

Bonded Labor

A Toolkit for Practitioners



SOCIETY FOR THE PROTECTION OF THE RIGHTS OF THE CHILD

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Acronyms

CACL	Coalition against Child Labor
CIDA	Canadian International Development Agency (CIDA)
DCI	Defense for Children International
FNF	Friedrich Naumann Foundation
ILO	International Labour Organization
NCABL	National Coalition against Bonded Labour
PILER	Pakistan Institute of Labour Education & Research
SPARC	Society for the Protection of the Rights of the Child
NWFP	North West Frontier Province
NGO	Non-government Organizations



Forward

The purpose of preparing this toolkit is to provide an accessible and relatively simple resource for training and information to a variety of stakeholders on bonded labor. These include government functionaries dealing with issues of bonded labor at the federal, provincial and local level; relevant judicial staff; NGO's and partner organizations working in the area of bonded labor or related issues; human rights associations; activists; the media and the general public at large.

The toolkit is divided into parts. The first part provides information on the state of bonded labor in Pakistan. It gives facts on bonded labor, presents some findings on numbers, describes where bonded labor and bonded child labor is prevalent, and presents some of the success stories associated with freeing and rehabilitating bonded laborers.

The second part discusses possible strategies, tactics and techniques that policy makers, social workers, media activists, human rights activists and even government employees can apply in order to address the problem of bonded labor. This section presents the various techniques available to organizations working on the issue of bonded labor and the role of the main stakeholders in combating this problem.

I thank Ms Sarah Ahmed for authoring the Bonded Labor Toolkit, and sincere gratitude to Trocaire for the financial support.

Qindeel Shujaat
Executive Director
SPARC

1 SPARC and Bonded Labor





SPARC and Bonded Labor

SPARC

SPARC is an independent non-governmental organization registered as a society in Pakistan in December 1992 and has been working exclusively on child related issues since then, drawing inspiration from the United Nations Convention on the Rights of the Child.

SPARC was established to act as an advocacy group for child rights. From its initial focus on protecting breastfeeding against the marketing of baby milks and foods, SPARC expanded its work to include other issues such as child labor, juvenile justice, education and violence against children and child bonded labor. SPARC has also from time to time taken up issues that ultimately affect the condition of children in this country, such as Frontier Crimes Regulations (FCRs), corruption, freedom of association and the “myth or reality” of NGOs.

SPARC has been instrumental in introducing the concept of child rights and in raising issues that were previously not part of the national main stream human rights debate. While realizing the importance of maintaining its independence, SPARC has found it useful to engage with the government to convince it through advocacy and lobbying to keep commitments and bring about legislative changes where necessary.

Its present concerns include bonded labor, child labor, child rights, education, juvenile justice, and violence against children. Prospects of and potential for joint efforts and coalition action especially at the international level is very good given that SPARC can boast numerous partnerships on the basis of common mission, common work, and financial help, etc. Partners include Solidarity Center, Anti-Slavery International, CACL, Trociare, Coalition to Stop Child Soldiers, DCI, FNF, GCE, Global March Against Child Labor, SDC, Norwegian Embassy, and UN DPI.



Why Bonded Labor?

Bonded labor, also called debt bondage, has been defined as a form of slavery and a form of forced labor by various conventions. Heads of households, mainly men, are forced into taking loans from employers and then compelled to pay back the debt at high interest rates. The bond is seldom paid off as a result of which entire families and children are held in bondage, often for generations. The implications of debt bondage for adults are naturally severe, for children, these are worse. The ILO has called this as the 'worst form of child labor' and called for its immediate eradication. SPARC understands that bonded labor is not just a deprivation of fundamental human rights which is serious in itself, but that it also affects the most vulnerable and marginalized segments of society – its children, women and minorities.

Child Labor is characterized by the age of the child, which is generally under fifteen; the nature of the work, which is generally unsafe and of long duration; the abusive treatment meted out by employees; and the lack of or poor access to education. These issues are closely linked to child rights, wages, and working conditions as well as to the underlying causes of poverty, inadequate school facilities, immoral employees, and family size.¹

The bonded child laborer, as the adult bonded laborer is essentially the employers property with no human rights of his/her own. Along with inhuman working conditions, the child laborer must contend with extreme poverty, social discrimination, mental and physical anguish.

The impact of child labor, however, is more insidious than that of the adult laborer. For every child in bonded labor, a potentially rich future is lost. The indebtedness of successive generations carries within it a self fulfilling vicious cycle of poverty. Children grow up to be products of their surroundings, through no choice of their own, and can only develop their capacity to the extent that their labor allows them to. The capacity remains undeveloped and the potential untapped for successive generations. The only way out of this trap is freedom and rehabilitation.

There are more than 70 million children under the age of 18 years in Pakistan. About half of these (35 million) are girls. Approximately twenty-five million children of school-going age do not attend school.² According to estimates, there were about 10 million child laborers in Pakistan. Of these, 7.5 million children were estimated to be in bonded labor. Total bonded labor was estimated at 20 million at this time.³ These may be exaggerated given ILO's estimates in the 2005 Global Report (p10) of a minimum of 12 million forced laborers worldwide of which 75% of these are in Asia. The Common Language Project alludes to NGO estimates of about 10 million bonded laborers. The Bonded Liberation Front estimates about 7-8 million child bonded labor. The most recent survey of bonded labor was carried out by PILER for the ILO in October 2000. It estimated that 6.8 million sharecroppers in Sindh alone were living in conditions of bondage. In the 4000 brick kilns across Pakistan, 700,000 were in debt bondage.⁴ Precise numbers elude most countries in which bonded labor is prevalent.

1 www.freethechildren/childlabor

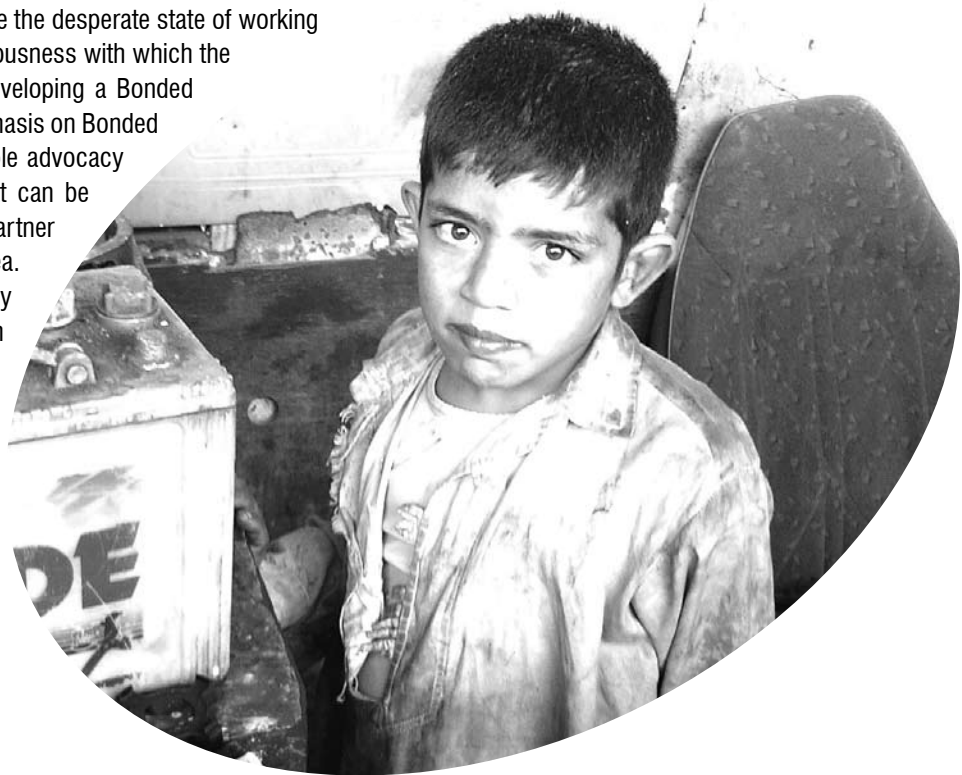
2 SPARC Publications 2005

3 www.globalmarch.org/worstformsreport/world/pakistan.html

4 Anti-Slavery and UN Sub-Commission on the Promotion and Protection of Human Rights; The Enslavement of Dalit and Indigenous communities in India, Nepal and Pakistan through Debt Bondage; February 2001; p.3

However, one looks at the figures, the picture is appalling. Children constitute about half of the country's population, and arguably a major part of its wealth and future. 35% of this potential does not go to school, 14% of this population is actually considered child labor, and 10% of this potential is in fact bonded child labor, living in the most abysmal conditions where they work for seven days a week in unsafe, unhygienic surroundings, have no access to schools, and are not paid for their work.

For SPARC, these figures illustrate the desperate state of working children in Pakistan, and the seriousness with which the problem must be addressed. Developing a Bonded Labor Toolkit with particular emphasis on Bonded Child Labor will provide a valuable advocacy and awareness building tool that can be used by the organization and partner bodies working in this area. SPARC believes that while primary responsibility for change lies with the government, civil society organizations and the general public also play important roles in changing social attitudes that continue to support the unethical and illegal practice of bonded labor.



2 Definition and Origin





Definition and Origin

What is Bonded Labor?

Bonded labor, also known as debt bondage, is probably one of the least known forms of slavery today but responsible for enslaving millions of people around the world. A laborer becomes bonded when his or her labor is demanded in repayment for a loan. This advance is known as ‘peshgi’ in Pakistan. The person is then tricked or trapped into working for very little or no pay, often for seven days a week. The value of their work is invariably greater than the original sum borrowed. A child is considered bonded labor when he/she inherits debt; when the child is used as collateral for a loan; and when the child takes an advance on expected future wages.

Bonded Labor: Violation of Human Rights

- The bonded laborer essentially forfeits his/her right to employment.
- Movement is restricted and/or with the approval of the employer.
- Cannot sell his/her or a family members’ property or product of his labor at market value.
- Do not have freedom of association to join associations or trade unions.⁵
- Bonded laborers are routinely threatened and subjected to all kinds of physical abuse by employers.
- Threats and violence, both by the employer and the local police are used to coerce and discourage the bonded laborer from attempting legal redress or physical escape.⁶

⁵ Human Rights Watch – Asia; Contemporary Forms of Slavery in Pakistan; 1995:3.

⁶ www.sparc.pk/org/crs_bonded_labor.php

Origins of Bonded Labor and Reasons for Continued Existence

Global reports and studies indicate that the tradition of bonded labor is rooted in socio-cultural mores of discrimination and exclusion of certain segments of society which in them selves are results of

- Poverty
- Ethnic
- Gender biases.
- Caste system
- Feudal agricultural relationships

The core factors are poverty and exploitation, people without land or education and desperate for cash to survive, and people willing to exploit the desperation of others.⁷

Profile of Bonded Laborers: Limitations and Challenges

- An important practical limitation to freeing bonded labor or implementing well-intentioned anti-bonded labor legislation is the prevailing of lack of education or even basic functional literacy amongst bonded labor.
- Few have exposure to human rights issues or laws or even a basic awareness of their rights.
- Do not possess the Computerized National Identity card (CNIC), a basic legal document to claim entitlements.
- Live and work in secluded circumstances and are marginalized and invisible for social and economic reasons.
- Unable to even calculate or monitor their basic debts.
- Easier option for bonded laborer is to continue the generation old system of indebtedness rather than to venture out into an unknown, more uncertain world.



⁷ www.antislavery.org/homepage/campaign/bondedinfo.htm



Bonded Laborers are socially Excluded

Social exclusion prevents people from being able to move out of poverty, in a variety of ways. In Pakistan, its outcome, in addition to powerlessness, include:

- Blocked opportunities to move out of poverty
- Inability to participate in political life, education, employment, health care, access to justice
- Inability to exercise human and other forms of rights
- Lack of resources to afford the cost of social networking, little to exchange and reciprocate
- Inability to participate in community networks, with consequent negative impact on building social capital
- Stigma of poverty as basis for inclusion/exclusion
- Exclusion of rural migrants, refugees, from the wider society and the public sphere on the basis of ethnicity and social identity
- Caste as a socially constructed concept for exclusion, and biraderi as an important source of power/lack of power. Traditional occupational castes are among the poorest and most excluded, particularly in rural areas. Additionally, being a woman, a child and belonging to a low caste automatically predisposes people to vulnerability.
- Among the outcomes of exclusion are fear, periodic violence, and vulnerability, which are lived with by the very poor, religious minorities and low castes, and women – cutting across class in the case of women.

3 Vulnerability to Bondage and Prevalence of Bonded Labor in Pakistan





Vulnerability to Bondage and Prevalence of Bonded Labor in Pakistan

Who is at Risk?

Vulnerable and marginalized groups of the population such as women, children, religious minorities, low caste, and bonded laborers also make the majority of illiterate population within the rural district.

Key Challenge for identification of Vulnerable Groups

Lack of Data

- A lack of data on the actual magnitude and dimensions of this problem. This is attributed to either the deliberate misrepresentation of actual statistics to protect vested business interests, or to the actual paucity of data on the informal sector, where much of this problem exists, or to sheer public indifference to a problem which is not visible as in the case of bonded labor in agriculture, or just socially acceptable, as in the case of domestic workers.⁸
- Some sources indicate that this may also be because official statistics cover only male bonded laborers, and not families who are commonly found paying of debts in agriculture, brick kilns, and quarries.⁹ As mentioned above, recent estimates indicate that there are 20 million bonded laborers in Pakistan of which 7.5 million are children.

⁸ See chapter State of Pakistan's Children 2006

⁹ Anti-Slavery and UN Sub-Commission on the Promotion and Protection of Human Rights; The Enslavement of Dalit and Indigenous communities in India, Nepal and Pakistan through Debt Bondage; February 2001; p.2.



