

Effectiveness of **Interventions** for the Release and Rehabilitation of **Bonded Labourers** in Pakistan

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Introduction

A number of studies on the issue of bonded labour, conducted in Pakistan as well as other South Asian countries in the past, have confirmed the widespread prevalence of forced labour in South Asian countries particularly India, Pakistan and Nepal.

Pakistan Institute of Labour Education and Research (PILER), General Federation of Nepalese Trade Unions (GEFONT) and Centre for Education and Communication (CEC), Delhi, in collaboration with Anti-Slavery International (ASI), had initiated a four-year Action Research Programme to look into the interventions made so far in the bonded labour issue in these three countries.

The research project, which ended on December 31, 2007, included one-year pilot phase and three-year action research. In Pakistan, PILER conducted three studies analyzing bonded labour interventions in Agriculture, Brick kiln and Carpet sectors; the three sectors believed to be widely infected by bonded labour in two major provinces of Pakistan -- Sindh and Punjab. Advocacy and lobbying aimed at ending bonded labour had been integral part of the project throughout these years.

The field surveys for brick kiln workers were conducted in Faisalabad and Multan districts in Punjab. Data on agriculture workers was collected from the camps of released Haris in and around Hyderabad district in Sindh, while for interventions in bonded child labour in carpet



industry of Tharparkar district of Sindh, a project of Thardeep Rural Development Programmeme (TRDP) was assessed. Secondary research was undertaken to analyse the history of bondage in Pakistan, with focus on interventions.

Methodology

Extensive field visits were carried out at all locations--Multan and Faisalabad in Punjab and Hyderabad, Sanghar and Tharparkar in Sindh. A semi- structured ques-

tionnaire was prepared and used to have interviews of primary respondents i.e. brick kiln workers and released Haris (agricultural workers). In Punjab rapid assessment was also done in Lahore, Sahiwal and Jhang districts.

A significant number of key informants, particularly in brick kilns, were accessed for informal unstructured interviews. The aim was to establish trust in the identified communities.

In addition to brick kiln workers and Haris, the employers, activists working on the issue of bondage, government officials, lawyers and trade union leaders were also interviewed and their views incorporated in the study.

The selection of brick kilns and the primary respondents was made on random basis but keeping in mind that representation of all Tehsils in a district are included. Most of the interviews were done with the help of local activists.

Executive Summary

International organizations consider bonded labour as a contemporary form of slavery that involves an estimated 20 million people all over the world.

The International Labour Organization (ILO) defines forced labour as "work or service, extracted from a person under threat or penalty, which includes penal sanctions and the loss of rights and privileges, where the person has not offered him/herself voluntarily."

In Pakistan, definition of bondage or bonded labour generally focuses on debt under which poor workers are coerced into a situation where they are compelled to work against their wishes not for some years but for generations and in many cases with restricted movements and limited or no freedom of choice.

The latest law in Pakistan, which declared compulsory work against credit as bonded labour, defines the term 'bonded labour' as: "Any labour or service rendered under the bonded

labour system."

Though there are many opinions on the definition of bonded labour in the country, where a large number of people even do not accept the existence of bonded labour, those who accept that the menace has strong roots in the feudal dominated society agree that 'debt' is the main cause, pushing people in bondage.

The issue has been under discussion at official as well as unofficial levels for at least three decades now. During this period, particularly since mid 1980s thousands of bonded labourers have been released through different interventions. However, hundreds of thousands still remain in bondage.

Various interventions so far have been initiated by the government, judiciary, civil society (non-governmental organizations), international organizations, human rights groups, labour rights groups, peasant organizations, political parties, community organizations, media and, in many cases concerned individuals have also played an active role.

Analysis of a number of research studies and literature, particularly annual reports of the HRCP reveal that joint intervention by NGOs, judiciary and administration has proved comparatively effective in the release of bonded labourers.

Though different NGOs claim that about 30,000 bonded labourers have been released in the country during last one decade, the PILER research team has been able to account for only 8,530 people confirmed released at this time (2007). These statistics are based on the numbers of released bonded labourers, mentioned in the HRCP annual reports and in newspaper clippings available at the PILER library. Surely, the number of those released could be much more if other resources are analyzed and field visits are extended to other places in the country.

Of the total 8,530, bonded labourers released in the brick kiln and agriculture sectors a majority (5,166) was released by the joint action of NGOs, judiciary and administration: the NGO helped or directly filed a petition in the courts of the law, and the judiciary had sent a bailiff to the location or asked the police to recover the bonded labourers.

However, all these bonded labourers were released under habeas corpus petitions despite the fact that there is a special law, Bonded Labour System (Abolition) Act enacted in 1992, which defines exacting forced labour as cognizable offence.

According to the statistics, provided by the government to the National Assembly, only 23 cases were detected under Bonded Labour System (Abolition) Act and the fine collected during this period was merely Rs 6,100¹.

This state of affairs reflects poor implementation of the law. Bonded Labour Fund, established in 2001 as a part of the National Policy and the Plan of Action remained unutilized or underutilized and more than Rs 100 million remained with the government unutilized at a time when released Haris were living in subhuman conditions in and around Hyderabad.

Field surveys in the brick kiln sector in two dis-

tricts of Punjab i.e Faisalabad and Multan and of the released Haris in agriculture sector indicate challenges inherent both in the release and rehabilitation of bonded workers. Kiln workers could not avail the state-run programmes which were aimed at eradicating poverty, mainly because they did not possess official documents like National Identity Cards (NICS) and their weak socio-political status. The released Haris face problems due to lack of basic amenities in the camps and access to alternate livelihoods.

In Sindh's Tharparkar district child labour is very common in home-based carpet weaving units. These children are working against debt taken by their family members, or working under social obligation (for example caste, ethnic or religious practices) without their consent and under conditions that restrain their freedom, increase their vulnerability to physical and other forms of abuse, and deprive them of their basic rights.

Bonded labour is outlawed in the Constitution of Pakistan and the country has ratified many international conventions promising to bring this menace to an ultimate end, yet the practice persists. The issue of bonded labour cannot be seen in isolation: it is closely linked with the state of human rights and labour rights, especially of rural and agricultural workers.

Effectiveness of Interventions for the Release and Rehabilitation of Bonded Labourers in Pakistan



CHAPTER ONE

Bonded labour in Pakistan: Overview

Bonded labour is considered as a contemporary form of slavery that involves an estimated 20 million people all over the world. The International Labour Organization (ILO) defines forced labour as "work or service, extracted from a person under threat or penalty, which includes penal sanctions and the loss of rights and privileges, where the person has not offered him/herself voluntarily."

The ILO categorizes forced labour into five key areas which include slavery and abduction, misuse of public and prison works, forced recruitment, debt bondage and domestic workers under forced labour situation, and internal and international human trafficking².

In Pakistan, definition of bonded labour generally focuses on debt bondage under which poor workers are coerced into a situation where they are compelled to work against their wishes, not for some years but for generations and in many cases with restricted movements and limited or no freedom of choice. A large number of people do not accept the existence of bonded labour in Pakistan; those who accept that the menace has strong roots in the feudal dominated society agree that 'debt' is the main cause, pushing people in bondage.

In the view of many organizations and labour rights activists³, forced labour is a private oppression as a strategy of labour intensification for higher return to capital. This extreme labour exploitation is an outcome of exclusion of a group of citizens-- especially women and

children - from the full range of social, economic and political rights. Hence the state holds primary responsibility for persistence of widespread, gross injustice of forced labour.

In today's Pakistan, roots of the bonded labour are directly linked with the evolution of agriculture and industry over half a century ago. With the creation of a new country⁴, a small number of people--Nawabs, Sardars and bureaucrats in the British Raj inherited big lands as blessings against their services to the British rulers. They were commonly known as Zamindars who employed landless people as Haris to cultivate their lands.

Sectors afflicted with bondage

Agriculture has been identified as the main location of debt bondage in Pakistan with concentration in lower districts of Sindh province⁵. It is observed that Haris are in debt in most of the rural areas in the country. In many cases, majority of Haris who are illiterate, have accepted the practice voluntarily as they think that they are bound to work against credit, which is often many times more than that of the principal amount. Since Haris are in debt, landlords consider it their right to extract labour from tenants and their families until the debt is cleared⁶. Bonded labour in agriculture is also prevalent in Punjab. A recent study⁷ confirms the prevalence of debt bondage at least in two districts, Hafizabad and Bahawalpur, in Punjab province.

Similarly, in brick kiln, most of the workers are poor labourers, who find no other way but to

find a job in a kiln at lower wages. They also take loans against the promised work before or after joining and could not clear the outstanding amounts due to their low wages. Slowly the credit multiplies with the addition of compound interest at exorbitant rates and goes up beyond their reach to clear. In such a case, they are not allowed to leave the work place or join any other profession till they clear every penny of the dues. Similarly, in other sectors, the bondage is primarily caused by the debt.

Unfortunately, despite debate and discourses on bonded labour at official as well as unofficial level, there is no reliable data available of the total number of bonded laborers in the country. Different INGOs and NGOs have conducted a number of research studies on the concept, patterns and causes of the bondage but no national survey has been conducted to establish the actual number of workers in bondage.

A PILER study⁸ estimates 1.8 to 6.8 million people in the bonded share cropping families across Pakistan. Many surveys have established that majority of sharecroppers and brick kiln workers are indebted. The ILO rapid assessments⁹ of several sectors found carpet weaving, mining, glass-bangles, tanneries, domestic work and begging as infected with forced labour though the magnitude was lesser than found in agriculture and brick kilns.

National legislation

According to the constitution of Pakistan all forms of forced labour are prohibited.

Article 11 (1-2) of the Fundamental Rights Chapter of the Constitution of Pakistan reads: "Slavery is non-existent and forbidden and no law can be made to permit or facilitate its introduction in Pakistan in any form. All forms of forced labour and traffic in human beings are prohibited. Pakistan's Constitution condemns all types of exploitation and makes the state responsible to bring all kinds of exploitation to an end and ensure fair opportunities to the people".

Article 3 of the Constitution condemns bonded labour and vests in the state the responsibility to end exploitation. It declares: "the state shall ensure the elimination of all forms of exploitation and gradual fulfillment of the fundamental principles, from each according to his ability to each according to his work." Article 14 of the Constitution prohibits violation of dignity of man and woman and torture. Article 37 (e) says: "It is state's obligation to make the 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." Article 10 reads: "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." Article 38 is more specific: "State shall ensure equitable adjustment of rights between employers and employees, and landlords and tenants."

Despite Constitutional guarantees and ratification of international convention, no legislation was devised to directly address the issue of bonded labour till the Bonded Labour System (Abolition) Act was passed in 1992¹⁰.

First time in the history of Pakistan such a specific law was enacted to deal with a critical issue involving lives of millions of people. The law was the result of the long struggle of human and labour rights groups, civil society organizations and individuals who have been demanding an end of the bonded labour system.

The law came out in the wake of a landmark verdict of the Supreme Court in 1989 in which forced labour against peshgis (advances) was declared illegal. It was also the outcome of the pressure on Pakistan by international organizations particularly the ILO that pressed the country to bring in laws to meet its commitment.

Under the law, the bonded labour system stood abolished throughout Pakistan; every bonded labour stood freed and discharged from any

obligation to render bonded labour¹¹. Every offence under the act was made cognizable where police can take action and the law provided imprisonment of 2 to 5 years or with fine of Rs. 50,000 or both to any person who compelled anyone to render bonded labour or extracted bonded labour under any guise or pretext.

Salient features of the law are:

- No person can make any advance under the bonded labour system or compel any one to render any form of forced labour;
- Any custom, tradition, practice, contract, agreement or other instruments, whenever executed, under which any person or any member of his family was required to work as a bonded labourer shall be void and inoperative;
- Every obligation of a bonded labourer to repay any bonded debt outstanding against him shall stand extinguished;
- Any court or tribunal or any other authority could not take up suit or any other proceedings for recovery of the bonded debt;
- Return of property which is taken from a bonded labourer against debt.

