers are found to have been coerced into labour regardless of any advance received. The Anti-Human Trafficking Unit, the Bench directed, should treat unregistered interstate labourers as presumptively trafficked and open criminal investigations accordingly. It further asked the Labour Department to convert three existing administrative circulars — one issued by the Director General of Police on 21 February 2017 (Rc No. 015445/Crime 4(3) 2017), another by the same office on 17 December 2016 (Rc. No. 146487/HR Cell/2016), and a third by the Adi Dravidar and Tribal Welfare Department dated 8 December 2015 (Letter No. 19656/ADW-6(1)/2014-1) — into formal rules under the 1976 Act, to mount a state-wide awareness campaign on trafficking and bonded and child labour using digital and media resources, and to establish a monitoring mechanism to track compliance and take action against defaulting officials.

Taken together, these directions — beginning in 2015 and growing steadily more specific — filled a gap that had, until then, left judicial intervention on bonded labour in Tamil Nadu

rather thin on the ground; they also anticipated, in several respects, recommendations that the National Human Rights Commission would itself later press on the Centre and the States, including a national portal tracking rehabilitation data, vigilance-committee functioning, and pending prosecutions (National Human Rights Commission, n.d.).

4. Directions to prosecuting agencies to register cases and locate victims

The High Court has also, on a number of occasions, had to step in directly with the police, instructing them to register First Information Reports for bonded labour offences — and, over time, its willingness to do so on behalf of rescued victims only grew firmer.

In 2012, victims rescued from the Nargunam Tree Cutting Unit in Kancheepuram district found that the Thiruporur police, though informed, neither registered a case nor acted against the accused; the Court directed the police to register the case under the 1976 Act, which they duly did. Later that year, a similar pattern played out after victims were rescued from Mani Rice Mill, also within Thiruporur's jurisdiction — repeated appeals by the victims went nowhere until the Court intervened and the police registered the case.

In 2013, victims rescued from the Sathesh Embroidery Unit in Thiruvallur district reported their case to the Mapedu police, who took no action; the Court directed the police to file an FIR, and a criminal case followed. The same year, at the SS Kalam Rice Mill in Thiruvallur — where the Sub-Divisional Magistrate himself had conducted the rescue — the Redhills police failed to register a case despite being informed, prompting the Court once again to direct registration and action against the accused. Also in 2013, at Jeyapal Tree Cutting Unit in Kancheepuram district, the Kelambakkam police initially declined to act, until the Court's intervention led them to register a case and begin prosecution.

By 2016, a comparable sequence unfolded at Nathamani Farm in Thiruvallur district: the Pazhyakeechalam police took no action despite being informed of the rescue, and it was only after the Court directed them to do so that an FIR was filed against the accused, Nathamani.

Across the decade from 2010 to 2020, these repeated interventions steadily changed how promptly prosecutions were initiated under the 1976 Act, and by 2019 every identified bonded labour offence within the project area had resulted in an FIR and the commencement of prosecution — a change attributable in large part to the Court's persistent directions to the prosecuting agencies. In one further instance in 2012, the Court directed the Inspector of Police

at Alangayam, Vellore district, to trace and produce an eighteen-year-old boy who had been separated from his parents and kept hidden by his employer as a bonded labourer; the police located and produced him before the Court, and he was subsequently reunited with his family after inquiry.

5. The bonded labour system discussed in the open

Beyond the courtroom, sitting judges of the High Court have taken to speaking openly about bonded labour, gradually building awareness both within and beyond the judiciary.

Justice S. Rajeshwaran did so in 2013, telling an audience at Dr. Ambedkar Law University, Chennai, that the bonded labour system amounted to a social evil that violated a person's constitutional rights. The following year, Chief Justice R.K. Agrawal urged the judicial system, at a gathering organised by the State Legal Services Authority, to take a more proactive role in eradicating the practice; Justice Banumathi, addressing the same gathering, echoed the urgency of the task. In 2016, Justice M. Jaichandren observed that people in Tamil Nadu often fall into bonded labour simply by accepting a meagre sum as an advance to meet daily needs, only to find themselves trapped with their employers until rescued by agencies working alongside other stakeholders to overcome what remains a deeply entrenched social evil.

