



**NATIONAL COMMISSION
FOR HUMAN RIGHTS**
Government Of Pakistan

THE ISSUE OF **BONDED LABOUR** IN PAKISTAN

National Commission for Human Rights, Pakistan



August 2023



NATIONAL COMMISSION
FOR HUMAN RIGHTS

THE ISSUE OF BONDED LABOUR IN PAKISTAN

National Commission for Human Rights, Pakistan

Foreword



Rabiya Javeri Agha

Chairperson

*National Commission for
Human Rights (NCHR)*

It is deeply appalling that in the 21st century, slavery persists in the form of bonded labour. Despite global progress and Pakistan's own constitutional guarantees of equality and dignity, millions remain trapped in cycles of coercion and debt. Bonded labour is not only a direct violation of fundamental rights and Pakistan's international obligations under numerous ILO conventions—it also breeds a host of other injustices. From the exploitation of religious and social minorities to the harassment of women and the denial of basic health and education, bonded labour creates an environment where multiple layers of human rights abuses thrive unchecked. This reality demands urgent, hands-on action to dismantle the structures that allow such exploitation to continue.

This report on The Issue of Bonded Labour in Pakistan represents an important step in our ongoing efforts to shine a light on these hidden injustices. Drawing on investigations across Punjab and Sindh, as well as testimonies from men, women, and children trapped in debt bondage, it provides a sobering account of the realities faced by bonded labourers. It documents not only the economic hardship but also the systemic failures—non-functional District Vigilance Committees, absence of inspections, and weak institutional oversight—that have undermined the very spirit of the 1992 Act and other labour protections. The law exists, but its enforcement remains uneven, leaving bonded labourers without effective remedies or safeguards.

At its heart, however, this is not just a story of statistics and legal gaps. It is a story of human suffering and resilience. Children pulled from schools to mould bricks alongside their parents, women subjected to harassment and abuse, and families trapped for generations in the same vicious cycle of debt—all of these testimonies underscore that bonded labour is not merely an economic issue but a fundamental violation of human dignity.

The report also points the way forward. It highlights the urgent need to strengthen access to justice, revive and empower trade unions, ensure the registration of kilns, enhance incomes through fair wages, and implement

mechanization to reduce dependence on exploitative manual labour. Above all, it calls upon the state, employers, and civil society to join hands in giving true meaning to the Bonded Labour System (Abolition) Act 1992 by ensuring its implementation, not just its existence on paper.

NCHR urges the Government of Pakistan to confront this human rights crisis with resolve. Bonded labour is not a politicised issue, nor does it carry the weight of religious division or vested corporate interests. As it is free of these entrenched barriers, it presents an opportunity for the state to act decisively and effectively. Addressing bonded labour is not only achievable—it is necessary.

The NCHR remains steadfast in its commitment to amplify the voices of the most vulnerable, to hold duty-bearers accountable, and to ensure that no one is left behind in the march toward justice. Eradicating bonded labour is not merely a legal duty—it is a moral imperative that speaks to the very values of equality, freedom, and dignity enshrined in our Constitution.

Table of Contents

Executive Summary	1
1. Introduction	4
1.1 Defining Debt-Bondage And Peshgi	4
1.2 Prevalence And Severity of Bonded Labour	6
2. Brick Kiln Workers In Punjab	8
3. Debt Bondage in Rural Sindh	12
3.1 Peasant Workers	12
3.2 Rural Sindh	14
3.3 Feudalism And The Culture of Bondage in Sindh	15
3.4 Demographics	16
3.5 District Wise Analysis	17
3.6 Non-implementation of Bonded Labour Laws	18
4. Communities Impacted By Bonded Labour	21
4.1 Children In Bonded Labour	21
4.2 Health Impact of Work In Brick Kilns	23
4.3 Women And Young Girls In Bonded Labour	24
4.4 Minority Communities In Bonded Labour	25
4.5 Role of Trade Unions In Bonded Brick Kiln Labour	26
5. Governing Laws for Bonded labour	28
5.1 The Penal Code	28
5.2 International Conventions	28
5.3 Constitutional Protections	30
5.4 Bonded Labour System (Abolition) Act. 1992	30
5.5 Labour Laws Applicable To The Brick Kilns	32
5.6 Devolution of Power And Provincial Legislation	35
5.7 Labour Standards	36
5.8 The Sindh Tenancy Act 1950	36

5.9	Exclusion of Bonded Labour Laws	38
5.10	Adverse Legislative Changes	40
5.11	Judicial Pronouncements and the Government in Appeal	41
6.	Conclusion & Recommendations; Brick Kiln & Agricultural workers	44
6.1	Access to Justice	44
6.2	Trade Unions	46
6.3	Registration of Brick Kilns	46
6.4	Ethical Buying Standards	47
6.5	Increase Incomes	48
6.6	Role of DVCs	49
6.7	Data And Record Keeping	50
6.8	The Cultural Economics of Servitude	50
6.9	Training of Officers	52
6.10	Non-Governmental Efforts	52
7.	Photo Gallery	55

Executive Summary

“

Poverty-stricken, and plagued by sharp inflation and exploitative employers, bonded laborers work in unregulated kilns with weak labour inspections, non-functional district vigilance committees (DVCs) and lax implementation of regulations.

Bonded labour (or debt-bondage) is a widespread socio-economic phenomenon in Pakistan, affecting more than three million people. Bonded labour is especially prevalent in the rural and agricultural sectors, particularly in the brick kiln sector in Punjab and in the tenant farms of Sindh. Poverty-stricken, and plagued by sharp inflation and exploitative employers, bonded laborers work in unregulated kilns with weak labour inspections, non-functional district vigilance committees (DVCs) and lax implementation of regulations. The labourers lack necessary facilities such as safety equipment, medical coverage, clean drinking water and social protection.

Existing laws regarding bonded labour, including the Bonded Labour System (Abolition) Act 1992 and subsequent provincial legislation, fail to protect laborers due to weak implementation. There is general disinterest on the part of state functionaries, who are often influenced by traditional feudal power structures that seek to maintain bonded labour.

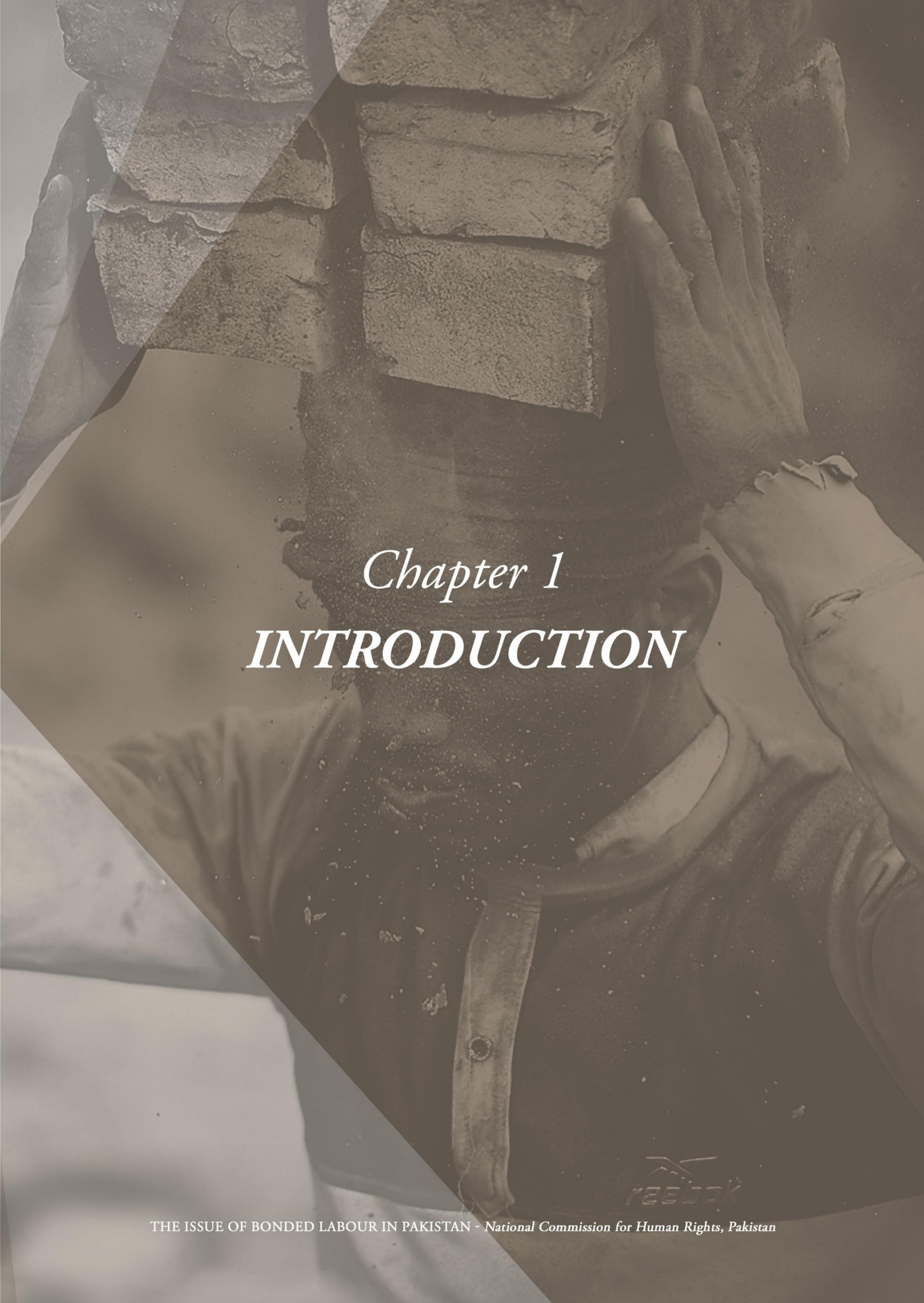
Outdated statutes such as the Sindh Tenancy Act and the legislative involvement of individuals belonging to feudal power structures provides legislative cover to practices of debt-bondage, forcing individuals to seek legal recourse before the constitutional courts. Consequently, the habeas corpus petition remains the most effective and sought after form of legal recourse against bonded labour. Although the judiciary has established binding precedents for the abolition of rural debt-bondage, implementation of court judgments remains limited. On the contrary, the state has actively pursued the path of appeal against judgments favouring rural bonded labourers. NGO's have been active in campaigning for the rights of rural bonded labourers and are largely responsible for monitoring the conditions of bonded rural labourers in both Sindh and Punjab, as state supervision and monitoring remains limited.

While measures to suppress the use of bonded labour (such as the provision of welfare services, economic opportunities, debt-relief and rehabilitation) are useful, the primary hope for change lies in the implementation of judicial rulings and the passing of new legislation, particularly with regards to

agricultural tenancy rights and brick kilns.

NCHR has made detailed recommendations in the report, which are summarized below:

1. Improving access to justice for bonded labourers.
2. Establishing or strengthening unions and other associations of labourers that would help to protect labour rights through collective bargaining and representation.
3. Revising the brick kiln registration process and developing a robust strategy to expedite the process by providing additional resources to the labour department and implementing incentives and enforcement mechanisms to ensure the registration of all brick kilns.
4. Implementing a greater use of automated machinery through tax reductions in brick production.
5. Increasing the incomes of labourers in fields where bonded labour is prevalent.
6. Enhancing the capacity of District Vigilance Committees (DVCs).
7. Prioritizing data collection and record keeping. NADRA should consider sending mobile units for registration and issuance of CNICs to rural areas to facilitate vulnerable communities such as the brick kiln labourers. The Election Commission of Pakistan should also work to bring more people into the electoral net.
8. Ethical buying standards must be encouraged through law, and brick buyers must be pushed to procure bricks from kilns that provide a safe and decent working environment.
9. Facilitating training programs for relevant organisations.
10. No family should be allowed to work as a single unit.
11. Children should not be permitted to work in brick kilns.
12. Promoting the role of civil society and Non-profit organizations in addressing the issue of bonded labour.

A person wearing a dark Reebok t-shirt and torn, light-colored work gloves is shown from the chest up, working with a stack of bricks. The person's hands are visible, one resting on the bricks and the other near the bottom. The background is a dark, textured surface. The overall tone is somber and gritty.

Chapter 1 **INTRODUCTION**

1. Introduction

1.1 Defining Debt-Bondage & Peshgi

Bonded labour is a sub-set of the overarching problem of forced labour and modern slavery.¹ It is a system of debt-bondage, whereby individuals are coerced into providing labour to compensate for a debt undertaken by them or by persons related to them. The nature of the loan requires that the labourer must work for the employer until such time as the loan is paid off. These loan structures are predatory, unfair and opaque, and can be inherited within families, resulting in generations of individuals being trapped in a vicious debt cycle, without any opportunity for escape or social mobility. Women and children of debtor-labourers are often forced into employment as well. The system of bonded labour thrives on physical violence and coercion, and its victims are often the most vulnerable segments of society. It is considered a form of modern slavery.

In Pakistan, the system of debt-bondage is built around the traditional binding loan or advance loan known as “peshgi” or “begar”², found in virtually all sectors of the Pakistani economy in both rural and urban labour markets. Repayment of these loans is virtually impossible due to high remuneration rates and exploitative practices of creditor employers, such as incorrect bookkeeping.³

Under the Bonded Labour Abolition 1992 Act, bonded labour is defined as;

“The “Bonded Labor System” implies the system of forced, or partly forced labor under which a debtor enters or has, or is presumed to have, entered into an agreement with the creditor to the effect that, --

- a) in consideration of advance (peshgi) obtained by him or by any of the members of his family (whether or not such advance (peshgi) is evidenced by any document) and in consideration of the interest, if any, due on such advance (peshgi), or*
- b) in pursuance of any customary or social obligations, or*
- c) for any economic consideration received by him or any of the members of his family;*

he would

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

1. Forced labour' is defined under the ILO Forced Labour Convention, 1930 as “all work or services which is extracted from any person under the menace of penalty and for which the said person has not offered himself voluntarily”.

2. The terms peshgi and beggar are used to refer to advances or loans against future labour in the Bonded Labour System (Abolition) Act 1992 (and subsequent legislation) and in the Sindh Tenancy Act 1950 respectively.

