

GOVERNMENT OF KERALA
Harijan Welfare (E) Department
NOTIFICATION

G. O. (Ms) No. 20/85/HWD.

Dated, Trivandrum, 3rd April 1985

S. R. O. No. 664/85.—In pursuance of Subsection (i) of Section 13 of the Bonded Labour System (Abolition) Act, 1976 (Act 19 of 1976) read with subsection (2) thereof, the Government of Kerala hereby constitute a Vigilance Committee for the District of Cannanore with the following members, namely:—

- | | |
|---|---|
| 1. The District Collector, Cannanore or a person nominated by him | Chairman |
| 2. Shri P. Ramadas Master, Thamam, P. O. Cherukunnu. | Members belonging to Sch. Castes and Sch. Tribes residing in the District |
| 3. Shri Palupram C. Pavithran, Mundayadu P. O., Cannanore-6 | |
| 4. Shri Kattampally Ramachandran, Kattampally P. O. | |
| 5. Smt. P. Rohini, Teacher, Kadavath House, Vodikundu P. O., Cannanore-4 | Social Workers residing in the District |
| 6. Smt. A. Janaki, Teacher, Janaki Nivas, Vettilappally, Thana P. O., Cannanore-12. | |
| 7. District Welfare Officer, Cannanore | Members representing Official and Non official agencies in the District connected with Rural Development. |
| 8. Swami Ananda Theerthan, Payyanur | |
| 9. Shri P. Ramadas, President, District Depressed Class League, Cherukunnu | |
| 10. The Lead District Manager, Syndicate Bank, Cannanore. | Members representing the financial and credit institution in the District. |

By order of the Governor,
P. DAMODARAN NAIR,
Under Secretary to Government.

GOVERNMENT OF KERALA
Harijan Welfare (E) Department
NOTIFICATION

G.O. (MS) No. 26/85/HWD.

Dated, Trivandrum, 2nd May, 1985.

S.R.O. No. 749/85.—In pursuance of subsection (i) of section 13 of the Bonded Labour System (Abolition) Act, 1976 (Act 19 of 1976) read with subsection (2) thereof, the Government of Kerala hereby constitute a Vigilance Committee for the District of Quilon with the following members, namely:—

- | | | |
|--|---|---|
| 1. The District Collector,
Quilon or a Person,
nominated by him. | } | Chairman |
| 2. Ezhukone Narayanan,
Kunnuvila Kolannor,
Ezhukone P. O. | } | Members belonging to
Scheduled Castes and
Scheduled Tribes residing in
the District. |
| 3. Shri K. T. Krishnan,
Desalayam,
Alatharamala,
Chadayamangalam. | | |
| 4. Shri C. Kunjukunju,
Sulatha Bhavan,
Marthandamkara P. O.,
Punalur. | | |
| 5. Smt. Janaki,
Anandasivam,
C/o Advocate,
Anandasivam,
Beach Road,
Quilon. | } | Social workers residing in the
District. |
| 6. Smt. Lillykutty,
Puthedathu Kizhakkathil,
Asramam P. O.,
Quilon. | | |

7. Assistant Development,
Commissioner,
8. District Panchayat Officer,
9. Shri A. Pachan,
District Development Council
Member,
Quilon.
10. The Manager,
Indian Bank,
Quilon Branch.

} Members representing Official
and Non-official agencies in
the District connected with
Rural Development.

} Member representing the
financial and credit institution
in the District.

By order of the Governor,
R.B. PATHAK,
Secretary to Government.

PART I

Section iv

**GOVERNMENT OF KERALA
Harijan Welfare (E) Department
NOTIFICATIONS**

G.O. (MS) No. 27/85/HWD.

Dated, Trivandrum, 2nd May, 1985.

I

S.R O No.750/85.—In pursuance of sub-section (i) of section 13 of the Bonded Labour System (Abolition) Act, 1976 (Act 19 of 1976) read with subsection (2) thereof, the Government of Kerala hereby constitute a Vigilance Committee for the District of Kasaragod with the following members, namely:—

- | | | |
|--|---|---|
| 1. The District Collector,
Kasaragod or a person nominated
by him. | } | Chairman |
| 2. Shri D. Madhava,
Teacher,
P.O. Miyapadan,
via Manjeshwar. | | |
| 3. Shri A. V. Chandra,
President,
Harijan Service Co-operative
Society, Edathodu,
Parapo P.O.,
Hosdurg Taluk. | | |
| 4. Shri Rama, B.
Chettumkuzhi P.O.,
Vidyanagar. | } | Members belonging to
Scheduled Castes and
Scheduled Tribes residing in
the District. |
| 5. Shri Abdullah, M.K.
Emkayvilla,
Bekur P.O.,
via Uppala. | | |
| 6. Shri A.S. Rao,
Advocate,
Kasaragod. | | |
| 7. District Welfare Officer,
Kasaragod. | } | Social workers residing in the
District. |
| 8. Shri Meloth Narayanan Nambiar,
Ex-President,
Muliya Panchayat. | | |
| 9. Shri P.K. Madhavan Nambiar,
Gandhi Smarak Nidhi,
Karadka. | | |

10. Chairman,
North Malabar Gramin Bank,
Cannanore.

Members representing the
financial and credit institution
in the District.