Ethnic or Religious Minorities

- Caste based discrimination refers to the discrimination of primarily Hindu minorities in Pakistan. Their low caste status and primarily rural habitation makes them especially vulnerable to the exploitation of bonded labor in agriculture.

The reality of bonded labor in the country is reflected more by the stories of people by Shoukat Masih than anyone else.


On the night of October 1, 2005 in the tiny town of Jannat, one hour outside of Lahore, Shoukat Masih, 35, was fast asleep. He and his extended family had pulled their rusted charpoys out into the courtyard of their one room home in order to enjoy the cool air and a night's rest before returning at dawn to another twelve hours of hard labor in the neighboring brick kilns. Around 11:00 pm a group of men armed with pistols and sticks entered the courtyard and yanked Masih to the ground, shouting, "Are you the one making statements on the television?!" His wife was in a neighboring village visiting family, but his father, children, nieces, and nephews, all looked on in terror as he was beaten to death on the packed clay earth.

The Masih family has spent decades trying to speak out against the brutality of bonded labor, a system that kept them haris, or debt slaves, in Punjab's brick kilns for generations. The usual tactic of the impoverished and uneducated family has been to file complaints with government officials through a unique—and largely ignored—brick kiln workers' union they helped found. But when Masih was sold by one brick kiln owner to another for \$3,300 without his knowledge or consent his fury sent him to a local reporter.

Eight months after Masih's death there have been no arrests and his family holds out little hope that the case will ever be resolved—though not for lack of leads. Masih's father is convinced that the men that killed his son were thugs, hired by what he calls "the S.P. group" a secret organization protecting the interests of local brick kiln owners. Lawyers working with the family confirm the common belief that Masih died for speaking publicly against kiln owners.

Scheduled Castes in Pakistan

- Scheduled Castes in Pakistan are the worst victims of discrimination on the basis of caste, descent and occupation and are in a dually disadvantageous position as they are Hindu (minorities in a Muslim majority country), and also "lower castes"...
- The Scheduled Caste population in Pakistan is overwhelmingly rural in nature. As in rural areas no industry or other business



centers are located, most of the population depends on agriculture for their livelihood, and by working on share cropping conditions, they are vulnerable to bonded labor and other exploitations by the landlords.

- A joint NGO submission of May 2008 detailing this discrimination contends that much of the 1.7 million bonded laborers in Sindh is in fact scheduled caste or low caste Hindu -Bheels, Manghwars and Kohlis.
- A large number of bonded laborers are found in brick-kiln industry in Pakistan. **Christians** also find themselves disproportionately over-represented in **Pakistan's** most oppressed social group—**bonded laborers**.

The 2005 Global Report reaffirms these findings in “that the most severe rural exploitation occurs in the densely populated, irrigated zone east of Hyderabad city, where there is a large Hindu minority and a significant class of wealthy landowners; but that bonded labor is less likely to arise in the more accessible areas, as well as among the Muslim population in upper Sindh province, where tribal and clan traditions protect the weaker groups.”

Where is Bonded Labor mainly found?

The Ministry of Labor in collaboration with the ILO¹⁰ in 2004 produced a series of rapid assessment surveys in ten economic sectors. Although the rapid assessments were unable to numerically assess the magnitude of the problem, the surveys provide a general picture of the relevant issues at work in each sector, and where further research is required. Issues raised in this overview and its recommendations can be used to develop workshop training themes for specific target audiences.

Bonded Labor Prevails in Following Sectors

- Agriculture
- Brick Making
- Carpet Industry
- Domestic Work
- Begging
- Hazardous areas
- Mining

¹⁰ Rapid Assessments by ILO project PEBLISA-PEBLIP

Bonded Labor in Agriculture Sector

The presence of bonded labor in the agricultural sector remains important even today, it is spreading in other sectors of the informal, unregulated economy. This added to chronic unemployment and underemployment, rising disparities in income and the lack of regulation in the informal sector all contribute to the forced labor trap.

Bonded Labor was Found to be Most Prevalent Amongst Agricultural Sharecroppers in Parts of Sindh and Punjab




- **Punjab:** In Punjab, a permanent group of workers, called `seeris' and mainly from non-Muslim castes, were found to be particularly at risk. This was also largely because their homes were located on employer land and the threat of eviction was a powerful coercion tool. Detailed surveys are recommended for these areas and in Southern Punjab, where tenants are also exploited through bad maintenance of accounts and delayed clearance.
- **Sindh:** In Sindh bonded labor was found to be a serious problem in certain districts: Mirpurkhas (including Umerkot), Sanghar and Badin.

Problems

- The chronic and growing debt (mainly because of chronic deficits in household budgets) that the tenant or worker incurs while working in the agriculture sector is the main reason for bondage.
- The contract system of employment in the informal sector provides significant explanation for the continuation of this practice.
- Bonded labor in these sectors is too poor to have access to institutional credit and must rely therefore on employers, money lenders and middle men.
- The form of credit to purchase inputs before the harvest in the form of seasonal loans and given the unpredictability of harvest returns increasing indebtedness.
- Rural landlessness and reassessment of land reform and enforcement of tenancy regulations as prerequisites for improving the tenants' lot.

11 GM Arif; Bonded Labor in Agriculture: A Rapid Assessment in Punjab and NWFP; ILO Work in Freedom, Working Paper 25, March 2004; pp21-22

- 
- The lack of alternative employment opportunities in rural areas.
 - The lack of administrative and economic management ensuring minimum wages for the agricultural workers.

Bonded Labor in Brick Making

There are 1.8 million workers in brick kiln factories. One report suggests that there are over 300,000 bonded laborers in brick kiln industry.¹²

Most of them work under inhuman conditions and the majority are like bonded labor because of the peshgi system. Under this system, the bosses offer advance money to workers, who cannot leave until they repay the whole amount.¹³

Problems

- There is a high prevalence of indebtedness in the brick making industries since virtually all unskilled and semi-skilled laborers get advances from kiln owners 'jamadars.'
- These debts are particularly high and essentially un-repayable for low status migrant workers, the 'patheras' who prepare the clay and unbaked bricks.
- These workers, including women and children are paid piece rates well below legislated rates of pay for the sector.
- Majority of workers are internal migrants and do not enjoy the support of extended families and communities and are therefore especially vulnerable to exploitation.

Bonded Labor in Carpet Industry

The percentage of rural bonded weavers was found to be higher than that of urban carpet weavers. The latter was found to be prevalent in Punjab and Thar district of Sindh (where drought conditions exacerbate poverty and need for income).

Problems

- Bonded labor is comprised of mainly adults who have taken advances to meet emergencies and children whose parents have pledged their labor in advance. They often work in unacceptable working conditions.
- The carpet industry has the highest incidence of illness and injuries for children. It includes work-related injuries; eye disease and eye strain due to insufficient light in workshops/sheds; pain due to continuously sitting in specific positions; pulmonary diseases due to wool dust; headaches due to concentration required by the work and skeletal deformation.

¹² Trade Union and Democratic Rights in Pakistan, South Asian Voice

¹³ Farooq Tariq, Brick kiln worker revolt against slave labour, International Viewpoint



- In NWFP, two groups of workers qualify as bonded labor. One group is the Afghani refugees illegally resident in Pakistan. The other group vulnerable to exploitation includes people running away from the law who have taken refuge with a malik, submitting to the malik's will and with no plans to leave him under any circumstances.
- Young children whose parents take money in advance for their work are the true victims of circumstance. These children receive half the wages of older workers. They are not allowed to leave the premises until the debt is fully paid.

Bonded Labor in Domestic Work and Begging

The survey found bonded labor in domestic service but not in begging.

Problems in domestic work

- Coercive relationships exist between employers and employees
- The domestic worker is generally expected to work 24 hours a day.
- Children/ females who work in domestic work away from families are often at higher risk of abuse and exploitation.
- Work is largely un-documented in the domestic sector which further compounds problems of monitoring and protection.

Problems faced by Beggars

- Vulnerability to violence and abuse is also prevalent.
- The linkage between the begging sector and sex work carry risks of sexual violence and sexually transmitted diseases, particularly for young unmarried girls.
- Work is started very young thereby destroying any opportunity for either education or protection.

Bonded Labor in Mining

Bonded labor in the mining sector takes on a slightly different form than that in the agricultural sector.

Problems

- Free labor is not part of the contract (extra work generally results from large families working in the same work), indebted laborers are forced to continue work for mine owners for low wages under bad working conditions particularly since mines are located in remote areas and little alternative work is available.
- This is particularly true in Balochistan where the high quality coal mines are located.
- The labor agent recruit workers on the basis of social linkages but there is no traditional bond,

- The labor agent, the jorisar, tracks down escaping laborers, since he is generally from the same area. Where peshgis are paid to more than one member of a family, they are held as collateral in the event that one tries to escape. The advances are also sometimes passed from one generation to the next.
- Apart from the force and threat of violence, the unequal relationship between workers and employers are exacerbated by the high incidence of collusion between the mine owners and middlemen and local police against the laborer as well as collusion of the mine-owner and local police officials against both the middlemen and laborers.¹⁴

Bonded Labor in Hazardous Industries

The survey looked in the glass-bangles, tanneries and construction businesses.

The glass bangle-making industry in Pakistan uses home-based women workers and children working at home as well as in the factory. The nature of the hazards they face –e.g., exposure to high temperatures – is a serious one.

The tanneries sector involves a highly unpleasant work since much of the processing involves the handling of or exposure to animal by-products, a traditional taboo in parts.

The construction sector is one of the largest sources of employment in Pakistan, even the low intensity of hazard may translate into a high degree of overall exposure to hazard

Problems

- The peshgi system is active and resembles the classic labor-credit interlinkage observed in other sectors of concern. Workers take advances ranging from a few hundred rupees to several thousand rupees from their employers (either factory owners or thekedars).
- Some evidence of coercive and abusive labor arrangements were found in the construction industry but not in others such as the glass bangle-making and tanneries sectors.



¹⁴ Ahmed Saleem; A Rapid Assessment of Bonded Labor in Pakistan's Mining Sector; ILO Work in Freedom; Working Paper 20; March 2004; pp11-13



- In the glass bangle-making sector, caste-based cottage industries allows for some level of employer-employee solidarity, albeit restricting outside options of individuals.
- In the tanneries sector, the prevalence of sub contracting leads to insecurity and dependence of labor although there is no coercion or abuse.¹⁵
- Construction work is widely considered one of the bottom-line activities for poor, unskilled and asset-less workers.

Possible Interventions to Redress Situation

The overview of bonded labor in Pakistan presents the stark reality and continued existence of this problem throughout the country but specifically in the agricultural, brick making and mining industries. More attention needs to be given to the long term success of this if the laborers are not to fall back into the debt trap with ineffective social and work rehabilitation and assurances.¹⁶

Despite the prevalence of the problem, the international experiences suggest that bonded labor is preventable. Below are few points for departure that can lead to more detailed discussion in Chapter VI dealing various strategies and tactics for combating bonded labor.

- Conduct baseline research to identify the exact number of bonded labor in different sectors. Research is also required on the issues of dependent migration of rural workers with employers to urban areas; the different communities and activities involved in begging/ sectors and the impact on already marginalized social groups.
- Raise income for workers to reduce the need for loans, and this is possible through enforcement of minimum wage in all sectors. In Brick-kiln industry, minimum piece rate must be adhered, which would require registration of workers as well as significant monitoring.¹⁷
- An improved monitoring system by the provincial labor departments who are understaffed and powerless to check gross violations in industries. In addition, District Vigilance Committees should be activated. Effective monitoring requires vigilant record-keeping.
- Micro-finance programs need to be re-visited to ensure effectiveness. Present loans under the Pakistan Poverty Alleviation Fund are seen to lead to further indebtedness given the high interest rates. As with all other industries where debt bondage is prevalent, bonded child labor is a necessary corollary.
- The provision of adequate and affordable education facilities may help in reducing the incidence of the latter.¹⁸

15 Collective for Social Science Research, Karachi; A Rapid Assessment of Bonded Labor in hazardous industries of Pakistan: glass bangle making, tanneries, and construction; ILO Work in Freedom; Working Paper 21; March 2004; pp.55-56.

16 Hussein et al; Bonded Labor in Agriculture: A Rapid Assessment in Sindh and Balochistan; ILO Work in Freedom, Working Paper 26, March 2004; pp31-32

17 A Global Alliance Against Forced Labor: ILO Global Report 2005, p.34 and PILER; Unfree Labor in Pakistan: Work; Debt and Bondage in Brick kilns; ILO Work in Freedom; Working Paper 24; March 2004; pp.40-4

18 Zafar Mueen Nasir; A Rapid Assessment of Bonded Labor in the Carpet Industry; ILO Work in Freedom; Working Paper 23; March 2004; pp.19-25.

4 Bonded Child Labor (BCL)



Bonded Child Labor (BCL)


Case Histories

“Mustafa,” was born into bondage at a brick-kiln. When Human Rights Watch/Asia interviewed him near Faisalabad, he was no more than seven years old and worked several hours a day collecting mud in a wheelbarrow to make bricks. He has never been to school. In spite of his young age, he has been slapped and kicked by the jamadar at his kiln for not working hard enough.

“Seema” is a nine-year-old girl who helps make the molds for the katcha bricks at brick-kil near Lahore. She also helps her mother with the housework. “Seema” has a serious eye infection which is exacerbated by the fumes from the brick-kiln. As her family does not have enough money, she has not been to a doctor for treatment.