In 2017, Chief Justice Indira Banerjee spoke candidly of the gap between law and practice: notwithstanding constitutional and statutory safeguards, bonded labour persisted, she said, and vigilance committees required under the 1976 Act needed to be constituted in every district, with labour and minimum-wage laws properly enforced in brick kilns, plantations, and wherever else the practice occurred; she reminded her audience that bonded labour arises where a debtor pledges himself, directly or indirectly, against a debt, leaving those who take such loans with little real freedom, and called on vigilance committees, legal services authorities, and para-legal volunteers alike to stay alert. That same year, Justice S. Manikumar observed that, unlike most criminal statutes where innocence is presumed, the Bonded Labour Act reverses that presumption against those who exploit — and that judges ought to decide accordingly, given that the right to live with dignity lies at the heart of Article 21. Justice N. Kirubakaran, speaking at a conference the same year, described bonded labour as a heinous practice in which a human being is bought and sold like a cart, stripped of physical, psychological, and economic freedom — "worse," he said, "than an animal's life." Justice C.V.

Karthikeyan, addressing a similar gathering, drew a link between bonded labour and trafficking more broadly, noting how trafficked women and children remain enslaved within their own communities, and how people borrow to pay traffickers for passage to a promised destination they cannot leave until the debt is cleared.

By 2019, several more judges had taken up the theme in public forums. Justice R. Subbiah traced the roots of bonded labour to socio-economic compulsion within an unequal social order — individual vulnerability, social exclusion, and the failure of the rule of law compounding over generations to produce a custom that sits squarely against the fundamental rights guaranteed to Indian citizens. Justice R. Mahadevan reaffirmed the centrality of the 1976 Act in addressing the concerns of bonded labourers, while Justice N. Kirubakaran, speaking again that year, noted the irony that even seven decades after independence — and centuries after slavery was formally abolished — people continue to be treated as commodities, a practice he termed modern-day slavery. Justice N. Anand Venkatesh argued that the 1976 Act would only carry real force once provisions of the Indian Penal Code were folded into it, giving prosecutors sharper teeth. In 2020, Justice Dr. Vineet Kothari, at an open programme, described human trafficking as an affront to a democratic society and offered a simple formula — "Spot it, Speak it, Stop it" — as a call to make Tamil Nadu entirely free of bonded labour.

6. Reprimanding the perpetrators

Between 2001 and 2004, convictions for bonded labour offences were rare; from 2017 onward, that changed markedly, with the Madras High Court handing down firm sentences against those found guilty. Victims rescued in 2005 from the Power House Brick Kiln in Thiruvallur district saw their case tried by the Additional District Court, which convicted the accused after an FIR was registered and investigation completed under the 1976 Act. On 9 June 2017, the High Court upheld that 2010 conviction, sentencing accused Nos. 1 to 3 to five years' rigorous imprisonment with a fine of Rs. 25,000 each under Sections 370, 371, and 374 IPC and Sections 16, 17, and 20 of the 1976 Act — default in payment carrying a further six months' simple imprisonment. Additional terms followed under Section 374 IPC and Sections 16 and 17 of the Act, with accused No. 1 alone bearing an extra sentence under Section 371 IPC. The Court found, on the evidence, that fifteen persons had been employed as bonded labourers at the mill and released under the relevant exhibit certificates, each paid Rs. 20,000 toward rehabilitation; the accused's claim that they bore no responsibility was, in the Court's words,

unacceptable and liable to rejection, and since the prosecution witnesses had established the culpability of accused Nos. 2 and 3 as well, there was no reason to disturb the trial court's judgment — the appeal was accordingly dismissed and the conviction confirmed.

