

**Dr. Durgavati**

**Institute Of Law , Jiwaji University , Gwalior (M.P.)**

**Email- durgaadvocate1982@gmail.com**

**Subject - Labour Law II ,**

**Unit-II (The bonded labour System(abolition) act,**

**(Extinguishments Of Liability To Repay Bonded Debt )**

**Class – B.COM.LL.B. VI SEM**

**Date - 31.03.2020**

# **EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT**

# **EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT**

## **Section 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.

## **EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT**

- (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. 5
- (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.

# **EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT**

- (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.

# **EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT**

- (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.

# **EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT**

## **Section 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

# **EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT**

## **Section 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.



# **EXTINGUISHMENTS OF LIABILITY TO REPAY BONDED DEBT**

## **Section 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.

THANK YOU