II

S.R.O.No.751/85. In pursuance of subsection (i) of Section 13 of the Bonded Labour System (Abolition) Act, 1976 (Act 19 of 1976) read with subsection (3) thereof, the Government of Kerala hereby constitute a Vigilance Committee for the Subdivision of Kanhangad, in Kasaragod District with the following members, namely:—

- | | | |
|--|---|--|
| 1. The Revenue Divisional Officer or
a person nominated by him | } | Chairman |
| 2. Shri U. Nitte,
Uliyathadka, P.O. Madhur. | | |
| 3. Shri Rama Master,
Retired Teacher,
Near Government Hospital,
P.O. Kumbala. | } | Members belonging to
Scheduled Castes and
Scheduled Tribes residing in
the Subdivision. |
| 4. Shri K. Raghavan,
Ex-Panchayat Member,
Panathady. | | |
| 5. Shri Manjunatha Alva,
Madva House,
P.O. Koddiamme,
Via Kumbala. | } | Social workers residing in the
Subdivision |
| 6. Shri P. Narayanan Nair,
Ex-Panchayat President,
P.O. Balal. | | |
| 7. Shri A. M. Mathew,
President,
Balal Service Co-operative Town
Bank. | } | Members representing the
Official and Non-official
agencies connected with Rural
Development. |
| 8. The Manager,
North Malabar Gramin Bank,
Parapa. | | |
| 9. Shri P. Gangadharan Nair,
Ex-Panchayat President,
P.O. Periya. | } | Member representing the
financial and credit institution
in the Subdivision. |
| 10. Shri M. Kunhiraman Nambiar,
President,
Panathady S.O. Bank. | | |
| 11. The Tahsildar,
Hosdurg | } | Officer specified under section
10 of the said and functioning
in the subdivision. |
| | | |

By order of the Governor,
R.B. PATHAK,
Secretary to Government.

PART I

Section iv

GOVERNMENT OF KERALA

**Sch. Castes and Sch. Tribes Development (E) Department
NOTIFICATION**

G. O. (MS.) No. 61/85/SCSTDD. Dated, Trivandrum, 19th October 1985.

S.R.O. No. 1651/85.—In pursuance of subsection (i) of section 13 of the Bonded Labour System (Abolition) Act, 1976 (Act 19 of 1976) read with subsection (2) thereof, the Government of Kerala hereby constitute a Vigilance Committee for the District of Trivandrum with the following members, namely:--

- | | | |
|--|---|--|
| 1. The District Collector,
Trivandrum or a person
nominated by him | } | Chairman. |
| 2. Shri A. Thankappan,
Advocate, Vizhinjam | | |
| 3. Smt. Sumathy Chellappan,
Arayoor House,
Near V. M. Mills,
Thirumala, Trivandrum | } | Members belonging to
Scheduled Castes and
Scheduled Tribes residing in
the District. |
| 4. Shri Lekshmanan Kani,
Chettiyampara Girijan Colony,
Vinoba Niketan P. O.,
(via) Aryanadu | | |
| 5. Shri S. Suscelan Nair,
Thekkevila Veedu,
Thirumala, Trivandrum-6 | } | Social Workers residing in the
District. |
| 6. Shri Thiruppuram Thankayya,
Eryanvila Veedu,
Thiruppuram P. O.,
Neyyattinkara | | |
| 7. Shri N. Balachandran,
Assistant Development
Commissioner,
Collectorate, Trivandrum | } | Members representing Official
and Non-official agencies in
the District connected with
Rural Development. |
| 8. Shri K. Gopalakrishnan,
Project Officer,
D. R. D. A., Trivandrum | | |
| 9. Shri K. Subramoniam,
District Planning Officer,
Trivandrum | | |

10. Shri Nanniyodu Rajan,
Director,
Trivandrum District
Co-operative Bank
(Bhaskara Bhavan,
Nanniyodu,
Pacha P. O.)

Members representing the
Financial and Credit Institution
in the District.

By order of the Governor,
C. GOPALAKRISHNAN NAIR,
Deputy Secretary to Government.