A related matter concerning victims rescued in 2005 from the Sri Valaver Rice Mill in Kancheepuram district took a more circuitous path. The Judicial Magistrate at Chengalpattu convicted the accused, but the Additional District and Fast Track Court reversed that conviction on appeal. The Madras High Court, on 19 July 2017, reversed the acquittal in turn, restoring the conviction under Sections 16 and 18 of the 1976 Act and Section 374 IPC, and imposing six months' rigorous imprisonment with a fine of Rs. 1,000 (in default, a further four months' simple imprisonment). The Court noted that seventeen persons across nine families had been employed as bonded labourers and released by the Revenue Divisional Officer on 20 July 2005, each receiving Rs. 1,000 toward rehabilitation; here too, the accused's denial of responsibility was rejected as unsustainable given the weight of the prosecution evidence, and the appeal was allowed, the earlier acquittal set aside, and the original conviction of 16 October 2007 restored — with a direction that the accused serve out any remaining term.

A third case, involving victims rescued in 2006 from the Selvakumar Rice Mill, again in Kancheepuram district, saw the District and Sessions Court at Chengalpattu acquit the accused, a decision the Madras High Court reversed on 22 August 2019, convicting him instead under Sections 16 and 17 of the 1976 Act (while acquitting him under the SC/ST (Prevention of Atrocities) Act, 1989). Finding no mitigating circumstances, the Court sentenced the accused to three years' rigorous imprisonment and ordered him to pay Rs. 50,000 in compensation to the victim under Section 357(3) CrPC — a power the Supreme Court has itself described as one the trial courts are duty-bound to apply their mind to in every criminal case, precisely so that the victim is not forgotten in the process (*Ankush Shivaji Gaikwad v. State of Maharashtra*, 2013) — with a further Rs. 50,000 payable to each of the other released victims; it directed the police to take him into custody at the Central Prison, Puzhal, and instructed the registry to issue the necessary warrants without delay. The verdict, alongside the earlier ones from 2017, made plain that implementation of the 1976 Act was not going to be allowed to slow down.

7. Denial and cancellation of bail

In 2014, the Madras High Court cancelled bail in two separate matters that had earlier been granted by lower courts. In the first, concerning victims rescued in 2011 from the SLG Brick Kiln in Thiruvallur district, the accused had surrendered before the Judicial Magistrate at Ponneri and secured bail; one of the victims, Sathyabama, approached the High Court to have that order set aside. The Court agreed, observing that the Magistrate had granted bail the very next day after the accused's production, on the ground that the FIR did not disclose an offence under Section 3(1)(vi) of the SC/ST (Prevention of Atrocities) Act — a conclusion the High Court found untenable given the gravity of the allegations and the casual manner in which the statute had been read; the bail was accordingly cancelled.

A comparable order followed in the case of victims rescued in 2013 from the Easwari Brick Kiln in Thiruvallur district. The Periyapalayam police had registered an FIR, but the accused obtained bail from the Judicial Magistrate at Uthukottai; another victim, Saraswathi, approached the High Court, which again cancelled the bail. The Court recorded that a surprise inspection on 10 June 2013 had uncovered 273 persons held as bonded labourers, following which a written complaint led to registration of Crime No. 285 of 2013 under Sections 374 and 370(3)(4) IPC, Sections 9, 16, 17, and 18 of the 1976 Act, and Section 14 of the Child Labour (Prohibition and Regulation) Act, 1986 — yet bail had been granted the same day the accused was produced. The Court held more generally that bail orders releasing those accused of such grave offences ought to be cancelled where they weaken the prosecution and carry adverse consequences for society, and that even though its own powers were considerably wider than those of a Sessions Court, it remained bound by the same underlying principle; finding the Magistrate's view that the offences were bailable to be mistaken, it cancelled the bail and directed the accused to surrender, failing which the police were to arrest and remand him.