“Veena” is twelve years old. She does the work of an adult at brick-kiln in Kasur in addition to cooking and cleaning at home. The owner of the brick-kiln has insisted that she be married to a much older man that he has chosen. Neither “Veena” nor her family want this to occur, but they feel they may have no choice.

“Anwar’s” mother needed some money for an emergency and pledged “Anwar’s” labor to a carpet contractor in exchange for Rs.5,000 [\$150]. “Anwar,” aged eight, was taken to a carpet weaving center several kilometers from his home in district Thar in early 1993. He works and sleeps at the center. Occasionally, he is given permission to spend a night or two at his home with his mother. His mother pays the contractor regularly. However, the latter constantly increases the debt by claiming expenses for looking after “Anwar.” As the debt increases it is becoming virtually impossible for her to repay the initial loan.



As there was no school for “**Dev**” a ten-year-old Hindu boy, to attend he spent his days playing near his home in a small town in the Thar desert. His parents thought it would be better for him to work. Thus, they sent him to a carpet-weaving center as an apprentice. He works hard during the day at the center. Most nights he returns home to sleep. All his wages are given to his parents.

“**Zulfikar**,” aged seven, was kidnapped from Gujranwala and brought to a carpet-weaving center in the North-West Frontier Province. He was playing in the street near his home when someone grabbed him and put him in the back of a van. After a long drive he was brought to a carpet-weaving center near Peshawar. He was sold by his abductors to a carpet contractor who has told “Zulfikar” that he has a certain debt to pay before he can be freed.

Prevalence

The exact dimensions of bonded child labor remain disputed. Various research bodies and NGOs have made estimates based on information that they have.

- The last survey done on child labor was in 1996 which had many flaws in it. The survey is outdated now.
- Bonded child labors are the poorest of the poor, and often they remain undocumented. It is difficult to estimate the precise number of children in bonded labor.

Human Rights Watch/Asia’s investigation into the prevalence of bonded child labor found that this was present wherever there was adult bonded labor.

Children in Brick Kiln Industry

In the brick kiln industry, which operates almost exclusively on the basis of debt bondage, the vast majority of workers are children.

- Many of these began work before their teenage years
- Indicating generational indebtedness are not compensated
- High mortality and disease rates, of which chest infections, deteriorating eyesight and blindness are common.¹⁹

¹⁹ Human Rights Watch Asia; Contemporary Forms of Slavery in Pakistan, 1995 p.40



Condition of Children in the Brick-Kiln Industry

The condition of children in the brick-kiln industry is known both to the government of Pakistan and international agencies. Discover the Working Child, specifically states:

Age : The children start working alongside their parents at a young age, between 6 and 8.

Long Hours: They work long hours, starting at dawn during the hot season and working until late in the afternoon with a short break during the day.

Working Conditions: There is typically no shade in the working grounds and they are exposed to the scorching sun in the summer and suffer severe cold in the winter.


Health Conditions:

They work barefoot and continuously inhale fine dust from the clay and noxious gases from the coal burning kilns. What makes the situation of the majority of the children of brick-kiln laborers especially untenable, however, are the particular circumstances arising from the indebtedness system under which they and their families live and work.

Children in Carpet Industry

Facts of child labor in the Carpet Industry has been estimated by various organizations and studies to amount to;

- 1.2 million children in Pakistan.
- Over 80% of carpet weavers in the country are estimated to be children below the age of 15 years.
- The low cost of Pakistani carpets internationally requires maintaining low labor costs domestically which results in bonded and child labor.

- 
- While legislation prohibits the use of child labor in the formal industry, middlemen have advanced money to families to set up home based weaving units, or carpet weaving centers are encouraged to break up into smaller units employing less than 10 workers who are outside the purview of the law, or units are moved to rural settings, remote from government vigilance.
 - Indebted rural families keep children in forced labor conditions for years. They sit in cramped positions for long periods of time deforming their spines, they inhale wool dust affecting their lungs, and they work in poor light destroying their eyesight, and contact with chemicals and dyes damage their fingers.
 - Those working outside their families are psychologically, physically and sexually abused. They are often threatened by violence for disobedience and punished for failing to meet deadlines on deliveries or making mistakes in orders.²⁰

Bonded Child Labor in Mining Sector

- The increasing burden of peshgis coupled with low, piece-rate wages leads to the use of child labor in mines.
- The boys' average age is from 10-15 years.
- To lighten the burden of peshgis, some workers have taken to involving their children or younger brothers in mining.
- These boys can be as young as 10 but the majority are closer to 15.
- In Punjab and NWFP, the boys mostly take the donkeys underground to load them with coal.
- In Sindh and Balochistan, more children were seen working in the communal kitchens.
- Some children have no other relatives in the mines and are most vulnerable to sexual abuse and increasing drug use.²¹

Child Labor and Bonded Child Labor are Found in Other Sectors too. Necessary, More Sectors Can be Added for Discussion.

²⁰ The rapid assessments in 2004 also found that the effects of debt bondage in carpet weaving were particularly harsh on children.

²¹ Ahmed Saleem; A Rapid Assessment of Bonded Labor in Pakistan's Mining Sector; ILO Work in Freedom; Working Paper 20; March 2004; pp11-15.



Effects of Bonded Labor on Children

The effects of labor on children are many including;

- Physical, psychological and sexual abuse is meted out to the child laborer as it is to his/her adult counterpart.
- The cash advanced or payment made for a child's labor, however, invariably goes to the responsible adult or parents.
- The severity of the work conditions is normally greater than for adult workers since children are easily exploitable:
 - They are normally paid less.
 - They work longer hours.
 - They work in isolation from their families (as in mining, domestic and carpet weaving sectors).
 - The additional psychological trauma of being sold into bondage by their parents, and/or being abducted by contractors or employers cannot be justified by the general excuses of parents regarding poor educational facilities, or the complicity of the authorities in turning a blind eye to such transactions.²²

The US Department of Labor, Bureau of International Labor Affairs, which frequently compiles information on child labor in export industries, pointed out in their report in 2008 the widespread use of child labor in the:

- Carpet industry where much of the production is from a family run cottage industry.
- In the surgical instruments industry, which exports mainly to the US,
- Child labor was also found to be widespread especially in the grinding and sanding of surgical instruments.
- In the sporting goods industry, children were found to be working, stitching footballs, in cottage-level family units, because of the notoriety already gained by child labor in the formal industry.

²² Human Rights Watch Asia; Contemporary Forms of Slavery in Pakistan, 1995 pp104-106



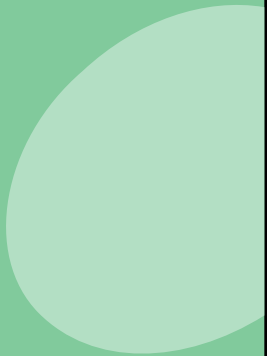
Children Can't Wait:

The children cannot wait indefinitely for new laws and the social climate to make a difference in their life. Efforts to break their isolation, to integrate them in the surrounding schools, and accelerated programs of education must start immediately.²³

²³ Human Rights Watch Asia; Contemporary Forms of Slavery in Pakistan, 1995 pp58-61

5

Legal Protection



Legal Protection

Pakistan benefits from an excellent legal foundation for eradicating bonded labor. Apart from various international conventions which have been ratified by the country, the Constitution, Supreme Court rulings and Acts of Parliament also proscribe the use of forced labor. The issue is that of non-implementation and is rooted in either political unwillingness or inability to implement the law.

A. International Conventions²⁴

- The Universal Declaration of Human Rights (UDHR) clearly prohibits slavery or servitude in Article 4 “No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”
- Of the eight core conventions of ILO (all ratified by Pakistan), two conventions exclusively deals with forced labor. In addition two conventions dealing with children establish the minimum age of admission to employment and prohibit employments of children in worst forms of labor.
 - i. **ILO Forced Labor Convention #29** was passed in 1930 and ratified by Pakistan in 1957. The convention calls for the suppression of use of forced or compulsory labor in all its forms in the shortest possible time.
 - ii. **The ILO Abolition of Forced Labor Convention #105** passed in 1957 further defined forced labor to include debt bondage and serfdom. It was ratified by Pakistan in 1960.
 - iii. **The ILO Convention on Worst Forms of Child Labor #182** lists three absolute categories of worst forms of child labor: all forms of slavery, use in illegal activities or hazardous work.

²⁴ See SPARC Newsletter and ILO/Work in Freedom International Conventions Related to Bonded Labor, PEBLISA – Pakistan Component; and Human Rights Watch – Asia; Contemporary Forms of Slavery in Pakistan, 1995, pp35-37.



- The UN Convention on the Rights of the Child 1989 was ratified by Pakistan in 1990. Article 29 of UN-CRC says;
“It requires countries to provide for the protection of the child from economic exploitation and performing any work that is likely to be hazardous or to interfere with the child’s education, health, physical, mental, spiritual, moral or social development; to take all measures to prevent the abduction of, the sale of, or the traffick in children for any purpose or in any form; and to protect the child against all forms of exploitation prejudicial to any form of the child’s welfare”.
- The 1926 Anti Slavery convention was adopted by the UN in 1953 and was further defined and extended in the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Practices Similar to Slavery in 1956. This convention linked debt bondage, serfdom, trafficking in women and child servitude to institutions and practices similar to slavery.

A monitoring body was set up by the UN in 1975 to assess compliance to anti-slavery conventions. This is called the Sub Commission on Prevention of Discrimination and Protection of Minorities which meets annually and to whom submissions are made by NGOs working for the freedom of bonded labor.

- In 2007, the Human Rights Council created a mandate for a special rapporteur on contemporary forms of slavery, including its causes and consequences.

B. National Laws

Constitution

- **The Constitution of 1973 lists a number of fundamental rights ostensibly guaranteed to all Pakistani citizens. The constitution states that all laws which are inconsistent with, or in derogation of, these fundamental rights are void. Slavery and forced labor are addressed in Article 11 of the constitution:**
 - Slavery is nonexistent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.
 - All forms of forced labor and traffick in human beings are prohibited.
- The bonded labor is barred under Article 14 of the Constitution (which prohibits violation of the dignity of man and torture), Article 15 (freedom of movement and residence), and Article 37 (e) (the State’s obligation to make provision for securing just and humane conditions of work, ensuring that children and women are not employed in vocations unsuited to their age or sex, and for material benefits for women in employment).
- Bonded labor is also covered by Article 3 of the Constitution which says: The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.



Famous Supreme Court Ruling of 1988

Although slavery is generically proscribed in the constitution, the bonded labor system is specifically banned under an important Supreme Court ruling passed in 1988. In the case of Darshan Masih and others vs. the State, the court ruled that brick-kiln workers are indeed bonded laborers and that the bonded labor system is inconsistent with fundamental rights guaranteed in the constitution.

- Thus, the Supreme Court declared that the bonded labor system must be eradicated.
- This decision grants laborers;
 - The right to work wherever they wish.
 - Bans contractors from the bonded labor system.
 - Limits the amount an employer can loan employees.
 - Attempts to make specific arrangements to end false arrests of bonded laborers
- Limitation of the decision are:
 - It upholds the legality of existing debts and implicitly limits the scope of the law to the brick-kiln industry.
 - It guarantees wages only to the male head of the household and not to other family members who also work.

Bonded Labor System (Abolition) Act of 1992

The Supreme Court decision was followed by an important act of Parliament “the Bonded Labor System (Abolition) Act of 1992”.

Main Points of the act are;

- This act abolishes the bonded labor system, terminates bonded laborers past debts, and legislates harsh punishments for those engaged in the bonded labor system.²⁵ It includes:
 - Every person was prohibited from making any advance under the bonded labor system or compelling anyone to render bonded labor or other form of forced labor.
 - All customs, traditions, practices and all contracts, agreements or other instruments, whenever executed, under which any person, or any member of his family, was required to work as a bonded laborer, became void and inoperative.
 - Every obligation of a bonded laborer to repay any bonded debt outstanding against him stood void.
 - No suit or other proceeding could be taken up by any court or tribunal or any other authority for the recovery of bonded debt.

²⁵ Pakistan’s Bonded Labor System (Abolition) Act, 1992, provides for a penalty of between two and five years’ imprisonment, or a fine of not less than PRs.50,000, or both, as punishment for enforcing or exacting bonded labor (ILO Global Report 2005 p.20).



- Any person who compelled anyone to render bonded labor or extracted bonded labor under the bonded labor system, under any guise or pretext, became liable to imprisonment for two to five years or with a fine of Rs. 50,000 or both. Failure to restore bonded laborer's property within 90 days became punishable with imprisonment and / or fine. Every offense under the Act was made cognizable, that is, the police could take notice.
- It also calls upon the state to establish vigilance committees at the district level consisting of elected representatives from the area, the district administration, bar associations, the press, recognized social services, and labor departments of federal and provincial governments.
 - These committees are to advise the district administration on matters relating to the effective implementation of the law. They are also to help rehabilitate freed bonded laborers, assure that the laws are properly applied. The establishment of these committees would be the first important step to ensure that this act is enforced.²⁶

The function and responsibilities of Vigilance Committees as laid down in the Bonded Labor System Abolition Act (1992) and the Rules (1995) are:

- To advise the District Government on matters relating to the effective implementation of the Abolition Act and Rules;
- To consistently monitor the working of the law in all respects;
- To ensure that the objectives of the law, i.e. abolition of the bonded labor system, release of bonded haris and the rehabilitation of freed haris are fully realized;
- To render the bonded haris / laborers whatever assistance is needed to gain freedom and secure rehabilitation;
- To call upon a department, agency, company, firm, employing establishment, or an individual employer or any other person to provide information and documents that may be relevant or useful in the performance of the committee's functions;
- To establish a complaint cell in the office of the District Nazim to be managed by the secretary of the committee.
- To record and maintain minutes of Vigilance Committee meetings;
- To ensure that meetings take place in the first week of every month;
- To ensure that emergency meetings are held within 48 hours of a request by any of its seven members.

