BONDED LABOUR SYSTEM (ABOLITION) RULES, 1976

G.S.R. 9(E), dated New Delhi, the 28th. February, 1976. In exercise of the powers conferred by sub-section (1), read with sub-section (2) of section 26 of the Bonded Labour System (Abolition) Act, 1976 (19 of 1976), the Central Government hereby makes the following rules, namely: --

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. ***Definition***. -- 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 Section 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 section 13.

3. ***Term of office and vacation of seat of members of District Vigilance Committee. --*** (1) [1]Every member, of a district Vigilance Committee nominated under clauses (b), (c), (d) of sub-section (2) of Section 13 shall hold office for a period of two year from 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 [3][of not less than 30 days] to the authority which nominated him, resign his office and, on such resignation being accepted [4][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 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

[1] Subs. dt. 12-3-83
[2] Substituted, vide Govt. of India Notification No. G.S.R. 1455, dated 16.11.1978.
[3] Substituted, vide Govt. of India Notification No. G.S.R. 1455, dated 16.11.1978.
[4] ibid

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 members, 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 casual vacancy shall hold office for the unexpired portion of the term of his predecessor.

4. ***Term of office, and vacation of seat, of members of Sub-Divisional Vigilance Committees.*** **--** [5](1) Every, member, of a Sub-Divisional Vigilance Committee nominated under clauses (b), (c), (d) and (e) of sub-section (3) of Section 13 shall hold office for a period of two year 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) –

(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; [Substituted, vide Govt. of India Notification No. G.S.R. 1455, dated 16.11.1978]

(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;

[5] Vide noti. Dt. 12-3-83

(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 un-expired portion of the term of his predecessor.

5. ***Prescribed authority under Sub-section (6) of Section. --*** An application under sub-section (6) of section 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 Section 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 section 21 having jurisdiction to entertain the applicant 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) of Section 6 is to be made.--*** An application under sub-section (6) of Section 6 for restoration of possession of any property referred to in sub-section (4) of 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 Provisions of the Act and Rules. --*** In order to ensure the implementation of the Act and the Rules, every District Vigilance Committee shall maintain the following registers in respect of freed bonded labour within the local limits, of its jurisdiction, namely: --

(a) a register containing the names and addresses of freed bonded labour;

(b) a register containing statistics relating to the vocation, occupation and income of every freed bonded labour;
(c) a register containing details of benefits which the freed bonded labour are receiving, including benefits in the form of land, inputs for agriculture, training in handicrafts and allied occupations, loans at differential rates of interest or employment in urban or non-urban areas;
(d) a register containing details of cases under sub-section (6) of section 6, sub-section (2) of section 8, sub-section (2) of section 9, section 16, section 17, section 18, section 19 and section 20.

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