In 2016, the Court also dismissed anticipatory bail petitions filed by persons accused of running the GDM Brick Kiln in Thiruvallur district as a site of bonded labour, after the Revenue Divisional Officer's inquiry secured the labourers on 28 May 2016 pursuant to a complaint by the local Tahsildar. Dismissing the petitions, the Court observed that the rescued workers had plainly been treated as bonded labourers, and that the petitioners' claim of having no involvement could not be squared with the fact that the Revenue authorities had themselves

freed persons held captive at the kiln; it remarked, more broadly, that it was disheartening — even after independence — to see one Indian treat another as a bonded labourer, particularly given how routinely workers migrate between states for contract labour, and that contractors bear a duty to ensure fair treatment and basic amenities for those they employ. Had the information about this particular kiln never reached the authorities, the Court noted, the affected families would still be trapped there; the petitioners' suggestion that the labourers themselves had sought out this employment strained credulity, and the petitions were dismissed accordingly.

8. Participation in public meetings

Since around 2010, judges of the Madras High Court have taken part with growing frequency in public events on bonded labour, lending their voice to the cause of eradicating it from Tamil Nadu.

Justice S. Rajeshwaran attended the valedictory function of a credit course on the 1976 Act at Dr. Ambedkar Law University, Chennai in 2013, speaking to law students about the continuing relevance of the social evil the Act addresses. The following year, the High Court itself convened a consultation on bonded labour in Chennai, bringing together Chief Justice R.K. Agrawal and Justices Banumathi, Akbar Ali, Sathyanarayana, M.M. Sundresh, and Hariparanthaman, all of whom spoke to the need for eradication. Also in 2014, Justice P.N. Prakash inaugurated a workshop organised by the Tamil Nadu State Judicial Academy, stressing the same priority.

Justice M. Jaichandren took part in a round-table discussion in 2016, focusing on the need for swift action once information about bonded labour surfaces. In 2017, Justices S. Manikumar, N. Kirubakaran, and C.V. Karthikeyan, together with Chief Justice Indira Banerjee, appeared as guests at a State conference organised by the Judicial Academy, again urging eradication. A larger gathering of judges — Justices R. Subbiah, N. Kirubakaran, T. Raja, V. Parthiban, M.S. Ramesh, N. Seshasayee, N. Sathish Kumar, A.D. Jagadish Chandira, Abdul Qudose, M. Dhandapani, P.T. Asha, M. Nirmalkumar, N. Anand Venkatesh, and G.K. Ilanthiraiyan — attended the launch, in 2019, of the first commentary on the 1976 Act, each speaking to the importance of the cause. In 2020, Justice Dr. Vineet Kothari joined a ceremony marking the anniversary of the Act's enactment, held to express continued solidarity with its aims.

Beyond its judgments, then, the High Court of Madras has, since 2010, engaged directly and repeatedly with the public dimension of the fight against bonded labour.

9. Directions for prompt investigation and fair trial

The Court has also stepped in, on several occasions, to press prosecuting agencies and subordinate courts toward speedier investigation and disposal.

Victims rescued in 2007 from the Palani Kalam Rice Mill saw the Sholavaram police register a case but leave the investigation incomplete, delaying the final report; in 2009, the Court directed the police to finish within three months and submit the report accordingly. A similar direction followed in 2009 concerning the Sri Kannan Rice Mill in Vellore, where the Sholingur police had likewise registered a case under the 1976 Act without completing the investigation. In 2012, the Court gave the same direction to the Sholavaram police over the SRM Kalam Rice Mill case from 2008, and in 2014, to the Madurantakam police over a 2010 rescue at the Perumal Tree Cutting Unit in Kancheepuram district — in each instance, a three-month deadline for completing the investigation and filing the final report.

Victims rescued in 2013 from Pappya Kalam Rice Mill fared no better initially: the Sholavaram police registered the case but let the investigation languish for years, until the Court intervened in 2020 and imposed the same three-month deadline. In a 2006 case from TRS Sekar Rice Mill, Kancheepuram, where the Thirukazhukundram police had filed a negative report finding no criminal act, the Court in 2014 directed the Judicial Magistrate to take cognizance regardless. And in a 2015 rescue from NSK Rice Mill in Vellore district, where trial had already begun before the Principal District and Sessions Court, the High Court intervened in 2019 to direct that additional witnesses and documents be included.