3. Murray, D. E., Themiminulle, S., Mustaq, N., & Fazli, S. (n.d.). Modern slavery in Pakistan. Retrieved January 17, 2023, from https://assets.publishing.service.gov.uk/media/5c56a35a86650c53b6909337/DFID_Modern_Slavery_in_Pakistan_.pdf



Though bonded labour was outlawed decades ago, the practice of financial bondage continues today. Peshgi and begar has been a part of the domestic labour market for over two centuries.

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

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

Though bonded labour was outlawed decades ago, the practice of financial bondage continues today and has been further exacerbated by crises such as Covid-19, rising inflation and the devastation of the recent floods in the country. **Peshgi** and **begar** has been a part of the domestic labour market for over two centuries.⁴ There is widespread debt in the low-income segments of the Pakistani population due to general poverty and lack of economic opportunities. Poverty-stricken individuals are forced into debt by economic hardship resulting from illness and disease, rising costs of living, family expenses such as the cost of marriage, unemployment, crop failure and natural disaster. In rural areas, most loans are informal and are usually taken from landlords, agents, money lenders or from family and friends. In areas of greater economic disparity, landlords and employers are often the only available source of credit. Often, loans are voluntarily taken by labourers, as the outstanding nature of the loan is considered assurance of future employment. Simultaneously, loans are keenly offered by creditor-employers to ensure a consistent supply of cheap and guaranteed labour.⁵

The nature of the loan requires that the labourer must work for the employer until such time as the loan is paid off, however, it is more than simply an agreement for provision of work. It is a binding agreement that subjects the labourer and often the labourer's entire family unit to a quasi-feudal system of exploitation. Debts are often inherited and may be passed from father to son, or uncle to nephew. As a result, the cycle of bondage is perpetuated generation after generation and complete lives are lived in conditions of slavery, without awareness or hope for potential change. Women and children of debtor-labourers are often forced into employment as well and all members of the family are made to suffer infringements of their fundamental rights, under the fear of violence.

⁴ https://assets.publishing.service.gov.uk/media/5e56a35a86650c53b6909337/DFID_Modern_Slavery_in_Pakistan_.pdf

⁵ Murray, D. F., Themiminulle, S., Mustaq, N., & Fazli, S. (n.d.). Modern slavery in Pakistan. Retrieved January 17, 2023, from https://assets.publishing.service.gov.uk/media/5e56a35a86650c53b6909337/DFID_Modern_Slavery_in_Pakistan_.pdf

1.2 Prevalence & Severity of Bonded Labour

“

According to the Global Slavery Index in its 2023 report, Pakistan ranks 19th globally, and 4th regionally with regards to the prevalence of people in modern slavery, with approximately 3.1 million people in modern slavery.

According to the Global Slavery Index in its 2023 report, Pakistan ranks 19th globally, and 4th regionally with regards to the prevalence of people in modern slavery, with approximately 3.1 million people in modern slavery.⁶ This number is likely higher today, especially considering the families of individuals in debt bondage and bondage-like conditions. The full extent of bonded labour in Pakistan is difficult to ascertain as it is closely interlinked with the existence of the informal economy, which remains untaxed and unmonitored by relevant authorities.⁷

The Pakistan Bureau of Statistics' Labour Force Survey 2020-2021, indicates that the informal economy in Pakistan is considerably large, consisting of 76.2% of rural and 68.5% of urban employment.⁸ The opaque nature of the informal economy entails that the full extent and prevalence of bonded labour within the informal economy remains unknown as both governmental and non-governmental organisations struggle to survey the full scope of the problem. The nature of the informal economy hinders the implementation of labour laws and prevents labour from accessing the welfare services that should be guaranteed to them by law and under the constitution. As a result, protections such as minimum wage and safe working conditions are denied to labourers, who become increasingly vulnerable to the bonded labour system, suffering from further indebtedness.

Bonded labour is prevalent in a wide range of industries, particularly in the brick kiln industry, the agricultural sector and the mining industry.⁹ Fundamentally, the rural and agricultural sector remains the primary contributor to bonded labour statistics in Pakistan, due to the size of the agricultural economy and the extent of pre-existing socio-economic power dynamics (such as tribalism and feudalism) within it. Sindh and Punjab are areas of focus due to the prevalence of rural debt-bondage and the extreme conditions of rural bonded labourers.

⁶ <https://www.walkfree.org/globalslaveryindex/map/#mode=map:country=PAK:region=1:map=prevalence:year=2023>

⁷ Ercelawn, A., & Nauman, M. (2001). (working paper). Bonded Labour in Pakistan. ILO. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_096991.pdf.

⁸ <https://www.ilo.org/surveyLib/index.php/catalog/7929/related-materials>

⁹ Ercelawn, A., & Nauman, M. (2001). (working paper). Bonded Labour in Pakistan. ILO. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_096991.pdf.

Chapter 2
***BRICK KILN WORKERS IN
PUNJAB***

2. Brick Kiln Workers In Punjab

Brick kilns play a vital role in Pakistan's economy, serving as the backbone of the construction industry. Positioned as the third largest brick producer in South Asia, Pakistan produces a staggering 45 billion bricks annually across 20,000 kilns nationwide. Brick-kilns are concentrated in Punjab, with more than 10,000 kilns in the province. With over one million workers directly employed in this sector as of 2022, the significance of the industry's contribution cannot be overstated.¹⁰

However, amidst the brick kiln industry's economic benefits lies a pressing concern that demands immediate attention: the prevalence of bonded labour. Findings reveal that bonded brick kiln workers consist of primarily agricultural workers who lose their agricultural tenancy rights and are unable to find alternate employment. These individuals are recruited by brick kiln owners under grossly low wages. Often, an advance payment against work or *peshgi* is given to these workers for the purpose of settling them and their families into their new place of employment, resulting in bonded labour. These debts worsen in times of economic difficulty when labourers are forced to seek further loans for medical expenses for sickness and childbirth, personal financial troubles, marriage expenses and to survive the general increases in the cost of living.

Victims of bonded labour in brick kilns can either be piece-rate workers or *pathera*-salaried workers. They are usually recruited through brokers or jamadars who receive a commission from the workers for finding them employment, and from the kiln owner. As work in brick kilns is seasonal, labourers need strategies to diversify their work and ensure income flow throughout the year. This is the primary basis for *pesghi* – workers take loans during the off season to sustain themselves. In other cases, labourers (and their families) will migrate to other areas to find work. Frequently, this secondary income source will also be bonded and accessed through middlemen, and permission is often required from the kiln owner if a member of the family wants to look for work elsewhere. This need for multiple employment results in debt with multiple lenders. Middlemen can supply a *peshgi* to help labourers migrate, but they will often have to negotiate an additional *peshgi* with the brick kiln owner to help pay for their return for the new season.¹¹

Considering an average family size of 7 amongst brick makers, it is estimated that up to 700,000 persons could be in the grips of the bonded labour system across more than 4,000 brick kilns in Pakistan. The culture of bondage has kept pace with the growth of Pakistan's construction industry and has remained in existence through support of local political and power elites. During NCHR's visit to Faisalabad, the Commission members were informed that approximately thirty to thirty-five families work at each brick kiln. Most often, the labourers

¹⁰ International Labour Organisation. (2021). (rep.). Pakistan Decent Work Country Profile 2019. Retrieved from https://www.ilo.org/islamabad/whatwedo/publications/WCMS_771785/lang-en/index.htm.

¹¹ https://assets.publishing.service.gov.uk/media/5e56a35a86650c53b6909337/DFID_Modern_Slavery_in_Pakistan_.pdf

(approximately 80%) are forced to live besides the kilns and their living expenses such as gas and electricity combine to add to the debt owed to the kiln owner. A cycle of financial liability accrues each month under the various head of utilities and rent and, repayment eventually becomes impossible. The cycle of bondage continues for generations at a time.

Case Study

25th February, 2022: The National Commission of Human Rights (NCHR) team, led by the Chairperson Rabiya Javeri Agha, visited Faisalabad to investigate the working conditions of brick kiln labourers. The team held a consultative meeting with the district administration, police and the Bhatta Mazdoor Union, a group dedicated to promoting and protecting the rights of brick kiln workers.

Participants from the labourer community eloquently expressed their concerns, providing statistics, legislative critiques and individual stories of labourer struggles regarding the need to establish minimum wages, the lack of safe drinking water and bathrooms for workers, the inhumane nature of bonded labour, and the absence of social security cards for workers. According to data collected by the Bhatta Mazdoor Union, there are allegedly 5,000,000 bonded labourers currently working in the country.

The participants spoke of the crippling effects of debt. In particular, how peshgi, the traditional binding loan paid in advance, is frequently utilized by the labourer community to fulfil their financial needs. Indebted to brick-kiln owners, the labourers are trapped in a vicious cycle of poverty and unfair working conditions, resulting in bonded labour and crippling inhuman conditions. Although the state

has banned bonded labour, lack of alternate employment opportunities and fear of abject poverty pushes the labourers to remain ensnared in debt bondage. The community expressed that they have no one to turn to for help. Local police authorities work with brick kiln owners to suppress the voices of the labourers.

A young man, recently freed by repayment of Rs. 198,000 to the kiln owner through donations from civil society, recounted the ordeal of his sad life to the Chairperson NCHR. He informed that he had been in bondage since birth. Each year the kiln owner would inform the family that their debts had increased due to gas and electricity bills. “We are six persons in one room and have just a single bulb and yet each month the owner adds Rs. 6000 to Rs. 7000 to our debt as electricity and gas costs. When the rains come and we can’t work, additional costs are added to our debt. We are uneducated and have no idea of what is true and what is false. If ever we ask for details, we are slapped and threatened. The owner is rich and connected with police and local administration. We are poor and have no resources so there is little we can do other than comply with their calculations and terms of employment”, he said. He added that “animals live better lives than we do”. NCHR pledged its support to the community and assured them that their voices would be amplified through the Commission’s platform.





Chairperson NCHR, Rabiya Javeri Agha, along with Members NCHR visited Faisalabad to investigate the working conditions of Brick Kiln Workers. NCHR pledged its support to the bonded labour community, and assured them that their voices would be amplified through the Commission's platform



Chapter 3
***DEBT BONDAGE IN RURAL
SINDH***

3. Debt Bondage In Rural Sindh

3.1 Peasant Workers

“

Coupled with the presence of widespread poverty, lack of economic opportunities and pre-existing feudal power structures, conditions are apt for the prevalence of bonded labour in the agricultural sector.

In the 1960's, rising awareness regarding the plight of bonded labourers brought other economically vulnerable sectors into focus, particularly rural and agricultural debt labourers known as “**peasant workers**” or “**haris**”.¹² Pakistan's agricultural sector remains the biggest contributor to gross domestic product and total employment (38.5%). Pakistan also has a particularly large rural population of 141.9 million people (63.9% of the total population). Coupled with the presence of widespread poverty, lack of economic opportunities and pre-existing feudal power structures, conditions are apt for the prevalence of bonded labour in the agricultural sector. Most commonly, victims of bonded labour in this sector are tenant farmers who labour, often with their entire families, under a share-cropping arrangement with their landlord. Sharecropping arrangements are often predatory and unfair, but they are woven into the culture of the area as many of the terms of the arrangements are considered customary.

The agricultural bonded labour system is similar to that in the brick kiln industry, where farmers and their families are exploited for labour via advancement payments taken by them or their predecessors. Like bonded brick kiln workers, haris suffer at the hands of their creditor employers (agricultural landlords), who utilize existing, exploitative power structures to serve their interests.¹³ Peasant workers are a heterogeneous group of individuals engaged in multiple forms of livelihood including agriculture, wage labour, pastoralism and livestock production, artisanal production, fishing and hunting, gathering of plants and mineral resources, petty commerce and a variety of other skilled and unskilled occupations. While a number of peasant workers own their own land or some portion of land, the vast

12. As per Article 1 of the UN Declaration on the Rights of Peasants and Other People Working In Rural Areas, “1. A peasant is a man or woman of the land, who has a direct and special relationship with the land and nature through the production of food or other agricultural products. Peasants work the land themselves and rely above all on family labour and other smallscale forms of organizing labour. Peasants are traditionally embedded in their local communities and they take care of local landscapes and of agro-ecological systems. 2. The term peasant can apply to any person engaged in agriculture, cattle-raising, pastoralism, handicrafts related to agriculture or a similar occupation in a rural area. This includes indigenous people working on the land.”
13 Murray, D. F., Theminiimulle, S., Mustaq, N., & Fazli, S. (2019). Modern slavery in Pakistan. Retrieved January 17, 2023, from https://assets.publishing.service.gov.uk/media/5c56a35a86650c53b6909337/DFID_Modern_Slavery_in_Pakistan.pdf

majority of such land holdings are extremely small and, in addition, a great many landless farmers also exist.¹⁴ They amount to approximately 25 million people or 37.4% of the total working population.

“

Sharecropping arrangements are often predatory and unfair, but they are woven into the culture of the area as many of the terms of the arrangements are considered customary.

Peasant workers are generally employed as tenant farmers by large scale commercial landlords (known as “zamindars”). While some tenant farmers may be hired on a wage basis, many are employed on the basis of a share-cropping arrangement. This arrangement, though originally based in custom and tradition, is now governed by statute under the Sindh Tenancy Act 1950 and the Punjab Tenancy Act 1887. Roughly speaking, under this arrangement the tenant is liable for the labour involved in the process of farming and the landlord is liable for the provision of certain resources such as land, water and seed. In return for providing the necessary labour, the peasant worker receives a share in the harvest of the land (on the basis of a set ratio which may vary on the basis of land and irrigation) less certain deductions on account of expenses and customary tolls taken by the landlord. Though numerous attempts have been made to address the problem of agricultural land distribution in Pakistan (most particularly the land reforms of 1959 and 1972), land holding continues to be skewed in favour of largescale farms owned by zamindars and operated under tenant share-cropping. Large farms of more than 25 acres comprise a small proportion of total farms (4%) but control a far greater proportion of total farm area (34%). This is particularly the case in the province of Sindh and Balochistan, where average farm size (6.9 cultivated acres and 9.7 cultivated acres per farm) sits well above the national average (5.2 cultivated acres per farm).

