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Subject - Labour Law II ,

**Unit-ii (The Bonded Labour System(abolition) Act, 1976
(Offences And Procedure For Trial)**

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OFFENCES AND PROCEDURE FOR TRIAL

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Section 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.

Section 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.

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Section 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.

Section 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.

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Section 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).

Section 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 , 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.

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Section 22. Cognizance of offences.-

Every offence under this Act shall be cognizable and bail able.

Section 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.

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- (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.
- (3) **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.

THANK YOU