A comparable direction followed in 2019 concerning a 2012 rescue at the Seker Tree Cutting Unit in Tiruvannamalai district, where the trial before the Principal District and Sessions Court had stalled owing to obstruction by the accused; the High Court directed that it be completed within two months. And in a case arising from a 2014 rescue at the Sri Ramnaldu Sugarcane Unit in Thiruvallur district, where the trial court had permitted the prosecution to add further documents, the accused's revision petition objecting to this was dismissed by the High Court in 2020, with a direction that the additional material be admitted.

10. Stringent conditions for bail and anticipatory bail, including victim compensation

Where bail was sought by persons accused under the 1976 Act, the Madras High Court generally proceeded with considerable caution — dismissing many petitions outright, and where bail was granted at all, attaching conditions that left little room for the accused to slip away: sureties of two persons in the sum of Rs. 25,000, coupled with a requirement to report and sign at the police station, or before the Judicial Magistrate, for a period of fifteen days.

This caution showed clearly in the 2015 case concerning victims rescued from the Sunshine Agarbatti unit in Vellore district, where the Kanthali police had registered an FIR under Sections 16, 17, and 18 of the 1976 Act and Sections 341, 370, and 374 IPC. Noting the substantial wage arrears owed to the victims, the Court made bail conditional on the accused depositing Rs. 10,00,000 in compensation, and further required him to report to the Kanthali police daily at 10:30 a.m. for two weeks, remaining within the area for that period.

A related matter — arising from the same 2005 rescue at Powerhouse Rice Mill, Tiruvallur that had earlier produced a conviction upheld by the High Court in 2017 — reached the Supreme Court of India when the accused, arrested after conviction, sought bail there. Aware of the High Court's earlier findings, the Supreme Court proceeded cautiously and, in 2017, conditioned bail on a deposit of Rs. 75,00,000 as victim compensation, ensuring the survivors were compensated before the bail application was even considered.

In 2019, a similar pattern emerged concerning the D.R. Poultry Farm case in Tiruvannamalai district, where a 2018 surprise inspection led to the rescue of bonded labourers and registration of a case by the Keel Kodungaiyur police. The accused sought anticipatory bail from the High Court, which granted it only on condition that Rs. 1,60,000 be deposited as compensation, with the Court ensuring the amount reached the victims before the bail petition was finally disposed of.

11. Final judgments in bonded labour appeals

Between 2017 and 2019, the Madras High Court brought six bonded labour appeals to a close. A 2005 rescue from Powerhouse Rice Mill in Kancheepuram district led, in 2010, to Criminal Appeal No. 322/2010, decided in 2017. A rescue the same year from Sri Velavar Rice Mill produced Criminal Appeal No. 193/2011, filed in 2011 and likewise decided in 2017. A 2009 rescue from Venkateswara Rice Mill in Vellore district resulted in Criminal Appeal No. 779/2012, decided in 2019. A 2007 rescue from Velayutham Rice Mill in Kancheepuram

district led to Criminal Appeal No. 646 of 2014, also decided in 2019, as did Criminal Appeal No. 192/2011 arising from a 2008 rescue at Tanigachamal Rice Mill and Criminal Appeal No. 335/2013 arising from a 2006 rescue at Selvakumar Rice Mill, both in the same district.

Taken together, these six judgments — delivered over roughly three years — underscored the continuing urgency of eradicating bonded labour from Tamil Nadu.

12. Bonded labour appeals before the Supreme Court of India

Three appeals arising from bonded labour trials have gone on to reach the Supreme Court of India. The first concerns the 2005 rescue at Sri Valaver Rice Mill, Kancheepuram: after conviction by the Judicial Magistrate at Chengalpattu and a subsequent appeal to the Additional District Judge, the victim carried the matter to the Madras High Court in 2010, which delivered its judgment in 2017; the accused has since appealed further, and the matter remains pending before the Supreme Court as SLP (Cr.) 8397/2017.

