

BONDED LABOUR IN PAKISTAN: EXAMINING THE STATE'S FIGHT AGAINST THE PRACTICE

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ABSTRACT

This article will examine Pakistan's fight against the practice of bonded labour and contend that while Pakistan has attempted to combat the bonded labour regime by enacting legislation and providing for certain enforcement mechanisms and projects, its effort remains insufficient and unsustainable. Bonded labourers have continued to face neglect and have often been overlooked by the State. This article is divided into five chapters; the first illustrating the practice's nature as a form of modern slavery and carrying out a sector-specific study, the second critically analyses Pakistan's legal framework vis-à-vis bonded labour, the third examining enforcement of the concerned legislations, the fourth conducting a comparative study of initiatives undertaken by Nepal concerning bonded labour which will then be utilised to draw out recommendations for Pakistan in the final chapter.

KEYWORDS: bonded labour, abolition, legal framework, labour rights, law reform.

1. INTRODUCTION

Bonded labour, also known as debt bondage, is a manifestation of modern slavery as recognised by Article 1 of the United Nations (UN) Slavery Convention.¹ It is utilised by employers and landlords to provide loans (*peshgi*) to needy workers who repay these loans through labour.² This practice, however, has been exploited by employers particularly in South Asian countries, which account for 85% of bonded labourers globally.³ Pakistan is a party to two International Labour Organisation (ILO) Conventions dealing with forced labour: the Forced Labour Convention (No. 29) and the Abolition of Forced Labour Convention (No. 105). It also prohibits bonded

¹ Convention to Suppress the Slave Trade and Slavery (adopted 25 September 1926, entered into force 9 March 1927) UNTS 60, art 1.

² Fraser Murray and others, *Modern Slavery in Pakistan* (DAI, 2019) 8.

³ *ibid.*

labour both constitutionally and legislatively,⁴ and consequently has both domestic and international human rights obligations towards bonded labourers, as well as an obligation to abolish the bonded labour regime.

2. UNDERSTANDING THE SCOPE OF BONDED LABOUR IN PAKISTAN

2.1 A Form of Modern Slavery

The debt bondage system is inherently an exploitative practice. While it may appear to be a normal debtor-creditor relationship on surface level, creditors often make attempts to make the repayment of loans nearly impossible by exploiting the vulnerable conditions of the labourer (many of which may be beyond the latter's control – illness being one example).⁵ At times, they may intentionally pick out flaws in their work, and thereby increase the loan or interest price.⁶ Due to the labourer's consequential inability to repay the debt, the debt is passed onto their descendants thereby enslaving multiple generations.⁷ This gives creditors complete control over the indebted family, and they often exert their control by preventing them from going to school and forcing them into child labour.⁸ Thus, this practice becomes a category of modern slavery.

2.2 Prevalence of Bonded Labour in Pakistan

In its World Labour Report 1993, the ILO observed that Pakistan has 'some of the most serious problems of bonded labour.'⁹ About 20 million individuals were estimated to be bonded labourers within the country. While the Report recognised that the State was undertaking steps to put an end to the practice,¹⁰ around 3 million Pakistanis were estimated to be in debt

⁴ Aly Ercelawn and Muhammad Nauman 'Bonded Labour in Pakistan: An Overview' (*Pakistan Institute of Labour Education and Research*, June 2001) 3 <https://www.ilo.org/wcmsp5/groups/public/-ed_norm/--declaration/documents/publication/wcms_096991.pdf>

⁵ Murray (n 2) 8.

⁶ *ibid.*

⁷ Siddhartha Kara, *Bonded Labor: Tackling the System of Slavery in South Asia* (Columbia University Press, 2012), 21.

⁸ Ali Anwar 'Modern-Day-Slaves – The Horror of Bonded Labour in Pakistan' *IVolunteer International* (2021).

⁹ International Labour Organisation (ILO), *World Labour Report* (ILO, 1993), 11.

¹⁰ *ibid.*

bondage in 1993.¹¹ Although the number has significantly dropped in the past few decades, it remains alarming, particularly in the agriculture, brick kilns and mining sectors.