Besides other provisions, the law required the district officers to check the incidents of bonded labour in their respective areas and take necessary actions. The law also makes it mandatory for provincial governments to set up District Vigilance Committee (DVCs) for the effective implementation of the law and help rehabilitation of the bonded labour.

Bonded Labour System (Abolition) Rules were notified in 1995¹². The rules laid down the responsibility of various implementing agencies, including the terms of reference of vigilance committees. It also included a provision of establishment of fund for the rehabilitation and welfare of the freed bonded labourers.

National Policy and Plan of Action 2001 is said to be the result of personal initiative on the part

of first workers-friendly minister, late Omar Asghar Khan. Under the National Policy and Plan of Action for the abolition of bonded labour and rehabilitation of freed bonded labourers the government committed to eradicate bonded labour, wherever it exists, in the society. It pledges to adhere to all international instruments, covenants, conventions and protocols whether ratified or not which protect fundamental human rights¹³. It includes both long and short-term measures for eradication of bonded labour.

The plan also provided the creation of a Fund for the rehabilitation of freed bonded labourers. The government provided Rs 100 million for the fund and with some other additional grants from provincial governments it now stands at Rs 125 million. But it remains under-utilized.

District Vigilance Committees (DVCs) are the main thrust of the action plan. Though the plan was approved in 2002, constitution of the committees was delayed. The committees were formed in a few districts in Sindh and Punjab provinces but remain inactive. Hence, despite a specific law, implementation has remained a gray area, as was evident from the statistics presented by the government in the National Assembly.

Before and after the enactment of the law, most of the bonded labourers released up till now have been released under habeas corpus petitions under which relatives of bonded labourers, or representatives of Human Rights groups can seek immediate relief from the courts. This situation also raises doubts about the effective implementation of the law. The question is if a specific law is in place why bonded labourers are freed under habeas corpus and no action is taken against the culprits?

Tenancy Act

Though there is no law that supports the bondage directly but there are flaws in specific legislation, which often go against the

interests of bonded workers. This becomes more obvious in the agriculture sector where Zamindar-Hari relationship is largely based on sharecropping.

Hari-Zamindar relationship was regularized under the Tenancy Act 1950. The law envisaged two classes of tenants i.e. permanent tenants and 'tenants at will'. The former enjoyed security as according to the law their names were to be registered in a revenue record and their ejection was subject to conditions and order by competent official authority. But there was no protection to the 'tenants at will'. The law provided that a 'tenant at will' could also become permanent tenant by cultivating at least 4 acres of land of one landlord for 3 years.

It was noted that in many cases landlords did not let the Hari cultivate the same land for consecutive three years, barring him from becoming permanent tenant. Thus, the law went against Haris and contributed to the bondage as it was easy to exploit the 'tenants at will'.

The law outlines a system of sharing the product (Batai) and share of output expenses of fertilizers, seed and water. This system is not fairly implemented and tenants at will cannot raise objections because of the fear of eviction and remain vulnerable and accept the conditions of landlords. The fate of the permanent tenants were also not different as no mechanism were devised to enter their names in the official record leaving them on the mercy of landlords.

Under the law, disputes were to be decided by a revenue official and the provision of fine was as nominal as Rs. 500 or one-month imprisonment, which was hardly applied. The law prohibited landlord to extract unpaid work (begaar or wanger), but the same is in practice till today. It was also obvious that the revenue officers could not take any action against big landlords on the complaints of poor Haris. In general the law is half a century old and has not been revised to meet the current day requirements.

There is need to amend the law in a way that it protects agriculture workers from exploitation.

International standards

Besides guarantees built into the Constitution, Pakistan is also committed to end all forms of debt bondage, child servitude and forced labour under the international conventions it has ratified over the years.

Being a member of world community, Pakistan is bound to ensure fundamental rights in the country mentioned in the UN Declaration of Fundamental Rights. The UNO adopted this declaration in 1948, which prohibits slavery, forced labour, bonded labour and all forms of exploitation. Moreover, Pakistan ratified the ILO's bonded labour related Conventions No. 29 and 105 in 1951 and 1960 respectively. The ILO adopted these conventions in 1930 and 1957 respectively.

The convention No. 105, specifically, prohibits recourse to force or compulsory labour in five defined areas.

1. as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
2. as a method of mobilising and using labour for purposes of economic development;
3. as a means of labour discipline;
4. as a punishment for having participated in strikes;
5. as a means of racial, social, national or religious discrimination.

Besides above-mentioned specific Conventions, Pakistan has also ratified the following international conventions:

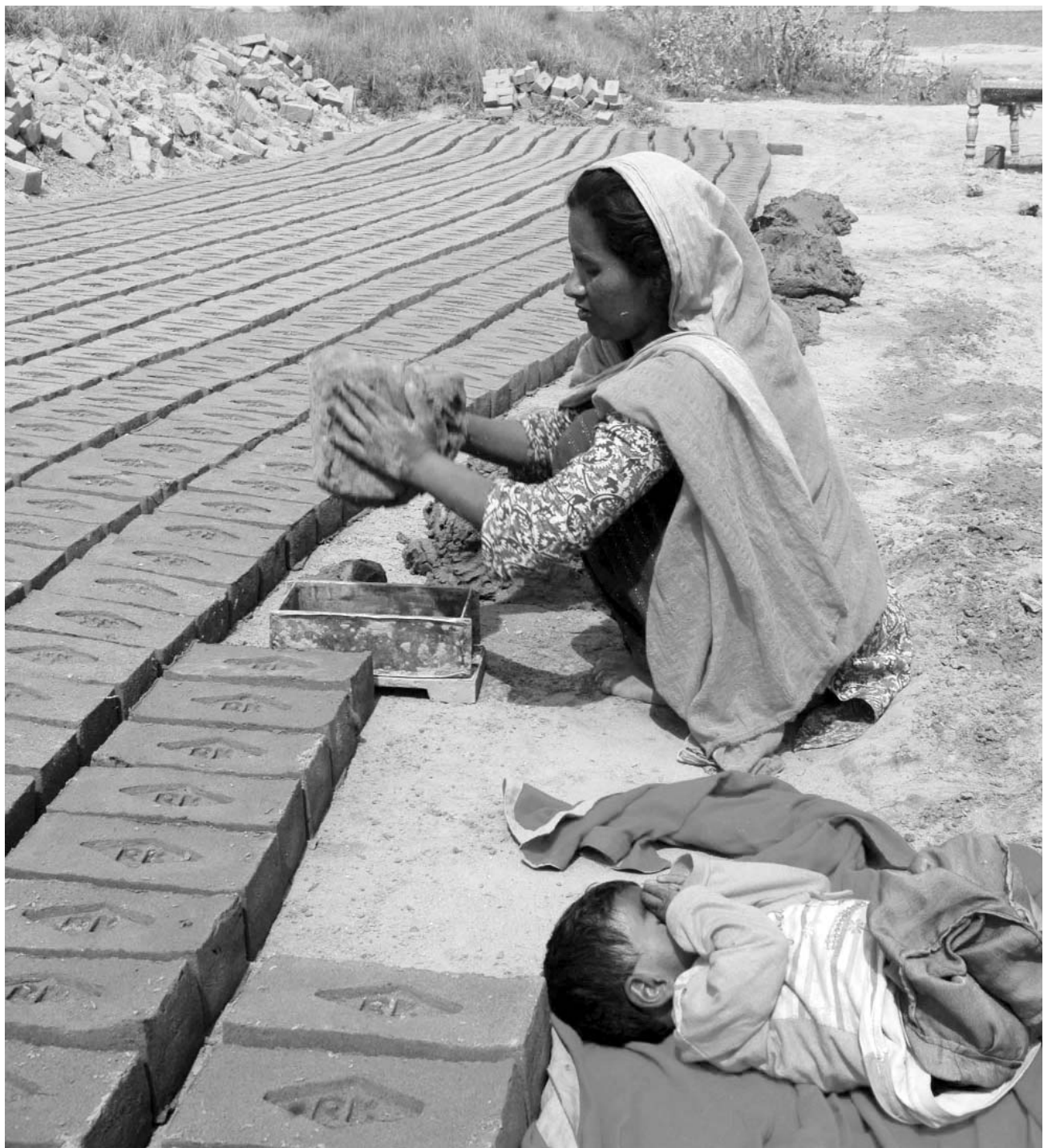
- The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery 1956 the convention was ratified by Pakistan in 1958.

- The UN Convention on the Rights of Child (CRC) 1989 Pakistan ratified the Convention a year later in 1990. Article 32 of CRC guarantees children's protection from economic exploitation and from performing any work that is likely to be hazardous or to interfere with child's education.
- ILO declaration on Fundamental Principles

and Rights at Work 1998 requires the member states to furnish to the ILO office the status report on the observance of core Conventions including Convention on Forced Labour.

- Philadelphia Declaration adopted by the ILO in 1944 also puts stress on member states to ensure work without exploitation and compulsion.

Effectiveness of Interventions for the Release and Rehabilitation of Bonded Labourers in Pakistan



CHAPTER TWO

Current Status of Bonded labour

Though signs of bonded labour can be traced in almost all sectors, agriculture, brick kilns and carpet weaving are the top three most infected areas where hundreds of thousands of men, women and children are enslaved.

The bonded labour system consists of giving advances or peshgi to a person. Till the advance remains outstanding, the worker is bound to the creditors. In case of sickness or death, the family of the bonded individual is responsible for the payment of debt. In the case of children, the peshgi is paid to a parent or guardian, who then provides the child to pay off the debt through labour. In many cases, bonded children are delivered - usually by the parents or the guardians of the child - in repayment of a loan or other favours given in advance, real or imaginary.

Brick Kilns

Brick kilns is the sector considered to be widely infected with the forced labour due to the nature of the brick kiln industry and also socio-economic status of its labour force. Bonded labour in the brick kiln sector is concentrated in Punjab, where thousands of bonded labourers have been released over the years through different interventions.

It was the complaints of the bonded labourers of brick kiln industry that moved the Supreme Court to initiate proceedings leading to a historical verdict in 1989 when the court declared compulsory work against advances as illegal and directed the government to make laws to

end exploitation of labour and bonded labour.

According to studies¹⁴, working days in brick kiln range between 240-260 in a year. Due to the seasonal nature of work the operation is closed down in monsoon and in harsh weather. Since brick kiln workers are paid at piece rate basis so they lose earnings if the operation is closed either for a day or a month. In this period of joblessness, workers are dependent on kiln owner and take further loans, which are added to their already outstanding amount, and thus the debt increases.

Thus the nominal earnings through piece rate are the primary reason for debt bondage in brick kilns. As the amount of loans taken to meet social event expenses i.e. wedding and funeral of a family member, and regular credit to meet daily subsistence increases the outstanding amount, the workers are not able to clear from meager earnings.

The workers in kiln industry are mostly migrants (from other districts) and marginalized locals (of lower caste) including men, women and children. Females and children work mostly as Pathera, comparatively less hard work¹⁵. Many of them live on site along with their entire families.

Another study¹⁶ conducted earlier on brick kiln workers in the outskirts of capital Islamabad and Rawalpindi reveal that 87% of kiln workers were illiterate and cannot write their name. Majority (62 %) started work between the ages of 7 to 10 years. The overwhelming majority

(99%) said they are in debt above Rs 10,000 and many of them complained that though some members of their families are allowed to visit relatives and hometowns, the entire family cannot move till the entire debt is cleared.

This state of affairs in brick kiln sector is verified by the extensive field work¹⁷ in two districts and random survey in three additional districts, where kiln workers interviewed were in debt and almost all workers had taken advances. The amount recorded was even much higher than that of referred in earlier studies. It ranged from Rs. 30,000 to 150,000 per family.