The second traces back to the 2005 rescue at Power House Rice Mill, Thiruvallur: following trial before the Additional District Judge, the convict appealed to the Madras High Court in 2010, which ruled in 2017; a further appeal to the Supreme Court remains pending as CrI.A. 1755/2017/2017.

The third concerns the 2009 rescue at Sri Venkateswara Rice Mill, Vellore district: tried before the District and Sessions Judge, it reached the Madras High Court on appeal in 2012 and was decided in 2019; the accused's subsequent appeal to the Supreme Court remains pending as SLP (Cr.) No. 8683/2019.

CONCLUSION

What emerges from these twelve strands is a picture of a High Court that has, over two decades, taken on a role considerably larger than that of a mere appellate forum for bonded labour matters. It has clarified the statute for the courts beneath it, pressed a reluctant State machinery toward eradication, prodded indifferent police stations into registering cases they were content to sit on, insisted on speed where investigations and trials had stalled for years, and tied bail — including at the Supreme Court's own hands — to the actual payment of compensation to victims rather than to the accused's convenience. Its judges have also been willing to step outside the courtroom altogether, using conferences, workshops, and public

forums to keep the issue in view. This pattern is consistent with what the Supreme Court itself did at the national level a generation earlier in *Bandhua Mukti Morcha* (1983) and the *Asiad Workers' case* (1982): treating a dormant statute as something that had to be kept alive through continuing judicial supervision rather than left to executive discretion (TheLaw.Institute, 2026).

At the same time, the very need for such sustained intervention is itself telling. That the High Court has had to direct the same categories of failure — unregistered FIRs, stalled investigations, casually granted bail — across different districts and different years suggests that the enforcement machinery contemplated by the 1976 Act has rarely functioned on its own initiative, a shortfall the NHRC and independent researchers have documented well beyond Tamil Nadu (Centre for Budget and Governance Accountability, 2021; National Human Rights Commission, n.d.). Judicial oversight, in other words, has substituted for administrative diligence more often than it should have needed to. Whether the more detailed directions issued from 2016 onward — nodal officers, State Action Plans, dedicated police units, online databases of migrant labour — translate into a system that no longer requires the Court's constant supervision remains an open question, particularly against the backdrop of estimates suggesting that India continues to account for the largest absolute number of people in forced labour and other forms of modern slavery of any country in the world (Walk Free, 2023).

References

1. Ankush Shivaji Gaikwad v. State of Maharashtra, (2013) 6 SCC 770 (Supreme Court 2013).
2. A Legal Analysis of Causes of Bonded Labour and the Road to Eradication. (2025). International Journal of Engineering Development and Research, 13(1). Retrieved from <https://rjwave.org/ijedr/papers/IJEDR2504129.pdf>
3. *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802 (Supreme Court 1983).
4. Bonded Labour and Public Interest Litigation. (2018). International Journal of Creative Research Thoughts. Retrieved from <https://ijcrt.org/papers/IJPUB1801214.pdf>