²⁶ Human Rights Watch Asia; Contemporary Forms of Slavery in Pakistan, 1995 pp.35-37

Sindh Tenancy Act 1951

The Sindh Tenancy Act has been the subject of much discussion and litigation. The main points of The Sindh Tenancy Act 1951 are;

- The Act originally envisaged two classes of tenants: permanent tenants and tenants-at-will. The permanent tenants' names were registered in revenue record, they had considerable security of tenure and their ejection was subject to certain conditions and orders of competent tribunals. Such guarantees were not available to tenants-at-will except that they could be ejected only at the end of a cropping season. A tenant-at-will could become a permanent tenant by enjoying tenancy rights over a prescribed period.
- Tenancy Act explicitly empowers the landlord to detain an indebted tenant but also provides for the resolution of the debt through a tribunal previously headed by Mukhtiarkar, now by the Deputy District Officer (DDO) Revenue. Violations of the law could be punished with a small fine (Rs. 500) and, in case of default, with simple imprisonment for upto one month.
- There is an obvious contradiction between the Act and subsequent Bonded Labor Act that declares all debt bondage as illegal and a disquieting trend towards district administration and judiciary being more sympathetic to offenders rather than bonded labor.²⁷
- The Act prohibited landowners from forcing any of their tenants to render unpaid labor. The law also attacks the bonded labor system by prohibiting a landowner from forcing a tenant or any member of his family to provide free labor or labor against their will for the landlord's benefit, or denying a tenant or any member of his family freedom of movement beyond the limits fixed by him, or preventing a tenant or any member of his family from seeking work elsewhere, or transferring a tenant or any member of his family to another person / landlord against any consideration (in cash or otherwise).



²⁷ PILER; Ercelawn, A and Nouman, M. Bonded Labor in Pakistan: an Overview; ILO Work in Declaration Working Paper 1, 2001, p. 1.

Freedom,



- The bonded haris could not seek the protection of the Tenancy Act because they were not treated as tenants. Some of the landlords contended that the Bonded Labour System Abolition Act did not apply to haris , and that the advance payments made to them were in the nature of taqqavi loans which were not affected by the Bonded Labour Abolition Act.
- The Sindh government made two amendments in the Tenancy Act in 2002 with a view to prohibiting bonded labour under this law also.
- The first amendment (September 2002) abolished the easily ejectable class of tenants-at-will and now the law envisages only one class of tenants -- permanent tenants. The period required to qualify as a permanent tenant has been reduced.
- Unpaid labor (begar) cannot be extracted from any member of a tenant's family.
- Following the introduction of the Devolution Plan, the revenue officials have been re-designated: the duties of the Assistant Collectors are now performed by Executive District Officers (Revenue), of the Deputy Collectors by District Officers (Revenue) and of Mukhtiarkars by Deputy District Officers (Revenue).
- The second amendment (October 2002) makes some general provisions regarding a tenant's debt to the landowner. The law as amended now says that a landlord will recover from a tenant's share of produce only a loan advanced under an attested agreement as prescribed in the Sindh Tenancy Rules and disputes will be settled by the tribunal.
- Civil society and activists fighting against bonded labor wish to be updated in the face of the Bonded Labor System Abolition Act 1992.²⁸ There was some success when in 2007, the Government of Sindh constituted a Parliamentary Review Committee in the Sindh Assembly for modifying the Sindh Tenancy Act 1951 in light of the directives from the Supreme Court of Pakistan.

C. Policy

National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers (NPPA)

In 2001, the federal government approved a National Policy and Plan of Action for the Abolition of Bonded Labor and Rehabilitation of Freed Bonded Laborers (NPPA), which essentially lays out the strategic plan to achieve the abolition of forced and bonded labor, and also provides for a national survey.

The key components of this strategy and action plan have been described below:

- Constitution of a multi stakeholder monitoring committee to oversee implementation of the Plan
- Restructuring and revitalization of District Vigilance Committees (DVCs) under the District Nazim to help release and rehabilitate bonded labor with the assistance of local judiciary and other authorities

²⁸ Action Aid, local activist organizations and local hari's in Sindh have come up with a proposal to amend this Act. SPARC representing civil society submitted a proposal for amending those clauses which legitimized Bonded Labor through the words of 'Beggars' or 'Cheer.' While many of the suggestions were adopted in the Committee's final draft, it could not be presented to the Assembly which had completed its tenure.



- Registration of brick kilns
- Campaigns to raise public awareness on bonded labor issues and legal provisions
- National surveys to assess magnitude and prevalence of the problem
- Creation of legal aid cells
- Implementation of relief packages and rehabilitation programs for freed bonded laborers and their families (including education, vocational training, micro credit facilities and self employment opportunities).

At a review meeting in 2004, the monitoring committee decided to revitalize the process. This included;

- Setting up legal aid cells
- The provision of low cost housing for rehabilitated freed labor
- Notification and training of Vigilance Committees.
- The series of Rapid Assessments on bonded labor in ten different economic sectors (carried out by the Ministry of Labor, Manpower and Overseas Pakistanis with ILO support) were the initial step in the direction of the larger national survey.

Bonded Labor Fund

Bonded Labor Fund has been set up with an initial grant of Rs. 100 million by the Federal Government in response to the Bonded Labor System Abolition Rules of 1995.

The basic criteria under the fund include:

- Resettlement in new homes where they can live without fear and can interact with neighbors and society at large;
- Adequately rewarding employment in accordance with their skills (cultivation is case of haris);
- Opportunities of alternative skill development and training;
- Proper health facilities for their families and facilities for their children's education; and
- Creation of self-employment in the farming sector.

The implementation of this Bonded Labor Fund as envisioned remained very slow. This has been attributed in part to the administrative problems associated with the disbursement of the Bonded Labor Fund. In addition, the Fund should be utilized to finance projects related to:

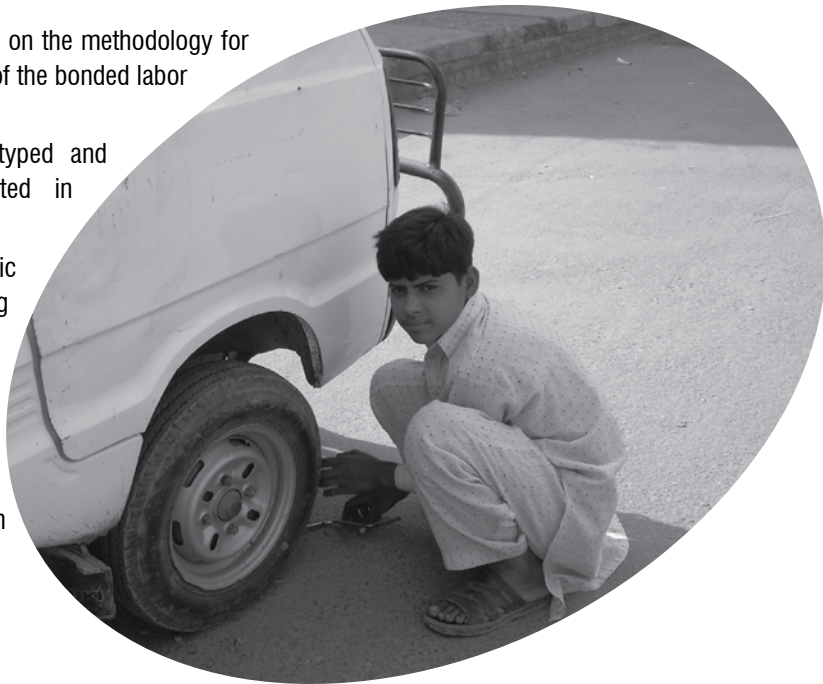
- the establishment of training institutes for the freed bonded laborers;
- provide legal and financial aid to bonded laborers or their family members for the realization of their rights under the law;

- provide financial help in the rehabilitation and for the welfare of the freed bonded laborers and
- the Vigilance Committees are entitled to receive allocations out of the fund and should be assisted.

D. Implementation

Despite all of these progressive measures, the urgency and seriousness of concern with which the issue of elimination of forced/ bonded labor deserves to be viewed seems to have progressively declined over the years. The reasons for this are:

- There is a mindset that, with the enactment of the law, the bonded labor system has been abolished lock, stock and barrel and that there is no possibility of recurrence of the system. Laboring under this mindset, many state governments assume, without even setting up vigilance committees, that there are no bonded laborers in their states. They have not taken any initiative to conduct surveys for identification of the bonded labor system and have not made any budget provision for rehabilitation of released bonded laborers.
- Vigilance committees for many districts have not been constituted and reconstituted wherever due, and are largely non-functional wherever constituted.
- The Act and Rules do not give guidelines on the methodology for conducting surveys for the identification of the bonded labor system.
- Over the years a very formal, stereotyped and routinized approach has been adopted in identifying the bonded labor system.
- An equally formal, rigid and highly legalistic approach has been followed while trying the cases under the Act as also at the time of releasing bonded laborers.
- There is always a long interregnum between the date of identification and date of release on the one hand, and the date of release and date of rehabilitation on the other.



6 Combating Bonded Labor





Combating Bonded Labor

Bonded labor, however, is not a one-time problem, it is open-ended. It can occur and recur at any point of time in a number of occupations such as agriculture, brick kilns, stone quarries, etc. All possible efforts will, therefore, have to be undertaken to prevent the occurrence or recurrence of the problem in a particular industry, occupation, trade etc.

Research has shown that successful and effective interventions to combat bonded labor are those that are;

- 1. Holistic**
- 2. Target Families & Children**
- 3. Interventions are Based on Legislation**
- 4. Education**
- 5. Rehabilitation**
- 6. Advocacy**

The plan proposes several strategies for combating bonded labor.²⁹ The implementer must disaggregate the target to be handled at a particular level keeping in view the availability of resources –human, material and financial and have to be tailored to the need. It is important and pre-requisite to do the situation analyses while developing strategy to be relevant to the context and effective.

The implementing agency should be able to develop their own action plans through recommended strategies; which can serve as guidelines. It is necessary and desirable that any strategy lists the order of priorities clearly and categorically which can be different for different people. In view of the situation, some of these activities can be independently pursued while some may be combined and taken up simultaneously.

²⁹ Adapted from A Perspective Plan to Eliminate Forced Labour from India, L. Mishra, ILO



Strategies for Combating Bonded labor

A. Identification of Bonded Laborers

There are two aspects in the identification process. One is the machinery and the other is the methodology to be followed.

- The Bonded Labor System Abolition Act 1992 speaks of vigilance committees as the machinery responsible for identification but it has not laid down any precise methodology for such identification.
- Past experience in regard to identification of bonded labor system has not been successful on account of the following:
 - adoption of a formal, stereotyped and routine approach by lower level functionaries for which they draw blank in terms of getting a proper response;
 - pervasive ignorance, low level of awareness and aspirations as well as the socio-economic backwardness of the bonded laborers.
- Despite these limitations, household surveys or establishment surveys can yield useful results provided;
 - such surveys are used as tools for listening, empathizing and learning;
 - the survey is conducted with a humane and sensitive understanding of the situation in which the persons to be surveyed work and live.
- A few stages in the process of conducting a household/establishment survey are:
 - formation of survey teams comprising coordinators, advisers and members of district/tehsil/union;
 - design of a simple questionnaire for survey;
 - orientation and sensitization of team members on the methodology of the survey through a workshop/ training;
 - collecting data through questioning of households and establishments;
 - compilation, analysis of data and drawing of conclusions.
- There are special problems of migrant bonded laborers and a special strategy for them will have to be adopted. The contours of that strategy are:
 - identify the pockets of migration;
 - bring together the officials of labor-sending and labor-receiving districts for a dialogue;
 - constitute joint study teams comprising officers to visit the worksites to listen to the grievances of migrant workers;
 - release of such workers on the strength of the findings of the joint study team as they are found to be working under conditions akin to bondage;
 - ascertain the preference of these workers as to where and how they would like to rehabilitate themselves.

- The data pertaining to identification, release and rehabilitation of bonded laborers should be computerized so that such data can be retrieved as and when necessary. This would involve orientation, training and setup at district level.

B. Complete Documentation of Identified Bonded Laborers

Document is important to keep a close and constant vigil on the status of freed bonded laborers who are waiting to undergo the process of rehabilitation or who are already undergoing such a process.


- The need for such documentation is all the more relevant and urgent in case of migrant workers, some of whom may have been working under conditions akin to debt bondage. It is not enough to identify them as bonded laborers and release them from debt bondage. It is necessary to repatriate them to their native place for rehabilitation, if they so wish and to keep a vigilant eye on the process of their rehabilitation.
- Documentation serves the following useful purposes:
 - it helps to formulate worthwhile schemes of rehabilitation which are area specific, need based, cost effective, time bound and result oriented;
 - it helps to keep a tab on the content, quality and impact of rehabilitation programs and to formulate and apply correctives to remove deficiencies in the implementation process;
 - it ensures better accountability and helps to fix responsibility in the event of flawed implementation of rehabilitation program;
 - it particularly helps to protect and safeguard the rights and interests of interstate migrant workers who have been found to be working under conditions of bondage.

C. Rehabilitation of Released Bonded Laborers

Experience suggests that freedom from bondage is meaningful only when the uncertainty and insecurity associated with that freedom have been removed through productive and income-generating schemes. If this is not achieved, the freed bonded laborer will always prefer to go back to his old master and the bonds associated therewith.