Agriculture

Agriculture has been identified as the main location of debt bondage in Pakistan with concentration in lower districts of Sindh province in earlier study conducted by PILER¹⁸. It is observed that Haris are in debt in most of the areas in the country and they do work against credit, many of those living in the lower districts of Sindh have restricted movement and freedom because of caste and vulnerability.

In many cases, the Haris, majority of whom are illiterate, have accepted the practice voluntarily and they think that they are bound to work against credit, which is often many times more than that of actual amount. Since Haris are in debt, landlords consider it their right to extract labour from them and their families until the debt is cleared¹⁹.

Agriculture, employing about 20 million (43.1%) of the total labour force of 50.50 million in the country, is also the largest contributor in the economy with 21% share in GDP²⁰. It is also the largest source of foreign exchange earnings by serving as the base sector for country's major industries--garments and sugar industry.

The employment in agriculture is mostly through sharecropping contract, followed by daily wages, both on verbal agreement. Studies and field experiences suggest that the share

cropping system is full of faults and provide an easy room for exploitation of Haris. Since majority of Haris in Pakistan are illiterate and socially weak, there is hardly any concept of proper record keeping. Majority of them, with meager earnings, that too on crop basis²¹, are always dependent on landlords and seek credit from time to time to meet their basic needs. There is always disagreement about the amount of money owed to the landlord. Many Hari households feel that they are trapped into bondage due to inaccurate accounting designed to keep them in perpetual debt²².

High input costs and lower outputs from agriculture production, coupled with shortage of water and droughts in many parts of the country have left Haris with no other option but take more and more credit from landlord on promise of work.

It is noted that the bonded labour has a close link to sharecropping and there are signs of forced labour existence in all parts of the country. It is more prevalent in lower parts of the Sindh province. The area bordering with Thar desert has a majority of Hari population from low caste, or scheduled caste, Hindu minorities.

Carpet Weaving

According to a study, in the carpet weaving sector, about 98 percent of the carpet weavers' families were indebted²³. Many families had taken multiple loans and half of them had taken loans for subsistence, to buy food on day-to-day basis because their earnings from carpet weaving were too low. A significant number, 63 percent, had borrowed from contractors. The debt had compelled many families to put children in to carpet weaving.

A rapid assessment study undertaken by the Ministry of Labour in collaboration with the ILO in 2004 on bonded labour in carpet industry revealed that 40 percent of the workforce engaged in carpet weaving was children under-15 years of age. An earlier survey of child

labour in carpet weaving in Punjab province had indicated 80 percent of the workforce as under 15 years of age²⁴.

In Sindh's Tharparkar district child labour is common in home-based carpet weaving units. These children are working against debt taken by their family members, or working under social obligation (for example caste, ethnic or religious practices etc.) without their consent and under conditions that restrain their freedom, increase their vulnerability to physical and other forms of abuse, and deprive them of their basic rights i.e. schooling.

According to the Thardeep Rural Development Programme, the minimum loans sought by a family ranges from Rs 5,000 to Rs 10,000 and maximum from Rs 50,000 to Rs. 100,000. There were wide variations in the extent of the family indebtedness. The contractors were charging yearly compound interest rate at 10 percent and bound the families to sell the carpets on pre-contracted (low) prices.

Till the advance remains outstanding, the worker is bound to the creditor/employer. In case of sickness or death, the family of the bonded individual is responsible for the debt. In case of children, the peshgi (advance) is paid to a parent or guardian, who then provides the child to pay off the debt through labour. In many cases, bonded children are delivered - usually by the parents or the guardians of the child - in repayment of a loan or other favours given in advance, real or imaginary.

Child labour has shown an increasing trend in Pakistan in the last decade. The total number of children aged 10-14 years engaged in productive activities has risen from 2.12 million in 1996-97 to 3.06 million in 2005-06²⁵. Labour force participation rate in the age group 10-14 has also jumped during this period from 12.8 percent to 15.2 percent. The increase in child labour is linked to informal, low-paid, unprotected, home-based work that does not generate decent income and compel adults to sup-

plement the household income through child labour. Another key factor related to child labour is lack of schooling. Over 6.4 million children are reported to be out of schools in Pakistan²⁶.

Mechanism of bondage

A range of issues draw people into a situation or practice defined as bonded labour in the national laws and under the international conventions.

Though the reasons of exploitations and bondage are not as simple as many people may think, majority of the respondents say "poverty" is a major cause of their present condition.

When a person falls into the trap of bondage his dignity and self respect are eroded no matter either he or she is at home, work or at any other place. The psychological effect is damaging. Since most of the bonded labourers are poor Haris in agriculture and poor labourers in brick kiln, they are already weak in social, economic and political terms but bondage further degrades them.

Field survey conducted in two districts with different socio- economic indicators in Punjab province, i.e. Multan and Faisalabad, suggest that brick kiln workers fall prey to a set of settings and mechanisms before becoming bonded labour. Majority of brick kiln workers in two districts are in debt. The amount of debt ranges from Rs. 8,000 to Rs. 50,000 and in some cases exceeds this limit. Though advance money is taken by a single-family member -- mostly the elder one -- either father or brother, it is considered a family debt and the entire family has to work to repay.

Usually an elder family member takes peshagi (advance) at the time of joining a kiln or shifting from one kiln to another. Majority of the respondents say this amount is provided without any written agreement on the conditions that it will be deducted in small installments from the wages. Those who say there was written agree-

ment have no document to show but have just heard from the employers that their labour was contracted under a written agreement.

Besides this major amount drawn at the time of joining the work or during the work for emergencies, kiln workers also draw dasti (running advance): it is taken on daily wage basis for household expenses during the week and calculated on weekly basis. Kiln workers are paid at the weekend, Thursday for Muslim and Saturday for Christian workers. After deduction of dasti, which in many cases exceeds the amount earned during the week, the loan is transferred to the next week. In this way workers are under two types of debt -- major debt (peshgi) and other smaller debt (dasti) taken for daily expenses.

A number of respondents have inherited debt from their fathers or elder brothers. Majority of those who have taken the debt themselves pointed out marriage of daughter as the reason. Not a single respondent claimed that he was able to repay the loan. Those who said they did repay actually took advances from another kiln owner, who paid to the earlier owner. Sometimes this is decided amongst kiln owners. This happens mostly when a worker is in need of money and the current owner is not willing to pay more or in case the worker feels uncomfortable working with the current employer.

Debt, which is a key indicator of bondage in Pakistan, is rampant even after it was declared illegal by the Supreme Court under the federal law. The debt not only gives the owner an edge over worker in terms of securing labour but it is usually used as a tool of exploitation for low wages and extra work. In extreme cases the worker's movement is restricted.

Socio-economic indicators and political structure

The main causes of the bonded labour are economic, where poor people, unable to meet their daily expenses from regular earn-

ings, are compelled to take credit; ultimately ending up as bonded labourers. There had been rare cases when people are put on bondage due to cultural or religious practices by sardars, pirs and tribal heads without debt.

In Pakistan 32 percent of the population is living below the poverty line. Income distribution is highly skewed with the top 20 percent getting 50 percent of the income, while the bottom 20 percent gets only 6 percent. Income scarcity is one of the main causes of growing poverty in the country reflecting inequality in human, physical and social capital; an unequal distribution of assets, particularly land, accentuates and perpetuates poverty²⁷.

Pakistan has been ruled by military for more than half of its existence. Since military plays a dominant role in power politics, a major portion of the budget is spent on defence expenditures, leaving very little amount for social sector development i.e. health, education etc. Pakistan itself is highly indebted with foreign as well as domestic loans and following excerpts from a report depicts a true picture:

Just as generations of peasants have been enslaved by their debts, so has Pakistan. With international debt accumulated to around US\$ 35 billion, and with the IMF and World Bank watching and ordering Pakistan's each and every economic and political move, the term "independence" seems to have lost much significance in modern day Pakistan²⁸.

Pakistan is one of the under developed countries in the world; falling down to 139th position in Human Development Index of 179 countries²⁹. Pakistan even ranks below all the other South Asian countries in the report which measures the progress of the nations on key social, economic, educational and human development indicators. It is also the sixth largest country in the world with estimated population of 160 million in 2007³⁰ with a weak economy and high population growth.

Gender and bonded labour

Women and children are integral part of a family structure and cannot be separated from the sufferings of bonded labourers. In many cases they are the worst victims of the menace of bondage because of their vulnerability.

In agriculture, Haris work along with their families on lands where men, women and children share the work. In case of bonded labour, the entire family is considered to be in debt and each member of the family has to work to pay it off. In many cases women and children are compelled to work at the homes and autaq of the landlord besides tilling the land.

A brick kiln worker or Hari may approach employer or landlord of his free will and offer to sell his labour but the bonded labour system extracts forced labour from all members of his entire family who lose their freedom along with him. The entire family falls victim to an illegal compact³¹.

Women, being at the lowest rung of social and family hierarchy, become even more vulnerable and fall victims to physical and sexual abuse. Survey reports³² on released bonded labourers reveal that women of bonded labourers are often sexually abused by zamindars. Often they are also kidnapped particularly in cases when the Haris are released through intervention and leave the confines of zamindars and kiln owners.

Different survey reports, including one by Asian Development Bank³³, indicate that majority of the population lack basic amenities in the districts where bonded labour prevails. One quarter of the survey respondents lived in Jhupris (makeshift huts). The survey also revealed that the female literacy is less than 10 percent and over 82 percent of school-age children do not go to school.

Field surveys in different districts in Southern and Central Punjab reveal that the women

workers in brick kilns are under double burden and stress. They do heavy physical work at both the kiln sites and at home. The psychological effects of isolation, heavy work and loss of dignity are severe.

Women in bondage are dually disadvantaged, first for being women workers in a Pakistani society and secondly as bonded labourers. They are not only exploited by employers or contractors but by their own men as well. A number of female workers shared their woeful stories of how they have been beaten up by their men and how commonly their share in income is usurped by male family members.

Reproductive health issues of bonded women also multiply as they have fewer opportunities to consult a doctor. Stories of bonded women workers are gloomy and worrisome as many would tell that they go to work on the very third day after delivering a baby and that as there are no toilets at home or work so they go into bushes to relieve themselves with threats of insect or snake bites or fear of men lurking around.

Interventions and Rehabilitation

Pakistan's foundations were laid on much bloodshed and human sufferings as a result of mass migration in the wake of the partition of the Subcontinent in 1947. The country spent the first two decades in the process of initial rebuilding and overcoming the trauma of the partition. Despite bloodshed and numerous other problems, the leadership of the new country tried to sooth the wound by asking the people to bear the problems because they have, at least, achieved a country of their own which they portrayed can solve all their problems.

"This is a country where you (Muslims) can live a free life according to your religion. You are a free nation now, out of the slavery of British and Hindus," the new nation was told.

But the promise of freedom was rhetoric and as soon as people came out of 'freedom' mania

many of them realized that they might have been freed from British Raj and dominance of Hindu landlords/capitalists and seth, yet many of them had been made slaves by their own religious fraternity and they were still living the lives of subjugation no less that of slaves.

The country, which saw active political debate, discourse and movements in the wake of military regimes³⁴, also generated a debate on forced or bonded labour during the same period. The term bonded labour was first used in Pakistan in the brick kiln sector and the matter acquired prominence in public discourse in the 1960s³⁵.

Despite the fact the menace of forced labour was highlighted in 1960s, it took two more decades to different actors, including the Islamic state which promised equality and jus-

tices for all³⁶, to actually intervene in the mid 1980s in the brick kilns case. By the time the discourse on forced labour had extended to agriculture sector, where Haris were forced to work on lands against advances paid to them for purchasing of seeds, fertilizers and other inputs for cultivation of crop and for emergency, family or personal needs.