Average family sizes are particularly large in rural areas (6.03 persons per household) and children are often involved in the labour process though generally they are not remunerated for their work. Peasant workers are often hired as a family unit (known as a “jori”) with women and young children expected to actively contribute to the labour process. Women in particular form a large segment of the rural labour force (41.3%) as approximately 10.42 million women or 67.9% of the total working female population are currently employed in agriculture, forestry and fishing.¹⁵

¹⁴ Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The State of Peasant's Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

¹⁵ Pakistan Bureau of Statistics. (2021). (rep.). *Pakistan Labour Force Survey*. Pakistan Bureau of Statistics. Retrieved from <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>.

agricultural and forestry workers” a catch-all term used for those providing labour in agriculture and forestry not otherwise labelled as technical, managerial or plant/machinery operations related.¹⁶

3.2 Rural Sindh

In comparison with the more developed agricultural regions of Punjab, the rural areas of Sindh suffer, not only with regards to lack of infrastructure and development, but also in regards to the socio-economic conditions of peasant workers. The rural labour force of Sindh (8.43 million people) consists of the majority of the provinces total labour force (15.92 million people). Agriculture continues to form the largest labour segment (5.58 million people) not only in terms of the rural labour force (66.1%) but in terms of total labour of the province (36.5%).¹⁷ Unemployment rates in Sindh (3.9%) are marginally lower than in other provinces, however, the average wages for rural Sindh (Rs. 13440 per month) stand markedly lower than all other provincial demographics and well below the national average (Rs. 18,000) and the statutory minimum wage rate (Rs. 25,000 per month). Gender disparities in the rural labour market in Sindh show even lower average earnings for women in rural Sindh (Rs. 8400 per month) in comparison with their male counterparts (Rs. 14700 per month).¹⁸ Economic opportunities in Sindh are, in like manner, less profitable than in other provinces as the average earnings of self-employed individuals in rural Sindh (Rs. 150,000 annually) is also marked far below the national average for the agriculture and forestry sector (Rs. 180,000 annually).¹⁹

Rural literacy (54%) stands far below the urban average (77.3%) and there is little emphasis on further education and vocational training. The proportion of youths (aged 15-24 years) not in education, employment or training in rural areas remains relatively high (33.1%). The problem increases as we consider older age brackets, as only 0.4% of individuals in rural areas (aged 25 years and older) are in any form of formal or informal education and training.²⁰ Labour is generally done by hand with individuals working on average 41.5 hours per week. Work often involves exposure to hazardous chemicals and machinery and is particularly hazardous as agricultural injuries constitute the majority (38.6%) of total occupational injuries/diseases. Women in the rural labour force are particularly susceptible to injury as agricultural injuries constitute 83.7% of all female work-related injuries. Rural to urban migration whilst high on a national basis (11.7%) is considerably low in Sindh (3.5%) as individuals primarily continue to remain in the rural areas.

16 Pakistan Bureau of Statistics. (2021). (rep.). Pakistan Labour Force Survey. Pakistan Bureau of Statistics. Retrieved from <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>.

17 Pakistan Bureau of Statistics. (2021). (rep.). Pakistan Labour Force Survey. Pakistan Bureau of Statistics. Retrieved from <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>.

18 Pakistan Bureau of Statistics. (2021). (rep.). Pakistan Labour Force Survey. Pakistan Bureau of Statistics. Retrieved from <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>.

19 Pakistan Bureau of Statistics. (2021). (rep.). Pakistan Labour Force Survey. Pakistan Bureau of Statistics. Retrieved from <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>.

20 Pakistan Bureau of Statistics. (2021). (rep.). Pakistan Labour Force Survey. Pakistan Bureau of Statistics. Retrieved from <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>.

3.3 Feudalism & The Culture of Bondage in Sindh

Culturally, the peasant workers of Sindh suffer conditions of serfdom or agricultural feudalism far greater than in any other province. Poverty has forced most individuals to a subsistence way of living in meagre conditions with little concept of social, political, or economic rights. There is a general lack of organisation among peasant workers as families live scattered, far from one another, in small hamlets consisting of thatched mud or simple red-brick houses. The average revenue village, 'deh' may have half a dozen scattered village sites within it, some of which may be inhabited, others deserted. Village settlements are often shared with cattle and household belongings consist of only few essentials. Due to the average size of most small farms in Sindh, even land-owning peasant workers are forced into the employment of large-scale agricultural landlords or zamindars under tenancy agreements or the traditional advance against work known as peshgi or, in the province of Sindh, "beggar".

Employment in such cases places the peasant worker firmly under the control and command of the landlord employer, who takes the role of a traditional feudal over-lord, controlling not only the earnings of the peasant worker but their residence, conditions of living and terms of work. As a result, peasant workers suffer from lack of security against landlord employers who may evict them or worse use state functionaries such as the police to intimidate and harass them. Labour conditions imposed by culture are also generally restrictive to the peasant worker's freedoms as, under the tradition of beggar, the landlord may demand labour from the peasant worker for construction works, the digging of wells, the ploughing or cultivating of the landlord's fields, or to render some domestic service to the landlord.

Surrounding this is a culture of servitude, which places the hari worker as a social and economic subject of the landlord. It is not an unusual sight to see numerous haris touching the feet of their zamindar or bowing to kiss their hands. Haris will not sit side by side or even as high as the zamindar's level of seat, choosing always to sit at a lower level. These conditions of servitude are now largely cultural and have often been instantiated in rural society in Sindh over several generations.

Additionally, state functionaries often act in favour of the landlord, treating peasant workers with equal disregard, supporting and reinforcing a culture of bondage. These officials are often complicit in the exploitation of peasant workers by providing legal cover to illegal and exploitations actions on the part of landlords, such as the wrongful imposition of customary tolls (known as "abwabs") and deductions by the landlord from the peasant worker's share in any share-cropping arrangement, or the misuse of water and irrigation rights by landlords to the detriment of the peasant workers. After the deduction of abwabs, the share, which is left to the *hari*, is often too little to sustain him and his family and as a result the peasant worker is pulled further into the debt of his landlord. In the case of cash crops the question of division of shares (known as "batai") may not even arise as the peasant worker's share is already mortgaged with the zamindar against the debts which are due from the hari. The peasant worker is then obliged to borrow from the zamindar for basic amenities such as food, clothes and household necessities. Debt accounts are kept by a manager of the landlord (known as the "munshi"), who may be dishonest in the keeping of accounts, which the peasant worker, out of vulnerability, is forced to accept.

While the debt-trap becomes an impossible escape, *haris* refrain from running away from their employment (despite conditions of bondage) because this would entail a surrender of the cattle and few household belongings the peasant worker has. There are also few economic opportunities or alternative forms of employment to choose from and migration resettlement in both the rural and urban labour markets would likely entail the peasant farmer undertaking further debt. Without sufficient trust in the state functionaries the peasant worker will also not be able to seek adequate legal recourse against the conditions of bondage in which he has been placed. The influence of the zamindar in local administration and local policing will likely prevent any such resistance on the part of the peasant worker.

3.4 Demographic

The Hari Welfare Association, an NGO active in the promotion of peasant workers' rights, has been actively surveying the bonded labour system in rural Sindh, tracking labourers released by court orders since 2013 and accounting for the distribution of such released labourers by district since 2019.²¹

In its Hari Welfare Report 2022, the Hari Welfare Organisation presents the following findings; Since monitoring began, more than 10,000 people have been released from the bonded labour system in the agricultural sector of Sindh. The data provided indicates that the number of labourers released has fluctuated considerably over time, with 2020 marking a high point in the statistics with 3086 labourers released in that year alone. In contrast the years 2014-2017 proved to be particularly bad in terms of labourers released with an average of only 306 labourers released per year. While these statistics may not provide an estimate in terms of the total amount of bonded labour in the agricultural sector in Sindh, they do give an approximation of the size of the problem, the proportion of women and children effected, the number of individuals in need of rehabilitation after being released and the historical effect of state policies and actions on number of labourers released.²²

Bonded Peasants And Their Family Members Released / Escaped 2013-2021				
	Men	Women	Children	Total
2021	445	521	499	1465
2020	1017	1154	915	3086
2019	533	583	606	1722
2018	442	485	494	1421
2017	196	221	136	553
2016	103	110	62	275
2015	29	53	51	133
2014	107	53	115	275
2013	345	264	651	1260
Total	3217	3444	3529	10190
Percent	31.6	33.8	34.6	100
Source: Data gathered by the Hari Welfare Association ²³				

²³ Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The State of Peasant's Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

3.5 District Wise Analysis

Recent data gathered by the Hari Welfare Association, on the number of labourers released by district, taken from the past three years, shows a greater prevalence of bonded labour in the southern districts of Sindh with districts of Umerkot, Mirpurkhas and Sanghar contributing primarily to bonded labour statistics.

District Wise Bonded Peasants Released From The Agriculture Sector In Sindh 2019, 2020 And 2021												
	2019				2020				2021			
District	Children	Women	Men	Total	Children	Women	Men	Total	Children	Women	Men	Total
Umerkot	348	356	313	1017	418	540	478	1436	136	152	267	455
Mirpurkhas	83	87	86	256	137	178	182	497	100	123	115	338
Sanghar	36	44	36	116	158	199	157	514	72	78	67	217
Hyderabad	0	1	1	2	23	34	22	79	30	40	36	106
Tando Allahyar	76	59	54	189	34	21	23	78	32	40	30	102
Matiali	0	0	0	0	65	94	75	234	22	30	32	84
Badin	25	5	5	35	45	44	44	133	20	22	15	57
Jamshoro	0	0	0	0	0	0	0	0	12	17	11	40
Benazirabad	29	22	27	78	0	0	0	0	4	4	7	15
Shikarpur	0	0	1	1	0	0	0	0	4	4	7	15
Dadu	0	0	0	0	0	0	0	0	5	3	6	14
Tharparkar	0	0	0	0	0	0	0	0	4	6	4	14
Khairpur	0	0	0	0	10	11	14	35	0	0	0	0
Sukkur	0	0	0	0	25	33	22	80	0	0	0	0
Sajawal	4	6	5	15	0	0	0	0	0	0	0	0
Thatta	5	3	5	13	0	0	0	0	0	0	0	0
Total	606	583	533	1722	915	1154	1017	3086	445	521	499	1465

By placing the Pakistan Labour Force Survey 2021 alongside this data, we can see a number of socio-economic factors that are responsible for the extent of bonded labour in these districts. Consider the example of the district of Umerkot, where almost 3,000 people were released from debt bondage in the past three years alone. This district consisting of a largely rural population (598,000) employed primarily in rural agricultural (67.4%), suffers from a highly informal rural labour market (79.2%) with rural workers primarily employed (41.6%) rather

than working on their own account (33.2%). The rural average literacy rate is particularly low (34.0%) in comparison with the provincial rural average (43.3%), the national rural average (54%) and the national average (62.8%) literacy rates. General working conditions are also worse than in comparison with provincial averages, as mean hours of work per week (55.4 hours) stands far above the national average.²⁴

In the districts of Mirpurkhas and Sanghar, we see a similar demographic. These districts are also largely rural populations (781,000 and 1,102,000 people respectively), with a large rural labour force (387,000 and 584,000 people, respectively). Agriculture represents the largest labour segment in rural areas (69.7% and 63.2%, respectively). The informal economy is particularly large in the rural areas of these districts (71.6% and 71.8%, respectively). Literacy rates sit far below the provincial and national rural averages (36.4% and 45.3%, respectively). There a large proportion of rural labourers employed under wages rather than working of their own account (34.8% and 39.8%, respectively). Labour conditions are also worse as mean hours per week are relatively higher (53.5 and 46.9 hours, respectively).²⁵

Certain areas of Sindh have been prone to few complaints of bonded labour. Observers have noted that in such areas, strong tribal traditional and ethnic linkages help to prevent against excessive labour conditions such as severe debt-bondage. This is notable in the districts of Northern Sindh and the agricultural areas of Balochistan. In like manner, the historically extensive tribalism of the Khyber-Pakhtunkhwa region along with relative egalitarianism has been seen as a strong cultural mitigating factor in bonded labour relationships. The absence of such factors in the southern districts of rural Sindh may have contributed to the extensive prevalence of bonded labour in districts such Umerkot, Mirpurkhas and Sanghar.

3.6 Non - Implementation of Bonded Labour Laws

Political interference in the provincial executive and legislature by rural power elites also remains a major obstacle in the access to justice. This may also be noted in consequent police inaction and the low reporting of bonded labour cases. As a result, there is general distrust in the authorities empowered and authorised to address the issue at hand. Instead, individuals often choose to plead before their closest constitutional court rather than approach their local deputy commissioner or district vigilance committee (DVC), resulting in the habeas corpus petition being the most commonly used means of seeking relief against conditions of bondage.

In the province of Sindh, the provincial government is particularly slow in notifying DVCs and granting them the executive authority and resource to begin functioning. Notifications are generally issued after persistent efforts by non-governmental organisations and relevant state functionaries. Those DVCs that have been notified indicate a poor track record in reporting and addressing cases of bonded labour. The Hari Welfare Association has reported that as of 2022,

²⁴ <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>

²⁵ <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>

almost all DVCs notified remain inactive and only a few DVC reports have ever been issued publicly.²⁶ Reports also indicate that the officials in the DVCs lack sufficient working knowledge of bonded labour laws and their responsibilities under statute. The composition of the DVCs have also been criticised by numerous observers. The HRCP has rejected these committees as being ineffective in the fight against bonded labour and modern slavery as they often include the very perpetrators of bonded labour systems.²⁷

In 2021, two further DVCs were notified in the districts of Shikarpur and Matiari, making a total of 14 notified DVC out of the 29 districts in Sindh. The Hari Welfare Association has noted in the Hari Welfare Report 2022 that despite 10,190 bonded labourers having been released from bondage through local court orders in 14 districts of Sindh, the DVCs of those districts were not reported be involved in the release and rehabilitation of any of those bonded labourers.

District Vigilance Committees Notified per District			
Division	District	DVCs Notified	Districts Not Notified
Hyderabad	Badin Thatta Sujawal Dadu Hyderabad Jamshoro Matiari Tando Allahyar Tando Muhammad Khan	Badin Dadu Tando Allahyar Tando Muhammad Khan Matiari	Thatta Sujawal Hyderabad Jamshoro
Karachi	Karachi Central Karachi East Karachi West Karachi South Keamari Korangi Malir	Korangi	Karachi Central Karachi East Karachi West Karachi South Keamari Malir
Larkana	Jacobabad Kashmore Larkana Qambar Shahdadkot Shikarpur	Kashmore Shikarpur	Jacobabad Larkana Qambar Shahdadkot
Mirpurkhas	Mirpurkhas Tharparkar Umerkot	Mirpurkhas Tharparkar Umerkot	
Sukkur	Ghotki Khairpur Sukkur	Sukkur	Ghotki Khairpur
Shaheed Benazirabad	Shaheed Benazirabad Naushero Feroze Sanghar	Shaheed Benazirabad Naushero Feroze	Sanghar
Source: Data gathered by the Hari Welfare Association ²⁸			

26 Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The Stater of Peasant's Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

27 Ercelawn, A., & Nauman, M. (2001). (working paper). *Bonded Labour in Pakistan*. ILO. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_096991.pdf.