GOVERNMENT OF KERALA

Scheduled Castes and Scheduled Tribes Development (E) Department
NOTIFICATIONS

G. O. (MS.) No. 74/85/SCSTDD. Dated, Trivandrum, 28th December, 1985.

I

S.R.O. No. 200/86.—In pursuance of subsection (i) of section 13 of the Bonded Labour System (Abolition) Act, 1976 (Act 19 of 1976) read with subsection (2) thereof, the Government of Kerala hereby constitute a Vigilance Committee for the District of Idukki with the following members, namely :—

- | | | |
|--|---|--|
| 1. The District Collector,
Idukki or
A person nominated by him | } | Chairman |
| 2. Shri P. A. Praksh,
Rose House,
P. O. Munnar | | |
| 3. Shri M. C. Kuttappan,
Veekshanam, Painavu,
P. O. Idukki | } | Members belonging to
Scheduled Castes and
Scheduled Tribes residing in
the District. |
| 4. Mrs. Janaki Gopalan,
Thazhathepadathu,
Kulamavu P.O.,
Idukki | | |
| 5. Smt. Kusumum Joseph,
Ex. M.L.A., Thodupuzha | } | Social Workers residing in the
District. |
| 6. Shri P. E. Varkcy,
Pallikunil,
Peruvantharam P.O. | | |
| 7. Shri K. T. Michael,
M. A. L. I B.,
Nedumkandam | } | Members representing Official
and Non-official agencies in
the District connected with
Rural Development. |
| 8. Shri C. N. Somarajan,
Adimali P.O.,
via Kothamangalam | | |
| 9. Shri V. J. George,
Valiplakkal,
Anavilasam P. O., Kumily | | |

10. Lead District Manager,
Union Bank of India,
Kattappana P. O.

} Member representing the
Financial and Credit Institu-
tions in the District.

II

S. R. O. No. 201/86.—In pursuance of Subsection (i) of section 13 of the Bonded Labour System (Abolition) Act, 1976, (Act 19 of 1976) read with sub-section (3) thereof, the Government of Kerala hereby constitute a Vigilance Committee for the Subdivision of Idukki, in Idukki District with the following members, namely:—

1. The Revenue Division Officer
Idukki }
A person nominated by him } Chairman
2. Shri P. K. Kochucherukan,
Plakulangara,
Thomankuthu P. O.,
Vellimattom,
Thodupuzha
3. Shri C. K. Narayanan,
Chelappurath,
Methottil Tribal Settlement,
Kovakandam P.O.,
Thodupuzha
4. Shri P. K. Narayanan,
Congress House,
Vannapuram P.O.,
Thodupuzha
5. Shri C. N. Sankar,
Upputhodu P.O.,
Idukki
6. Smt. Deenanamma Daniel,
Pazhayavetil,
Upputhara P.O.,
Idukki District
7. Shri K. J. John,
Muthakkodam Kochuparambil
House,
Muthalakodam P.O.,
Thodupuzha
8. Shri A. O. Cherian,
Airumpadam,
Muttam P. O.,
Thodupuzha
9. Shri Onachan,
Kanakathu House,
Thodupuzha

} Members belonging to
Scheduled Castes and
Scheduled Tribes residing in
the subdivision.

} Social workers residing in the
subdivision.

} Members representing official
or Non-official agencies in
the Subdivision connected
with Rural Development,

10. General Manager,
Idukki District
Co-operative Bank,
Idukki,
Vazhathoppu P.O.
11. Taluk Panchayat Officer,
Thodupuzha

Member representing the financial and credit institution in the sub-division.

Officer specified under section 10 of the said Act and functioning in the sub-division.

III

S. R. O. No. 202/86.—In pursuance of sub-section (i) of section 13 of the Bonded Labour System (Abolition) Act, 1976 (Act 19 of 1976) read with sub-section (3) thereof, the Government of Kerala hereby constitute a Vigilance Committee for the Sub-division of Devicoolam, in Idukki District with the following members, namely :—

1. The Revenue Divisional Officer,
Devicoolam or
A person nominated by him

Chairman

2. Shri C. K. Kunjappan,
Chenganathu,
Mannamkala,
Adimali P.O.

3. Shri C. A. Sukumaran,
Advocate,
Peermedu

Members belonging to Scheduled Castes and Scheduled Tribes residing in the sub-division,

4. Shri Kumaram Rajamannan,
Kozhimala Tribal Colony,
Ayyappancoil P.O.

5. Advocate Joy Thomas,
Moolamattom P.O.

6. Shri M. Shahul Hameed,
Congress House,
Peerumedu P.O.

Social workers residing in the sub-division.