Since then there has been a number of interventions for release and rehabilitation of the bonded labourers, particularly in agriculture and brick kiln sectors. The major interventions have been on the part of government, judiciary, civil society (non- governmental organizations), international organizations, human rights groups, labour rights groups and peasant organizations, while political parties, community organizations, media and individuals have also played an active role.

CHAPTER THREE

Judicial Interventions

Although the courts have been providing relief to the affected individuals at a limited scale, particularly to those who approach them, the historic intervention by the Supreme Court on 15 March 1989 had lasting effects on the release of bonded labour.

Brick kiln

The first major intervention in forced labour was carried out by the highest judiciary - the Supreme Court of Pakistan - in the brick kilns³⁷. The judgment of the Supreme Court on March 15, 1989, the pioneer in judicial intervention, set the stage for other interventions in the forced labour.

In 1988 a Supreme Court bench comprising Justice Mohammad Afzal Zullah, Justice Javed Iqbal and Justice S. Usman Ali Shah heard a constitutional petition (01/1988), filed by Darshan Masih alias Rahmatay and others v/s State. Besides, the state consul and the representative of the government, the court also heard representatives of Bhatta (brick kiln) Mazdoor Mahaz (Brick Kiln Workers' Front), Bhatta Owners' Association and other civil society actors. During a year long proceedings details of gross injustice were brought before the court for the first time, establishing the malaise of bonded labour as a crucial national issue at the highest level, which till then was a matter taken for granted.

The court decision did not come out as desired by human rights and labour rights activists, it was rather an agreement between different par-

ties, which was signed in the shape of an order of the Supreme Court on March 15, 1989. Yet, bonded labourers and their well-wishers within the civil society welcomed the verdict as they had been waiting for any relief.

The major thrust of the verdict was that the court declared all peshgis (advances) of more than seven days wages illegal and also declared use of coercive methods for recovery of the loan from workers as unlawful. Though the court in its observation asked the government to explain the term "forced labor," it largely accepted the relation between debt and bondage while terming the advances as illegal.

In two other cases heard and decided by Federal Shariat Court and the Supreme Court in 2005 and 2006 respectively, the courts by rejecting the plea of brick kiln owners conceded to the general view of labour and human rights activists that bondage is very much prevalent, particularly in agriculture and brick sectors



where workers are often in forcible confinement. The courts also directed the government to take measures for eradication of bonded labour and implement relevant laws. However,

not much was done in effect on part of the government to implement the court directives.

Federal Shariat Court in its judgment dated 10 October 2005, dismissed eight petitions filed by brick kiln owners in which they have challenged certain provisions of Bonded Labour System (Abolition) Act 1992 as repugnant to Islam. The Court in its judgment expressed concern over the deplorable conditions of bonded workers both in brick kilns and agriculture and directed that a copy of the judgment should be sent to the Labour Ministry and other relevant ministries for necessary action.

A year later, on 20 October 2006, Supreme Court Chief Justice Iftikhar Muhammad Chaudhry along with Justice Muhammad Nawaz Abbasi set at liberty 18 brick kiln workers who were recovered from illegal confinement of a kiln owner by District Police Officer (DPO) Muzaffargarh. The superior court also expressed its displeasure that the practice of bonded labour continues in violation of earlier judgments and law. The Supreme Court Registrar on 2 December 2006 dispatched the order to the provincial chief secretaries of all provinces in which the Supreme Court asked for adoption of a mechanism under which brick kilns are registered and the owners maintain regular record of workers employed by them. The court also suggested that the chief secretaries should launch a campaign to control bonded labour in their provinces.

Despite these clear directives from the superior judiciary, the officials paid little attention to the issue and as a result bonded labour, especially debt bondage, is continuing in a number of brick kilns and peshgis are norm of the day in the industry even 20 years after the Supreme Court declared it illegal.

In addition to these major verdicts and general directives to administrative authorities, courts have provided relief to a number of bonded labourers both in brick kilns and agriculture sector.

For instance, in a decision, a civil judge in Punjab, in December 1990, fined two kiln owners of Rs. 12,000 each for filing a false case against two kiln workers alleging that the workers had received advances. In another case a magistrate in Gujrat, another city of Punjab, raided a kiln and found 23 persons, including children, working under bondage³⁸.

In 1995, Lahore High Court (LHC) ordered release of 25 persons who were bought by a kiln owner for Rs 20,000 from a contractor. During the same year the court got a mother and her daughter released from a brick kiln and sent them to the state-run women shelter Darul Aman when the two women filed a petition that they were being kept in bondage though they had repaid the loan to the owner of the brick kiln³⁹.

An analysis of HRCP annual reports from 1990 to 2007 reveals that LHC handled many cases of bonded labour and provided speedy relief during these years. It was noted that following the encouraging court attitude and support from human rights groups more and more people sought help from Lahore High Court and the number of workers released rose to hundreds.

Statistics based on the HRCP annual reports and newspapers show that about 3,486 workers were released from bondage, mostly in Punjab, through court intervention during the last decade. More specific data shows that in five years (2000-2004) Session Courts in Punjab handled 143 cases of bonded laborers filed under habeas corpus (section 491 Cr. PC). In 87% cases, courts provided relief to workers by setting them at liberty⁴⁰. These statistics show mid level judiciary's active and positive role in dealing bonded labour menace. High percentage of cases decided in workers' favour establishes the fact that exploitation of workers is rampant..

Lahore High Court in a specific period of 26 months (2003 to 3rd March 2005), dealt with

322 cases of bonded labour under habeas corpus petitions, and a majority of cases (66%) were decided in favour of workers. In most cases, bailiffs, sometimes accompanied by police, were sent to recover the workers. In some cases workers were found in inhuman conditions. For example, after a LHC bailiff recovered 32 bonded labourers from brick kilns near Islamabad, it was discovered their captors had sold the kidneys of five of the workers⁴¹.

Agriculture

In agriculture sector, judicial intervention, inspired by the Supreme Court verdict of 1989 on bonded labourers in brick kilns, has mostly been the result of human rights activism and media coverage of the issue since early 1990s. In the late 1980s, civil society actors brought the issue of bonded labour in agriculture in Tharparkar, Mirpurkhas, Badin, Sanghar and Hyderabad districts of Sindh into limelight. The HRCP formed a Task Force, which got the bonded labourers released from the clutches of the abusive landlords.

At several occasions, HRCP and other organizations went to court for release of bonded labourers. The petitions were mainly filed under habeas corpus and the courts, taking notice, sent bailiffs who released Haris, many of them literally bound in chains.

Besides addressing the petitions filed by human rights groups, Sindh High Court (SHC), Hyderabad Bench, converted simple applications into petitions and got many Haris released. For example on November 29, 2001, the court freed 105 Haris, who were produced before the court by the police from the possession of different landlords on court orders. They were brought from Sanghar and Mirpurkhas divisions. The court allowed them to go wherever they like and live a free life. Earlier on July 6, the same year, the SHC Judge Justice Faiz Mohammad Qureshi freed 81 Haris. Two Haris, Chando and Mano Bheel had filed petitions in the court submitting that the landlord Sain Bux Kalhiyar in Tando Allahyar and Mir Hayat Talpur of Taluka Digri had confined their family and

community members. They further stated that the landlords had restricted their movements and were forced to work. On the court notice they all were produced before the judge who let them to go according to their will.

Besides, the High Court Sub Divisional Magistrates (SDMs), who before 2001, had judicial powers, also helped in the release of many Haris. They mostly acted on written applications filed by the bonded labourers themselves or by human rights groups. The SDMs on the written request of HRCP acted and got many Haris released.

In January 1999, two SDMs, along with the police, raided the land of influential landlords and released 36 and 13 Haris respectively from Sanghar and Umerkot areas⁴².

During the same year an SDM along with the HRCP Task Force Hyderabad recovered 58 bonded haris from the private jail of landlord Atta Mohammad Hingorjo. In March same year the SDM Khipro busted another jail of Sabir Khetar and recovered 60 bonded workers⁴³.

In November 1999, on the order of SHC, about 50 Haris were recovered from the private jail of a landlord Allah Dino Mehar, who happened to be a retired Deputy Inspector General (DIG) of Police in Mirpurkhas. They had been in the captivity of the landlord since 1994⁴⁴.

In the absence of Hari courts, the SHC was the only ray of hope for Haris, particularly those in bondage, as Session Courts were not authorized to hear the cases of habeas corpus until recently when Session Courts started hearing cases of bonded labourers.

After a number of court decrees issued in favor of bonded Haris under which hundreds were released, some of the later verdicts of SHC came as a great disappointment to bonded labourers and human and labour rights activists as they went against Haris. Human rights activists blamed poor understandings of

the issue by some members of judiciary as the main reason of such verdicts.

Legal experts and human rights activist while criticizing the complicated and weak judicial system say that by the time court bailiffs reach to the places mentioned in the petitions for release of the bonded labourers, the local authorities inform the landlords who shift the labourers to other places but the court consider the claim of the petitioner as false. This way the victims are further victimized. Most of the cases in the courts have been filed under habeas corpus instead of bonded labour law and ended at release of the labourers but no further action is taken against the powerful landlords.

The worst decision against bonded labourers came on January 9, 2002 when a SHC bench dismissed about 90 petitions pending at the court for two years for release of Haris⁴⁵.

The decision was challenged in the Supreme Court by the HRCP through former Law Minister Iqbal Hyder who pleaded before the court that SHC did not consider the Bonded Labour (System) Abolition Act 1992. The final decision was awaited at the time of finalization of this report.

In some cases the court decisions have remained mixed and confusing: in petitions of similar nature the courts sometimes provide relief to the bonded labourers while in other cases they have been further victimized. This attitude can be linked to the mindset of the judges and the legal support available to the complainant, besides political power and influence of the accused landlord.

For instance, Lahore High Court had released 12 family members from forced labour in Dipalpur in 1993. But later the same court in another petition filed for recovery of bonded family from the farms of a zamindar, ruled strongly against the petitioner, Allah Ditta, and termed the petitioner as cunning and a black-

mailer⁴⁶.

In another verdict a Session Court in Hyderabad in 1999 dismissed a petition of a Hari against landlord Ghulam Hussain and his five men. The Judge ruled that the peasants lacked sufficient evidence to prove the allegation whereas the fact was that contingents of Army and Rangers in the presence of a Mukhtiarkar of the area, raided the private jail of the mentioned landlord and got released 349 Haris from there. The case was decided after seven years⁴⁷.

There is strong observation that the court decisions on bonded labour mostly depend on the background of the judge who is hearing the case. Unfortunately many judges are not sensitized on bondage. Those who have better understanding of human rights provide relief; others simply do not. It is also a fact that the members of judiciary are drawn from the lawyer community and since human rights was not included as a subject in the curriculum of the Law Colleges--till few years ago when it was added-- many remain unaware of the concepts of the human and labour rights.

Despite a few disappointing court verdicts, including dismissal of a bulk of petitions in 1999, the courts have continued to intervene and release bonded Haris.

In the years 2000 and 2001, about 2,200 haris were released through intervention of SHC Hyderabad Bench alone after they were produced in the court following notices served to the police officials and the landlords detaining Haris on agriculture lands⁴⁸.

A total of 5,687 and 2,715⁴⁹ bonded labourers were released through judicial intervention in the agriculture and brick kiln sectors respectively during last 15 years.

Carpet weaving

Article 11 (1) of the Constitution of Pakistan forbids slavery and states that no law shall

permit or facilitate its introduction into Pakistan in any form. Article 11 (2) prohibits all forms of forced labour and traffic in human beings. Article 11 (3) prohibits employment of children below the age of 14 years in any factory or mine or any other hazardous employment. Also, Article 37 stipulates that it is the responsibility of the state to "make provision for securing just and human conditions of work, ensuring that children and

The first piece of legislation exclusively formulated on child labour is the Employment of Children Act 1991. The Act is critiqued as more regulatory than prohibitive. The National Committee on the Rights of the Child was set up under this Act to advise the government and expand the schedule of occupations restricted for child work if and when required. Initially 29 occupations were declared hazardous for children. The list was expanded in December 2006 to 39 occupations. The civil society is advocating to further expand the list i.e. include child domestic labour in the list of hazardous occupations.