28 Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The Stater of Peasant's Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

A young boy is shown working in a brick kiln. He is carrying a heavy load of bricks on a wooden plank. The background is filled with stacks of bricks, and the overall scene is dimly lit, suggesting an indoor or shaded environment. The image has a sepia or brownish tint, giving it a historical or documentary feel.

Chapter 4
***COMMUNITIES IMPACTED
BY BONDED LABOUR***

4. Communities Impacted By Bonded Labour

4.1 Children in Bonded Labour

“

No nationwide survey of child labour has been completed since 1996.

Due to the informal nature of much of Pakistan's economy, it is difficult to ascertain the full extent of child labour in conditions of bondage. There are also very few entities currently surveying the prevalence of child labour in Pakistan. The ILO Labour Force Survey only collects data on children above the age of 10 and no nationwide survey of child labour has been completed since 1996. The Pakistan Bureau of Statistics working along with UNICEF is currently collecting data on child labour but so far has only completed its survey in the province of Gilgit-Baltistan. While it is unclear what proportion of children in employment are under conditions of bondage, it is important to note that the relatively high incidence of child labour, particularly in the rural and agricultural sector, sets a precedent, and indeed an opportunity, for the exploitation of such children by the bonded labour system.²⁹

Brick making is a semi-skilled and monotonous job. The craft, like other professions, travels through generations within families. Children of bonded families learn the craft from their parents and continue the profession of their ancestors as their means of livelihood. More often than not, they must remain in the same profession in order to pay off the 'eternal debt' owed by their families- either their parents or grandparents. Children work long hours exposed to harsh working conditions. An ILO survey reported that more than 90 per cent of the brick kiln worker in Punjab (95%), Sindh and KPK (90%) worked between 5 to 6 days at the kiln.³⁰

Unpaid family work in the agricultural sector draws the largest share of child labour statistics, with more than 70% of children in the 10-14-year age group and 62% of children in the 15-17 age group involved in unpaid agricultural

²⁹ US Department of Labour - Bureau of International Labour Affairs. (n.d.). 2020 findings on the Worst Forms of child labor: Pakistan . Retrieved January 17, 2023, from https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2020/Pakistan.pdf

³⁰ https://www.ilo.org/global/topics/forced-labour/publications/WCMS_096991/lang-en/index.htm

family work. Data taken from the ILO Decent Work Country Profile shows that incidences of child labour are much higher in the rural areas, with historic data showing 21.5% of rural children between the ages of 10-17 in employment in 2009, declining over time to 16.4% in 2018.³¹ Based on the proxy definition of “hazardous work” provided by the ILO (meaning all work above forty-two hours a week), approximately 2-3% of children aged 10-14 were involved in hazardous work. The incidence of hazardous work among child labour is considerably higher in the rural and agricultural sectors, reaching a historic high in 2015, when data indicated that 4.7% of rural children were employed in hazardous work, declining to 1.7% in 2017-2018.³² The proportion of children in hazardous work is even higher when considering the ages of 10-17 where we see a range of 6.5-7% of rural children in hazardous work between 2009 and 2015, declining in 2017-2018 to 5.7%. In both age groups, girls were more likely to remain relegated to agricultural and non-market production roles as the lack of alternative economic opportunities, education and training for women affects young girls particularly, as 56.7% of rural female youths (aged 15-24) are not in any form of education, employment or training.³³



NCHR interviewed an 18-year-old bonded labourer, Faisal (name changed for privacy), whose father had taken a loan of Rs 150,000 from a brick kiln owner for the medical treatment of his wife several years ago. Faisal relayed that he had been working as a child pathera, softening the soil and shaping the bricks each morning. He described conditions of abject poverty, inhuman living conditions, abuse and underpayment. Despite the standard amount of Rs 1295 per 1000 bricks, the family was only paid Rs 1000 per 1000 bricks. Each month, utility costs kept accruing and making repayment became unmanageable.

Days Worked In A Kiln By Province

		Number Of Days Worked At Kiln			
		3 - 4 Days	5 - 6 Days	7 Days	Total
Punjab	11- 14 years	1 (2)	57 (90)	4 (80)	62 (98)
	15 - 17 years	0 (0)	84 (97)	3 (3)	87 (100)
	18 -24 years	0 (0)	73 (96)	3 (4)	76 (100)
	Total	1 (3)	214 (95)	10 (4)	225 (99)

31 International Labour Organisation. (2021). (rep.). Pakistan Decent Work Country Profile 2019. Retrieved from https://www.ilo.org/islamabad/whatwedo/publications/WCMS_771785/lang-en/index.htm.

32 International Labour Organisation. (2021). (rep.). Pakistan Decent Work Country Profile 2019. Retrieved from https://www.ilo.org/islamabad/whatwedo/publications/WCMS_771785/lang-en/index.htm.

33 Pakistan Bureau of Statistics. (2021). (rep.). Pakistan Labour Force Survey. Pakistan Bureau of Statistics. Retrieved from <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>.

Sindh and KPK	11- 14 years	2 (6)	30 (46)	3 (9)	35 (100)
	15 - 17 years	0 (0)	62 (95)	3 (5)	65 (100)
	18 -24 years	0 (0)	41 (85)	6 (13)	47 (97)
	Total	2 (1)	133 (90)	12 (8)	147 (99)

4.2 Health Impact of Work in Brick Kilns

The ILO survey cited above explored the impact of work in brick kilns on child health in five districts of Pakistan and revealed that amongst working children, virtually all (95%) had experienced exhaustion, while a large majority had experienced minor injuries (87%), and pain (77%) in the last month.³⁴ Over half the children had experienced respiratory and stomach problems in the last year and more than 70% had experienced headaches and fever. Similarly, 95% of the workers from KPK and Sindh had experienced some musculoskeletal pain in the month before data collection, compared with 60% of the workers in Punjab. Furthermore, 42 % child labourers suffered from Anemia.

Incidence of health impact can be seen in the following table:

Incidence of Negative Health Events Among Respondents By Province & Age

	Cuts or Bruises in The Last Year	Broken Bones in The Last Year	Sprains / Dislocations in The Last Year	Bad Buns or Scalds in The Last Year
Punjab				
11-14 years	15 (23)	8 (13)	0 (0)	0 (0)
15-17 years	21 (24)	7 (8)	2 (2)	1 (1)
18-24 years	17 (22)	7 (9.2)	1 (1)	1 (1)
Sindh & KPK				
11-14 years	12 (34)	4 (11)	0 (0)	1 (3)
15-17 years	36 (55)	1 (2)	0 (0)	0 (0)
18-24 years	21 (43)	3 (6)	0 (0)	2 (4)
Total	122 (35)	30 (8)	3 (1)	3 (1)

³⁴ *ibid*

Of the total number of children interviewed by the ILO survey aged 11 to 17 years, in Punjab, 28% had suffered injury to leg, foot or hip and some 23% hurt to arm and shoulder. Furthermore, 31% children kiln workers from Punjab complained of breathing problems, 41% of stomach issues and 84% of headaches and fever. Child workers were also significantly more likely to have experienced hunger, during the previous year. 79 per cent of the child workers in Punjab, Sindh, and KPK recalled experiencing hunger in the last year. There is significant impact on the mental health of children as well. The ILO Report identifies low self-esteem in 87% of the male children aged 15 to 17 years and an even greater percentage amongst girl workers. Stress and a feeling of personal agency also impacted a similarly high percentage of children who work in brick kilns.

4.3 Women & Young Girls In Bonded Labour

Women and young girls are particularly vulnerable to the bonded labour system: they are often the victims of sexual abuse and many may be trafficked in the illegal sex trade.³⁵ This is particularly the case where male labourers escape from bondage but leave women behind. Sometimes, several months pass before these women are then released. In the meantime, they are left open to abuse and exploitation.³⁶

“

Women experience bonded labour differently than men. Under a patriarchal system, women are not only exploited by employers, but also husbands who demand both productive and reproductive labour from them. In brick kilns, it is only male members of the family that receive wages for work done by their families.

It is a common practice that despite the work the women do at the kilns, they do not get paid for their labour. Women experience bonded labour differently than men. Under a patriarchal system, women are not only exploited by employers, but also husbands who demand both productive and reproductive labour from them. In brick kilns, it is only male members of the family that receive wages for work done by their families.

In working environments where physical and sexual abuse from employers is a common occurrence, women face additional risks of sexual abuse. It is particularly difficult for women to protect themselves as they need to retain their employment and speaking out against gender-specific vulnerabilities and abuses may cause repercussions such as loss of employment and shame to the family. Women do not receive any maternity concessions and are expected to not only work through their pregnancy but immediately return back to the kilns once the baby is born. Any time lost is added to the peshgi or other members of the family are expected to cover the absence of the mother by working longer hours.

35 US Department of Labour - Bureau of International Labour Affairs. (n.d.). 2020 findings on the Worst Forms of child labor: Pakistan . Retrieved January 17, 2023, from https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2020/Pakistan.pdf

36 Khoso, A., & Khashkheli, A. A. (2022). (rep.). The State of Peasant's Rights in Sindh 2021. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

“

Approximately, 60% of workers living and working in brick kilns of Punjab province are Christians.

Unlike men in rural areas, women are often restricted from migrating to urban centres in search of employment and economic opportunities. As a result, rural women are often left with little alternative but to continue working in the agricultural sector. For these reasons and more, women are often underpaid in the rural economy, as average monthly wages and average annual self-employed revenues both indicate a high disparity in gender pay. The Pakistan Bureau of Statistics Labour Report 2020-2021 indicates that while the national average wage for skilled agricultural and forestry workers is Rs 21,000 per month for men, for women they are a meagre Rs. 7560 per month.³⁷

4.4 Minority Communities In Bonded Labour

The prevalence of bonded labour is deeply interlinked with historical political hierarchies, and the lines of bondage appear sharply drawn along socio-economic divisions. The bonded labour system is particularly cruel to members of minority communities such as Christian brick kiln workers in Punjab and Hindu *haris* in Sindh.

Historically, the drought prone regions of Sindh, such as Tharparker, have been predominantly Hindu. These areas are subject to a great degree of internal migration as field workers move to more cultivated areas in times of anticipated drought. During their stay, many of these workers will incur debts that will need to be paid off before they can return at the end of the drought. The increasing severity of droughts and climate disasters are resulting in new levels of indebtedness in these areas, with a corresponding increase in instances of bonded labour. Surveys have shown that Hindu peasant workers were more frequently subjected to abuse as compared to Muslims, and a majority of freed labourers were scheduled caste Hindus or socially marginalized and low caste Muslims.³⁸ International Dalit Solidarity Network shows 84% of freed labourers were scheduled caste Hindus and 16% were socially marginalized and low caste Muslims, while the majority of bonded labourers in Punjab were from the Christian community.

³⁷ Pakistan Bureau of Statistics. (2021). (rep.). Pakistan Labour Force Survey. Pakistan Bureau of Statistics. Retrieved from <https://www.pbs.gov.pk/publication/labour-force-survey-2020-21-annual-report>.

³⁸ Murray, D. E., Themimulle, S., Mustaq, N., & Fazli, S. (2019). Modern slavery in Pakistan. Retrieved January 17, 2023, from https://assets.publishing.service.gov.uk/media/5e56a35a86650c53b6909337/DFID_Modern_Slavery_in_Pakistan_.pdf

Christians make up 2% of Pakistan's population of 220 million. Most languish at the bottom of the social ladder and due to poverty, systemic discrimination (despite a 5% government quota) remain largely uneducated and are thus compelled to work low paid jobs. Approximately, 60% of workers living and working in brick kilns of Punjab province are Christians. As members of a minority group, Christian labourers are doubly vulnerable, facing both discrimination and economic and social exploitation. In 2014, a Christian couple, Shahzad Masih and Shama Bibi working as laborers at a brick kiln in Kot Radha Kishan town of Kasur district were locked up, beaten and then thrown on top of a lit furnace of a kiln by a mob of about 1,000 people incited by accusations that they had desecrated the Quran. After the gruesome attack, it emerged that the couple were innocent. Their deaths sparked outrage across the country and saw many other Christian families living in the area flee for safety and refuge to other regions of the country.

4.5 Role of Trade Unions In Bonded Brick Kiln Labour

Trade Unions are formed to protect the interest of their members. Ideally, trade unions aim to improve working conditions, improve employment levels, reduce discrimination and offer support and advise in the form of a collective platform for negotiation. With regard to bonded labour the unions can work to alert members to the severe effects of advances payments and its consequences. However, such a role could only be possible if the unions are strong, democratic and represented by the workers at the grassroot level.

Unfortunately, trade unions in the brick kiln sector are weak, fragmented, and have no footing at the workplace. The labour movement lacks genuine leadership. There are only three trade unions in the brick kiln sector which are registered at the provincial level and their membership does not even exceed 333. The labour organizations are managed either by contractors or some ex- brick kiln workers and restricted to mainly male workers- only four women were found as office bearers of the union. Trade unions have played a very limited role as far as the issue of bonded labour is concerned. The Brick Kilns Owners Associations in contrast is more organized and effective than the labour organizations. There is a strong need for sensitizing the mainstream labour movement over the issue of bonded labour and creating partnerships to highlight the menace of bonded labour in the country.

Chapter 5
***GOVERNING LAWS FOR
BONDED LABOUR***

5. Governing law For Bonded Labour

5.1 The Penal Code

Historically, and prior to Partition, the matter of forced labour, slavery and human trafficking were governed under the India Penal Code (later adopted as the **Pakistan Penal Code** or “PPC”) of 1860. Under the PPC, instances of slavery and human trafficking were dealt with under a number of provisions, contained under the chapter ‘Of Kidnapping, Abduction, Slavery and Forced Labour’ (sections 359 – 374 of the PPC).