- There are three distinct phases of rehabilitation:
 - (i) immediate physical and economic rehabilitation (necessitating payment of subsistence allowances);
 - (ii) provision of some avenues of employment (through manual labor), payment of need-based minimum wages and supply of productive assets to help start a new life;





(iii) a number of social and economic programs, including formation of workers' organizations (indigenous self-help groups/ thrift and credit groups, associations, cooperatives, trade unions etc.).

- In order to be meaningful rehabilitation programs have to be multidimensional and should cover a wide range of items such as:
 - allotment of homestead and agricultural land;
 - land development through provision of irrigation, integrated watershed planning, development and management;
 - provision of low cost dwelling units;
 - provision of all inputs and back up services under:
agriculture (including horticulture); animal husbandry; dairy; poultry; fodder cultivation;
 - facilitating easy access to credit for meeting ceremonial, consumption and development needs;
 - training for acquiring new skills and refining, sharpening and updating existing skills;
 - health and medical care (including immunization of pregnant mothers and children in the 0-3 age group);
 - supply of essential commodities at controlled prices in an uninterrupted manner;
 - providing basic education to children of bonded laborers;
 - protection of civil rights.
- With a view to augmenting the scale of per capita expenditure to take care of so many provisions, resources will have to be pooled from a variety of sources and integrated imaginatively and skillfully to achieve the objective of holistic and integrated rehabilitation.
- Rehabilitation as a group or community effort has many distinct advantages. This includes:
 - By bringing people with a different socio-cultural background and rehabilitating them at one common point, one would be promoting social integration. Social integration and social solidarity would pave the way for stronger social protection.
 - Group rehabilitation at a common point would facilitate convergence of a number of functionaries of development departments, government and NGOs; it would make the task of integrated development easier. It would facilitate easier access to credit for development. In a group approach to development, the economies of scale of the operations would be ensured.
 - A group approach to development/ rehabilitation should be adopted as far as possible and practicable as it enables the delivery system to ensure the provision of adequate infrastructure facilities, to integrate a number of activities as well as optimizing the return on the investment made for the benefit of freed bonded laborers.
- In contrast to this, individual beneficiary-oriented approach to rehabilitation has a number of limitations that arise from the peculiar caste -based social background of the beneficiary, his or her poverty and backwardness and the culture of silence and dependence associated with the milieu in which he/she has lived.



- Functionaries of administration should visit and interact with the freed bonded laborers who are undergoing the difficult process of rehabilitation, ascertain their felt needs, preferences and interests and the extent to which the process of rehabilitation is beneficial to them. Every such visit should ideally end up by establishing an emotive bond with the freed bonded laborers and their family members in a manner which assures and reassures the former that:
 - he/she is a free individual entity entitled to inalienable human rights and to lead a decent and dignified human existence;
 - debt need not regulate his/her destiny.

D. Strengthening and Activating the Labor Law Enforcement and Grievance Machinery

Law is merely a framework, an enabling mechanism. While a law is enacted with the best of intentions, and duties and responsibilities of each actor are elaborately laid down in the framework of the law, in actual practice these are not performed at all or the performance is at best perfunctory. This is what gives rise to grievances of the aggrieved.

- It is necessary and desirable that there should be a mechanism as well as a procedure for airing and redressing all such grievances in cases where proposed structure is not functioning. The mechanism can be created and institutionalized at federal and provincial levels:
 - Ministry of Labor at the level of Federal Government;
 - Labor Departments in Provinces which handles and facilitate the work of identification, release and rehabilitation of bonded laborers.
- According to the law, all powers and duties required for the implementation of the law could be conferred on District Governments by a provincial government. The elected representatives and officials were required to promote the welfare of the freed bonded laborers by securing their economic interests so that they did not have to contract bonded debt again.
- The district governments and other designated officials were required to inquire whether anyone was being made to work as a bonded laborer in the area under their jurisdiction, and if any evidence of bonded labor system was found they had a duty to take such action as was necessary to implement the Act. In order to do this, a clear procedure to be followed at each level should be clearly laid down and should essentially cover the following:
 - entertaining and registering the complaint;
 - forwarding the complaint to the concerned quarter for investigation and submission of a report within a stipulated time limit;
 - communication of the order to the aggrieved;
 - disposal of the complaint by issue of a proper order by the competent authority;



- laying down a procedure for filing an appeal against the said order in case the complainant is aggrieved by the order;
- laying down a procedure for constant review of the number of complaints filed, number of complaints disposed of and number of complaints outstanding at the district, state and central Government levels.
- Officers of the labor law enforcement machinery acting as inspectors should inform, equip and conduct themselves in such a manner as it should prevent laborers to get into debt bondage. The role of labor ministry and labor inspectors should not be limited to formal industry and the scope needs to be broadened up to informal sectors.

F. Strengthening and Activating Vigilance Committees

The Bonded Labor System (Abolition) Act 1992, it would be appropriate to induct a few right-thinking and progressive-minded individuals and co-opt them as members of vigilance committees to make it broad-based and ensure its proper functioning.


- There are some suggestions that may be considered for strengthening and activating vigilance committees. These are:
 - all vigilance committees should be reconstituted in the manner envisaged in law once every two years;
 - the chairpersons of these committees should ensure and pushed that they meet at close and regular intervals;
 - it would be appropriate if after the first meeting and after laying down certain guidelines the chairperson and members set out on field visits for identification of bonded labor systems;
 - a selective and focused approach would yield desired results. Pockets that are prone to debt bondage may be identified first on the basis of locally available information;
 - on the basis of field visits/surveys and the findings thereof the committees should be able to place concrete cases before judiciary;
 - it may be appropriate if outside the ambit of law and purely as an administrative measure national and state level bodies are set up to oversee and review the functioning of vigilance committees and other related matters arising out of implementing provisions of the law.
 - the body at the national level may be called “national commission/authority on elimination of forced/bonded labor”. The commission/authority may be headed by the Labor Minister with representatives from other Ministries. Representatives from employers federations, trade union federations and NGOs may be co-opted as members in both bodies;
- while overseeing the functioning of vigilance committees, the bodies at the national and state level may fix norms and criteria for selection of the best performing vigilance committee(s) at the district and tehsil level for awards/rewards/incentives;
- In addition to overseeing the functioning and actual performance of vigilance committees, the body should be responsible for formulation of policy and issue of directions for launching a countrywide advocacy/campaign for elimination of forced/bonded labor;



G. Sensitization and Orientation to Bonded Labor

Training is an important input for human resource development. It imparts knowledge, information and skills. It is a tool for learning by sharing as well as a tool for carrying conviction.

- Training and capacity building of partner organizations, Child Rights Committees, local government bodies and any other important stakeholder transfers information on bonded labor and the skills to combat it. The benefits of such trainings are:
 - information can be provided to functionaries developing and implementing policy;
 - monitoring and evaluation skills can be imparted to local level vigilance groups;
 - incidents of infringements of rights information can be given to advocates to local and provincial judiciary bodies;
 - rights awareness raising can be offered to the victims of bonded labor themselves;
 - specific community based rehabilitation skills can be imparted to the social workers;
 - activists advocating change or implementing ground level projects to rehabilitate bonded labor through social and economic interventions.
- In the context of elimination of forced/bonded labor, the content of training should be:
 - the problem of forced/bonded labor in Pakistan is the outcome of poverty, landlessness, lack of assets and various other forms of social injustices and deprivation;
 - such a problem can occur and recur at any point of time. It is open-ended;
 - such a problem is not confined to agriculture. It can be found in any occupation;
 - it is not confined to any particular sex or age group;
 - what is of utmost importance in conducting investigation into the existence/non-existence of a bonded labor system, is the humane and sensitive understanding of the situation on the ground;
 - one needs to perceive, internalize and adopt completely non-conventional and unorthodox ways of securing release of bonded laborers through summary trial;
 - identification, release and rehabilitation should be simultaneous operations;
 - a different strategy would be needed for rehabilitation of persons of different age groups as also of those placed in different situations;
 - the task of elimination of forced labor should be viewed primarily as a human rights and developmental issue;
 - there is need for tremendous political will, commitment and determination at all levels to grapple with and overcome the problem;

- 
- it should be viewed as an issue of societal, national and international concern and not just the concern of any particular ministry or department or agency;
 - there is a clear possibility of pooling resources from a variety of sources and integrating the same imaginatively and skillfully, with a view to achieving the objective of holistic and integrated rehabilitation.
 - *The process of orientation and training comprises:*
 - determination of functionaries at each level to be trained;
 - determination of the number of trainers to impart training at each level;
 - identification of state/district-level training institutions where the trainers can be trained;
 - design of curriculum, course content and materials to be used for each training to be decided through a workshop;
 - fixing time, venue and duration of training;
 - determining on the basis of need, the residential/non-residential nature of training and providing logistic support for both;
 - working out the estimates of cost of each training and making a budget provision;
 - actual imparting of orientation/training in a discussion mode;
 - institutionalizing arrangements for evaluation of the actual outcome and impact vis-à-vis the expected outcome of each training.
 - *As regards methodology of training:*
 - the methodology should be participative and communicative;
 - skits, role -play and simulation exercises on the theme of training should be freely used;
 - such role -play and simulation exercises should enable the trainees to internalize the very difficult situation in which the bonded laborers have been placed;
 - training should drive home the central message that it is not the existence of bonded labor system that is a disgrace on the administration, but the failure of the administration to recognize this system that makes it a disgrace;
 - provisions of law, judgments of the Supreme Court, national policy need to be translated into regional language(s) and disseminated for use in training;
 - making extensive and repeated use of case studies on the definition and status of bonded laborers in real life situation.

As part of the ILO PEBLISA project, the Human Rights Commission of Pakistan prepared a Training Manual for District Vigilance Committees in 2004. This aims to help interested parties on how to constitute and establish DVC's for the identification and release of bonded labor.



H. Preventing the Occurrence/Recurrence of Debt Bondage

Landless agricultural laborers, sharecroppers, persons below poverty line level, who are landless and asset-less, migrant workers, etc., take loans/debt/advance partly for survival needs. In the process they get indebted and bonded to their creditors due to their inability to repay the loan, which gets compounded due to usurious rates of interest.

The question that naturally arises is: Can such contingencies be dealt with? Can occurrence and recurrence of debt bondage be prevented? The answer is yes and debt bondage is preventable and can be prevented.

In the following paragraphs an attempt has been made to propose solutions on a long-term basis.

i. Access to Micro-Credit

Micro-credit is the provision of a broad range of financial services such as deposits, loans, payment services, money transfers and insurance to poor and low income households and their micro-enterprises (retail services).

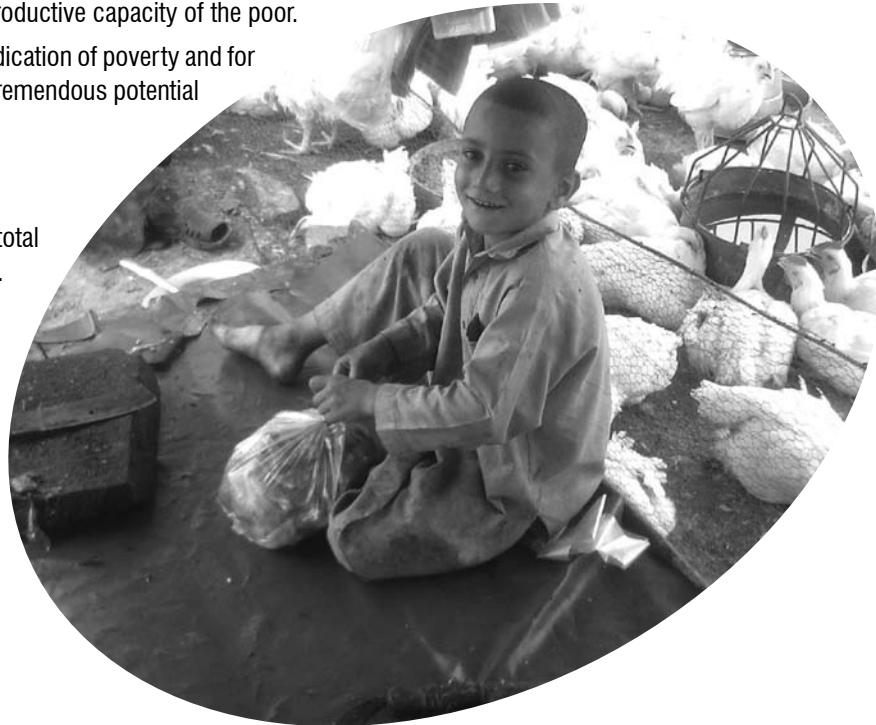
- The rationale for the provision of micro-credit arises on account of the following:
 - the majority of rural poor in Pakistan, are outside the realm of formal financial institutions due to:
 - perceived high risks;
 - high costs involved in a small transaction;
 - inability of the poor to provide the physical collateral insisted upon by credit institutions;
 - the formal credit delivery system has not been able to keep pace with actual demand for small credit;
 - the formal credit delivery system is not fully knowledgeable of the social objectives for providing credit to the rural poor;
 - the poor on many occasions need emergency credit for consumption, medical and ceremonial purposes which the formal credit delivery system cannot deliver.
- The modalities for institutionalizing micro-credit are well established. These are relevant for both categories of poor, i.e. those who work under normal conditions of freedom and those who are not free. One of the successful experience is to form self-help groups which will include:
 - conduct baseline survey amongst the targeted population;
 - target the poorest of the poor with women amongst adult members of a poor household as the priority target group;
 - demarcate a specific number of households for formation of self-help groups/thrift and credit groups;
 - promote and encourage building up of a group savings fund from the savings of the members of a group;

- build up a climate of trust, goodwill and solidarity among them;
 - facilitate interest free loans from the fund for food, clothing, medical and other subsistence needs of the members of the group(s);
 - enable the group members to determine the repayment schedule based on the capacity of each member to repay;
 - facilitate loans for income generating activities (poultry, fisheries, horticulture, sericulture, arts/crafts, etc.) to break the vicious cycle of “low income, low savings and low investment”;
 - organize meetings at convenient locations to spread the message of micro-credit and to carry conviction to clients on the principle of “reliability, affordability and sustainability” of services;
 - institutionalize training of the members of the self-help groups as a tool of human resource development as well as a tool for unleashing the creative and productive capacity of the poor.
- Micro-credit is one of the tools for eradication of poverty and for elimination of debt bondage and has tremendous potential in Pakistan.

ii. Skills Training and Skill Upgrading

Skill training is an integral part of the total process of human resources development.