The Bonded Labour System (Abolition) Act, 1992, abolishes the bonded labour system with immediate effect and declares all bonded labour free and discharged from any obligation to render any bonded labour, or any form of forced labour, or payment of debts. The Act prohibits any person from extracting labour under forced conditions from anyone.

The Prevention and Control of Human Trafficking Ordinance 2002 applies to all children aged less than 18 years and makes punishable the acts of recruiting, buying or selling a person, with or without consent, by use of coercion, abduction, or by giving payment or share for such person's transportation for exploitative entertainment.

There is no major judicial intervention specific to carpet sector on record, however, general court verdicts in bonded labour equally apply to all sectors employing bonded labourers. In

case of carpet weaving release and rehabilitation of children have come through social sector interventions such as TRDP intervention in Tharparkar which is discussed in detail in the coming chapters and also separately in the report on carpet sector⁶⁰.



CHAPTER FOUR

State Interventions

State intervention for release and rehabilitation of bonded labourers has remained halfhearted and in many instances the government actions had been contradictory to the Constitution, its own commitments, laws and the ratified international conventions.

The first practical state intervention for release of the bonded labourers can be traced in mid-1980s in Punjab in the wake of court orders and growing demand by human rights activists for the release of bonded labourers in brick kilns.

Police accompanied by the court bailiffs got the bonded people released. The District Magistrates known as (DCs) and Sub Divisional Magistrates (SDMs)⁵¹ who held both administrative and judicial powers before the 2001 devaluation of power plan, issued orders for release of the bonded labourers on complaints filed by family members or human rights activists. According to a study⁵² in a few cases, District Magistrates had forcibly freed the Haris from private jails.

In 1992 the State also moved to enact a law in the wake of the 1989 Supreme Court verdict and asked the government to take necessary steps to end the bonded labour, and also define the term "forced labour." Formulation of the specific law was the first major intervention on part of the state.

Bonded Labour System (Abolition) Act 1992

During the government of the influential industrialist Mian Nawaz Sharif, the parliament passed a new law known as "The Bonded Labour System (Abolition) Act"; which came into force on March 17, 1992⁵³. According to the law, the bonded labour system stood abolished throughout the country (Section 4(1) of the Act).

This was a major legislative initiative on part of the state of Pakistan, which for the first time accepted the existence of bonded labour at a higher level and a law was made to bring it to an end. Earlier, most of the governments had declined to accept the reality that bonded labour existed in many sectors in the country, leave alone making any law for the abolition of this contemporary form of slavery.

Though Supreme Court decision and rising human rights activism in the country were driving forces in moving the government to bring in the law, the ILO also pushed the government to act accordingly. In 1991, ILO's annual conference at Geneva noted that Pakistan needed to bring its laws in conformity with Convention 29 on the abolition of forced labour to which it is a signatory.

The law, which first time defined "bonded labour system" in the country, also has comprehensive provisions to bring this vicious cycle to an end.

"All the customs, traditions, practices and all contracts and agreements or other instruments whenever executed, under which any person, or any member of his family was required to work as a bonded labour, became void and inoperative."

The law made any kind of forced labour including debt bondage a cognizable offence punishable with imprisonment ranging from 2-5 years or with fine up to Rs. 50,000, or both. The laws also made mandatory the formation of District Vigilance Committees (DVCs) for implementation of the law and also to facilitate rehabilitation of freed labourers.

Unfortunately, frequent changes in governments and lack of seriousness on the part of those at the helm of affairs, delayed the implementation of the law and it took three years to notify Bonded Labour System (Abolition) Rules in July 1995⁵⁴. The rules have provision of establishment of a fund for rehabilitation and welfare of freed bonded labourers.

National Policy and Plan of Action (NPPA) 2001

Ironically, it took the government another six years to come up with National Policy and Plan of Action (NPPA) for abolition of bonded labour and rehabilitation and release of bonded labour in 2001. The policy is credited to efforts of late Omar Asghar Khan, the then Labour Minister during the regime of General Pervez Musharraf.

The NPPA envisaged long and short term measures to bring bonded labour to an ultimate end and as well relief package to provide assistance in the form of housing, food, and basic amenities, including education to the children of released Haris living in makeshift camps.

Besides training of officials, formation and activation of DVCs, creation of a high level National Steering Committee for the Abolition of Bonded Labour and Rehabilitation of freed bonded labourers, the NPPA also has the provi-

sion for resources. The first meeting of National Steering Committee was held on January 30, 2004, three years after NPPA was approved which again creates doubts about the seriousness of the concerned authorities.

In April 2000, the government created a fund called "Fund for education of working children and rehabilitation of freed bonded labourers (BLF)," with an initial amount of Rs 100 million donated by Bait-ul-Maal. Despite the NPPA and the creation of the fund the freed Haris are living in subhuman conditions in camps around Hyderabad (Sindh). Money has not been used on the rehabilitation of those released from bondage. Though the formation of district vigilance committees (DVCs) in all the districts was mandatory according to the Bonded Labour System (Abolition) Act, 1992, formation and functioning of the committees have not been effective as there is hardly any DVC intervention on record.

In 2004, the provincial governments of Sindh and Punjab notified formation of Vigilance Committees in about 18 districts between January to July 2004. But effective functioning of the committees is still a big question mark as except a couple of DVCs rest of the committees have not been able to convene even initial meetings.

Police Intervention

During the military operation in Sindh in December 1992, the military authorities rescued 288 haris from bonded labour camps run by an influential landlord Ghulam Hussain Khokhar in Taluka Tando Allahyar in district Hyderabad⁵⁵.

Three accused landlords were arrested but immediately released on bail. Later, it became obvious that the military action was rather aimed at the specific landlord rather than getting bonded labourers freed.

Police, the primary law enforcement agency in the country, have been reluctant in taking any

direct action to free bonded labourers. It has mostly acted either on court orders or on the orders of Deputy Commissioners in the past. For instance, the Police released 33 workers from a kiln in Gujranwala on the orders of Lahore High Court. But police also refused to register the case of 25-year-old young man who was tortured by kiln owner on the account that he asked the owner to pay official wages.

On many occasions the police failed to discharge their duties leave alone any effective interventions for the release. In May 2004, a landlord from whom a number of haris were freed, re-kidnapped 13 haris from camps around Hyderabad. Though they were released after human rights organizations' strong protest, no action was taken against the culprits despite the fact that three FIRs were lodged against them⁵⁶.

It seems there is division within the government on the issue of bonded labour, depending on the background of those at the helm of affairs. In 1996 a group of influential landlords launched a campaign against those helping release of bonded labourers and branded them as agents who were converting Muslims and non-Muslim Haris in to Christianity. As consequence of this campaign Syed Qamarzaman Shah, a big landlord, who represented Sindh Abadgar Board and Sindh Chamber of Agriculture called upon the then Chief Minister of Sindh Abdullah Shah, himself a landlord from Dadu to stop the raids and ultimately provincial government withdrew support of the work on release of Haris⁵⁷.

The effectiveness of state intervention can be gauged from the fact that in 12 years since the law was enacted in 1992, a total of 23 cases were detected under Bonded Labour System (Abolition) Act and the fine collected during this period was Rs 6,100 only. Of the 23 cases 12 were detected in Punjab and 11 in Sindh and fine collected in Sindh was Rs 100 and in Punjab Rs 6,000 during this period⁵⁸. These figures themselves speak of government's lack of

seriousness and implementation of the law, though a large number of bonded labourers are released during this period through courts under habeas corpus petitions and NGOs' intervention.

National Policy and Plan of Action for Combating Child Labour

National Policy and Plan of Action for Combating Child Labour (NPPA-CCL) was formulated in 2000 to initiate phased elimination of child labour and eradicate the worst form of child labour. The NPPA-CCL has been criticized for being centralized, poorly-funded, over ambitious and for achieving little till to date. The plan was reviewed in 2007 and the report is still due.

International Covenants and Conventions Ratified by Pakistan

Pakistan has ratified the related ILO Conventions, i.e., ILO 1930 Forced Labour Convention (No. 29) and the ILO 1957 Abolition of Forced Labour Convention (No. 105), which were ratified after long gaps in 1957 and 1960 respectively. The ILO Minimum Age Convention (No. 138) 1973 was ratified after 36 years in 2006. The ILO 1999 Convention on the Worst Forms of Child Labour (No.82) was ratified in 2001. The ILO conventions and international covenants are not legally binding on the ratifying country but indicate a government's commitment to formulation of new laws or bring the existing laws in conformity with the standards spelled out, and to follow the committed reporting and complaint mechanisms. The international standards can only be used to put moral pressure on the governments to formulate policies and legislation and implement the same.

Besides ILO conventions, Pakistan also signed the UN Convention on Abolition of Slavery in 1957 and ratified supplementary convention in March 1958, which also became the basis for campaign against bonded labour.

Pakistan also ratified the United Nations Convention on the Rights of the Child (CRC) in 1990. Pakistan sent its first CRC report to the UN in 2000. This Convention is the only international human rights treaty that expressly gives NGOs a role in monitoring its implementation under the Article 45a.

Government Welfare Schemes

Zakat and Baitul Mal

The Zakat and Ushar system implemented through an ordinance in 1980 collects fund at 2.5% annually of all the declared assets of Muslims. This amount is spent on social welfare and distributed among needy and poor. In year 2004, estimated Rs 10 billion were distributed among 1.5 million poor Pakistanis⁵⁹.

Pakistan Bait-ul-Mal is another welfare scheme established in 1992 aimed at providing assistance to those who are excluded from Zakat, i.e. religions minorities and other socially and financially weak groups.

The two schemes, Zakat and Bait-ul- Mal, are aimed at providing financial help to poor and needy particularly widows, handicapped and old. These schemes also provide cash to poor as a support for dowry for marriage of their daughters and some grants for study and other purposes. These schemes are suitable for workers in bondage and an honest evaluation of their financial situation leaves no doubt that they deserve benefits from these schemes more than anyone else. These schemes can also effectively help improve the conditions of workers and in many cases can save them from a situation which turns in to bondage. However, these schemes are not benefiting bonded labour. Majority of Muslim brick kiln workers know of Zakat but have no access to this fund.

Ghulam Sarwar, 50 a brick kiln worker in Multan deserves grant from Zakat fund. He is suffering from arthritis and cannot work. The earnings of his three children and wife, are hardly enough for two square meal. He needs

money for his treatment which can be provided from Zakat fund. However, the local Zakat council's chairman has refused to help him. "He refused on the ground that I don't belong to his constituency, though I am from the same district," he said.

About 70% of the respondents do not possess National Identity Cards (NIC), hence do not qualify for enrollment in voters' list thus lose political power of a registered citizen. They are of no use to local political groups just because they do not have votes. Of the remaining 30%, who had the NICs have not accessed the new computerized ID cards. Lack of access to computerized NICs and exclusion from the voters lists make them politically weak, leaving them vulnerable to exploitation.

Sasta Atta Scheme (low cost flour scheme)

The Punjab provincial government ran a scheme during 2004-05 to provide flour to poor people at discounted rates. The scheme was launched to help poor who were facing hardship due to rising prices of daily use commodities. Yet the scheme did not benefit brick kiln workers. The workers had knowledge of the scheme as it was being advertised but were not included in the list of beneficiaries developed on recommendations of Union Council (UC) Nazim. The workers were also excluded on the pretext that they were not permanent residents of the same UC. Since they live on the site, and are migrants at times from the same or other district, they are not considered as local community.