5.2 International Conventions

After Partition, Pakistan’s entrance onto the international stage brought forth additional obligations regarding the protection of labourers. At the onset, Pakistan became signatory to the Universal Declaration of Human Rights in 1948. Article 4 of the Universal Declaration of Human Rights states that “No one shall be held in slavery or servitude.”

As Pakistan ratified the Forced Labour Convention 1930 (No. 29) in 1957, it came under an active obligation to reduce the prevalence of forced and compulsory labour (defined as “*all work or service which is exacted from any person under the menace of penalty and for which the said person has not offered himself voluntarily*”) and to provide for criminal penalties in domestic law, which Article 25 of the Convention provides as follows:

“Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.”

Article 25

“The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.”

Under the Abolition of Forced Labour Convention, 1957 (No. 105), Pakistan came under an express obligation to prohibit the use of forced labour in certain defined cases, as follows:

“Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress and not to make use of any form of forced or compulsory labour – (a) 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; (b) as a method of mobilising and using labour for purposes of economic development; (c) as a means of

labour discipline; (d) as a punishment for having participated in strikes; I as a means of racial, social, national or religious discrimination.”

Pakistan is also a signatory to the Protocol of 2014 of the Forced Labour Convention, 1930 (No. 29), and accordingly is under an obligation to provide detailed measures to prevent and eliminate the use of forced and compulsory labour. In this regard Article 1, provides the broad requirements of what such measures entail; including protection of victims, the sanctioning of perpetrators, the formulation of a national policy plan and systematic actions, as follows:

“1. In giving effect to its obligations under the Convention to suppress forced or compulsory labour, each Member shall take effective measures to prevent and eliminate its use, to provide to victims protection and access to appropriate and effective remedies, such as compensation, and to sanction the perpetrators of forced or compulsory labour. 2. Each Member shall develop a national policy and plan of action for the effective and sustained suppression of forced or compulsory labour in consultation with employers’ and workers’ organizations, which shall involve systematic action by the competent authorities and, as appropriate, in coordination with employers’ and workers’ organizations, as well as with other groups concerned.”

Article 2, provides for the detailed measures to be taken by member states’ in the fulfilment of their obligations, as follows:

“The measures to be taken for the prevention of forced or compulsory labour shall include:

(a) educating and informing people, especially those considered to be particularly vulnerable, in order to prevent their becoming victims of forced or compulsory labour;

(b) educating and informing employers, in order to prevent their becoming involved in forced or compulsory labour practice; (c) undertaking efforts to ensure that: (i) the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy; and (ii) labour inspection services and other services responsible for the implementation of this legislation are strengthened; (d) protecting persons, particularly migrant workers, from possible abusive and fraudulent practices during the recruitment and placement process; (e) supporting due diligence by both the public and private sectors to prevent and respond to risks of forced or compulsory labour; and (f) addressing the root causes and factors that heighten the risks of forced or compulsory labour.

As noted in Article 1 (above), Article 6 also provides for detailed deliberations between all relevant stakeholders, including the relevant government authorities and labour organisations representing both employers and employees, in the formation and implementation of measures, as follows:

“The measures taken to apply the provisions of this Protocol and of the Convention shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned.”

By committing to these obligations, Pakistan committed not only to implement legislation which provides for abolition of bonded labour, it also committed to periodically report on compliance with these provisions. Most recently, Pakistan received an Observation from CEACR in 2020 regarding the prevalence of bonded labour and measures that needed to be taken by Pakistan in light of its international obligations.

5.3 Constitutional Protection

While Pakistan's previous constitutions also provided for the protection of certain inalienable fundamental rights, the Constitution of 1973 expressly provides for the elimination of all forms of exploitation (Article 3), the prohibition of slavery (Article 11) which states; "(1) Slavery is nonexistent and forbidden and no law shall permit or facilitate its introduction in any form. (2) All forms of forced labour and traffic in human beings are prohibited." Bonded labour also contravenes Art 11 (3) which prohibits the labour of children under 14 years.

Protection of fundamental rights such as regards life and liberty are guaranteed (Article 9); while the protection of human dignity and freedom from violation of their persons and homes (Article 14); the freedom of movement, under (Article 15), and; the equality of all citizens under (Article 25). In addition, the Constitution also provides for the State's obligation to make provisions 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 benefit for women in employment (Article 37).

5.4 Bonded Labour System (Abolition) ACT. 1992

The history of specific legislation on bonded labour in Pakistan is relatively brief. The Bonded Labour System (Abolition) Act 1992 (the "**BLSAA 1992**") was the first federal statute to address the bonded labour system, despite the fact that Pakistan has been under an obligation to enact relevant legislation since 1957. The act remained in effect until the passing of provincial legislation in 2015-2016, after devolution of labour and other relevant subjects to the provincial governments following on from the 18th Amendment to the Constitution in 2010.

The Bonded Labour System (Abolition) Act, 1992 established the first attempt to criminalise the offences of bonded labour by means of a unified statute. The statute was initially enacted by the federal government under its legislative powers (outlined in the then Concurrent Legislative List).

It provided a substantive definition of the "*bonded labour system*" in Slion 2 (e), which takes aim at the mechanisms of debt bondage as they exist domestically (focussing primarily on the debt trap created by the giving of loans or advances against labour otherwise known as "peshgi"), while still keeping in line with the definitions of "forced labour" provided under international convention. Most importantly, the Act abolished the bonded labour system as a whole and imposed criminal penalties for those involved in the extraction and compelling of bonded labour, as provided in Section 4 and 11 respectively. Thirdly, the Act served to invalidate any such arrangement made between debtor labourers and creditor employers for the giving, taking or repayment of peshgi, under Section 5 and under Section 6, it extinguished any obligation or

liability to make repayment of such debt. In regards to jurisdiction, Section 16 of the Act provided that a Magistrate shall be empowered, as follows to try offences under the Act and may do so summarily.

In order to give effect to the BLSAA 1992, in regards to forums and procedures the Bonded Labour System Rules 1995 were notified in 1995.

Under Section 9 of the Act, implementation and enforcement was to be carried out at a local and district level by the relevant Deputy Commissioner's office and, under Section 10, the Deputy Commissioner was placed under an active duty to;

“as far as practicable, try to promote the welfare of the freed bonded labourer by securing and protecting the economic interests of such bonded labourer so that he may not have any occasion or reason to contract any further bonded debt”, which required the Deputy Commissioner to expressly “inquire whether, after the commencement of this Act, any bonded labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the bonded labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to implement the provisions of this Act”.

Further support was to be provided by the local police departments who would be responsible for registering criminal proceedings in instances reported to them.

In this regard, some provincial police departments have formed human rights cells at a district level, including an anti-bonded labour cell in areas where bonded labour is widespread. In some instances, standard operating procedures for local police dealing with bonded labour cases have also been developed.

Unfortunately, surveys indicate that despite such developments there has been little improvement in the general police approach. It is reported that when called to investigate and register cases of bonded labour, local police departments continue to use outdated and incorrect provisions of the Pakistan Penal Code rather than apply the relevant provincial bonded labour laws. By example, the Sindh police have yet not filed a single case under Section 11 (punishment for enforcing bonded labour) or section 12 (punishment for extracting bonded labour within the bonded labour system) of the Sindh Bonded Labour System (Abolition) Act and have instead dealt with all instances of bonded labour under the penal code.³⁹

Under section 15 of the BLSAA read along with the BLSAR 1995 the Deputy Commissioners was to be supported through the District Vigilance Committees largely consisting of labour officials responsible for active monitoring and reporting of bonded labour cases on a

³⁹ International Labour Organisation. (2021). (rep.). Pakistan Decent Work Country Profile 2019. Retrieved from https://www.ilo.org/islamabad/whatwedo/publications/WCMS_771785/lang--en/index.htm.

district-by-district basis. These DVCs were set up for the first time in 1999 some years after they were intended to be created. They are believed to be operational throughout Punjab, however, in Sindh and Khyber Pakhtunkhwa many DVCs have not yet been notified by their relevant provincial governments.

The BLSAA 1992 envisaged a proactive local administration led by the deputy commissioner's office. While this mechanism was intended to provide for grass-roots monitoring and enforcement of the law, it created a heavy reliance on the local administration, which generally suffers from lack of executive authorisation, resources or the will to address the problem at hand. The local administration and police departments are also notoriously susceptible to political influence and manoeuvring by traditional feudal power structures.

It is also important to note that in the rural areas of Pakistan local administration and the judiciary are almost entirely from the majority population, and higher officials are frequently from the same socio-economic segment of society as the creditor employers in the bonded labour system whether they be agricultural landlords or brick kiln and mine owners. In the absence of a greater commitment from the state to eliminate bonded labour by strict implementation of the law, state officials should not be expected to be wholly immune to the socio-cultural and political influences that arise from their interpersonal relationships in society.

5.5 Labour Laws Application To The Bricks Kilns

Additionally, the major labour laws applicable to brick kilns indirectly relevant to the issue of bonded labour are as under:

1. Factories Act 1934; the law relating to working conditions and health and safety of the workers at the workplace.
2. Minimum Wages Ordinance; dealing with the fixation and implementation of minimum wages for different categories of skilled and semi-skilled workers including the brick kiln workers.
3. Payment of Wages Act 1936; deals with the payment of wages, time period of payment and mode of payment of wages to the workers.
4. Industrial & Commercial Establishments (Standing Orders) Ordinance 1968; relates to terms of employment, bonus, gratuity and group insurance of the employees.
5. Workmen Compensation Act 1923; relates to payment of compensation to the workers in case of injury or death.
6. Industrial Relations Ordinance 2002; deals with registration of trade unions, CBA, collective bargaining, conciliation and labor judiciary.
7. Employment of Children Act 1991; regulates the employment of children in the factories and brick kilns.
8. Employees Social Security Ordinance which provides medical coverage to the workers.
Employees Old Age Benefits Act which deals with old age pension.

Despite the legal options available, only those few cases of bonded labour however are highlighted in the Press, where High Courts or the Supreme Court take direct action. The Human Rights Commission of Pakistan identified that there was no evidence of a decrease in the bonded labour problem across the country, and the Bonded Labour System (Abolition) Act, 1992 and allied legislations have remained largely un-enforced.

Despite the plethora of laws there are obvious limitations to its efficacy. **The Bonded Labor System (Abolition) Act 1992** has two weaknesses:

- Firstly, the law is criticized on the ground that it is a replica of the Indian Act.
- Secondly, it requires various governmental and non-governmental agencies to interact with District Vigilance Committees, which in practice seems very difficult. This is a critical reason for non-implementation of this law.

The Factories Act 1934 is the basic law applicable to factories employing 10 or more workers involved in manufacturing. Implementation of the law in the brick kiln industry has always been debatable. For instance:

- No premises of brick kilns meet with the requirements of Section- 33 read with Rule-95(1) of the Punjab Factories Rule, 1978.
- Secondly, it is hard to define the premises as the making of raw bricks shift from one place to another, depending upon the quality of land and ancillary factors.
- Additionally, due to weather conditions and the nature of the job the working hours of those workers cannot be calculated as required under the law.
- Migratory workers complicate the situation further and create difficulties in the implementation of the law. Due to these difficulties the registration of 1112 brick kilns by the Province of Punjab by 31st August 2005 could not bring about the desired results and brick kiln workers continue to be deprived of the benefits accrued from the schemes of the Workers Welfare Board

The Minimum Wage Ordinance has its own problems; the minimum rates fixed under the law do not suit all the areas due to variation in the cost of living, quality of bricks and price of the bricks. The minimum wage rates should be made more realistic by taking into account all such factors. Different rates can be fixed for different regions in the same province. Minimum wages should be fixed after in depth research and keeping in view the basic needs of the brick kiln workers. Non maintenance of records and the informal mode of payment of wages, on the other hand, make the implementation of Payment of Wages Act more difficult.

The Employment of Children Act 1991 is also not applied to families engaging their children in brick-making. Health facilities of Social Security Scheme, pension of Employees Old Age Benefit Act and the welfare schemes of the Workers Welfare Board have limited scope as far as the brick kiln workers are concerned.

Despite the legal options available, only those few cases of bonded labour however are highlighted in the Press, where High Courts or the Supreme Court take direct action. The Human Rights Commission of Pakistan identified that there was no evidence of a decrease in the bonded labour problem across the country, and the Bonded Labour System (Abolition) Act, 1992 and allied legislations have remained largely un-enforced.

Despite the plethora of laws there are obvious limitations to its efficacy. **The Bonded Labor System (Abolition) Act 1992** has two weaknesses:

- Firstly, the law is criticized on the ground that it is a replica of the Indian Act.
- Secondly, it requires various governmental and non-governmental agencies to interact with District Vigilance Committees, which in practice seems very difficult. This is a critical reason for non-implementation of this law.

The Factories Act 1934 is the basic law applicable to factories employing 10 or more workers involved in manufacturing. Implementation of the law in the brick kiln industry has always been debatable. For instance:

- No premises of brick kilns meet with the requirements of Section- 33 read with Rule-95(1) of the Punjab Factories Rule, 1978.
- Secondly, it is hard to define the premises as the making of raw bricks shift from one place to another, depending upon the quality of land and ancillary factors.
- Additionally, due to weather conditions and the nature of the job the working hours of those workers cannot be calculated as required under the law.
- Migratory workers complicate the situation further and create difficulties in the implementation of the law. Due to these difficulties the registration of 1112 brick kilns by the Province of Punjab by 31st August 2005 could not bring about the desired results and brick kiln workers continue to be deprived of the benefits accrued from the schemes of the Workers Welfare Board

The Minimum Wage Ordinance has its own problems; the minimum rates fixed under the law do not suit all the areas due to variation in the cost of living, quality of bricks and price of the bricks. The minimum wage rates should be made more realistic by taking into account all such factors. Different rates can be fixed for different regions in the same province. Minimum wages should be fixed after in depth research and keeping in view the basic needs of the brick kiln workers.⁴⁰ Non maintenance of records and the informal mode of payment of wages, on the other hand, make the implementation of Payment of Wages Act more difficult.

⁴⁰ The food basket approach involves basic necessities of the workers, his cost of living, average family size, inflation etc. Although it is time consuming and requires a lot of research before the wages are actually fixed, it is the most realistic approach for the fixation of minimum wages.

“

It is only civil society organisations and the Church for Christian workers that provides some form of education and rehabilitation for bonded labour.

The Employment of Children Act 1991 is also not applied to families engaging their children in brick-making. Health facilities of Social Security Scheme, pension of Employees Old Age Benefit Act and the welfare schemes of the Workers Welfare Board have limited scope as far as the brick kiln workers are concerned.