7. Deputy Superintendent
of Police,
Munnar

8. Taluk Welfare Officer,
Devicoolam

9. Assistant Labour Officer,
Santhanpara,
Nedumkandam

Members representing Official or Non-official agencies in the Sub-division connected with Rural Development.

10. Lead District Manager,
Union Bank of India,
Kattappana

Member representing the financial and credit institution in the sub-division.

Palak Panchayat Officer,
Devicolum

} Officer specified under
section 10 of the said Act
and functioning in the Sub-
division.

By order of the Governor,
C. GOPALAKRISHNAN NAIR,
Deputy Secretary to Government.



THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1976

(ACT NO. 19 OF 1976)

[9th February, 1976.]

An Act to provide for the abolition of bonded labour system with a view to preventing the economic and physical exploitation of the weaker sections of the people and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: --

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement. - (1) This Act may be called the Bonded Labour System (Abolition) Act, 1976.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 25th day of October, 1975.

2. Definitions. - In this Act, unless the context otherwise requires, --

a) "advance" means an advance, whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor);

(b) "agreement" means an agreement (whether written or oral, partly written and partly oral) between a debtor and creditor and includes an agreement providing for forced labour, the existence of which is presumed under any social custom prevailing in the concerned locality.

Explanation. --The existence of an agreement between the debtor and creditor is ordinarily presumed, under the social custom, in relation to the following forms of forced labour, namely: --

Adiyamar, Baramasia, Basahya, Bethu, Bhagela, Cherumar, Garru-galu, Hali, Hari, Harwai, Holya, Jana, Jeetha, Kamiya, Khundit-Mundit, Kuthia, Lakhari, Munjhi, Mat, Munish system, Nit-Majoor, Paleru, Padiyal, Pannayilal, Sagri, Sanji, Sanjawat, Sewak, Sewakia, Seri, Vetti;

(c) "ascendant" or "descendant", in relation to a person belonging to a matriarchal society, means the person who corresponds to such expression in accordance with the law of succession in force in such society;

(d) "bonded debt," means an advance obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system;

(e) "bonded labour" means any labour or service rendered under the bonded labour system;

(f) "bonded labourer" means a labourer who incurs, or has, is presumed to have, incurred, a bonded debt;

(g) "bonded labour system" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that.--

(i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, on such advance, or

(ii) in pursuance of any customary or social obligation, or

(iii) in pursuance of an obligation devolving on him by succession, or

(iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or

(v) by reason of his birth in any particular caste or community, he would--

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely throughout the territory of India, or

(4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him, and includes the system of forced, or partly forced, labour under

which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;

¹[**Explanation.--** For the removal of doubts, it is hereby declared that any system of forced, or partly forced labour under which any workman being contract labour as defined in clause (b) of sub-section (1) of section 2 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), or an inter-State migrant workman as defined in clause (e) of sub-section (1) of section 2 of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979), is required to render labour or service in circumstances of the nature mentioned in sub-clause (1) of this clause or is subjected to all or any of the disabilities referred to in sub-clauses (2) to (4), is "bonded labour system" within the meaning of this clause.]

(h) "family", in relation to a person, includes the ascendant and descendant of such person;

(i) "nominal wages", in relation to any labour, means a wage which is less than,--

(a) the minimum wages fixed by the Government, in relation to the same or similar labour, under any law for the time being in force, and

(b) where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers in the same locality;

(j) "prescribed" means prescribed by rules made under this Act.

3. Act to have overriding effect.- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II

ABOLITION OF BONDED LABOUR SYSTEM

4. Abolition of bonded labour system.- (1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour.

(2) After the commencement of this Act, no person shall--

¹ Inserted by Act 73 of 1985

(a) make any advance under, or in pursuance of, the bonded labour system, or

(b) compel any person to render any bonded labour or other form of forced labour.

5. *Agreement, custom, etc., to be void.* - On the commencement of this Act, any custom or tradition or any contract, agreement or other instrument (whether entered into or executed before or after the commencement of this Act), by virtue of which any person, or any member of the family or dependant of such person, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

CHAPTER III

EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT

6. *Liability to repay bonded debt to stand extinguished.* - (1) On the commencement of this Act, every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied immediately before such commencement, shall be deemed to have been extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall lie in any civil court or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree or order for the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.

(4) Every attachment made before the commencement of this Act, for the recovery of any bonded debt, shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any court or other authority pending sale thereof, such movable property shall be restored, as soon as may be practicable after such commencement, to the possession of the bonded labourer.

(5) Where, before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family or other dependant was forcibly taken over by any creditor for the recovery of any bonded debt, such property shall be restored, as soon as may be practicable after such commencement, to the possession of the person from whom it was seized.

(6) If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) is not made within thirty days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the concerned property within such time as may be specified in the order.

