

# Orissa Debt Bondage Abolition Rules, 1963

ODISHA

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### Rule ORISSA-DEBT-BONDAGE-ABOLITION-RULES-1963 of 1963

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Orissa Debt Bondage Abolition Rules, 1963Published vide Notification No. 536-Ag. 92/62-R, dated 5th January 1963No. 536-Ag. 92/62-R. - In exercise of the powers conferred by Section 22 of the Orissa Debt Bondage Abolition Regulation, 1948 (Orissa Regulation 1 of 1948), the State Government do hereby wake the following rules to carry out the purposes of the said Regulation, namely :

#### 1. Short title and commencement.

- These Rules may be called the Orissa Debt Bondage Abolition Rules, 1963.

#### 2. Definition.

- In these rules unless the context otherwise requires-(a)"Regulation" means the Orissa Debt Bondage Abolition Regulation, 1948;(b)"Schedule" means schedule appended to these rules;(c)all words and expressions used in these rules and not defined herein shall have the same meanings as are respectively assigned to them in the Regulation.

#### 3. Labour agreement.

(1)The Labour Agreement shall expressly mention the following particulars, namely :(a)Name of the employer, his parentage, address and vocation;(b)Name of the Labourer, his parentage, address, vocation and age;(c)Whether the Labourer was employed by the employer or any of his relatives last year;(d)Advance paid;(e)Rate of Interest, if any;(f)Period and nature of employment.(2)A copy of the labour agreement shall be filed by the employer at least 15 days prior to commencement of the period of employment specified in the labour agreement.

#### **4. Registration of the labour agreement.**

- Every labour agreement entered into under the Regulation shall be filed in duplicate in the office of the Sub-divisional Officer or in the office of any other authority appointed by the State Government in that behalf and every such agreement shall be entered in a register kept in the form given in Schedule A. The serial number of the agreement in the register shall be mentioned on each of its copies and original shall be returned on the same day, it is filed.

#### **5. Enquiry under certain circumstances.**

- The agreement shall be examined by the authority according to Section 4 of the Regulation and if it is found void or irregular, the authority concerned may issue notice to the employer and the labourer they are not present and after making such enquiry as he considers necessary may declare the agreement wholly void or get the agreement corrected.

#### **6. Repayment of advance by Labourer.**

(1) If a Labourer wishes to pay off and actually pays the balance due out of the advance together with the interest thereon if any, at any time during the subsistence of a valid labour agreement he shall be free from all obligations to perform labour under the agreement. (2) If the employer does not accept a payment made under Sub-rule (1) the Labourer may apply to the Tahasildar intimating him the facts and his intention to pay off the balance to free himself from the agreement. If the Tahasildar after due enquiry is satisfied about the intention of the labourer he shall direct the employer to take payment of the dues in his presence and to return the labour agreement to the Labourer with an endorsement of full satisfaction which shall be attested by the Tahasildar. (3) If the employer does not attend the enquiry without lawful excuse or refuses to accept the payment the agreement may be declared void and thereupon the liability to perform labour under the agreement shall be extinguished and the facts shall be noted in the relevant column of the register of labour agreement.

#### **7. Fixation of fair and equitable remuneration.**

- On the recommendation of Collector, the State Government from time to time fix the fair and equitable remuneration of the labourers and on such notification the subsisting labour agreement providing less remuneration shall be void unless the difference for the unexpired portion of the labour agreement is paid to the Labourer and his receipt duly attested by an Officer not below the rank of a Tahasildar is filled before the Officer before whom the agreement is filed.

#### **8. Power of Revenue Officer to launch prosecution.**

- On receipt of information any officer of the Revenue Department not below the rank of Tahasildar may institute a prosecution for any offence committed under this Regulation before the Sub-divisional Officer having jurisdiction. The Sub-divisional Officer shall follow the procedure of summary trial in the Code of Criminal Procedure, 1898 (5 of 1898), for the disposal of the cases

instituted under the Regulation.

## **9. Composition of offence.**

- Such offence may however be compounded by an Officer of the Revenue Department not below the rank of a Tahasildar by accepting from any person reasonably suspected of having committed any offence under this Regulation, a sum of money by way of composition for the offence. On payment of such a sum of money to such an Officer, no further proceedings shall be taken against such person in respect of such offence. The money so paid or a portion of it, as may be decided by the Officer, shall be paid to the aggrieved party.