- The process is directed towards imparting new skills which are need-based while sharpening and refining existing skills to make them market relevant. Such skills are multiple such as:
 - life skills;
 - communication skills;
 - participation skills;
 - survival skills;
 - vocational skills;
 - entrepreneurial, managerial and supervisory skills.





- The following measures need to be adopted and implemented to achieve the desired objective of skill training as an effective tool of rehabilitation of freed bonded laborers:
 - the existing norms and criteria for application of these skill training programs for the benefit of the freed bonded laborers should be relaxed, keeping in mind their past years of servitude, illiteracy and socio-economic backwardness;
 - a detailed exercise should be undertaken by each sectoral department/agency to identify the potential and opportunities in each area before schemes are formulated in industries where there is potential for income generation. Identification for such areas in which skills can be built in agriculture and otherwise; market research should link this with socio-economic conditions.

iii. Access to Avenues of Full, Freely and Productive Employment

The task of ensuring full employment and even a moderate standard of living for everyone in Pakistan remained unfulfilled.

- Productive employment for both men and women is not available throughout the year and the access to employment is inequitable for men and women as well as in between urban and rural areas.
- Real wages have persistently remained low and even declined considering high inflation rate.
- The current employment situation in rural areas which has considerable bearing on the pernicious system of debt bondage is characterized by the following which needs to be addressed:
 - lack of stable and durable employment caused by the excessive seasonality of employment;
 - the number of landless agricultural laborers is on the increase;
 - limited availability of land in terms of absorbing such growing number of agricultural laborers;
 - a number of agricultural laborers is simultaneously getting displaced from land and such displacement is invariably accompanied by poor quality of employment that is also insecure and exploitative.

iv. Enforcement of Minimum Wage for All

Minimum wage is the rock bottom subsistence wage below which no industry or employer should pay.

- In concrete operational terms, the following action would need to be initiated to fix, review, revise and enforce minimum wages so that wage employment is remunerative and there is no economic deprivation:
 - the procedure for fixing, reviewing and revising minimum wages should be made simpler and take less time to be put into effect so that the wages so fixed and revised are in tune with the ground-level realities;
 - in view of the rapid changes taking place in the labor market, minimum wages should be reviewed every year;
 - a major portion of the wage should be paid in cash and not in kind since computation of cash value of wages paid in kind is fraught with severe limitations;
 - it should be applicable in all forms of employment whether organized or unorganized.



v. Implementation of Land Reforms

Land reform often advocated on two premises — one economic and the other social.

- The economic argument is that smaller owner-cultivated farms achieved higher productivity than large farms operated by absentee landlords.
- A system of self-cultivated farms is required to break the suffocating rule of feudals who prefer dictatorship to democracy, obscurantism to ijihad, and rule by force to supremacy of reason.
- Land reform is also necessary to pull a large body of citizens out of medieval bondage, help them realize themselves, and thus avoid the huge loss of human capital Pakistan incurs year after year by denying the people their basic right to land. The case for land reform is as strong as ever.
- This is an appropriate time to plan land reform, not merely in terms of revision of land ownership pattern but also, and more essentially, in terms of land utilization practices and social justice to a large mass of people.
- Any program of land reforms should be viewed as a tool of removing inequality in possession of land, inequality in access to means of production and inequality in reaping the usufructs from land at a fair and remunerative price.
- In the context of elimination of debt bondage, a district survey should be undertaken to identify the extent of landlessness and land owned by the central or the provincial governments or any other public authority and which is not required for any public purpose should be made available for distribution amongst the landless laborers.

I. Legislative Aspects

i. Review and Enforcement of the Law Relating to Credit

Moneylending through the traditional channels is one of the most abhorrent practices. The transaction is conducted under unequal exchange terms, is veiled in secrecy and without any transparency.

- This is true both before a person gets into the status of debt bondage and, ironically, even truer after a person has been released from debt bondage, since in the absence of any other alternative institutional mechanism, he/she has to turn to the same moneylender of the village.
- To ensure that the freed bonded laborers remain free forever and do not slide back into debt bondage, the vice-like grip of the moneylenders has to be completely broken.
- This can be done partly through stringent enforcement of the provisions of the law relating to moneylenders on the one hand, and by largely mobilizing and organizing the freed bonded laborers into cooperatives on the other to liberate them fully from the clutches of moneylenders.
- Moneylending needs to be made a credible and transparent transaction.



ii. Review and Enforcement of the Law on Prohibition of Child Labor

All working children may not be bonded children, however, be situations where children may be working in bonded or slave-like conditions. Ironically enough, the law in Pakistan largely tolerates the employment of children.

- Over 10 million children are estimated to be child laborers in Pakistan. They are out of school, are victims of educational deprivation and many of them are working for long hours for a wage which is often a pittance in industries, occupations and processes which are clearly hazardous to their physical and psychological well-being and life.
- The current law on employment of children “Employment for Children’s Act 1991” covers limited number of sectors and got ambiguities. Law is the combination of prohibition and regulation that does not cover all sectors. While the law has prohibited employment of children in 34 occupations and processes, however on other hand, it has permitted children to work in thousands of occupations and processes which are not considered to be hazardous.
- A multi-pronged strategy needs to be adopted to deal with this problem. The following are the broad outlines of strategy:
 - launching a countrywide campaign with the help of printed, electronic and folk cultural media and that of NGOs for sensitizing parents, employers and all sections of the civil society, helping also to change preconceived cultural ways of thinking;
 - the central message of these campaign should be: (a) access to free, compulsory and universal primary and elementary education is a fundamental right of all children in the 6-14 age group; (b) the members of the civil society (including parents and employers) have no moral right or authority to deny children these rights; (c) child labor and educational deprivation are coterminous; and (d) no one has the moral right or authority to push children into the world of work against their wishes, thereby pushing them to the brink of near destruction of their lives;
 - imparting vocational skill training to the adults and making them learn an appropriate technology which would help to prepare them to replace children in specific industries particularly hazardous to the health and well-being of such children;
 - attaching the highest priority to release all children from the captivity of bonded labor keepers by stringent enforcement of the provisions of the Bonded Labor System (Abolition) Act;
 - opening special schools with the help of NGOs for rehabilitation of such children through education, nutrition and skill training;
 - linking free, compulsory and universal basic education of all children in the 6-14 age group to the elimination of child labor and making it an integral part of a long-term plan, which would have a number of basic components in terms of location, architecture, school timing, selection, orientation and training of teachers, integrating work and study, integrating elimination of child labor in the curriculum, course content and textual materials for the school children, and achievement of the minimum levels of learning, etc

J. Lobbying

Lobbying communicates “views and policy solutions to decision makers and influential persons in order to persuade them of the rightness of the cause and to enlist their support for the fight against Bonded Labor”.

Lobbying can be both formal and informal; address both primary and secondary targets, and must be characterized by clarity in objectives and structured arguments.

i. Awareness-Raising

Awareness Raising entails the transfer and enhancement of information on Bonded Labor to various target groups which may include partner organizations, parents, children and employers, government officials, the public at large.

- It includes the dissemination of information through research, seminars and publications, research publicized through the press, publicity through billboards, banners and other visual aids, and group events such as walks and campaigns.
- Research, studies and surveys quantify and qualify the prevalence of bonded labor in the country. This would be essential for any other step in bringing attention to the problem and attempting to remedy the situation. The numbers of bonded labor, the sectors where bonded labor is prevalent, and the nature of the bondage or abusive labor are all important information needs that must be met. While the actual surveys and research can only be done by specific institutions with the support of the Government, the task of other stakeholders is to call for these surveys and research at all possible opportunities.





- Media coverage of Bonded Labor issues brings these to the attention of a variety of stakeholders, policy and law makers, those responsible for implementing policies and laws, the media, the victims, and the public at large. It gives weight and importance to the cause.
- It gives exposure to the cause as well as to the organization fighting the cause. At some level, this public ownership promotes the accountability of the organization and its activities as well.
- The long term aim would be create enough public and political momentum against the tradition of bonded labor to ultimately eradicate it. The key is to develop appropriate and effective communication strategies for each target group.
- Media liaison includes the use of media alerts, press releases, press statements and press conferences, as well as other pressure tactics.

ii. Coalition and Partnership Building

Coalition and partnership building in the fight against Bonded Labor allows for collaboration to strengthen the cause:

- It allows for increased legitimacy and a larger support base.
- It increases the outreach and impact of any advocacy measure taken
- Allows the group to utilize specialist competencies
- Build capacities within the coalition.

For a coalition to be effective, however,

- It requires credibility as an advocate for the cause against Bonded Labor
- A credible agenda,
- Credible presentations and views,
- Credible support base and credible tactics.
- This credibility allows the coalition to monitor the status of Bonded Labor,
- The compliance of the government to international and national laws
- To lobby for more effective implementation of laws. In fact all advocacy techniques are also available to coalitions and networks, perhaps made stronger by the larger support base.



NCABL

The National Coalition Against Bonded Labor (NCABL) is a coalition of civil society organizations of Pakistan who have come together at a collective platform in 2004 to jointly struggle for the uplift of bonded labor community by providing them equal rights and entitlements like other nationals of the country.

iii. Documentation of Successful Stories

The law on abolition of bonded labor system was enacted in 1992. The National Policy against bonded labor was approved in 2001. The government has established an endowment fund of Rs. 100 million. Several human rights organizations have been successfully raising the profile and their voices. Things have improved as expected but there are some developments.

- It is important that all such developments should be taken into account particularly the success stories of individual efforts, initiatives of government, initiatives of NGOs and the response of freed bonded labor beneficiaries.
- Such documentation would serve a variety of useful purposes such as:
 - it would carry conviction that elimination of forced/bonded labor is not utopian but possible, feasible and achievable;
 - it would demonstrate that rational and scientific methodologies are available for identification of bonded labor systems;
 - it would act as a force to inspire and motivate many others to follow the examples already set;
 - it would dispel a lot of doubts and unfounded mindsets about forced/bonded labor and reinforce the need for its total elimination;
 - such documentation can also be used for training.



Successful Intervention

The NRSP Project refers to an innovative and creative ILO-supported initiative led by the National Rural Support Programme in Hyderabad, Sindh since 2002. Important lessons have been learnt from this effort at rehabilitating freed labor. The main objective is to help hari families establish sustainable livelihoods which would prevent them from falling back into bonded labor. The majority of the families are socially marginalized Hindus or Christians from low castes or other minorities.

Conditions are poor in these camps, where all residents are illegal squatters vulnerable to eviction at any time, living in basic temporary shelters with few assets. Few have any education or marketable skills other than in agriculture; there is chronic underemployment, with daily wage and migratory labor providing the main source of income. Many have borrowed money to meet basic subsistence needs, although few families have so far relapsed into bonded labor. But they borrow at high interest rates from moneylenders, or from shopkeepers and cloth merchants who charge inflated prices for goods sold on credit. Microfinance and other services are delivered through self-help groups (SHGs) within the camps, comprising over a thousand women and men in separate groups, with an initial emphasis on savings. Interventions include free health care, the popularity of which has made it an excellent entry point for other activities, including training in community management skills and record-keeping; social empowerment through theatre, pictures and group discussions; non-formal education for children; teacher training and provision of school materials; and vocational training in locally marketable skills for self-employment.

A particularly innovative element has been a new land-lease scheme. Having a land title and permanent address makes it much easier for camp residents to secure national identity cards (NICs), which are necessary for accessing a range of rights and benefits. A scheme was therefore devised to purchase and lease to beneficiaries a 20-acre plot of land, the costs to be repaid over a one-year period through a special credit product. Four hundred plots were laid out in three different sizes to cater for different family needs and preferences, and basic land development undertaken. Camp committees have facilitated the identification of families for voluntary resettlement. As of late 2004, some 50 families had moved to the new site. An application by the NRSP and Sindh provincial government to the Bonded Labor Fund for financial support for permanent house construction is currently being processed. A community school is running on the site and the project is working to start up new SHGs and other activities, including application for NICs.

The NRSP experience has demonstrated the scope for working with such marginal and discriminated groups as freed haris, normally excluded from mainstream development programs. Despite illiteracy, lack of experience in business and a history of oppression, camp residents have proved their ability to organize, save and initiate small income-generating activities. Frequent in-migration of newly released families to the camps points to an urgent need to initiate preventive work in their source areas.



Roles and Responsibilities of Key Stakeholders

A. Role of the Government

The Government of Pakistan has a central role to play in the enforcement of the Bonded Labor System Abolition Act of 1992.