Parha Likha Punjab (Educated Punjab)

The much-publicized scheme was aimed at increasing the enrollment of children particularly in rural areas. Unfortunately, this scheme did not offer anything to the children of brick kiln workers. The overwhelming majority (88%) of the brick kiln workers and their families are illiterate with only 12% semi-literate with five years of schooling.

At a brick kiln near Multan, a young brick kiln worker broke down a black and white TV - the only costly asset in his home followed by an advertisement. He did so soon after an advertisement of "Parha Likha Punjab" saying that "if his son cannot go to school, what the hell this Parha Likha Punjab will do." He has two children who do not go the school but roam around the work site as the man and his wife make bricks.



CHAPTER FIVE

Civil Society Interventions

International Organizations/NGOs

International organizations particularly the International Labour Organization's (ILO) efforts had been instrumental in moving Pakistan government to take measures for elimination of the menace of the bonded labour in recent years.

Though bonded labour is prohibited under the Constitution of the country, ratification of ILO Convention by Pakistan⁶⁰ provided a ground to human rights and labour rights groups to demand the government to comply with international laws and conventions. These specified ILO conventions have made the signatory countries bound to eliminate forced or compulsory labour.

The ILO has been instrumental in the drive against bonded labour in Pakistan and besides providing support to local organizations for the release and rehabilitation of bonded labour, it has continuously pushed the Pakistan government to take necessary measures for elimination of bonded labour. It is also noted that the Bonded Labour System (Abolition) Act 1992 was also the result of the ILO pressure⁶¹ on Pakistan government.

The ILO claims that its Special Action Programme to combat Forced Labour (SAP-FL) is providing technical assistance to support the Ministry of Labour (MoL) and its partners to implement the National Policy and Plan of Action⁶².

The ILO has also supported a number of research studies on bonded labour. It helped

establishment of Bonded Labour Research Forum comprising eminent social scientists and researchers and sponsored a number of studies. However, the forum has been rendered ineffective after first round of rapid assessments in 2003. It is running a joint project with National Rural Support Programme (NRSP) for education of the children of released bonded labourers in different camps in Hyderabad. It has also supported another project of NRSP under which housing is provided to released bonded labourers in a camp near Hyderabad.

The ILO also has a special programme on bonded labour "Promoting the Elimination of Bonded Labour in Pakistan (PEBLIP)". The programme completed its first phase in 2007, under which the ILO provided technical assistance to the Ministry of Labour (MoL), capacity building of government officials and judiciary, and published a series of awareness materials.

Among other international organizations, Action Aid had supported different projects of local organizations providing services to released haris in Sindh.

National Organizations and Local NGOs (Agriculture)

Besides international organizations, many local NGOs with or without foreign support have intervened in the bonded labour. Awareness on bonded labour issue is the result of the work of these organizations.

The Human Rights Commission of Pakistan (HRCP) is pioneer in civil society interventions

for the release and rehabilitation of bonded labour both in agriculture and in brick kiln in Sindh and Punjab respectively. The Commission is the sole organization which has got the largest number of Haris released from the bondage in agriculture.

The HRCP Task Force based in Hyderabad has been active civil society initiative, which not only gets the bonded labourers freed but also helps them in rehabilitation. It has bought 16 acres of land in Housri (Hyderabad) where freed haris are rehabilitated and provided land for shelter. The Commission has directly approached the courts and filed many writ petitions for the release of bonded labourers and also helped them in court proceedings. The Commission is one of the strongest advocates on the issue of bonded labour.

The Commission through its special Task Force based in Multan helps the victims of human rights violation including bonded laborers. The Commission is not running any special project or programme but it provides help in legal matters to those workers who approach it with complaints of confinement and forced labour. The HRCP has helped many brick kiln workers for their release. Most of these workers approached the organization through local activists. The Commission, as a policy did not provide any shelter or any other rehabilitation facility to brick kiln workers in Punjab. However, it creates awareness on the issue.

In early 1990s, the Church also intervened and got many haris released. They were taken to a rehabilitation camp run by a Church at Matli, a small town in district Badin. But as the Church withdrew its intervention in bonded labour after some landlords and religious clerics alleged the Church for converting Hindus and Muslim Haris into Christianity.

In Sindh, besides the HRCP, two NGOs--Bhandhar Hari Sangat and Green Rural Development Organization (GRDO)--are active in intervening in bonded labour. The GRDO was

running schools for the children of the released haris in Hyderabad with the support from the Action Aid.

The efforts of these organizations are both direct, i.e. facilitating release and rehabilitation of bonded labourers both in agriculture and brick kilns sector and indirect that is, creating awareness on the issue through seminars, workshops and conferences.

Pakistan Institute of Labour Education and Research (PILER) Karachi is also among the key national organizations which had played an important role particularly in policy advocacy, which resulted in the enactment of Bonded Labour (System) Abolition Act-1992 and in the formulation of National Policy and Plan of Action 2001. It has remained involved in advocacy campaign against bonded labour at all levels. Besides, PILER had done six research studies and prepared papers highlighting the issue of bonded labour and emphasizing its need⁶³.

In 2005, Trocaire, an Irish organization came up with a bonded labour programme in Pakistan and has been supporting a consortium of NGOs with individual projects targeted to bring an end to bonded labour. Trocaire-supported group of organizations include, Green Rural Development Organization, Bhandhar Hari Sangat, Justice and Peace Commission, Marvari Development Organization, Society for the Protection of the Right of Child and PILER. This is first ever major, one time intervention of NGOs in the issues of bonded labour as a number of organizations are simultaneously working on same issue through their individual projects. As part of the initiative, a National Coalition against Bonded Labour has been formed which is also being supported by the ILO. This initiative has not been analyzed in detail in this study and requires separate analysis once it completes cycle of first projects in 2009.

Though not all NGOs have taken up the issue of

bonded labour, majority of the right-based organizations are against the practice and have raised this issue at different levels.

National Organizations and local NGOs (Brick Kiln)

Besides major national organizations, Bonded Labour Freedom Front (BLLF)⁶⁴, All Pakistan Federation of Labour (APFOL), Justice and Peace Commission and other small organizations in Punjab have also raised the issue of bonded labour at different forums, conducted research and surveys on this topic and also helped in release of many bonded brick kiln workers.

Justice and Peace Commission of Pakistan (J&P) Multan

This organization, affiliated with the Church, started working on bonded labor in 2004. The Commission is running a project, funded by Trocaire, and seek to help bonded laborers in obtaining NICs. If successfully accomplished this could have long term impact on the conditions of these workers. The JPC also run schools for children of kiln workers in and around Multan and also help formation of kiln based unions.

Muttahida Bhatta Mazdoor Union

This fragile union of brick kiln workers is a work of activist Mohammad Hussain Khokhar, son of an old trade union leader. The union is not a registered body. Hussain, with the help of a local journalist Imrana Komal, has been helping brick kiln workers by highlighting their plight in the press and also helping them file petitions through the HRCP. Press record maintained by Khokhar mentions a number of workers released through his help. He himself does not know the whereabouts of the released workers.

A number of respondents in Multan district say the only person or organization they knew is Khokhar but they do not see any major intervention on his part. Interestingly many workers

during informal discussions said since they know that Khokhar himself is a poor man, they do not trust that he can do anything for them and is able to fight with brick kiln contractors and owners who are very influential, yet they think he is a ray of hope and a helping hand in difficult times.

Bonded Labour Liberation Front (BLLF)

There is no NGO working on this issue in Faisalabad district at the moment. But in the past some organizations had worked, helped bonded labour in release and left foot-steps of good practices. One such example is Bonded Labour Liberation Front (BLLF). Formed in early 1990s, it emerged as pioneer in taking up the issue of bonded labour. The organization work halted after it was split in different factions and one of its leaders took political asylum in Sweden.

Brick kiln workers in a shanty town known as Essa Nagri near Faisalabad say their children used to go in schools established by BLLF in the homes of brick kiln workers. The organization was running about 20,000 schools at one time in the province of Punjab including mobile schools, a former incharge of the project claims⁶⁵. There were about 22 schools run by BLLF in Faisalabad district alone, one of them at Essa Nagari.

Brick Kiln workers and activists say that awareness created by the NGOs in Faisalabad has resulted in reduction in torture by brick kiln owners. "BLLF had an office in Faisalabad and that office was a beacon of light to workers. We could go there any time and seek help, including legal aid, if we wanted to go to courts against the employer. It had a lot of impact. But unfortunate end of the organization left us vulnerable again," says a kiln worker at Sultan Town.

He says he himself got many people released following the Supreme Court verdict in 1988 with the help of BLLF. "I used to go to brick kilns

where I knew workers were in bad conditions and abused by owners. We took their belongings on my donkey cart and brought them out. But unfortunately all they are back and living in the same conditions because I don't have any alternate to provide them, not even a shelter."

National Organizations and Local NGOs (Carpet Weaving)

Thardeep Rural Development Programmeme (TRDP) is the major organization, which has intervened in bonded labour in carpet weaving sector through its Child Rights Protection Project in Tharparkar district.

The intervention in child labour in the carpet industry was among the earliest initiatives undertaken by TRDP as soon as it started working as a local NGO in 1998. DFID-funded Protecting the Livelihood of Working Children Project was launched in November 1998 after the baseline survey was completed. The pilot project phase (November 1998-2001) accessed 467 families in 45 villages and brought out 1,107 children out of full time (9-10 hours) work, reduced their working time to 3 hours and got them enrolled in primary schools⁶⁶.

TRDP's interventions in bonded child labour adopted a right-based approach focusing on three crucial factors impacting the lives of child-weavers: community consciousness, livelihood, education and the attitude of larger society. The tools used by TRDP included social mobilization (to raise awareness and facilitate collective mechanisms), education support (to provide quality education) and advocacy (to garner wider support and replication).

The success of the pilot phase was followed by a four-year Child Rights Protection Project (2003-06). The project aimed to safeguard 4,000 children from exploitative, hazardous labour in carpet weaving and facilitate access to 100% children to quality education. The holistic approach included provision of micro credit to the families to facilitate sustainable

livelihood, improvement of education facilities and mobilizing the community to monitor child labour⁶⁷. By June 2006, 3,441 children were phased out from fulltime carpet weaving and of them 82% were enrolled in schools⁶⁸. The work hours were significantly reduced from more than 8 hours at the start of the project to 4 hours daily in 2006.

Community Intervention

Intervention by the community, particularly from within the bonded labourers has been minimal. Given the socio economic vulnerability of the bonded labour, it was difficult for them to come forward and revolt against the strong landlords but whenever they had the opportunity they tried to break the chains: they just escaped from the lands and sought refuge at hari camps in Hyderabad. Since most of the bonded labourers, those released and those still in bondage are schedule caste Hindus in Sindh, their voice goes largely unheard in a Muslim majority state where injustice is rampant even for poor Muslims.

Majority of the bonded labourers are low caste Hindus in agriculture in Sindh and in Punjab those work on kilns are also from minorities (i.e. Christians) and are extremely poor so they hardly had courage and means to revolt or intervene at a large scale.

Throughout the last decade bonded labourers both in brick kilns and agriculture have organized several major protest demonstrations against injustice they were facing for decades. There are many examples in brick kilns as well as in agriculture farms where bonded labourers escaped risking their lives and approached human rights groups and courts for release of the remaining family members and relatives.

A major community initiative, particularly in agriculture sector, was the formation of Azad Hari Union (AHU). It was formed at the convention of liberated haris held in Mirpurkhas on September 15, 2000⁶⁹. It was the first initiative where thousands of freed haris gathered at

"Hari Haqdar Convention" under the auspices of HRCP and at the end of the moot they announced formation of AHU aimed at organizing the people within the community to fight against the menace of bonded labour. The convention was followed by a massive rally led by Ms. Asma Jehangir, well-known human rights activist.