(7) An order made by any prescribed authority, under sub-section (6), shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction the creditor voluntarily resides or carries on business or personally works for gain.

(8) For the avoidance of doubts, it is hereby declared that, where any attached property was sold before the commencement of this Act, in execution of a decree or order for the recovery of a bonded debt, such sale shall not be affected by any provision of this Act:

Provided that the bonded labourer, or an agent authorized by him in this behalf, may, at any time within five years from such commencement, apply to have the sale set aside on his depositing in court, for payment to the decree-holder, the amount specified in the proclamation of sale, for the recovery of which the sale was ordered, less any amount, as well as means profits, which may, since the date of such proclamation of sale, have been received by the decree-holder.

(9) Where any suit or proceeding, for the enforcement of any obligation under the bonded labour system, including a suit or proceeding for the recovery of any advance made to a bonded labourer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement, stand dismissed.

(10) On the commencement of this Act, every bonded labourer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

7. *Property of bonded labourer to be freed from mortgage, etc.*- (1) All property vested in a bonded labourer which was, immediately before the commencement of this Act under any mortgage, charge, lien or other encumbrances in connection with any bonded debt shall, in so far as it is relatable to the bonded debt, stand freed and discharged from such mortgage, charge, lien or other encumbrances, and where any such property was, immediately before the commencement of this Act, in the possession of the mortgagee or the holder of the charge, lien or encumbrance, such property shall (except where it was subject to any other charge), on such commencement, be restored to the possession of the bonded labourer.

(2) If any delay is made in restoring any property, referred to in sub-section (1), to the possession of the bonded labourer, such labourer shall be entitled, on and from the date of such commencement, to recover from the mortgagee or holder of the lien, charge or encumbrance, such mesne profits as may be determined by the civil court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction such property is situated.

8. *Freed bonded labourer not to be evicted from homestead, etc.*- (1) No person who has been freed and discharged under this Act from any obligation to render any bonded labour, shall be evicted from any homestead or other residential premises which he was occupying immediately before the commencement of this Act as part of the consideration for the bonded labour.

(2) If, after the commencement of this Act, any such person is evicted by the creditor from any homestead or other residential premises, referred to in sub-section (1), the Executive Magistrate in charge of the Sub-Division within which such homestead or residential premises is situated shall, as early as practicable, restore the bonded labourer to the possession of such homestead or other residential premises.

9. *Creditor not to accept payment against extinguished debt.*- (1) No creditor shall accept any payment against any bonded debt, which has been extinguished or deemed to have been extinguished or fully satisfied by virtue of the provisions of this Act.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term, which may extend to three years and also with fine.

(3) The court, convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub-section, direct the person to deposit, in court, the amount accepted in contravention of the provisions of sub-section (1), within such period as may be specified in the order for being refunded to the bonded labourer.

CHAPTER IV

IMPLEMENTING AUTHORITIES

10. *Authorities who may be specified for implementing the provisions of this Act.*- The State Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer so specified.

11. *Duty of District Magistrate and other officers to ensure credit.*- The District Magistrate authorized by the State Government under section 10 and the officer specified by the District Magistrate under that section shall, as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

12. *Duty of District Magistrate and officers authorized by him.*- It shall be the duty of every District Magistrate and every officer specified by him under section 10 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to eradicate the enforcement of such forced labour.

CHAPTER V

VIGILANCE COMMITTEES

13. Vigilance Committees.— (1) Every State Government shall, by notification in the Official Gazette, constitute such number of Vigilance Committees in each district and each Sub-Division as it may think fit.

(2) Each Vigilance Committee, constituted for a district, shall consist of the following members, namely: --

(a) the District Magistrate, or a person nominated by him, who shall be the Chairman;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the district, to be nominated by the District Magistrate;

(c) two social workers, resident in the district, to be nominated by the District Magistrate;

(d) not more than three persons to represent the official or non-official agencies in the district connected with rural development, to be nominated by the State Government;

(e) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:--

(a) the Sub-Divisional Magistrate, or a person nominated by him, who shall be the Chairman;

(b) three persons belonging to the Scheduled Castes or Scheduled Tribes and residing in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(c) two social workers, resident in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(d) not more than three persons to represent the official or non-official agencies in the Sub-Division connected with rural development to be nominated by the District Magistrate;

(e) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(f) one officer specified under section 10 and functioning in the Sub-Division.

(4) Each Vigilance Committee shall regulate its own procedure and secretarial assistance, as may be necessary, shall be provided by--

(a) the District Magistrate, in the case of a Vigilance Committee constituted for the district;

(b) the Sub-Divisional Magistrate, in the case of a Vigilance Committee constituted for the Sub-Division.

