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**LABOUR LAW 2**

# EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

- ❖ **Liability to repay bonded debt to stand extinguished (sec. 6) :-**
  - ❑ 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. [Sec 6\(1\)](#).
  - ❑ 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. [Sec 6\(2\)](#).
  - ❑ 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. [Sec 6\(3\)](#).

# EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

- ❖ **Liability to repay bonded debt to stand extinguished (sec. 6) :-**
  - ❑ 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 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. [Sec 6\(4\)](#).
  - ❑ Where, before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family or other dependent 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. [Sec 6\(5\)](#).

# EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

- ❖ Liability to repay bonded debt to stand extinguished (sec. 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. Sec 6(6)
  - ❑ 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. Sec 6(7).

# EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

## ❖ Liability to repay bonded debt to stand extinguished (sec. 6) :-

- ❑ 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. Sec 6(8).
- Provided that the bonded labour, or an agent authorised 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 mesne profits, which may, since the date of such proclamation of sale, have been received by the decree-holder.

# EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

## ❖ Liability to repay bonded debt to stand extinguished (sec. 6):-

- ❑ 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. Sec 6(9)
- ❑ 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. Sec 6(10).

# EXTINGUISHMENT OF LIABILITY TO REPAY BONDED DEBT

❖ Liability to repay bonded debt to stand extinguished (sec. 6):-

➤ **COMMENTS**

- Under section 6 of the Act every obligation of a bonded labourer to repay any bonded debt have been extinguished no suit or other proceeding shall lie for the recovery of any such debt. Every decree or order for the recovery of bonded debt shall be deemed to have been fully satisfied. Every attach made for the recovery of bonded debt shall stand vacated. If possession of any property belonging to a bonded labourer or a member of his family or other dependent was forcibly taken over by any creditor for the recovery of the bonded debt, such property shall be restored.
- To be continued.....