5. Bonded Labour in India: An Analysis. (2024). International Journal for Research in Applied Science and Engineering Technology. Retrieved from <https://www.ijraset.com/research-paper/bonded-labour-in-india>
6. Bonded Labour in India: Human Rights Abuses and Corporate Accountability. (2025). Business and Human Rights Journal Blog. Retrieved from <https://bhrj.blog/2025/08/04/bonded-labour-in-india-human-rights-abuses-and-corporate-accountability/>
7. Brick Kiln Workers in India: Migrating into Bondage. (2014). Labour File. Retrieved from <https://www.labourfile.com/section-detail.php?aid=756>
8. Case Analysis: Bandhua Mukti Morcha v. Union of India & Ors. (1984). (2021). Legal Bites. Retrieved from <https://www.legalbites.in/case-analysis-bandhua-mukti-morcha-1984>
9. Case Analysis – Bandhua Mukti Morcha v. Union of India, AIR 1984 SC 802. (2025). Legal Vidhiya. Retrieved from <https://legalvidhiya.com/case-analysis-bandhua-mukti-morcha-v-union-of-india-air-1984-sc-802/>
10. Centre for Budget and Governance Accountability. (2021). Assessing Budgetary Priorities for the Rehabilitation of Bonded Labour. CBGA India. Retrieved from <https://www.cbgaindia.org/wp-content/uploads/2021/09/Assessing-Budgetary-Priorities-for-the-Rehabilitation-of-Bonded-Labour.pdf>
11. Enforcing the BLSA Act: Action, Alertness and Transparency. (n.d.). Interview with A. K. Garg, Registrar (Law), NHRC. Labour File. Retrieved from <https://www.labourfile.com/section-detail.php?aid=771>
12. Global Slavery Index 2023: G20 Nations Fuelling Modern Slavery. (2023). Business Standard. Retrieved from https://www.business-standard.com/india-news/global-slavery-index-2023-g20-nations-fuelling-modern-slavery-123061300720_1.html
13. Guérin, I., Michiels, S., Ponnarasu, S., & Venkatasubramanian, G. (2012). Ambiguities and paradoxes of the decent work deficit: Bonded migrants in Tamil Nadu. *Global Labour Journal*, 3(1). <https://doi.org/10.15173/glj.v3i1.1115>

14. IAS Officer Rescues Bonded Labourers, Makes Them Kiln Owners. (2023). The Better India. Retrieved from <https://thebetterindia.com/319773/ias-officer-alby-john-verghes-rescues-bonded-labourers-in-rural-tamil-nadu/>
15. Ministry of Labour and Employment, Government of India. (2022). Central Sector Scheme for Rehabilitation of Bonded Labourer, 2021. Retrieved from <https://www.labour.gov.in>
16. National Human Rights Commission, India. (2021). Advisory on rescue of bonded labourers during the COVID-19 pandemic (File No. R-12/1/2021-PRPP (RU-4)). Retrieved from <https://nhrc.nic.in/sites/default/files/ADVISORY%20BONDED%20LABOURERS.pdf>
17. National Human Rights Commission, India. (n.d.). NHRC issues fresh advisory on bonded labour to the Centre, States and UTs. Retrieved from <https://nhrc.nic.in/media/press-release/nhrc-issues-fresh-advisory-bonded-labour-centre-states-and-uts-recommends-among>
18. People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473 (Supreme Court 1982).
19. Press Information Bureau, Government of India. (2025). Rehabilitation of bonded labourers. Retrieved from <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2149348>
20. Reinforcing Constitutional Mandates Against Bonded Labour: Bandhua Mukti Morcha v. Union of India and Others. (2025). CaseMine. Retrieved from <https://www.casemine.com/commentary/in/bandhua-mukti-morcha-v.-union-of-india-and-others:-reinforcing-constitutional-mandates-against-bonded-labour/view>
21. Sethia, S. (2014). Bonded Labourers in India: Exclusion Report 2013–14. Books for Change.
22. The Supreme Court's Influence on Bonded Labour Abolition in India. (2026). Law Notes by TheLaw.Institute. Retrieved from <https://thelaw.institute/law-and-vulnerable-groups/supreme-court-influence-bonded-labour-abolition-india/>

23. "We Want to Go Home": Migration, Family Dynamics, and Employment among Bonded Labourers in India's Brick Kiln Industry. (2025). *Journal of Family and Economic Issues*. <https://doi.org/10.1007/s10834-025-10030-2>
24. Walk Free. (2023). The Global Slavery Index 2023. Minderoo Foundation. Retrieved from <https://www.walkfree.org/global-slavery-index/>
25. Walk Free. (2023). Modern slavery in India: 2023 Global Slavery Index country study. Retrieved from <https://www.walkfree.org/global-slavery-index/country-studies/india/>
26. Bonded Labourers Rescued from Brick Kiln in Tamil Nadu. (n.d.). Deccan Herald (PTI). Retrieved from <https://www.deccanherald.com/amp/story/india%2F328-bonded-labourers-rescued-brick-2067990>