(5) No proceeding of a Vigilance Committee shall be invalid merely by reason of any defect in the constitution, or in the proceedings, of the Vigilance Committee.

14. Functions of Vigilance Committees.- (1) The functions of each Vigilance Committee shall be,--

(a) to advise the District Magistrate or any officer authorized by him as to the efforts made, and action taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

(b) to provide for the economic and social rehabilitation of the freed bonded labourers;

(c) to co-ordinate the functions of rural banks and co-operative societies with a view to canalizing adequate credit to the freed bonded labourer;

(d) to keep an eye on the number of offences of which cognizance has been taken under this Act;

(e) to make a survey as to whether there is any offence of which cognizance ought to be taken under this Act;

(f) to defend any suit instituted against a freed bonded labourer or a member of his family or any other person dependent on him for the recovery of the whole or part of any bonded debt or any other debt which is claimed by such person to be bonded debt.

(2) A Vigilance Committee may authorize one of its members to defend a suit against a freed bonded labourer and the member so authorized shall be deemed, for the purpose of such suit, to be the authorized agent of the freed bonded labourer.

15. Burden of proof.- Whenever any debt is claimed by a bonded labourer, or a Vigilance Committee, to be a bonded debt, the burden of proof that such debt is not a bonded debt shall lie on the creditor.

CHAPTER VI

OFFENCES AND PROCEDURE FOR TRIAL

16. Punishment for enforcement of bonded labour.- Whoever, after the commencement of this Act, compels any person to render any bonded labour shall be punishable with imprisonment for a term, which may extend to three years and also with fine, which may extend to two thousand rupees.

17. Punishment for advancement of bonded debt.- Whoever advances, after the commencement of this Act, any bonded debt shall be punishable with imprisonment for a term, which may extend to three years and also with fine which may extend to two thousand rupees.

18. Punishment for extracting bonded labour under the bonded labour system.- Whoever enforces, after the commencement of this Act, any custom, tradition, contract, agreement or other instrument, by virtue of which any person or any member of the family of such person or any dependant of such person is required to render any service under the bonded labour system shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to two thousand rupees; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day for which the bonded labour was extracted from him.

19. Punishment for omission or failure to restore possession of property to bonded labourers.- Whoever, being required by this Act to restore any property to the possession of any bonded labourer, omits or fails to do so, within a period of thirty days from the commencement of this Act, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and, out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of rupees five for each day during which possession of the property was not restored to him.

20. Abetment to be an offence.- Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence, which has been abetted.

Explanation, -- For the purpose of this Act, "abetment" has the meaning assigned to it in the Indian Penal Code (46 of 1860).

21. Offences to be tried by Executive Magistrates.- (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class or of the second class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973 (2 of 1974), to be a Judicial Magistrate of the first class, or of the second class, as the case may be.

(2) An offence under this Act may be tried summarily by a Magistrate.

22. Cognizance of offences.- Every offence under this Act shall be cognizable and bail able.

23. Offences by companies.- (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the Company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-- For the purposes of this section,--

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

CHAPTER VII MISCELLANEOUS

24. Protection of action taken in good faith. - No suit, prosecution or other legal proceeding shall lie against any State Government or any officer of the State Government or any member of the Vigilance Committee for anything which is in good faith done or intended to be done under this Act.

25. Jurisdiction of civil courts barred.- No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done by or under this Act.

26. Power to make rules.- (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the authority to which application for the restoration of possession of property referred to in sub-section (4), or sub-section (5), of section 6 is to be submitted in pursuance of sub-section (6) of that section;

(b) the time within which application for restoration of possession of property is to be made, under sub-section (6) of section 6, to the prescribed authority;

(c) steps to be taken by Vigilance Committees under clause (a) of sub-section (1) of section 14, to ensure the implementation of the provisions of this Act or of any rule made thereunder;

(d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be no effect, as

the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. *Repeal and saving.*-(1) The Bonded Labour System (Abolition) Ordinance, 1975 (Ord. 17 of 1975) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance (including any notification published, direction or nomination made, power conferred, duty imposed or officer specified) shall be deemed to have been done or taken under the corresponding provisions of this Act.

ACT 29 OF 1975

THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1975

An Act to provide for the abolition of the bonded labour system prevalent in the districts of Kozhikode, Malappuram and Cannanore in the State of Kerala.

Preamble.—WHEREAS it is expedient to provide for the abolition of the bonded labour system prevalent in the districts of Kozhikode, Malappuram and Cannanore in the State of Kerala;

Be it enacted in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Bonded Labour System (Abolition) Act, 1975.

(2) It extends to the whole of the districts of Kozhikode, Malappuram and Cannanore in the State of Kerala.