- This essentially means;
 - implementing the National Action Plan;
 - it includes mainstreaming the bonded labor issue into all national level policy initiatives;
 - monitoring provincial level policies and legal jurisdiction so that these mirror the national level strategic plan
 - ensuring that local level implementation is made more effective through empowered District Vigilance Committees.
- The interest of the Government to effectively work against bonded labor is mainly affected by its political will. Once this has been established, appropriate government led communication strategies publicizing the human rights violations in bonded labor and especially bonded child labor can be coordinated.
- As in the case of building liaison with the civil society, the Government should hold open discussions with all the active actors of civil society working on the issue of elimination of forced/bonded labor with the following objectives:
 - involve all sections of civil society and the local community for better detection and surveillance of the incidence of forced/bonded labor;
 - to involve civil society actors in the process of collecting information on the existence of forced/ bonded labor in specific regions/areas;
 - to involve civil society actors in the process of implementing programs for rehabilitation of freed bonded laborers;
 - to involve civil society actors in conducting programs for the orientation and training of officers of law enforcement machinery as well as the chairpersons and members of vigilance committees at the district and sub-divisional level;
 - to involve civil society for receiving complaints, for investigating complaints and for bringing correct facts to light on the basis of which timely action can be taken against the offenders.

B. Role of the Judiciary

The Judiciary is the guardian of the rights of people, particularly those whose rights have been violated by state agents or abused by non-state actors. Judiciary is critical tool for promoting social change.

- The judiciary spells out principles and norms via its judgments. The lack of a judiciary which is independent from the state/ the executive and a media which is independent of social bias is a key element impeding both development and inclusion.



- The Supreme Court can take note of these violations of fundamental rights enshrined in the Constitution and international treaties through suo motos.
- It can also issue directives to the judiciary at the sub-district and district level to ensure the right to habeas corpus in the mainly incommunicado detentions of bonded labor.
- It is also recommended that there be a more detailed incorporation of international and national laws against Bonded Labor in the training curricula of Federal and provincial judicial academies. This will enhance conceptual clarity of Bonded Labor issues for junior judicial officers.

C. Role of the Civil Society

Civil society can influence the process of eradicating bonded labor in number of ways.

- The main objective for any Civil Society strategic initiative is to build pressure and awareness of the problems and gaps in legislative implementation.
- This can be achieved through advocacy with the Government and research to ascertain the current status of the problem
- Monitoring of compliance in both domestic and export-based industries where bonded labor is present
- Information briefing and publicizing of the issue for the media, and through the manifestos of political parties.

D. Role of Trade Union Federations

- The issue of eliminating forced/bonded labor should be a topic for discussion in meetings of works committees of national trade union federations and other consultative and participative forums.
- The trade union federations and their constituents can undertake the following specific activities to ensure that the phenomenon of forced labor does not occur and recur in any establishment.
- Undertake awareness generation and sensitization programs for constituent members to carry conviction to them that the existence and continuance of forced labor in any form is repugnant to civilized human conscience.
- Integrate the issue of forced labor in all workers' education programs which might be under implementation by trade union federations at the relevant time.
- Incorporate the issue of elimination of forced/bonded labor into all collective bargaining agreements.
- Undertake advocacy at both national and local government levels to highlight that forced and compulsory labor in any form is intolerable and must be done away with at any cost.
- Undertake specific programs for the identification, release and rehabilitation of forced/ bonded labor.



F. Role of NGOs

- NGOs can play both an advocacy role with the Government and contribute to on the ground model projects providing social and economic support to bonded labor and rehabilitating freed bonded labor.
- NGOs must transmit the following messages:
 - the existence and continuance of forced labor is a crime and an outrage against humanity;
 - it is a negation of inalienable human rights;
 - it is a negation of all the values and principles reflected in the ILO's Constitution and Universal Declaration of Human Rights;
 - it cannot be tolerated in any manner, in any form and in any part of the territory of a country.

Vimukti Trust in India is effectively building up the agency of bonded laborers, landless agricultural workers, Dalit and Adivasi youth to take action against bonded labor.

From the very beginning of taking up the first initiatives on bonded labor in Karnataka, Dalit youth were involved on a voluntary basis and as a movement. The first initiative was to get the correct data on bonded labor in the entire taluk through a scientific survey and analysis. Hence the emphasis from the beginning on action oriented research and research backed action in our movement. Once the data was gathered and analyzed, the data was taken up almost simultaneously in a two pronged action, which characterizes all the activities of the movement to this day. The two pronged action was lobbying with the government to make it commit to action on bonded labor according to the law and organizing and conscientizing bonded laborers identified in the different villages in the taluk of Anekal, Bangalore Urban district. [A taluk is a sub-district under a revenue administrator called tahsildar]. After the survey, each of the identified bonded laborers were motivated and guided to file applications for their release and rehabilitation to the district magistrate. A prominent Dalit leader and initiator and ideologue of the the Dalit movement in Karnataka who was just then nominated to the Karnataka legislature was persuaded to raise a question on bonded labor in the legislature based on the data of the survey. The bonded laborers in the different villages were formed into organizations/union in their villages. They were brought together for trainings on leadership and social analysis and for struggle to secure their rights.

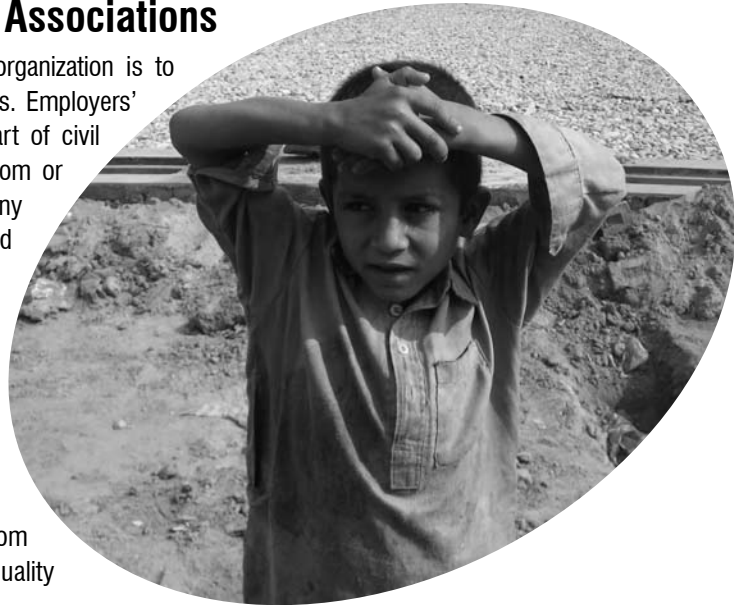



This can be done through print, electronic and through folk-cultural media. It can also be done through songs, slogans, street theatres, skits, posters, role play and media.

- Advocacy initiatives would include capacity building of the Government as well as briefings to other political parties so that the issue becomes intrinsic to political manifestos and parliamentary proceedings.
- Identification of Bonded Labor at grass roots level and raising the profile of the problem.
- Functional help in rehabilitation can take the form of market-linked skills development and assistance with microfinance programs.
- Provision of health and education services
- NGOs play an effective role of a watchdog. Monitoring and feedback can be taken with or without any intervention.
- NGOs can help the process of creating associations/groups of already identified and released bonded laborers and involve them in the task of identification.
- Human resource constraints particularly with regard to trained personnel can be partially remedied by the capacity building of government functionaries and the police

G. Role of Employer Federation/ Associations

- The main role and functions of a employers' organization is to protect and promote the interests of its members. Employers' organizations, however, constitute an integral part of civil society and their interests cannot be different from or independent of social or national concerns. Any hiatus between business and civil society is bound to be detrimental to both. The needs of civil society that may sound heterogeneous are:
 - demand for public goods (education, nutrition, health, skill training, social security etc.);
 - demand for basic decent norms and standards at the workplace (elimination of forced labor, elimination of child labor, freedom of association, collective bargaining, equality before law and equal protection of laws);
 - demand for the expression of human potential (employable skills, job security, employment security, decent conditions of work, etc.).



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- The employers and their organizations, as members of civil society, have a definite role to play in furthering these demands and observing these norms and standards. This has become particularly pressing after emergence of the nine principles of the Global Compact announced by the Secretary-General of the United Nations, Kofi Annan, at the World Economic Forum in Davos, January 1999, and formally launched in July 2000. The Global Compact asks companies to embrace, support and enact, within their sphere of influence, a set of core values in the areas of human rights, labor standards and environment.
 - The employers' organizations across Pakistan should adopt a policy that elimination of all forms of forced and compulsory labor falls within the ambit of core labor standards with which there can be no compromise and issue a clear and categorical statement to the employers of industries in those areas to the effect that existence and continuance of forced labor in their establishments are not in order and must be ended;
 - Identification of geographical areas and industries in each area which (on the basis of existing survey reports) are endemic as regards the existence of forced labor;
 - Launch a media and communication campaign to highlight the damaging impact of the abominable practice of forced labor on the industry, on the shareholders, on the consumers, etc.

H. Role of Media

- Media can assist in publicizing anti-bonded labor message.
- The print and electronic media as well as workshops and seminars can be used to raise awareness about bonded labor issues amongst the general public and as a lobbying tool to pressure the Government into compliance.

I. Role of Political Parties

- Political Parties must also mainstream bonded labor issues into their political manifestos.
- This integration will allow for the issue to be debated within the party, parliament, build support for the anti-bonded labor movement, and serve as a check mechanism for government initiatives in the area.

Annexure I
Bonded Labour
System (Abolition)
Act, 1992





Annexure I

BONDED LABOUR SYSTEM (ABOLITION) ACT, 1992

[11 March 1992]

An Act to Provide for Abolition of Bonded Labour System

Whereas clause (2) of Article 11 of the Constitution of the Islamic Republic of Pakistan prohibits all forms of forced labour.

And whereas it is necessary to provide for abolition of bonded labour system with a view to preventing the economic and physical exploitation of the labour class in the country and for matters connected therewith or incidental thereto;

1. Short title, extent and commencement. (1) This Act may be called the Bonded Labour System (Abolition) Act, 1992.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions. In this Act, unless there is anything repugnant in the subject or context,

(a) “advance (peshgi)” means an advance (peshgi) whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor);

(b) “bonded debt” means an advance (peshgi) obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bonded labour system;

(c) “bonded labour” means any labour or service rendered under the bonded labour system;

(d) “bonded labourer” means a labour who incurs, or has, or is presumed to have, incurred, a bonded debt;

(e) “bonded labour system” means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered into an agreement with the creditor to the effect that,



(i) in consideration of an advance (peshgi) obtained by him or by any of the members of his family [whether or not such advance (peshgi) is evidenced by any document] and in consideration of the interest, if any, due on such advance (peshgi), or

(ii) in pursuance of any customary or social obligation, or

(iii) for any economic consideration received by him or by any of the members of his family; he would—

(1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor or for the benefit of the creditor, for a specified period or for an unspecified period other without wages or for nominal wages or

**Gaz of Pak. Extr. Pt. I, Mar. 17 1992, p 21. For statement objects & Reasons, see Gaz. of Pak. Extr 12 Nov. 1991, P.1421*

(2) forfeit the freedom of employment or adopting other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely from place to place, or

(4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his property or any person dependent on him, and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has or is presumed to have, entered, into an agreement with the creditor to the effect that, in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor.

(f) “family” means,

(i) in the case of a male bonded labourer, the wife or wives, and in the case of a female bonded labourer, the husband of the bonded labourer, and

(ii) the parents, children, minor brother, and unmarried, divorced or widowed sisters of the bonded labourer wholly dependent on him;



(g) “nominal wages” in relation to any labour, means a wage which is less than,

(a) the minimum wages fixed by the Government, in relation to the same or similar labour, under any law for the time being in force; and

(b) where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers working in the same locality; and

(h) “prescribed” means prescribed by rules made under this Act.

3. Act to override other laws, etc. The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

4. Abolition of bonded labour system (1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour.

(2) No person shall make any advance under, or in pursuance of, the bonded labour system or compel any person to render any bonded labour or other form of forced, labour.


5. Agreement, custom, etc, to be void. Any custom or tradition or practice or any contract, agreement or other instrument, whether entered into or executed before or after the commencement of this Act, by virtue of which any person, or any member of his family, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

6. Liability to repay bonded debt to stand extinguished.—(1) On the commencement of this Act, every obligation of a bonded labourer to repay pay bonded debt, or such part, of any bonded debt as remains unsatisfied immediately before such commencement, shall stand extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall be in any civil court, tribunal 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) Where, before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family was forcibly taken by any creditor for the recovery of any bonded debt, such property shall be restored, within ninety days of such commencement, to the possession of the person from whom it was seized,



(5) 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, tribunal or other authority pending sale :hereof such movable property shall be restored, within ninety days of such commencement, to the possession of the bonded labourer:

Provided 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.

(6) Subject to the proviso to sub section (5), any sale, transfer or assignment of any property of a bonded labourer made in any manner whatsoever before the commencement of this Act for recovery of bonded debt shall not be deemed to have created or transferred any right, or interest in or ambience upon any such property and such property shall be, restored, within ninety days of such commencement, to the possession of the bonded labourer.

(7) If restoration of the possession of any property referred to in sub section (4) or sub section (5) or sub section (6) is not made within ninety 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 said property within such time as may be specified in the order.

(8) An order made by any prescribed authority under sub section (7) 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.

(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 (peshgi) made to a bonded labourer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement, stand dismissed.

(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.

7. Property of bonded labour 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 encumbrance 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 encumbrance; 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 me. Benefits as may be determined by the civil court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction such property is situated.

8. 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, or with fine which shall not be less than fifteen thousand rupees, or with both.

(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 such 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.

9. Authorities who may be specified for implementing the provisions of this Act. The Provincial Government may confer such powers and impose such duties on a District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and the District Magistrate may designate an officer subordinate to him to exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and specify the local limits within which such powers or duties shall be carried out by such officer.

10. Duty of district Magistrate and other officers designated to him. (i) The District Magistrate authorised by the Provincial Government under section 9, and the officer designated by the District Magistrate under that section, shall as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt.

