

BONDED LABOUR SYSTEM (ABOLITION) RULES 1976

CONTENTS

- 1. Short title and commencement**
- 2. Definitions**
- 3. Term of office, and vacation of seat of members of District Vigilance Committees**
- 4. Term of office, and vacation of seat, of members of Sub-divisional Vigilance Committees**
- 5. Prescribed authority under subsection (6) of Sec. 6**
- 6. Time within which an application under sub-section (6) is to be made**
- 7. Records to be maintained by District Vigilance Committees to ensure the implementation of the provisions of the Act and rules**

THE BONDED LABOUR SYSTEM (ABOLITION) RULES, 1976¹

G.S.R. 99 (E), dated 28th February, 1976. -In exercise of the powers conferred by sub-section (1), read with sub-section (2) of Sec. 26 of the Bonded Labour System (Abolition) Act, 1976 (19 of 1976), the Central Government hereby makes the following rules, namely:

1. Published in the Gazette of India, Extraordinary, Pt. II, Sec. 3 (1), dated 28th February, 1976.

1. Short title and commencement. -

- (1) These rules may be called the Bonded Labour System (Abolition) Rules, 1976.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions. -In these rules, unless the context otherwise requires, -

- (a) "Act" means the Bonded Labour System (Abolition) Act, 1976 (19 of 1976);
- (b) "District Vigilance Committee" means a Vigilance Committee constituted for a district under sub-section (1) of Sec. 13
- (c) "Section" means a section of the Act;

(d) "Sub-divisional Vigilance Committee" means a Vigilance Committee constituted for a sub-division under sub-section (1) of Sec. 13.

3. Term of office and vacation of seat of members of District Vigilance Committees. -

1[(1) Every member of a District Vigilance Committee, nominated under Cls. (b), (c), (d) and (e) of sub-section (2) of Sec. 13 shall hold office for a period of two years from the date on which his nomination is notified in the official Gazette and shall, on the expiry of the said period, continue to hold office until his successor is nominated and shall also be eligible for re-nomination.]

(2) Every member referred to in sub-rule (1), -

2[(a) May, by giving notice in writing of not less than thirty days to authority which nominated him, resign his office and, on such resignation being accepted or on the expiry of the notice period of 30 days, whichever is earlier, shall be deemed to have vacated his office.]

(b) Shall be deemed to have vacated his office, -

(i) If he falls to attend three consecutive meetings of the District Vigilance Committee without obtaining leave of the Chairman of such absence:

Provided that the authority, which nominated him, may, if it is satisfied that such member was prevented by sufficient cause from attending the three consecutive meetings of the Committee restore him to membership;

(ii) If he becomes subject to any of the following disqualifications, namely:

(1) Is adjudged insolvent;

(2) Is declared to be of unsound mind by a competent Court;

(3) Is convicted of an offence, which, in the opinion of the authority, which nominated him, involves moral turpitude;

(c) May be removed from office, if the authority, which nominated such member, is of the opinion that such member has ceased to represent the interest to represent, which he was nominated

Provided that a member shall not be removed from office under this clause unless a reasonable opportunity is given to him for showing cause against such removal.

(3) A member, nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of his predecessor.

1. Subs. by S.O. 1755, dated 12th March, 1983.

2. Subs. by G.S.R. 1455, dated 16th November, 1978, (w.e.f. 2nd December, 1978).

4. Term of office and vacation of seat, of members of Sub-divisional Vigilance Committees. -

1[(1) Every-member, of a Sub-divisional Vigilance Committee nominated under Cls. (b), (c), (d) and (e) of sub-section (3) of Sec. 13 shall hold office for a period of two years from the date on which his nomination is notified In the official Gazette and shall, on the expiry of the said period, continue to hold office until his successors nominated and shall also be eligible for re-nomination.]

(2) Every member referred to in sub-rule (1)-

2[(a) May, by giving notice in writing of not less than 30 days, to the authority which nominated him, resign his office and, on such resignation being accepted or on the expiry of the notice period of 30 days, whichever is earlier, shall be deemed to have vacated his office;]

(b) Shall be deemed to have vacated his office-

(i) If he fails to attend three consecutive meetings of the Sub-divisional Vigilance Committee without obtaining leave of the Chairman of such Committee for such absence:

Provided that the authority which nominated him, may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Committee restore him to membership;

(ii) If he becomes subject to any of the following disqualifications, namely,:

(1) Is adjudged insolvent

(2) Is declared to be of unsound mind by a competent Court;

(3) Is convicted of an offence, which, in the opinion of the authority, which nominated him, involves moral turpitude.

(c) May be removed from office, if the authority which nominated such member, is of the opinion that such member has ceased to represent the interest to represent which he was nominated:

Provided that a member shall not be removed from office under this clause unless a reasonable opportunity is given to him for showing cause against such removal.

(3) A member nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of his predecessor.

1. Subs. by S.O. 1755, dated 12th March, 1983.

2. Subs. by G.S.R. 1455, dated 16th November, 1978, (w.e.f. 2nd December, 1978).

5. Prescribed authority under sub-section (6) of Sec. 6. -An application under sub-section (6) of Sec. 6 for restoration of possession of any property referred to in sub-section (4) or sub-section (5) of that section shall be made to the Executive Magistrate, on whom the powers of a Judicial Magistrate of the first class or of the second class have been conferred under sub-section (1) of Sec. 21, and within the local limits of whose jurisdiction the said property is, or the applicant has reason to believe is, situated at the time of making the application :

Provided that where there are two Executive Magistrates, on one of whom the powers of a Judicial Magistrate of the first class and on the other the powers of a Judicial Magistrate of the second class have been conferred under sub-section (1) of Sec. 21 having Jurisdiction to entertain the application for restoration of possession of property referred to in sub-rule (1) the application shall be made to the Executive

Magistrate on whom the powers of a Judicial Magistrate of the second class have been conferred.

6. Time within which an application under sub-section (6) is to be made-

An application under sub-section (6) of Sec. 6 for restoration of possession of any property referred to in sub-section (4) or sub-section (5) of that section shall be made within a period of ninety days from the date on which these rules come into force.

7. Records to be maintained by District Vigilance Committees to ensure the implementation of the provisions of the Act and rules. -

In order to ensure the implementation of the Act and rules, every District Vigilance Committee shall maintain the following registers in respect of freed-bonded labourer within the local limits of its jurisdiction namely:

- (a) A register containing the name and address of freed bonded labourer;
- (b) A register containing statistics relating to the vacation occupation, and income of every freed-bonded labourer;
- (c) A register containing details of the benefits which the freed bonded labourers are receiving including benefits in the form of land, inputs for agriculture, training in handicrafts and allied occupations, loans at differential rates, interest of employment in urban or non-urban areas;

- (d) A register containing details of cases under sub-section (6) of Sec. 6, sub-section (2) of Sec. 8, sub-section

www.lawtimesjournal.in