Legislation related to labour is complicated, and implementation is weak. The National Fund created by the Federal Government for rehabilitation, awareness raising and for education of the children of the brick kiln workers has also not been utilized in any of the districts. It is only civil society organisations and the Church for Christian workers that provides some form of education and rehabilitation for bonded labour.

5.6 Devolution of Power & Provincial Legislation

Prior to the 18th Amendment to the Constitution, labour was a federal subject and as such was governed by federal legislation. Since the passing of the 18th Amendment, administration of labour along with a number of related provisions have devolved to the provincial governments. The ILO DWCP in both 2010-2015 and in 2016-2020 notes devolution of power as the most important contextual issue in the fight against the bonded labour system, as the provinces now have legislative and executive authority over the important provisions previously contained in the concurrent legislative list, such as labour welfare, conditions of labour, provident funds, employer's liability and worker's compensation, and health insurance including invalidity pensions and old age pensions, trade unions and industrial and labour disputes, regulation of labour and safety in mines, factories, and oil fields and so on. Coupled with the National Finance Commission, this has resulted in enhanced responsibility and resources being allocated to the provinces in terms of legislation and implementation.⁴¹

While the federal government still remains relevant for the purpose of providing technical support and for reporting to the CEACR on Pakistan's compliance with international conventions and labour standards, generally the burden of labour matters such as measures to address the bonded labour system fall to the provincial government.

Post-devolution, provincial governments have had to address a wide range of complex issues, including legislating on specific labour laws, determining the structure of labour policies and developmental strategies, increasing sectoral commitments, in face of limited financial resources, to advance labour and employment, developing regulations and mechanisms to ensure compliance of labour laws with constitutional rights and international Conventions, improving social security and welfare bodies; strengthening an inadequate system of labour inspection;

41 International Labour Organisation. (2021). (rep.). Pakistan Decent Work Country Profile 2019. Retrieved from https://www.ilo.org/islamabad/whatwedo/publications/WCMS_771785/lang--en/index.htm.

improving coverage and implementation of skilled and unskilled minimum wages; and expanding the scope of minimum wage protection to the informal economy and other so-far excluded sectors.⁴²

Furthermore, existing labour laws are complex, and do not extend coverage to the entire labour force. Workers in the informal sector in particular are left without legal protection and are not subject to labour inspection. The respective provinces are in the process of adopting new laws and regulations, but at varying rates due to limited capacity and resources as well as federal-provincial and inter-provincial coordination challenges.

5.7 Labour Standards

Pakistan lacks a well-developed and effective labour inspection system for maintenance of OSH standards. In 2012, only 337 labour inspectors were operative, a ratio of one labour inspector for every 25,000 workers in the formal non-agricultural economy. In 2012–2013, the non-fatal occupational injury frequency rate stood at 4.1 per cent of the employed workforce- the rate for men double than that among women workers and higher amongst rural than among urban workers.

In its 2016 report, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) raised concerns about issues such as coordination, OSH inspection, access to workplaces, and penalties.

Minimum wage coverage is restricted and implementation is weak, and a broad gender pay gap prevails in various sectors of the economy. Minimum wage setting and implementation, which is the responsibility of provincial governments, expressly exclude large sections of the workforce, including workers holding informal jobs in the formal economy and workers in the informal economy. In 2012–2013, although no child younger than 14 years was legally allowed to work in Pakistan, more than 10 per cent of children aged 10 to 14 years were in fact employed. Child labour was more prevalent among boys than among girls (12.5 per cent versus 7.3 per cent), and more common among rural children than among urban children (13.4 per cent versus 3.2 per cent).⁴³

5.8 The Sindh Tenancy ACT 1950

The Sindh Tenancy Act 1950 is the most important law for peasants and rural workers in the province of Sindh. It governs the nature of the tenant-landlord relationship and, more specifically, the nature of the sharecropping agreements between them. It outlines each party's right and respective obligations in detail. While originally enacted for the purposes of strengthening hari rights, it is now a commonly held perception that the STA 1950 has become a tool in the furtherance of outdated and oppressive feudal power dynamics in the agricultural

⁴² US Department of Labour - Bureau of International Labour Affairs. (n.d.). 2020 findings on the Worst Forms of child labor: Pakistan . Retrieved January 17, 2023, from https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2020/Pakistan.pdf

⁴³ Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The State of Peasant's Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

sector and, since the passing of bonded labour laws, has proven itself to be quite problematic in the fight against modern slavery.⁴⁴

The STA 1950 was enacted shortly after Partition in the face of a growing peasant or “hari” rights movement. This was a broadly provincial movement that had gained considerable momentum prior to Partition with the formation of the Hari Association in 1930 by key figures in the Sindhi nationalist movement, such as G.M. Syed and Qadir Bux Niazamani.

The Hari Association later merged with numerous other parties to form the Sindh Hari Committee and was reorganised in 1945 under the leadership of Hyder Bux Jatoi, a former deputy collector in the British colonial government. Soon after partition, Quaid-e-Azam Muhammad Ali Jinnah, authorised the Sindh Hari Committee, by then a broadly representative committee with strong socialist and labour-based roots, to submit its proposals for the drafting of appropriate legislation. This report was duly submitted and served as the basis for the STA 1950 as originally enacted, however, an important dissenting note was made in the committee’s findings but was withheld from final publication.

“

In many regards, the report asserted that the STA 1950 failed to meet the purpose and struggle of the hari rights movement, which had originally led to the enactment of the law.

This dissenting note would later come to prominence when the STA 1950 itself began to face severe criticism for its inefficacy. Issued by Masood Khadarposh, the then Collector for the district of Nawabshah, this dissenting note (later termed as the “**Khadarposh Report**”) was a brutally honest representation of the helplessness of the Sindhi peasant or “hari”. It contradicted the Committee’s findings by outlining the socio-economic disparities that prevented haris from seeking enforcement of the law against their landowners. Furthermore, it portrayed the STA 1950 as a statute which regulated the rights and liabilities of tenant farmers and their landowners, but which did not provide any assurance or measures of protection for the working rural class. In many regards, the report asserted that the STA 1950 failed to meet the purpose and struggle of the hari rights movement, which had originally led to the enactment of the law. The report was kept hidden from the public and resurfaced in 1952, two years after the enactment of the STA 1950, when hari protests continued to flare up across the province.

Though the STA 1950 was amended in later years it continued to be plagued by the problems outlined in the Khadarposh report. In particular, the Act has faced sustained criticism for failing to take into account the extent of the feudal power dynamics prevalent within the agricultural

⁴⁴ Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The Stater of Peasant’s Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

sector. It assumed that rural workers or peasant were free to act seek enforcement of the law, not taking into account the extent of oppression faced by peasants at the hands of their landowners, in many communities across the province. It also did not take into account the extent to which large landowners exercise power over state machinery in their respective jurisdictions, making it extremely difficult for powerless individuals to seek legal relief or governmental support against their landowners. One can see that many of the plights outlined in the Khadarposh Report have sustained over time are still familiar to the haris of Sindh today.

Despite the inherent flaws in the Act noted in the Khadarposh report, many provisions of the STA 1950 were well intended and could have served the interests of rural and peasant workers. Many of these provisions include those relating to the crop-sharing arrangement between tenant and landowner, eviction and transmission of tenancy rights and the prohibition on the use of debt labour known as “begar”.⁴⁵ The STA 1950 was also designed to be strengthened with district level enforcement. A failure to provide for appropriate administrative regulations and to prescribe relevant authorities and ensure their enforcement of the statute, has left the Act without much benefit.⁴⁶

This is most adequately noted in the lack of implementation of the rights of “permanent tenants”, tenant farmers to whom long term cumulative rights in regards to eviction and transmission of tenancy are liable to accrue. Under Section 4 of the STA a tenant was deemed to be a “permanent tenant” if they have cultivated a landlord’s land for three years and have done so personally. Under subsequent land reforms this was extended to all tenant farmers, who upon becoming “permanent tenants”, gained the right to continue to cultivate that land and to be treated according to the law in regards to the transmission of his tenancy right to his heirs and other such protections against eviction. However, in order to effect this, the law provides in Section 9 that a Record of Rights is to be maintained. This record is largely incomplete as landowners’ refuse or otherwise resist registering their tenant farmers. As such, the rights that accrue to such would be permanent tenants are entirely ignored. A failure on the part of revenue officials to ensure that landowners register and record such tenancies solidifies the problem to a greater degree.

5.9 Exclusion of Bonded Labour Laws

While the original Act had a barring clause whereby landowners were prevented from taking any “begar” or debt from their tenant farmers, numerous provisions of the STA 1950 have been read as permitting the imposition of bonded labour conditions, contrary to the provisions of bonded labour laws. Firstly, some provisions create the basis for advances made by the landlord to the tenant farmer, such as for seed (section 23) and food-grains for domestic needs (section 24) which are to repaid through future labours, in direct contrast with the bonded labour laws which expressly forbid all such advances against labour and any attempts at recovery of such advances.

⁴⁵ Section 22 (1) of the STA 1950 provides as follows: 22. Chher and Begar. (1) Notwithstanding any agreement, usage or custom it shall not be lawful for any landlord to take any free labour commonly known as “Begar” from any of his tenants in any shape or form.

⁴⁶ Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The State of Peasant’s Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

Secondly, some restricts the freedoms of the tenant farmer in relation to the landlord and the subject land by providing that the tenant farmer must not cultivate the land of any other landlord if he has been allotted a family holding (Section 23 (d)) and shall be responsible for growing such crops as specified by the landlord (Section 23 (g)). In this manner, the landlord has control over not only the maximum amount of land the tenant farmer can possess but also the value and nature of the crops grown by them. This is also in direct contrast with the bonded labour laws which defines unlawful bondage as including those who *“forfeit the right to move freely from place to place; forfeit the freedom of employment or adopting other means of livelihood for a specified period or for an unspecified period”*.

Thirdly, Section 25 (4) of the STA 1950 continues to be interpreted as allowing landlords to prevent the departure of their indebted tenants by requiring them to repay debts prior to departure, which for extremely economically vulnerable group is simply not possible. This is in direct contrast to the provisions of the BLSAA 1992 and the SBLsAA 2015, which extinguish all bonded labour debt and directs debt claims to civil courts.

Due to the apparent contradictions in the two laws, an opening was created for landlords to argue that the STA 1950 superseded the BLSAA 1992 and subsequent provincial legislation, in so far as it related to the agricultural tenant-landlord relationship. This was clearly to the benefit of the landlord who sought to continue taking advantage of the legal cover given to instances of bonded labour. The primary claim made by them is that a tenant farmer as a sharecropper is one who contributes labour to a partnership rather than a subordinate worker as would be governed under the bonded labour laws. Accordingly, the STA 1950 should be the applicable body of law, not only in terms of the content and provisions of the law but also in terms of the relevant forum for adjudication.

From 1992 onwards numerous cases began to arise before the Sindh High Court where, in disputes arising or relating to bonded labour or peasant's debts, landlords began to argue that the matter of debt and labour extracted in repayment of a debt in the case of agricultural tenants was to be governed under the STA, and accordingly that the Taluka Tribunal consisting of the Mukhtiarkar should be the relevant adjudicating authority. Under the section 26 of the STA 1950, tribunals at the local government (“taluka” or “mahal”) level shall be appointed that shall have jurisdiction over tenant-landlord disputes under the act. Under section 27 of the Act, these tribunals were to consist solely of the local mukhtiarkar, revenue officer who are particularly prone to political interference and manoeuvring by the local and provincial governments and by traditional feudal and political elites, such as the large-scale landlords, who are often the perpetrators in instances of bonded labour.

Notably, as a result of this, not only are the responsible adjudicating bodies susceptible to influence, there is also a lack of genuine separation of powers between the executive and the judiciary as administrative and non-judicial figures are empowered to adjudicate upon legal disputes crucial to the lives of peasant workers.

Furthermore, this system of adjudication compounds the problems of the feudal system present in rural Sindh and allows for a continued mistreatment of peasant workers, who are often denied their rightful access to justice. This is most notably in Section 28 of the STA 1950,

which provides that, in the making of applications in a disputes, the use of lawyers and legal counsel by the parties is expressly prohibited. This results in a further a denial of the right to legal counsel to vulnerable persons, such as poor and alienated peasant workers, who are left without any understanding of, or justification for, their rights under law. There has been virtually no enforcement of the law in favour of the tenant farmers, except when it is in the interest of the local power elites.

5.10 Adverse Legislative Changes

The problems of feudal exploitation and resulting debt-bondage in the rural areas have been exacerbated with time by the lack of adequate legislative action on the part of the federal legislature prior to the 18th Amendment and on the part of the provincial government since then. The history of relevant enactments shows a steady tilt in favour of the landowners resulting in worsening conditions for tenant farmers. This is due largely to the fact that rural and feudal elites, and particularly large landowners, often constitute a large proportion of both provincial and federal legislatures. There is rarely appropriate voice given to peasant workers and the minority and vulnerable segments of the population. In the case of Sindh in particular, we see both a hesitance in enacting appropriate bonded labour legislation and a sustained use of the STA 1950 in its original most exploitative form with few amendments having ever been made, and those too only to consolidate the rights and powers of traditional feudal and rural elites.⁴⁷

First, in 1984, under General Zia-ul-Haq's regime, the STA was amended to provide for Islamisation of the agricultural sector, resulting in the changing of Section 10 to prevent the transfer of tenancy rights to non-Muslim successors-in-interest. This resulted in the further consolidation of land away from the more vulnerable minority tenant farmers and into the hands of the larger Muslim majority landlords.

Thereafter, in 2002, some years after the enactment of bonded labour legislation, one sees an attempt to enhance legal prohibition on bonded labour, as the Sindh Ordinance No. XXXII of 2002 amended Section 24 (c) of the STA 1950 to include the prohibition that *"the landlord shall not take any free labour from the tenant or a member of his family against his will"*. While this was well intended it proved to be largely ineffective as no attempts were made to clarify the remaining problematic provisions of the STA such as section 25 (4), which continued to imply that tenant farmers could be detained or restricted from movement in lieu of unpaid debts.