2. *Bonded labour system defined.*—“Bonded labour system” consists in the payment of cash called vallurkavu panam or nilpu panam or by whatever name it may locally be known or the payment in kind, by one person (hereinafter called the creditor) to a person belonging to a Scheduled Tribe (hereinafter called the debtor), whether evidenced by writing or otherwise, on any one or both of the following terms, namely:—

(a) that in consideration of the payment of cash or the payment in kind made by the creditor to the debtor, the debtor shall, by himself or through members of his family, render labour or personal service to the creditor for a specified period, either without wages or on payment of nominal wages;

(b) that on failure to render the labour or personal service referred to in clause (a), the debtor shall be bound to repay the cash or the value of the thing received by him and vacate the hut, if any, occupied by him and situated in the land belonging to the creditor.

Explanation.—The expression “Scheduled Tribe” shall have the meaning assigned to it in the Constitution of India.

3. *Bonded labour system abolished.*—(1) On and from the date of commencement of this Act,—

(a) the bonded labour system shall stand abolished; and

(b) no person shall make any payment of cash or any payment in kind under the bonded labour system.

(2) If, on or after the date of commencement of this Act, any cash is paid or any payment in kind is made under the bonded labour system, the cash paid or the value of the thing given shall not be recoverable by suit or other proceedings in any court, and the debtor or any member of his family shall not be bound or compelled to render any labour or personal service by reason of such payment.

4. *Obligation to perform labour or personal service to be deemed extinguished.*—(1) All obligations of the debtor to perform labour or personal service arising from any payment of cash or any payment in kind under the bonded labour system made before the commencement of this Act shall, on such commencement, be deemed to have been extinguished.

(2) Nothing contained in sub-section (1) shall be deemed to affect the liability of the debtor to repay the whole or such portion of the cash or the value of the thing received by him under the bonded labour system before the commencement of this Act, which has not been repaid before such commencement, either in cash or by performing labour or personal service.

5. *Determination of past debts.*—(1) If the cash paid or the value of the thing given under the bonded labour system before the commencement of this Act has not been repaid in whole or in part before such commencement, either in cash or by performing labour or personal service, the Government may, by notification in the Gazette, require—

(a) the creditor to file all his claims and to produce all his books of account or other documents in support of such claims;

(b) the debtor to file all his objections,

before the Revenue Divisional Officer within whose jurisdiction the debtor ordinarily resides, within such period as may be specified in the notification.

(2) Any creditor who fails to file his claims within the period referred to in sub-section (1) shall, on the expiry of such period, have no right of action against the debtor, and the debt shall be deemed to have been discharged.

(3) No book of account or other document which has not been produced before the Revenue Divisional Officer within the period referred to in sub-section (1) shall be admitted as evidence in support of the claims of the creditor.

(4) The Revenue Divisional Officer shall, after considering the claims and objections filed under sub-section (1) and examining the books of account

and other documents produced under that sub-section and after giving the creditor, the debtor and any other person interested an opportunity of being heard, by order determine—

(a) the amount of the debt payable by the debtor to the creditor;

(b) the interest, if any, payable on such debt;

(c) the number and periodicity of instalments in which the debt including interest, if any, is payable and the amount payable at each instalment:

Provided that such interest shall not exceed the average rate of interest prevalent in the locality for a period of three years immediately preceding the date of commencement of this Act:

Provided further that the period between two instalments shall not be less than three months and the amount payable at an instalment shall not exceed ten rupees.

(5) If the principal amount of the debt together with the interest payable thereon till the commencement of this Act would exceed twice such principal amount, the total amount of the debt together with the interest that would have been due from the debtor if he had not repaid any part of the principal amount of the debt shall, for the purpose of calculating the amount of debt due from the debtor to the creditor, be deemed to be twice such principal amount, and in such cases the amount of the debt payable by the debtor shall be the difference between twice the principal amount of the debt and the amounts already repaid by him, whether in cash or in kind or by performing labour or personal service.

(6) For the purposes of this section, the money value of labour or personal service performed by a debtor shall be determined taking into account the number of days on which the debtor had performed labour or personal service and the wages prevalent in the locality for such labour or personal service when it was performed.

6. *Appeal.*—(1) Any person aggrieved by an order of the Revenue Divisional Officer under sub-section (4) of section 5 may prefer an appeal against that order to the District Collector having jurisdiction over the area in which the debtor ordinarily resides, within a period of sixty days from the date of such order.

(2) On receipt of an appeal under sub-section (1), the District Collector may, after giving the appellant and any other person interested an opportunity of being heard, pass such order on the appeal as he thinks fit.

(3) An order of the District Collector under sub-section (2) shall be final.