2.1.1. Agriculture Sector

The agriculture sector of Sindh, Southern Punjab¹² and Balochistan¹³ has the greatest number of bonded labourers in Pakistan. While landholdings have decreased and short-term employment contracts have been introduced, landowners have continued to ensure that debt bondage is maintained within their labour force.¹⁴ It must be noted, however, that bonded labourers do enjoy certain benefits that were not available to them previously. For example, they may persuade a 'prospective employer' to purchase their debt from their current employer.¹⁵ This, however, does not ameliorate their position as they are still indebted in bondage, with the creditor status being transferred from the old employer to the new employer.

As per the Asian Development Bank's household survey conducted in five districts of Sindh, 60% of households were bonded labourers.¹⁶ The Hari Welfare Association (HWA) has estimated that there are around 1.7 million bonded labourers within the concerned province, out of which 700,000 are children.¹⁷ Moreover, it has been estimated by agricultural experts that around 0.8 to 1.0 million families in bonded labour 'cultivate land under sharecropping'.¹⁸ The majority of bonded labourers within Sindh are Hindus, which illustrates the low status awarded to religious minorities within Pakistan.¹⁹ Consequently, this makes them even more vulnerable to cruel treatment from landowners and employers. Furthermore, commercial

¹¹ Anwar (n 8).

¹² *ibid*.

¹³ Maliha Hussein and others, *Bonded labour in agriculture: a rapid assessment of Sindh and Balochistan, Pakistan* (ILO, 2004), 1.

¹⁴ Murray (n 2) 9.

¹⁵ *ibid* 8.

¹⁶ Hussein and others (n 13) 8.

¹⁷ Dawn, '700,000 children among 1.7m bonded labourers working in Sindh's farm sector' (*Dawn News*, 13 June 2022) <<https://www.dawn.com/news/1694481/700000-children-among-17m-bonded-labourers-working-in-sindhs-farm-sector>> accessed 2 December 2022.

¹⁸ Hussein and others (n 13) 8.

¹⁹ Murray (n 2) 13.

agriculture has resulted in seasonal work, forcing many labourers to migrate and find work elsewhere during off-seasons.²⁰ This further forces them to take more loans and become indebted to multiple owners.

While similar patterns of bondage are observed in Balochistan,²¹ there exists a lack of sufficient data to carry out an analysis vis-à-vis the prevalence of bonded labour in the agricultural sectors of Balochistan and Punjab.

2.2.1 Brick Kilns Industry

As per the Brick Kiln Owners Association of Pakistan (BKOAP), there were roughly 15,000 to 18,000 brick kilns within the country in 2015²² and the number has increased to around 20,000 as of 2023.²³ This kind of bondage is similar to that of the agricultural sector, and it is common for entire families to be held in bondage as family units.²⁴ A 2016 report estimates 1.2 million men and women currently work within brick kilns as a result of debt bondage.²⁵ The BROAP observed that ‘half of the 60 workers associated with each kiln are women.’²⁶ Moreover, the Human Rights Commission of Pakistan (HRCP), in its 2011 report, observed that 60% of children who begin working with their families within the concerned industry are below the age of 13.²⁷ As per the Government of Punjab (GoP) in 2021, 69,100 male and 57,679 female children worked in brick kilns within the province.²⁸ These

²⁰ *ibid.*

²¹ Hussein and others (n 13).

²² Shehryar Warraich, ‘Pakistani activists want kilns to pay working women, not their husbands’ (UPI, 29 January 2015) <<https://www.upi.com/UPI-Next/2015/01/29/Pakistani-activists-want-kilns-to-pay-working-women-not-their-husbands/21417390479106/>> accessed 2 December 2022.

²³ Isaiah Reynolds and others, ‘Inside Pakistan’s brick kilns where millions are trapped in modern-day slavery, working dangerous jobs to pay off snowballing debts’ (Insider, 15 April 2023) <<https://www.insider.com/pakistan-brick-kilns-debt-bondage-modern-day-slavery-2023-4>> accessed 2 May 2023.

²⁴ Nadeem Malik ‘Bonded Labour in Pakistan’ (2016) 6(4) *Advances in Anthropology* 131.