(2) It shall be the duty of every District Magistrate and every officer designated by him under section 9 to inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to implement the provisions of this Act.

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11. **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 shall not be less than two years nor more than five years, or with fine which shall not be less than fifty thousand rupees, or with both.
 12. **Punishment for extracting bonded labour under the bonded labour system.** Whoever enforces, after the commencement of this Act any custom, tradition, practice, contract, agreement or other instrument, by virtue of which any person or any member of his family is required to render any service under the bonded labour system, shall be punishable with imprisonment for a term which shall not be less than two years nor more than five years or with fine which shall not be less than fifty thousand rupees, or with both; and out of the fine, if recovered, payment shall be made to the bonded labourer at the rate of not less than fifty rupees for each day for which bonded labour was extracted from him.
 13. **Punishment for omission or failure to restore possession of property to bonded labourer.** 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 ninety 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 ten rupees for each day during which possession of the property was not restored to him.
 14. **Abetment to be an offence.** Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is itself punishable, be punishable with the same punishment as is provided for the offence which has been abetted.

Explanation. For the purpose of this section, “abetment” has the same meaning as is assigned to it in the Pakistan Penal Code (Act XLV of 1860).

15. **Vigilance Committees.** Vigilance Committees shall be set up at the District level in the prescribed manner, consisting of representatives of the area, representatives of the District Administration, Bar associations, press, recognized Social Services and Labour Departments of the Federal and Provincial Government.

(2) The following shall be the functions of the Vigilance Committees, namely.

- (a) to advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in proper manner,
- (b) to help in the rehabilitation of the freed bonded labourer,
- (c) to keep an eye on the working of the law; and



(d) to provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law.

16. Offences to be tried by the Magistrate. (1) A Magistrate of the first class empowered in this behalf by the Provincial Government may try any offence under this Act.

(2) An offence under this Act shall be tried summarily.

17. Cognizance of offences. (1) Every offence under this act shall be cognizable and bailable.

18. 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 guilty of the offence and should be liable to be proceeded against and punished accordingly.

(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 the offence has been committed with the consent or connivance of, or is attributable to, any director, manager or other officer of the company, such director, manager or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation --For the purposes of this section.

(a) ‘company’ means a 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.

19. Protection or action taken in good faith. No suit, prosecution or other legal proceeding shall lie against Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act

20. Jurisdiction of Courts barred. Save as otherwise provided in this Act, no court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any court in respect of anything which is done or intended to be done under this Act.

21. Power to make rules. The Federal Government may by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Annexure II
Bonded Labour
System (Abolition)
Rules, 1995.





Annexure II

BONDED LABOUR SYSTEM (ABOLITION) RULES, 1995.

[Gazette of Pakistan, Extraordinary, Part 11, 25th July, 1995]

[July 20, 1995]

S.R.O.723(I)/95, dated 20.7.1995. In exercise of the powers conferred by section 21 of the Bonded Labour System (Abolition) Act, 1992 (III of 1992), the Federal Government is pleased to make the following rules, namely:

1. Short title and commencement. (1) These rules may be called the Bonded Labour System (Abolition) Rules, 1995.

(2) They shall come into force at once.

2. Definitions. (1) In these rules, unless there is anything repugnant in the subject or context.

(a) “Act” means the Bonded Labour System (Abolition) Act, 1992 (III of 1992);

(b) “Authority” means authority prescribed under rule 3;

(c) “Chairman” means the Chairman of a Vigilance Committee;

(d) “Fund” means Fund established under rule 9; and

(e). “Vigilance Committee” means Vigilance Committee set up under rule 6.

(2) All other expressions used but not defined in these rules shall have the meaning assigned to them under the Act.



3. Authority to deal with cases of restoration of possession of any property of bonded labourer or a member of his family.

(1) The Provincial Government shall, by notification in the official Gazette, establish one or more authorities to deal with cases of restoration of possession of any property under subsection (7) of section 6 of the Act and specify the territorial limits within which each one of them shall exercise jurisdiction under the Act.

(2) An authority established under sub rule (1) shall consist of an officer of the Provincial Government with experience as a judge of a civil Court.

(3) The bonded labourer or a member of his family himself or through a legal practitioner may file an application before the authority for restoration of possession of any property that has been taken by creditor or attached, sold, transferred or assigned within the meaning of section 6 of the Act.

(4) When an application under sub rule (3) is filed, the authority shall hear the petitioner and the creditor or any other person acting on behalf of the creditor, and after such ' further inquiry, as may be necessary, may give such direction or pass order as it deems proper.

(5) As far as possible, the authority shall decide the application filed under sub rule (3) within a period of thirty days from the date the application has been filed before it.

(6) The aggrieved person may file his application under sub rule (3) with the authority within a period of seven years from the date of the commencement of these rules or from the date the cause of action arises.

4. Powers and duties of the District Magistrate for implementing the provisions of the Act. (I) The Provincial Government shall, by notification in the official Gazette, confer upon every District Magistrate in the Province the following powers, namely:

(a) to inspect any premises or work place in his jurisdiction where he has reason to believe that bonded labour system is being enforced and make such examination of that place or any record, register or other documents maintained therein and may require any explanation of any person or record or document and take such measures as he may consider necessary for the purposes of the Act;

(b) to call for such information from the creditor or any other person as' he may deem necessary for the discharge of his functions;



(c) to enquire into any matter relating to the implementation or violation of the provisions of the Act; and

(d) to exercise such other powers as may be conferred upon him for carrying out the purposes of the Act.

(2) The Provincial Government may, by notification in the Official Gazette, confer on a District Magistrate all or any of the following duties, namely:

(a) to mobilize Government and non government organizations falling in his jurisdiction for the purpose that those should work together so as to bring to light the cases of bonded labour so that measures should be taken under the law for their freedom and rehabilitation;

(b) to urge academic institutions and vocational training schools to prepare programmes for the education and training of workers freed from the bonded labour system;

(c) to persuade philanthropists and social welfare organizations to undertake activities to rehabilitate and promote the welfare of the freed bonded labourer by securing and protecting the economic interest of such freed bonded labourer to enable him not to contract any further bonded debt; and

(d) to perform such other duties as may be conferred upon him for carrying out the purposes of the Act.

5. Other Officers to exercise powers and perform duties conferred upon a District Magistrate. (1) The District Magistrate shall, by an order in writing, designate all Magistrates, all Labour Officers, all Labour Inspectors and all Police Officers not below the rank of Assistant Superintendent of Police or Deputy Superintendent of Police, performing function within the territorial jurisdiction of a district under his control to exercise all or any of the powers and perform all or any of the duties, so conferred or imposed upon him under rule 4.

(2) An order issued under sub rule (1) shall specify the territorial limits within which such powers or duties shall be exercised or carried by such officer.

6. Constitution and meetings of the Vigilance Committees (1) The Provincial Government shall, by notification in the official Gazette, constitute in each district of the Province a Vigilance Committee consisting of the following members, namely:



(a) Deputy Commissioner of the District	Chairman
(b) A Police Officer not below the rank of Superintendent of Police as nominated by the Senior Superintendent of Police of the District	Member
(c) District and Session Judge, retired or serving to be nominated by the Provincial Government.	Member
(d) President District Bar Association	Member
(e) An elected representative of the District Council, to be nominated by the Local Government and Rural Development Department of the Provincial Government.	Member
(f) A Member of the Provincial Assembly, to be nominated by the Provincial Government in consultation with the Local Government and Rural Development Department of the Province.	Member
(g) A representative of the Labour, Manpower Department of the province not below the rank of Assistant Director Labour Welfare, to be nominated by that Department.	Member
(h) A Representative of the Labour, Manpower and Overseas Pakistanis Division of the Federal Government, to be nominated by that Division.	Member
(i) A representative of the Education Department not below the rank of an officer in BPS 17 or a staff member of an educational institution run or controlled by the Provincial Government, to be nominated by that Department.	Member
(j) A representative of the Agriculture Department not below the rank of an officer in Basic Pay Scale 17, to be nominated by that Department.	Member
(k) A representative of the health Department preferably a qualified physician, to be nominated by that Department.	Member
(l) A representative of a recognized body of workers, to be nominated, by the Provincial Labour and Manpower Department in consultation with that body.	Member
(m) A representative of a recognized body of employers, to be nominated by the Provincial Labour and Manpower Department in consultation with that body.	Member
(n) A representative of a registered or recognized NGO working for the protection of human rights, to be nominated by the District Administration with approval of the concerned Deputy Commissioner.	Member
(o) A journalist of a standing competence and having experience of working in the field of human rights, to be nominated by the Federal Information Department.	Member
(p) A representative of Social Welfare Department of the Province not below the rank of an officer in Basic Pay Scale 17, to be nominated by that Department.	Member
(q) Two representatives of recognized social services, one from All Pakistan Women Association and one from any other body established to render services to the society at large for its development, to be nominated by the Federal Government.	Member



(2) As soon as the Vigilance Committee is constituted, the Chairman shall call the preliminary meeting of the Committee and designate one of the official members as Secretary who shall be responsible to record minutes of every meeting and, subject to the approval of the Chairman, shall correspond with the concerned Government Departments or other agencies, maintain records of proceedings and correspondences and undertake all transactions that are necessary in carrying out the objectives of the Act and the rules.

(3) The Vigilance Committee shall meet in the first week of every month at a place and in the manner as directed by the Chairman.

(4) An emergency meeting of the Vigilance Committee may be convened at forty eight hours notice in writing given to the Chairman, at least by seven members under their signatures.

7. Functions of the Vigilance Committee. (1) Subject to the overall control of the Provincial Government, a Vigilance Committee shall be responsible to ensure that the objectives of the law are fully achieved and in particular shall perform the functions assigned to it under the Act.

(2) The Vigilance Committee may, at any time, call upon a department or an agency or a company or an employing establishment or firm or an individual employer or any other person to furnish it with such information and documents as may be relevant or useful in connection with performance of its functions under subsection (2) of section 15 of the Act.


(3) The Vigilance Committee shall establish a complaint cell in the office of the Deputy Commissioner which shall be managed by its Secretary.

(4) The Secretary or any member of the Vigilance Committee, on having the knowledge that at a work place bonded labour was employed, he shall forthwith report to the District Magistrate for taking appropriate action under the Act.

8. Tenure of Office of non official members. (1) A non official member of the Vigilance Committee shall hold office for a period of two years from the date of his appointment as a member and shall be eligible for renomination.

(2) An outgoing member may continue in office until the appointment of his successor.

(3) No act or proceedings of the Vigilance Committee shall be invalid for reasons only of existence of a vacancy, or defect in the constitution of, the Committee.



(4) A person appointed as member of the Vigilance Committee to fill a casual vacancy shall hold office for the unexpired period of his predecessor.

(5) A member of the Vigilance Committee may, by writing in his own hand addressed to the concerned Chairman, resign his office.

(6) A member of the Vigilance Committee may be removed by the Provincial Government if he is convicted of an offence which in the opinion of the Provincial Government involves moral turpitude or if he has been absent from three consecutive meetings without leave of absence obtained from the Chairman.

9. Establishment of the Fund. (1) There shall be established for the rehabilitation and welfare of the freed bonded labourer a Fund consisting of:

(a) any initial or subsequent contribution made by the Federal Government or Provincial Government;

(b) such sums and voluntary contributions as may, from time to time, be paid by any national or international organization; and

(c) income from the investments made and properties and assets acquired out of the Fund.

(2) The Fund shall be utilized to:

(a) finance the projects connected with the establishment of training institutes for the training of persons freed from bonded labour system;

(b) provide legal and financial assistance to the bonded labourers or their family members for the sake of protection of their rights under the Act;

(c) finance the other measures for the rehabilitation and welfare of a freed bonded labourer as envisaged in subsection (1) of section 10 of the Act;

(d) meet expenditure in respect of cost of management and administration of the Fund; and



(e) make investment in securities approved for the purposes by the Provincial Government.

(3) The Provincial Government may allocate any sum out of the Fund by the Vigilance Committees to perform their functions under the Act and these Rules.

(4) The Vigilance Committee and those committees shall quarterly furnish to the Provincial Government a statement of its accounts.

(5) No sum shall be spent by the Vigilance Committee without approval, in writing of the Chairman.

(6) Each Vigilance Committee shall get its accounts audited subject to the direction and control of the Provincial Government.

10. Travelling allowance and daily allowance of non official members. A non official member of a Vigilance Committee shall be entitled to travel allowance and daily allowance at the rates determined by the Provincial Government from, time to time, keeping with the established practices and prevailing cost of living.

About SPARC

The Society for the Protection of the Rights of the Child (SPARC) is an independent non-governmental organization registered as a society in Pakistan in December 1992 and has been working exclusively on child related issues since then, drawing inspiration from the United Nations Convention on the Rights of the Child.

SPARC specializes in advocacy on child rights, supported by awareness raising, research, capacity building and service delivery, which are its' tools to influence decision-makers, opinion-makers and lawmakers to bring about legal and policy reforms and other actions that protect and promote child rights, to motivate and mobilize the general public to bring about a change in social attitudes and practices and to make child rights a part of debate on national or local policy.

Trocaire

Trócaire is the development agency from Ireland. Trócaire, which means “Compassion” in the Irish language. The agency strives to promote human development and social justice in line with Gospel values.

Trócaire world-wide programmes aim to:

- Build a reliable way of life and help people cope with climate change
- Respond to Emergencies and Disasters
- Tackle injustice and defend human rights
- Address the HIV and AIDS crisis
- Support gender equality

Trócaire has been supporting SPARC working for the rights of bonded labour and bonded child labourers in Pakistan since 2005.