In 2013 further amendments to the act were then made to reverse the small advances made by the 2002 amendment by removing the express prohibition and returning the STA 1950 to its original ambiguous wording. In this regard the Sindh Tenancy (Amendment) Act 2013, provided as follows:

"6. In the said Act, in section 24, in clause (c), after the words "and the tenant", the full stop be added and the words "but the landlord shall not take any free labour from the tenant or a

⁴⁷ Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The Stater of Peasant's Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

member of his family against his will" shall be omitted."

Since the passing of the 18th Amendment in 2010, the provincial assembly of Sindh has been slow in enacting specific bonded labour legislation, enacting the SBLAA [2015], five years later. It has also been unwilling to address the problems created by the STA 1950, by enacting appropriate amendments to the STA 1950 and removing provisions that have been the cause of severe concern in the fight against bonded labour.

5.1.1 Judicial Pronouncements & The Government In Appeal

The higher judiciary has generally been favourable to the plight of bonded labourers and particularly those in rural bondage. The high courts are often the court of first instance for many individuals seeking relief under a constitutional petition of habeas corpus and it is here where their plight is first addressed. There are also notable judgments of the Supreme Court that have helped establish the prohibition against bonded labour, even prior to the passing of the BLSAA 1992, such as *Darshan Masih alias Rehmatay and others v. the State* (reported as PLD 1990 SC 513).

More recently, the matter of bonded labour and the application of the bonded labour laws to instances of rural bondage was elaborately discussed by the Supreme Court *Human Rights Commission of Pakistan v Government of Pakistan* (reported as PLD 2009 SC 507). In that case a number of petitions before the Circuit Court Hyderabad, regarding confinement of forced labour, had been clubbed together and decided in favour of the landowners, they were then appealed before the Supreme Court, where, ultimately the Circuit Court ruling was set aside in a judgment that sought to establish nature of the tenant-farmer relationship and the application of bonded labour laws to tenant farmers.

The effect of this judgment was that while landlords could claim that the STA 1950 bestowed a special relationship between them and their tenant farmers, this relationship would end upon termination of tenancy and in no circumstance could this relationship provide protection from the application of the bonded labour laws after the termination of the tenancy. In other words, no fetters could be imposed on a tenant farmer who simply reneges on a debt undertaken by them and, upon termination of tenancy, such debt would be extinguished under the BLSAA 1992, if it contained provisions of debt-bondage, or otherwise left to the traditional legal channels for recovery of debt, if no such provisions existed.

Nonetheless, despite the express and unequivocal nature of the Supreme Court's ruling, the provincial legislature sought to continue the practice of bonded labour in agriculture by the Sindh Tenancy (Amendment) Act 2013, which removed the express prohibition introduced by the 2002 amendment and returned the STA 1950 to its original wording. This of course was challenged and the matter came to a crux in 2019, when the Sindh high Court issued judgment in the case of *Ghulam Ali Leghari v Province of Sindh* (reported as PLD 2020 Sindh 284.). This judgment has served as a landmark judicial pronouncement in regards to the Sindh Tenancy Act and the application of the bonded labour laws to agricultural tenancies. In particular, it invalidates numerous provisions of the STA 1950 that have been contrary to the Constitution and the fight against exploitation of rural labourers (some of which have been discussed above).

In particular, it declares the separation of judiciary from the executive, and in regards to the STA 1950 it invalidates provisions which provided for judicial determination by non-judicial officials such as the Mukhtiarkar and the Additional Commissioner. It transfers existing disputes to the district courts until such time as valid and necessary amendments are made to the statute. It also expressly notes the ineffectiveness of the STA and the adverse role played by the provincial legislature in perpetuating bonded labour in rural Sindh.

This judgment ultimately sets the ground for positive legislative action on the part of the Sindh Assembly, requiring them to act in line with Pakistan's international obligations and particularly international conventions relating to specific and purpose oriented legislation. It also establishes judicial review of the executive's implementation of tenancy laws, with particular regard to the recording of registers of tenancy rights and requires reporting by the Chief Secretary on district level compliance of Rule 3(1) of the Sindh Tenancy Rules, 2002 regarding maintenance of Form-Vs. It also sets the ground for enactment of necessary legislation for agricultural and rural labour in order to make ensure registration of all labourers, and by adopting a mechanism to *"keep a watch over duties of an employer or landlord /zamindar which he owes towards his employee / hari but shall also help the Government in assuring providing him (employee / hari) the right to enjoy life which, needless to add, is not limited to mere act of breathing but includes:- 'reasonable labour money, access to education; health care facility; information, technology; legal help / aid and justice etc."*

However, since the passing of that judgment, the Government of Sindh has made no attempt to implement the judgment findings and recommendations. Instead, the Government of Sindh sought to appeal the judgment, taking the pro-landlord stance. As of 2022, leave for appeal before the Supreme Court has been accepted and the matter remains pending adjudication.⁴⁸

⁴⁸ Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The Stater of Peasant's Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

Chapter 6

***CONCLUSION &
RECOMMENDATIONS; BRICK
KILN & AGRICULTURAL
WORKERS***

6. Conclusion & Recommendation

Brick Kiln & Agricultural Workers

6.1 Access to Justice

Access to justice remains unfavourable to the vast majority of individuals caught in the bonded labour system. While the practice of bonded labour itself has been criminalised, there is lack of clarity on many provisions of the STA1950 and resultantly, individuals do not have faith in the state and legal system to provide them with any meaningful relief against conditions of bondage. There is general distrust in the local administration, police and legal system, which are seen as either corrupt, inefficient or too far removed to provide protection against the traditional feudal power structures responsible for the bonded labour system.

There is merit to these feelings of distrust as historically the police and local administration have been unable or unwilling to implement bonded labour laws and adequately monitor and address instances of debt-bondage. This may also be noted in consequent police inaction and the low reporting of bonded labour cases. In like manner the legislative and executive authorities (now the provincial legislatures and elected governments) responsible for providing meaningful legislative and policy enhancements suffer from lack of technical expertise, resources and will to make any real progress. As such, implementation and development of the bonded labour laws remains a fundamental concern moving forward. We see this attitude continually reflected in reports on the matter, as a report issued by the ILO in 2001, surveying the implementation of the bonded labour laws, noted this very same feature as follows:

*There is a disquieting trend towards district administration and judiciary being more sympathetic to offenders rather than bonded labour, and often refusing to consider the most blatant evidence. Many local officials are not even aware of their obligations for enforcing relevant laws. Offenders are themselves powerful or protected by local and national elites. Major political parties reflect the interests of the wealthy and are hence uninterested in seriously taking up the cause of bonded labour.*⁴⁹

Consequently, individuals caught in debt-bondage often choose to plead before their closest constitutional court rather than approach their local deputy commissioner or district vigilance committee. The habeas corpus petition continues to be the most commonly used means of seeking relief and the majority of bonded labourers released in Sindh have been released under court orders in such petitions.

While implementation and enforcement of the law continues to be a fundamental issue in

⁴⁹ Erclawn, A., & Nauman, M. (2001). (working paper). Bonded Labour in Pakistan. ILO. Retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_096991.pdf.

addressing the problem of rural debt bondage, the problems created by the tenancy laws of the province, in particular the Sindh Tenancy Act 1950, cannot be ignored. The judgment of the Sindh High Court in *Ghulam Ali Leghari v Province of Sindh* categorically outlines the problem of access to justice as arising from a systemic failure in the agricultural tenancy laws to expressly prohibit debt-bondage in rural tenant-landlord relationships.

Court decisions and data of the number of persons locked in bonded labour mandate serious reconsideration of the Sindh Tenancy Act 1950, particularly problematic provisions of the STA such as section 25 (4), which obliquely allow tenant farmers to detain or restrict the movement of tenant farmers in lieu of unpaid debts. There is need to make appropriate amendments to address matters such as the giving of *peshgi* and beggar, and the express prohibition on free labour.

There is also need to re-examine the issue of giving power of adjudication of disputes to non-judicial officials. Section 27 of the STA which allows the local mukhtiarkar, revenue officer to have jurisdiction over landlord-tenant disputes is problematic and prone to influence of the richer, stronger landlords.

Land tenancy laws are key to the protection of the most vulnerable in the country. The failures of The Sindh Tenancy Act (STA), 1950 and its subsequent amendments (the most recent of which was 2008-2013) which regulate the individual relationship between landowner and tenant and their sharecropping arrangements and establishes the rights and obligations of each party must be revisited from the perspective of providing pro-peasant support to the poor and vulnerable. Provisions must take into account contemporary issues that have occurred due to the socio-economic changes since its promulgation.

In Punjab, the Punjab Prohibition of Child Labour at Brick Kilns Act, 2016 binds employers to sign a written contract with workers by mentioning the *peshgi*, wage amounts and the *peshgi* payback schedule. The law also requires employers to send a copy of the signed contract to the relevant area's labour inspector. However, due a lack of legal enforcement and monitoring of kilns, workers continue to be employed informally without contracts. The government must ensure stricter monitoring and compliance with the law across all brick kilns to ensure workers' rights to a minimum wage and decent working conditions.

Section 4 of the above Act allows the occupier to give an advance of up to Rs.50,000 to a worker engaged by him. This contradicts the Bonded Labour System (Abolition) System Act, 1992, which states: "No person shall make any advance under, or in pursuance of, the bonded labour system or compel any person to render any bonded labour or other form of forced labour." Furthermore, it also contradicts observations of the Supreme Court of Pakistan in the Darshan Masih Case. This contradiction should be rectified in the Punjab Child Labour at Brick Kilns Act, 2016

In addition, the government may contract out an annual independent assessment of brick kilns and their working environment to monitor the monitors. These assessments will provide an independent view of the performance of labour departments and inspections. Additionally, an

online monitoring system may be developed for prompt reporting of such issues. The labour inspectors may be trained to fill out checklists online, and such inspections should be available to the public on labour departments' websites.

In addition, officials of the labour department should be easily accessible for seeking redress, filing complaints or reporting concerns about abuse and exploitation at the kilns. Most of all there must be a political will to improve the tenants' conditions.

Although the law criminalizes bonded labour, government and law enforcement agencies have failed to secure a single conviction of bonded labour perpetrators. The government has also failed to take steps against the provincial governments and labour inspectors who are unable to implement the law locally. There should be a mechanism under which they can be held accountable. It may also include an outline of a comprehensive plan ensuring the systematic freedom and rehabilitation of enslaved workers.

6.2 Trade Unions

Trade unions and specific bonded labour associations provide a degree of countervailing power against the worst abuses: mediating with the owner or assisting in court cases and providing refuge to runaway labour. Collective bargaining associations work to ensure and highlight crucial issues faced by workers. Mobilisation for collective bargaining could be aided through legislative initiatives to promote sector-wide labour associations rather than just kiln-based trade unions. The law needs to define establishment of brick kiln workers' union as advocated in the Decent Work Brick Kiln Framework. To address the scourge of bonded labour, and in compliance to their fundamental rights enshrined in the Constitution, workers must be able to associate freely and become members of trade unions. The unions themselves must be egalitarian and comprise of workers from all levels to ensure proper representation. Therefore, it is recommended to establish or strengthen unions and other associations of labourers that would help to protect their rights through collective bargaining and representation.

6.3 Registration of Brick Kilns

In a judgement on the case of Darshan Masih, the Lahore High Court directed the federal and Punjab governments to ensure implementation of all relevant labour laws in letter and spirit. Justice Tariq Saleem Sheikh, in his exhaustive judgment dated February 2020, provided a comprehensive but pragmatic legal modus operandi to get all relevant laws effectively implemented and directed the provincial Labour & Human Resource Department to complete registration of all brick-kilns in the province under the Factories Act, 1934, within six months.

Although the brick kilns are a manufacturing industry, which must be registered under the Factories Act, 1934, many brick kilns continue to function without registration. In 2021, a Commission set up on orders of the Supreme Court to investigate the practice of bonded labour in Pakistan, especially Islamabad, found that none of the brick kilns in Islamabad were registered with any government organisation. The report identified the following points:

- No brick kiln is registered with the labour department, ICT, social security institutions, or with any other government authority.
- Labourers working in brick kilns are not registered either with the labour department, ICT or with any other social security institutions. No legal mechanism is available for the registration of their contracts with any department.
- Many labourers working at brick kilns do not have any identification documents such as ID cards or B form, typically due to absence of necessary documents such as the registration of birth certificates.
- Many of the bonded labourers are also not registered as voters so they are deprived of their basic right to vote.
- Wages are not paid on a daily, weekly, or monthly basis. A complex accounting system is used which the labourers don't understand.

The Commission made the following recommendations;

- The laws should deal with the practice of "vicious debt" with an iron fist.
- The labour department should ensure the registration of all brick kilns, if necessary by making the registration process easier and more user friendly for the brick kilns owners.
- NADRA should consider sending mobile units for registration and issuance of CNICs to rural areas to facilitate vulnerable communities such as the brick kiln labourers. The Election Commission of Pakistan, should also work to bring more of people into the electoral net.
- No family should be allowed to work as a single unit.
- Children should not be permitted to work in brick kilns.

Lack of registration negatively impacts workers and encourages the misuse and exploitation of the poor. Brick kiln owners allege that the process of registration is time consuming and cumbersome, and therefore, many of them are either waiting for their applications to be processed or have not filed for registration. The government should revise the registration process, develop a robust strategy to expedite the process by providing additional resources to the labour department, and implement incentives and enforcement mechanisms to ensure the registration of all brick kilns.

6.4 Ethical Buying Standards

Ethical purchases must be encouraged through law and that brick buyers must be pushed to procure bricks from kilns that provide a safe and decent working environment. Labour

inspector may certify such brick kilns based on an objective criterion after regular visits. The government should develop an incentive plan for local brick buyers to promote socially compliant brick buying practices in the construction industry. The incentives can include a subsidized tax in return for buying bricks from those kilns that provide decent working conditions for workers. This can be ensured by providing proper work certification to the kilns that would allow brick buyers to invest in the certified brick kilns only. The government itself should ensure that its own procurement of bricks is from kilns complying to proper labour and working standards.

The government should also consider encouraging greater use of automated machinery through tax reductions in brick production. Automatic machinery is being used in countries like China and Bangladesh.

6.5 Increase Income

Increasing income is one way of preventing growth of debt or reducing its occurrence and, hence, preventing the servitude of bondage. Enforcement of the existing minimum piece-rates would be a step forward. Revising provincial piece-rates upward to give the equivalent of a national minimum monthly wage would have a strong impact in addressing the severity of poverty that impacts bonded workers in times of crisis, medical emergencies and disasters such as floods and the like. At present, Minimum Wages Ordinance, 1961 is the other major law applicable to the brick kilns. Under the law, minimum wage rates for the skilled and semi-skilled²⁵ workers of different categories are fixed by the Provincial Governments through their respective Minimum Wages Boards. Responsibility of implementation of these minimum rates lies with the Provincial Labour Department.