Since then AHU has emerged as an initiative from within the bonded labourers particularly those who have been freed during the last one decade. It operates from informal offices around the camps of bonded labourers and has held many demonstrations on the issue of bonded labour. But the union depends on the work of HRCP and lacks the will and means for any independent initiative. The organization is inactive since the last three years.

Political Intervention

Direct political intervention in bonded labour was very limited and short lived. The first direct political intervention in bonded labour was observed in Sindh in early 1990s following the intervention of HRCP. A nationalist political party - Sindh Tarqi Passand Party (STPP),- then known as Jeay Sindh Tarqi Passand Party-- headed by Dr. Qadir Magsi directly intervened in bonded labour. The STPP sent its activists, with or without the help of police to the lands of landlords and got haris released. The party, which at that time was an emerging nationalist force, had the power to face the big landlords and its intervention was effective and speedy compared to those of NGOs. While the NGOs had to wait for weeks for the help of courts and police, STPP activists directly went to the lands where haris were forced to work and got them released. It had also set up a rehabilitation camp known as Qadir Nagar in Hyderabad where released people were settled.

But this intervention was short-lived as the party gave up this work un-announced after landlords alleged it for blackmailing. They alleged that the party is demanding money in

the name of bonded labourers. Besides, there were also divided opinions within the party on the issue of bonded labour as many nationalist activists considered the issue of bonded labour a conspiracy to malign Sindhi culture, traditions and also to destroy Sindh's already poor agro-economy.

The STPP was also alleged for using the released bonded labourers for its political purposes. A number of bonded labourers, particularly women, were used to be brought in the political processions and demonstrations organized by the party.

It was the only nationalist party which not only accepted the reality of the bonded labour in agriculture in Sindh but also intervened. Otherwise rest of the nationalist and other political parties of Sindh not only deny the existence of bonded labour in the province but also criticized and opposed any intervention on the part of human rights and labour rights organizations and termed it conspiracy against Sindh and an excuse to seek foreign funds.

Besides STPP, another small group of political activists named Sindhi Sath also intervened in bonded labour issue. Newspaper reports show that the organization raised the issue, held demonstration and also helped released Haris in settling down in Hyderabad. Again this intervention was also short-lived and they abandoned this work for unknown reasons.

The major national political parties have remained quiet on the issue of bonded labour. Both the major political parties -- Pakistan People Party (PPP) and Pakistan Muslim League (PML) remained unclear on the issue.

Feudal lords dominate both the parties and majority of the cabinet ministers during these regimes of the two parties were the big land-holders so there was no direct intervention on the part of these parties as well as other main political parties.

Majority of the key members and office bearers of these parties do not accept the existence of bonded labour but there are individuals within both the parties as well as among other parties who have not only spoken against the bonded labour but played their role in whatever action the governments have taken so far.

These parties, obliging international conventions, and also due to pressure from within the country by human right groups enacted laws against bonded labour. PML made the Bonded Labour (System) Abolition Act 1992 and PPP made rules and regulation for the law in 1995. There is no other effective intervention on the part of these two parties in eradication of bonded labour.

The religio- political parties like Jamiat- Islami (JI), which is also a major political force in the country, has also not intervened. JI has a separate labour wing and its trade unions are more powerful in many public and private corporations.

Role of Media trade union

During the last one decade media has emerged as a powerful tool of information and has played a role of a watchdog. In many instances media has been instrumental in moving policy makers and government planners to make pro-people policies. Media has played an important role in spreading awareness of human rights during the last decade and highlighted many issues which were earlier ignored. In many cases, it was because of the media coverage that the authorities have taken some actions. Vernacular Sindhi press has played a crucial role in highlighting the bonded labour issue.

The media not only gave coverage to the stories of bonded labourers but many journalists were the part of rescue teams which went to the lands and freed bonded labourers. Human rights activists⁷⁰ confess that without the media support their work of release of bonded labour could not have been possible. Despite strong

opposition, Sindhi newspapers highlighted the issue positively. They published the stories on front pages along with photographs, which drew the attention of authorities and also exposed a large portion of population to the harsh realities of the bonded labour.

Besides stories and follow-ups. The Sindhi newspapers published editorials, essays and features. An analysis of the articles and stories show that media has been very sensitive on the issue and whatever action we see on the part of government today, media has a main part in it.

Though Sindhi media's role has been very effective, English and Urdu media have also given appropriate coverage to the bonded labour issue and has been part of the campaign for release of the bonded labourers. Electronic media, which saw growth of private TV channels in recent years, has started highlighting the issue of bonded labour.

Role of Trade Unions

Faisalabad city has good presence of trade unions. The trade union leaders have tried to form an association of brick kiln workers and such attempts have partially been successful. Interviews with leaders, activists and brick kiln workers reveal that the presence of trade union is helpful and can be considered as good practice, yet it is very fragile. Though the union claims some successes on its credit, it is split in factions before it can have a major impact on the situation of brick kiln workers. There are four to five splinter groups.

Bhatta Mazdoor Mahaz

Activist Rafiq Fauji runs this organisation without any office and address and has emerged as a powerful voice of laborers in general and brick kiln workers in particular. In his views, the situation of bonded labour and brick kiln workers is linked with over all labour rights scenario and until federal government did not change its policies, chances of improvement are very dim.

Bhatta Mazdoor Union

This is registered union of brick kiln workers in Faisalabad, registered in 1985 and headed a veteran labor leader Aslam Wafa since 1987. He himself is not a brick kiln worker but a trade union leader and head of a federation, which has several affiliated unions. The union claims having 400 members--all brick kiln workers. But even this number is very small given the number of brick kiln workers in the district. The district has some 800 brick kilns with thousands of workers.

The union takes credit for increase in wages. The union has several documents showing that after protests and negotiation by the union the owners enhanced the rate which were less than minimum wage at that time. The union accepted and had an agreement on rates less than that of official minimum wage. The union president claims even this was good for brick kiln

workers. Others accused him of compromising on workers rights and this led to split in the union which is now splintered in to three groups.

In Faisalabad, the brick kiln workers, particularly those working at kilns near the city, are integrating themselves with workers in other sectors in recent years and there is more interaction between industrial trade unions and brick kiln workers. On May Days a number of kiln workers join in the rallies organized by different unions to commemorate Labour Day. Similarly, a number of kiln workers have participated the hunger strike camp of power loom workers and participated in demonstrations during recent years. Though a small number of kiln workers are associated in unions, they are actively engaging with other unions and that is a positive development.



CHAPTER SIX

Rehabilitation Brick Kiln

Provision for rehabilitation is a part of Bonded Labor System (Abolition) Act, 1992, for which funds have been allocated by the government. However, no mechanism was spelt out hence stakeholders fighting for the cause of bonded labour faced crucial issues.

There is hardly any mechanism in place for rehabilitation of bonded labourers in Punjab in general and in the two districts under study in particular on part of organizations working on the issue of bonded labour in these areas. Unlike Sindh, there are no rehabilitation camps in Punjab and whereabouts of those released remain unknown. Press reports and NGO records show a number of bonded workers were released from brick kiln mainly by the intervention of the courts. But hardly anyone knew where these workers have gone after the release.

It is a common impression that those released usually come back to the same work. They may have not joined the same employer but they are in the similar situation as before-in debt bondage.

Din Mohammad Khokhar, 45, a brick kiln worker got freedom ten years ago with the intervention of a local activist. "We were happy at the time of release as we thought it was an end of dark times," Din Mohammad recalls. But his optimism was short lived as the released family found it difficult to adjust in the post- freedom period. "We have a large family and without a home of our own and any other source of

income, we were unable to survive. They (activists) just helped us in release and then suddenly we were on the road. It was really a difficult period," he recalled. He had no other option but to go back to a kiln -- the only kind of work he and his family were skilled for. "We decided to find work at a kiln. Initially, the owner was nice and we also did not take any advance," he explained. But ten years down the road, Din Mohammad and his family of six members is again in bondage like situation with a debt accumulated to Rs 60,000 at a kiln in Ahil Ke Wasti in Multan district. He and his family, which include his wife, two young daughters, son and a daughter-in-law --all work as brick makers.

Neither government nor any NGO has any rehabilitation plan/scheme for those released from bondage. The work force in the brick kiln industry is landless and shelter less, working from one kiln to another. In case they dared to break the chains of bondage either directly approaching the courts or through organizations, the freedom proved to be short-lived and even those who facilitated their release think that things are not moving in right direction.

"Those released have gone back and are doing the same work. Many of them are even in worse conditions than before. They were released but there was no system -- either to provide them an alternate livelihood or employ them in the same industry on better conditions. This is a complex issue needed to be looked from different angles and any single approach will not help in ending the menace of bondage. We need a well thought

out strategy and planning to deal with the issue otherwise there will be no use. Even I do help and get people released in extreme cases but the need is to have some rehabilitation plan". (Advocate Rashid Rahman, HRCP Taskforce head in Multan)

None of the organizations working on bonded labour in Punjab has rehabilitation plan included in their interventions and this is a major problem faced by workers after release. It would be very important that organizations as well as their donors must take into account this issue before designing any further interventions.

Agriculture

If rehabilitation means temporary, makeshift settlement of Haris in thatched huts, then that is being practiced in Sindh. If rehabilitation means financial support, permanent shelter, freedom from fear of being kidnapped by landlords, having a regular source of livelihood, children going to schools, health facilities then this type of rehabilitation is absent at the camps of freed Haris near Hyderabad in Sindh.

While living at the camp a family cannot avail any basic facility at its doorstep because the family has no ownership of the land where it lives. Until they have legal rights of the land, they cannot avail facilities like health, education, and construction of houses. They are uncertain about their future.

The HRCP pioneered rehabilitation camps. According to the members of the Commission, initially these camps were established as temporary shelter for those who secured freedom from the clutches of landlords. As no further intervention, or permanent solution was put forth by the state or any other agency, these camps gradually came to be taken as permanent resident by thousands of released Haris who have no other place to go.

In comparison to Punjab, these camps are considered a blessing as both released workers

and activists think that at least there is a shelter for released workers. It also provides an opportunity to the community to live at one place where they are in a position to help each other.

Those residing in camps complain that they lack documents. After escape or release through any source, the landlords chase Haris and send threatening squad to them. Landlords keep Haris frightened and anxious in an uncertain position. In the given conditions, many of them are afraid to step out of the camps as they do not have documents and no evidence of their freedom. High level of insecurity among the residents of the camp that make sure they carry visiting cards of NGO activists when they go out. Despite efforts by few NGOs a number of residents of these camps remain without NICs. Securing NIC for a released bonded labourer is a challenge as the registration authority needs documents of family members and attestation by officials or local government representatives which often is difficult requirement to fulfill.

Rehabilitation in carpet weaving

As a result of various projects of the TRDP many indebted families have been rehabilitated and the children working in those industries have been sent to schools. Microcredit and marketing support to the indebted weavers' families have played a major role in loosening the grip of the contractors/money-lenders. TRDP's own assessment in 2006 indicated that now 85 percent of the households take loans from TRDP instead of traditional lenders; 90 percent of the households now own their own looms and the annual household income has increased more than two-fold. The improvement in economic conditions of the households has impacted positively on children.

TRDP's intervention in education has proved to be the other major pillar of the programme. Unless education facilities were made accessible the weavers' children would not have bene-

fitted from enhanced income of the household alone. TRDP established 50 non-formal educational schools, 15 choupphas to support schools, 7 libraries or learning resource centres and trained 350 government primary schools teachers. TRDP also linked up non-formal schools with the government schools for smooth transition of children to mainstream education system.

Impact of Social Mobilization

TRDP's social mobilization component - a built-in feature and the foundation stone of all its projects - is based on the premises that unless the communities are aware of the need of change, strive through collective decision to bring about change and own the process leading towards it, sustainable development is not possible. To get the ball rolling, TRDP facilitates community organization in the shape of Para Development Committees (PDCs). All change-oriented activities are then undertaken collectively by PDCs and these include microcredit

and enterprise development, community infrastructure, natural resource management and education and health initiatives. In addition to adult groups or PDC, children's groups or organizations have also been facilitated by the TRDP.