7. *Legal practitioner not to appear before Revenue Divisional Officer and District Collector.*—No legal practitioner shall appear, plead or act on behalf of any party in any proceeding before the Revenue Divisional Officer or the District Collector under this Act.

8. *Revenue Divisional Officer and District Collector to have certain powers of civil courts.*—In the exercise of their powers under this Act, the Revenue Divisional Officer and the District Collector shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavit;
- (d) issuing commissions for examination of witnesses or for local investigation; and
- (e) any other matter which may be prescribed.

9. *Orders under sections 5 and 6 to be deemed to be decrees of civil courts.*—(1) Every order passed under section 5 or section 6 shall be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court.

(2) Every order referred to in sub-section (1) shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision.

(3) An order passed by a civil court in execution of an order under section 5 or section 6 shall not be subject to appeal but shall be subject to revision by the court to which appeals ordinarily lie against the decisions of the said court.

10. *Government to assist debtor in repayment of debt.*—The Government may, subject to such rules as may be made in this behalf, pay to a debtor, by way of grant, the amount of the debt due from him to the creditor and the interest, if any, thereon as determined under section 5, for the purpose of repayment to the creditor.

11. *Bar of jurisdiction of civil courts.*—No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Revenue Divisional Officer or the District Collector is empowered by this Act to decide, and no injunction shall be granted by any court in respect of any action taken or to be taken by them in pursuance of any power conferred by this Act.

12. *Transfer of certain suits to the Revenue Divisional Officer.*—All suits relating to the recovery of the cash paid or the value of the thing given under the bonded labour system, pending before any court at the commencement of this Act, shall be transferred to the Revenue Divisional Officer within whose jurisdiction the debtor ordinarily resides, to be dealt with in accordance with the provisions of this Act.

13. *Penalties.*—(1) Whoever—

(a) pays any cash or makes any payment in kind or abets any person to pay any cash or make any payment in kind under the bonded labour system; or

(b) compels the debtor or abets any person to compel the debtor to render labour or personal service by reason of any payment of cash or any payment in kind under the bonded labour system,

shall be punishable for every such payment, abetment or compulsion with imprisonment for a term which shall not be less than one month but which may extend to one year, or with fine which shall not be less than one hundred rupees but which may extend to five hundred rupees, or with both.

14. *Offences under the Act to be cognizable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), every offence under this Act shall be cognizable.

15. *Jurisdiction of courts.*—No court inferior to that of a magistrate of the first class shall try any offence punishable under this Act.

16. *Creditor not to accept any payment against discharged debt.*—(1) No creditor shall accept any payment against any claim for a debt which has been discharged or deemed to have been discharged under this Act.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which shall not be less than one month but which may extend to one year, or with fine which shall not be less than one hundred rupees but which may extend to five hundred rupees, or with both.

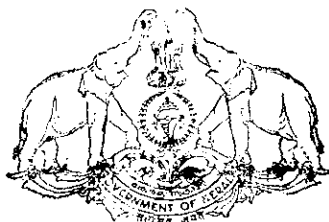
(3) The court convicting any person under this section may, in addition to the fine, direct such person to deposit the amount so accepted in the court within a period to be specified in the order, for being refunded to the debtor.

17. *Power to make rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and, if before expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Government of Kerala
1980

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 10270/LA/LA/30.

Dated, Trivandrum, 9th December, 1980.

The Kerala Bonded Labour System (Abolition, Repeal Bill, 1980 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
*Secretary,
Legislative Assembly.*

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THE BONDED LABOUR SYSTEM (ABOLITION) REPEAL BILL, 1980

A

BILL

to repeal the Bonded Labour System (Abolition) Act, 1975

Preamble.—WHEREAS it is considered necessary to repeal the Bonded Labour System (Abolition) Act, 1975;

BE it enacted in the Thirty-first Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Bonded Labour System (Abolition) Repeal Act, 1980.

2. *Repeal of Act 29 of 1975.*—The Bonded Labour System (Abolition) Act, 1975 (29 of 1975), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Bonded Labour System (Abolition) Act, 1975 (29 of 1975), was enacted by the State Legislature to provide for the abolition of the bonded labour system which prevailed in the districts of Kozhikode, Malappuram and Cannanore of the State, under which a land owner would advance money to a person belonging to a Scheduled Tribe on condition that he should render labour by himself or through members of his family, for a stipulated period either without wages or on payment of reduced wages. Parliament has subsequently enacted the Bonded Labour System (Abolition) Act, 1976 (Central Act 19 of 1976). The Central Act which extends to the whole of India, is more comprehensive than the State Act and covers the bonded labour system abolished by the State Act. It is therefore, considered unnecessary to keep alive the State Act.

2. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

M. K. KRISHNAN