If bondage is to be reduced, alternative sources of credit are also needed to complement higher piece-rates. Extension of micro-credit schemes to support subsistence and health can be of obvious importance as investments in human capital. Micro credit should be available through scheduled banks at the doorstep of such workers.

In the agriculture realm, the government must intervene in the agricultural markets to ensure floor to crop prices and a ceiling to input prices. If landlords receive better returns one can hope that sharecroppers will benefit also – both directly and indirectly and that landlords will put less of a squeeze on tenants. This assumes, of course, that sharecroppers are actually able to negotiate a tangible share of the increased returns to farming.

The obvious way to reduce indebtedness to employers is to substantially increase direct remuneration of workers. Until that happens, and that is some years away, it may be possible to have alternative, specialised sources of credit for workers to meet genuine consumption and investment needs. Perhaps the new micro-agricultural credit institutions can be of help in this regard by considering as working capital the amount needed to bridge the substantial gap between work and output in agriculture. Even though obvious, it is worth repeating that landlords and employers must not be the mediators or guarantors for such credit in order to prevent the misappropriation that has occurred with previous seasonal loan schemes.

Explicitly extending the cover of labour laws and facilities – e.g. health insurance and old-age benefits – to all workers anywhere and everywhere can obviously help in reducing financial burdens on informal sector workers and hence the need for debt and consequent bondage. It would also allow such workers to have access to large, existing funds for housing, schooling etc. Negotiations with employers and landlords can take place in a more balanced setting when workers can have government on their side in insisting upon collective bargaining. A major step would be to declare as invalid all exclusions in application of the Industrial Relations Ordinance (IRO).

6.6 Role of DVCs

While Pakistan is subject to numerous international treaties and conventions which provide guidelines on the path towards progress, these guidelines are implemented by means of a disparate set of domestic laws which fail to adequately tackle the issue on a holistic level. There is still a lack of direction in terms of a national and provincial policy to address the issue. There is also an absence on the part of the government in providing meaningful methodologies for private organizations to avoid working or engaging with those suspected of carrying out practices of bonded labour.

In particular, moving forward, the prospect of change relies on certain key initiatives. The implementation of the BLSAA needs to be improved by means of enhanced district level implementation.

DVCs can also play an important role in monitoring and ensuring corrective action at brick kilns. Such committees exist in Punjab; but they have not been formed in Islamabad to ensure labour standards as directed by the Bonded Labour System (Abolition) Act, 1992. A DVC comprising elected representatives, brick kiln community members, and government officials must ensure labour standards across the industries. Moreover, the labour departments may help develop uniform terms of reference for the DVCs.

Despite the benefits in set up of the DVCs, it is of concern that the provincial government has not yet notified District Vigilance Committees (DVCs) in all the districts of the province. Furthermore, these committees are practically non-functional even where notified. The performance of the Committees can be gauged from the fact that not a single case of bonded labour has been detected in any district. The DVCs advise the district administration on effective implementation of the law, help rehabilitate freed bonded labourers and monitor effective implementation of the law. Lack of functionality and meagre budgets for these committees hamper their mandate to address and monitor abuse in labour practices in the province. Inevitably, it is only when civil society organisations and media bring up a case that it receives attention and redress. According to the Hari Welfare Association of all the cases of bonded labourers freed from 2013-2020 period in Sindh, the role of DVCs was, regrettably, not reported in a single case.⁵⁰

⁵⁰ Khoso, A., & Khashkheli, A. A. (2022). (rep.). *The Stater of Peasant's Rights in Sindh 2021*. Hari Welfare Association. Retrieved from <https://hariwelfare.org/wp-content/uploads/2022/07/Hari-Welfare-Report-2022.pdf>.

6.7 Data & Record Keeping

It is also important to address the issue of record keeping. Although the system of local governance has changed over the years, the mechanism of land records handling and revenue assessment in Sindh remains the same as that followed since the Mughal era. The lack of registration of tenants under Sec 9 of the STA affects their ability to claim the status of 'permanent tenant' under Section 4 of the STA. This in turn denies them the right to continue to cultivate that land- without fear of eviction and transmit tenancy right to their heirs.

Most haris lack clear and legally enforceable tenure over their farmland, leaving them vulnerable to exploitation. The existing sharecropping tenancy system is historically deep rooted and perpetuates the deeply entrenched poverty of tenants and farm labour through unbalanced revenue sharing and cost-sharing arrangements and a complex system of dependencies. The landlords keep the accounts, transactions are rarely transparent, and landlords often over-value inputs and under-value outputs. Contracts tend to be oral, with a minimum contract period of one year. However, haris' extremely low literacy rate inhibits their control over any such entities.

Revenue officers or Muktiarkars - often under influence of landlords- maintain all land records. Their intimate knowledge of nomenclature leads to strengthening their sovereignty over the system. Since the Mukhtiarkar is the only person who can demarcate the extent of landholding actually on ground, his authority remains unquestioned.

It is paramount that the government digitise the existing land titles and land management recording system to ensure transparent property rights. The Government of Sindh, despite considerable resistance, has started to enter land records digitally. According to the Sindh Board of Revenue (BoR) 90% land records entered so far into computer have had serious flaws. Approximately 35% flaws were found in the division of shares, 30 % had no survey numbers, 3% had errors of calculation, 1% lacked entries of sellers and buyers and 2% entries were made without attestation. Policy for speedy and transparent system of digitization must be undertaken. A comprehensive Land Records Information Management System (LRIMS) can prove to be very useful to transform the conventional system of record keeping into an efficient, easy-to-use, updatable, remotely accessible system that is transparent and accessible to all.

6.8 The Cultural Economics of Servitude

The problem of forced and bonded labour is one element of modern day slavery, it is a deeply engrained socio-economic problem, which effects and connects virtually all peoples in every nation. The culture of servitude that permeates life in rural Sindh and Punjab has strong economic consequences and outcomes.

Bonded labour is a socially accepted practice in the context of patronage and a hierarchical rural social structure with the impoverished haris and brick kiln workers at the bottom of the economic chain. Rural Pakistani society used to be dominated by landowners and tribal leaders who use bonded labour to perpetuate the patronage that has come as a result of unequal power and land distribution. However, this is changing as Pakistani society has become dominated by tycoons and the military, who come from industry (and are not from the landed aristocracy).

In rural areas, landowners and business owners – who are often highly influential individuals and frequently cross into the political sphere – have secured a relative monopoly over local resources and institutions, thereby compelling the rural population to become dependent on them for basic welfare and security.

Bonded labour continues to be framed as a contractual business relationship, given that hari-zamindar and brick kiln worker-owner relationships greatly vary. Wealthy land and business owners have been able to use bonded labour as a way of maximising profits based on the supply of cheap labour. Land and kiln owners will provide substandard living conditions in addition to a poor working environment, with a view to further cost savings.

“

Government must work to provide free and compulsory basic education at each rural cluster and the children of bonded labour parents must be provided technical, vocational, and higher education.

Local actors and civil society play a strong role in addressing this cultural of acceptance of servitude. Legal aid organisations can help provide guidance and support to people unfamiliar-even intimidated from seeking redress and protection.

The consequences of bonded labour are not just physical but also psychological. These are outcomes that thrive on threat, coercion and deception- that preys on vulnerability and abuse through power dynamics. Awareness raising, encouraging ethical best practices, breaking gender stereotypes and developing public messaging/programming for workers' rights under the various provincial laws will be an important step in helping dilute the rigid structure of servitude and dominance in the province.

Socio- economic uplift by the government is the need of the hour. For Pakistan to prosper and develop as a modern nation, the millions of people- men, women and children who are paralysed by bondage must rise from their servitude. Government must work to provide free and compulsory basic education at each rural cluster and the children of bonded labour parents must be provided technical, vocational, and higher education in the nearby educational institutions of the Workers Welfare Board, TEVTA and education departments free of cost.

The government must take concrete efforts to establish community schools so that children can enrol locally. The monitoring teams including the labour inspectors and DVCs may ask education workers about such public facilities as well as reports of incidents of violations. Strict fines may be

imposed where child labour is prevalent.

Accurate management and extending educational, health, training and banking facilities for bonded labour will greatly help alleviate the problem of bonded labour.

In rural areas, landowners and business owners – who are often highly influential individuals and frequently cross into the political sphere – have secured a relative monopoly over local resources and institutions, thereby compelling the rural population to become dependent on them for basic welfare and security.

6.9 Training of Officers

Only a few DVC reports have been publicised in Sindh. This suggests that the committees act only after receiving specific complaints, and do not, proactively seek out any evidence of private jails – perhaps because they interpret “jail” in a very legalistic fashion. It was not evident from these reports that the committees and personnel are even adequately conversant with the Bonded Labour Act or with their own individual duties. It is essential to enhance the capacity of the DVCs and the labour inspectors with regard to brick kiln workers, haaris and miners.

It is important to engage provincial labour inspectorates’ chief inspectors and directors to identify personnel, training and technological and other resource needs in provincial labour inspectorates to ensure they can fulfil their mandates. In dialogue with provincial cabinets, there is a need to stress the importance of high-level provincial ownership over the inspectorates’ performance and accountability. Through political buy-in, appropriate programs may be designed that could explore options building on earlier initiatives in the inspectorates that were discontinued but could still prove effective, such as using smartphones, GPS, and other technology rather than just paper records, to report and track inspections and to ensure that labour officials are fulfilling their annual inspection and reporting requirements in letter and spirit, and, that supervisors are holding those officials to account.

Greater awareness should be made of redress helplines such as Ministry of Human Rights 1099, Punjab 112 , 1091 and the Sindh helplines 1715 and 15 for prompt reporting of the cases of physical or sexual abuse amongst the workers.

6.10 Non-Governmental Efforts

The efforts of NGOs and the Christian church in highlighting and addressing the issue of bonded labour have been significant. By creating awareness amongst their members about the severe effects of peshgi, civil society and the church have acted as torch bearers in highlighting the issue of bonded labour. These NGOs actively help in monitoring and reporting on the state

51 International Labour Organisation. (2021). (rep.). Pakistan Decent Work Country Profile 2019. Retrieved from https://www.ilo.org/islamabad/whatwedo/publications/WCMS_771785/lang--en/index.htm.

of bonded labour in Pakistan and provide useful assistance with regards to prospective changes. In general, labour rights are monitored by the ILO. In the agricultural sector, we see groups such as the Hari Welfare Association, providing necessary data on the extent of bonded labour and measures being taken to address the problem.

The Bonded Labour Liberation Front (BLLF) with the help of the Human Rights Commission of Pakistan has launched rallies, seminars and symposia to create awareness by highlighting the atrocities of bonded labour. International Christian organisations have lobbied with the European Parliament to intervene and put pressure on the Government viz GSP+ scheme to address the issue of bonded labour. The Church and NGOs have funded both the release of families from bonded labour through direct payment to the owners and have also worked to set up numerous schools for the education and rehabilitation of young brick kiln workers. In Toka Tek Singh, Christian organisations are setting up homes for brick kiln workers and the homeless in the village of Mureedwala. Farzana Bibi a Christian woman, from Ballo Key, Lahore is a widow who sold her kidney for Rs 150,00 to provide medical support for a sick husband riddled with tuberculosis. When her husband died, she and children were forced to continue to pay his debt at the brick kiln. Finally, it was a church group that was able to free her and provide her with an alternative profession.

The Trust for Democratic Education and Accountability (TDEA) implemented an eight-month initiative, 'Promoting Decent Work in Pakistan's Brick Kilns', in partnership with Pattan Development Organization (Pattan) in Islamabad and Sangat Development Foundation (SDF). The aim was to explore the current state of compliance with decent work principles, including payment of fair wages in the brick kiln sector. The project contributed to creating a reliable source of clean bricks, which as a result advanced labour rights by reducing bonded and child labour, and ensured that brick kiln workers receive fair wages and access to public social services. The project carried out various activities, including research, capacity development of trade unions and labour inspectors, and advocacy with elected and public officials to promote decent work principles in the brick kiln industry and encourage adoption of the Decent Work Brick Kiln Framework (DWBKF). Which is based on four broad areas of intervention: (1) labour law reform; (2) employment generation through human resource development, with a focus on employable skills; (3) social protection expansion in the informal economy; and (4) tripartism¹ and social dialogue promotion. The framework guides the provincial labour departments by preparing an inspection checklist to systematically monitor decent work at kilns and other comprehensive tools and resources for district labour departments to report labour law violations.

In conclusion, it is important to undertake a mapping of state and civil society institutions/initiatives that identify and support victims of modern slavery, including legal aid centres, shelters, mental health workers, and rehabilitation and vocational training programs. Special efforts must be made to support organisations that work with religious minorities and expand the focus of work beyond high profile organisations based in Islamabad and provincial capitals, to those with a track record in smaller towns, for example in central and southern Punjab, and interior Sindh. Follow up programs must be geared towards building capacity rather than holding standalone events, Greater awareness must be generated towards the inhuman

practice of bonded labour. The Role of National Human Rights Institutions such as the National Commission for Human Rights is important to create social awareness and to advocate for reform in government policy and practice. Commissions such as Status of Women, Rights of Child and Minorities may also lend their voices to end this heartless practice of bonded labour in today's days and age.

The problem of forced labour is a story of people with limited choices forced to work to meet our demand for cheap goods, from demand for construction, craft works, industrial products to agriculture produce. It is the demand for cheap goods for individual consumers that creates the conditions for bonded labour. It is time to seriously look into the issue of bonded labour and servitude that plagues millions of vulnerable people in this country. Pakistan has a strong constitutional framework and has committed to numerous international laws on labour and human rights. It is time to implement these pledges and translate our words into action.

7. Photo Gallery



Children in Bonded Labour





Families Impacted by Bonded Labour





Buying and Selling of Bonded Labour





Families Freed from the Shackles of Bonded Labour





Families Freed from the Shackles of Bonded Labour





National Commission for Human Rights, Pakistan
051 9216771
5th Floor Evacuee Trust Complex,
Agha Khan Road, Islamabad

www.nchr.gov.pk