According to the present assessment the COs provided a forum to the phased out children to get together for social interaction, play and study. This facilitated their integration into as normal a childhood state as possible in still struggling weavers' households where now they could go to school full time, that is up to 12.30 or 1 pm, and work on looms part time in the evening, or whenever they feel like it.

The COs have great potential to benefit children in their personality development and mental and emotional growth but it seems TRDP has still a long way to go. Membership of the COs is limited and fewer working children are members of their respective COs.



CHAPTER SEVEN

Recommendations

- All forms of bonded labour are prohibited under the national and international laws. The government should strictly enforce all the laws and international conventions in all the sectors. Special attention is required on implementation of Bonded Labour (system) Abolition Act 1992.
- Bonded Labour Fund, established in 2001 as part of the National Policy and Plan of Action remains unutilized. Special projects should be initiated to utilize those funds specially for the rehabilitation of freed bonded labourers.
- Lack of shelter and landlessness are key issues attached to bondage in all sectors. It's important that state land is distributed among bonded labourers and they be provided with official entitlement documents of places where they reside now or given an alternate place for shelter.
- Minimum wages have been fixed by the government to protect rights of labourers, but it is observed that it is not implemented. In bonded labour afflicted sectors, those wages have either not been fixed or lack implementation. The government should implement the minimum wages in brick kiln, agriculture and carpet weaving sectors.
- The labourers in general and brick kiln, agriculture and carpet weaving workers in particular cannot avail the state-run programmes and social security benefits. Policy level changes are needed to make these schemes universal and implementation ensure so as to provide all such facilities to every labour.
- Provincial labour departments are duty bound to protect rights of labourers in every private establishment. Strict rules on inspection be made to ensure the officials of Labour Department visit the establishments regularly and enforce the concerned labour laws.
- The Child Rights Protection Project (CRPP) of TRDP is working with 1,700 out of 2,100 weaver families. There is a need to benefit all weaver families. This could be done if the project is extended for next five years.
- Social protection is important for poor and vulnerable. It's important that the government gives priority to bonded labourers in social protection schemes. Kiln workers, as industrial workers, can easily be incorporated in formal social security schemes if provincial labour departments seriously do the registration of kilns. Workers in agriculture can be accommodated in informal social protection schemes such as Zakata and Baitul Mal etc.
- Labour inspections are important to check violations of labour rights. Government must effectively revive labour inspection system.
- The government should announce a rehabilitation package for released bonded labourers which include cash money and alternate livelihood and a piece of land.
- Implementation on Bonded Labour System (Abolition) Act 1992 is the key, and government and CSOs should make efforts for implementation of the law in earnest.

Cases must be filed under this law.

- Police and other government departments should be sensitized on the issue of bonded labour and it should be included as part of manual at police training academies.
- CSOs should liaison with Bar Associations for formation of permanent legal aid committees, particularly in districts prone to bonded labour.
- Political parties should clearly mention eradication of bondage in their manifestoes with commitment on what they will do. CSOs should lobby with political parties.
- General awareness on the issue of bondage must continue as still a majority of population remains unaware/ silent or ignorant on the issue. Social support to eradication of bondage is crucial.
- Media has to play a key role in rooting out

this menace. It should highlight the issues on its own but CSOs must also liaison with media groups in this regard.

- Major trade unions have not taken the issue of bondage seriously. It is important that they put this on priority issue of their programmes and exert pressure on government for the eradication of bonded labour.
- There is also a need to synergies different interventions so that an effective system can be devised to help those in bondage. This can be done by bringing all actors involved in different interventions at one place to divide responsibilities, avoid repetition and chalk out a need-based strategy.

Mano still waiting for his family

Mano Bheel, 70, an ex-bonded Hari is a classical example of the indifferent attitude of the state as despite all efforts his nine-member family remains in the custody of a landlord.

In May 1998, some gunman kidnapped nine members of Mano's family from village Waryam Memon where he had settled two years after his release from the bondage along with other 70 haris with the help of HRCF. He alleges that his earlier landlord Abdul-ur-Rehman from whose land he got freedom was behind kidnapping of his family members.

Till now there is no trace of his family members despite the fact that he lodged an FIR against the influential landlord and many national and international human rights organizations have raised voice against this injustice since then.

Disappointed at the state apathy, Munno started hunger strike to protest against the kidnapping of his family. He set a record while remaining on hunger strike for three years.

This case also shows political power and the clout of the landlords in Pakistan. Despite clear instructions by the government and the Supreme Court, police have not been able to recover his family members. It was only recently when the accused landlord was arrested but later released on bail.

Supreme Court of Pakistan has intervened and ordered officials to recover Manu's family but all seems helpless against an influential landlord.

Many a times Manu had received threats to his life so that he would withdraw his protest. But he continues his struggle hoping one day justice will be done to him.

Notes

¹This information was provided by Ministry of Labour in the National Assembly on 25th June 2004 in response to a question raised by MNA Shahzadi Umerzadi Tiwana. No further details were provided.

²Forced Labour: Definitions, Indicators and Measurement, ILO-Geneva (March 2004).

³Karamat Ali (PILER- ASI joint submission) at United Nations Working Group on Contemporary Forms of Slavery, June 2004, Geneva.

⁴Pakistan came into being on 14 August 1947 as result of British withdrawal from Indo Sub Continent.

⁵Ercelan and Nauman, Bonded Labour in Pakistan ILO (Islamabad Office), 2001.

⁶Asian Development Bank 2002.

⁷G. M Arif, Bonded Labour in Agriculture in Punjab and NWFP, ILO (Islamabad Office), 2004.

⁸PILER sample survey of released bonded Haris in camps around Hyderabad- July 2000.

⁹ILO in collaboration with Ministry of Labour commissioned rapid assessments in seven sectors in 2003. These were published in 2004 and are available with ILO Islamabad Office and Ministry of Labour.

¹⁰Bonded Labour System(Abolition) Act was formally notified on 17 March 1992 through Gazette of Pakistan (Extraordinary).

¹¹Sec 4 (1) of Bonded Labour System (Abolition) Act 1992, Gazette of Pakistan Extraordinary, 17 March 1992, Government of Pakistan.

¹²Federal Government S.R.O 723 (1) Dated 20-7-1995.

¹³Policy statement, document of National Policy and Plan of Action, Ministry of Labour, Islamabad 2001.

¹⁴Ercelan, Labour, Debt and Bondage in Brick Kilns, ILO Islamabad Office, 2003.

¹⁵Ibid.

¹⁶Bonded Brick Kiln Workers-1989 Supreme Court Judgement and After, a study by All Pakistan Federation of Labour (APFOL).

¹⁷Field work and random survey conducted by PILER for the purpose of this study.

¹⁸Ercelan and Nauman, Bonded Labour in Pakistan PILER- ILO, 2001.

¹⁹Asian Development Bank 2002.

²⁰Economic Survey 2006-7, Finance Division, Government of Pakistan.

²¹In share- cropping, the accounts are calculated on six monthly basis and a hari gets income on six monthly basis.

²²Bonded Labour in Agriculture, rapid assessment in Sindh and Balochistan, ILO 2004.

²³Thardeep Rural Development Programme (TRDP), Baseline Survey, 2003.

²⁴Saeed A. Awan & Abid Ali Khan, Child Labour in Carpet Weaving Industry, Punjab, 1992, Centre for the Improvement of Working Conditions and Environment Lahore, Pakistan & UNICEF

²⁵Pakistan Labour Force Surveys 1996-97 and 2005-06.

²⁶EFA Global Monitoring Report 2007: Strong Foundations: Early Childhood Care and Education.

²⁷Poverty in South Asia, a Civil Society Perspective, South Asia Alliance against Poverty Eradication (SAAPE), Katmandu, Nepal.

²⁸Ibid..

²⁹Human Development Indicators, 2007, UNDP.

³⁰Economic Survey of Pakistan- 2007-8.

³¹Abolition of Bonded Labour in Pakistan, HRCP-ILO, November 2003.

- ³²PILER sample survey of released bonded haris in camps around Hyderabad, July 2000.
- ³³Household survey report, Rasta Development and Agrodev Canada Incorporated, February 2000.
- ³⁴First Martial Law was imposed as early as in 1958 by General Ayoub Khan.
- ³⁵Abolition of Bonded Labour in Pakistan, HRCP-ILO, November 2003.
- ³⁶The Constitution of Pakistan, Article 25 and 37.
- ³⁷Supreme Court Gazette, 1989, Islamabad. Petition 01/1988
- ³⁸HRCP Annual Report 1990 and 1993.
- ³⁹HRCP Annual Report 1995.
- ⁴⁰Role of Judiciary in Elimination of Bonded Labour in Pakistan, ILO. No date mentioned.
- ⁴¹HRCP Annual Report 2002
- ⁴²The News International, January 16, 1999.
- ⁴³HRCP Annual Report 1999.
- ⁴⁴HRCP Annual Report 1999.
- ⁴⁵Daily Dawn, Karachi, January 10, 2002
- ⁴⁶HRCP Annual Report 93.
- ⁴⁷HRCP Annual Report 1999.
- ⁴⁸HRCP Annual Report 2000+2001.
- ⁴⁹Statistics collected by PILER research team from different sources including HRCP Annual Reports and newspaper clippings.
- ⁵⁰Bonded Child Labour in the Carpet Industry of Thar, Sindh, PILER, December 2007.
- ⁵¹Designation of DC was changed into DCO and SDM in EDO and their judicial powers scrapped in 2001 after the introduction of devolution of power plan by General Pervez Musharaf.
- ⁵²Bonded Labour in Agriculture, rapid assessment in Sindh and Balochistan-ILO March 2004.
- ⁵³Gazette of Pakistan, Extraordinary, Part I, March 17, 1992- Islamabad
- ⁵⁴S.R.O 723 (1)/95 dated 20.7.1995, Government of Pakistan.
- ⁵⁵HRCP Annual Report 1992.
- ⁵⁶The News International, Karachi, 18 July 2004.
- ⁵⁷HRCP Annual Report 1996.
- ⁵⁸This information was provided by Minister of Labour on 25 June 2004 to the National Assembly in response to a question asked by MNA Shahzadi Umerzadi Tiwana. No further details were provided.
- ⁵⁹Social Security in Pakistan, The Network for Consumer Protection, Islamabad (June 2004).
- ⁶⁰Pakistan ratified ILO convention 29 in 1951 and convention 105 in 1960.
- ⁶¹In 1990 annual ILO conference at Geneva noted that Pakistan had to bring its laws in conformity with convention 29 on abolition of forced labour.
- ⁶²Roger Plant, head SAP-FL, ILO, January 23004- (Message published in ILO-Islamabad publication "Rapid assessment of studies of bonded labour in different sectors in Pakistan."
- ⁶³PILER Library.
- ⁶⁴BLLF intervention in brick kiln is said to be very active and effective till it divided in groups.
- ⁶⁵Ghulam Fatima, former Incharge of BLLF school project and now head of her own faction of BLLF.
- ⁶⁶The Dawn of Hope: Protection of Rights of the Working Children in the Carpet Industry of Thar, Annual Progress & Process Report 2002-03, TRDP
- ⁶⁷Ibid
- ⁶⁸Project evaluation of the Protection of Rights of the Working Children in the Carpet Industry in Thar Desert (Feb 2003-June 2006), Irfan Khan, Final Draft, 10 Oct 2006 (TRDP official document)
- ⁶⁹MH Khan, Daily Dawn, Karachi, Sep, 16, 2000
- ⁷⁰Aftab Ahmed, HRCP, Task Force Hyderabad.