²⁵ Hifza Hammad ‘Women in the Brick Kiln Industry in Pakistan’ (UITBB, 22 December 2016) <<https://uitbb.org/women-in-the-brick-kiln-industry-in-pakistan/>> accessed 2 December 2022.

²⁶ Warraich (n 22).

²⁷ Human Rights Commission of Pakistan, *State of Human Rights in 2011*, (HRCP, 2012) <https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2012-State-of-human-rights-in-2011-EN.pdf>.

²⁸ Peace SOS ‘Children’s Rights in Brick-making Factories (Brick Kilns) in Punjab, Pakistan’ (Peace SOS, 12 March 2021) <<https://peacesos.nl/childrens-rights-in-brick-making-factories-brick-kilns-in-punjab-pakistan/>> accessed 5 December 2022.

statistics indicate that an overwhelmingly large number of individuals are enslaved by the regime within the concerned sector.

2.2.2 Mining Sector

The mining sector within Pakistan has enjoyed healthy growth in gold, coal, and copper mining.²⁹ While this is beneficial for Pakistan's economy, it has also generated opportunities for the exploitation of bonded labourers working within the sector. Around 70% of the miners come from Khyber Pakhtunkhwa (KPK)³⁰ and many of them are induced into bonded labour.³¹ This is partly due to the perception that they are 'hardier' and adept for working in cumbersome conditions as a result of living in mountainous regions such as Dir.³²

3. PAKISTAN'S LEGAL ARCHITECTURE IN RELATION TO BONDED LABOUR

3.1 Domestic Legal Framework

3.1.1 Constitution of the Islamic Republic of Pakistan, 1973

Article 11 (2) of the Constitution of Pakistan states that '[A]ll forms of forced labour and traffic in human beings are prohibited.'³³ Although its broad wording indicates a possibility for one to escape liability by contending that bonded labourers enter into the regime by will, the concerned practice has been recognised as forced labour by the State and the international community. In *Darshan Masih v The State*,³⁴ the Supreme Court of Pakistan held that bonded labour is a violation of Article 11 of the Constitution.³⁵ It is observed that bonded labourer's desperation for survival leaves them no choice but to enter into it with the false promise made to them regarding the termination of that labourer upon the payment of debt – this hardly leaves

²⁹ Murray (n 2) 9.

³⁰ Ahmad Saleem, 'A Rapid Assessment of Bonded Labour in Pakistan's Mining Sector' (2004) ILO), 8 https://www.ilo.org/global/topics/forced-labour/publications/WCMS_082032/lang-en/index.htm.

³¹ Murray (n 2) 10.

³² *ibid.*

³³ The Constitution of Islamic Republic of Pakistan (1973), art 11(2).

³⁴ *Darshan Masih v the State* (PLD 1990 SC 513).

³⁵ *ibid.*

them with free choice. Moreover, the contested argument holds no value against the descendants of bonded labourers who were born into the regime to pay their predecessors' debt. The wide scope of clause (2) merits appreciation for serving as an umbrella term to all forms of forced labour, thereby not only prohibiting existing fashions of forced labour but those that may be developed in the future.

3.1.2 Pakistan Penal Code (Act XLV of 1860)

Section 374 (1) of the Pakistan Penal Code, 1860 (PPC) punishes the compelling of an individual to labour against their will with imprisonment of up to five years, or a fine, or both on the compeller.³⁶ Similar to the criticism of Article 11 (2) of the Constitution, the broad wording of the section serves as an umbrella term to cater to any novel manifestations of forced labour that may emerge.

3.1.3 Bonded Labour System (Abolition) Act, 1992

Upon holding the practice of bonded labour unconstitutional in *Darshan Masih v the State*, the Supreme Court ordered the passing of legislation that abolishes the practice altogether.³⁷ Two years later, the Parliament passed the Bonded Labour System (Abolition) Act, 1992. Section 4(1) of the Act retrospectively freed and discharged all bonded labourers from any obligation rendered to them (at the time of passing) and criminalised the entire regime.³⁸ Section 4(2) further prohibits any attempts to compel a person to render bonded labour.³⁹

Although the automatic criminalisation of the regime and freedom of its victims are praiseworthy, questions arise to its practicability. Section 10 (1) of the Act imposes a duty on the District Magistrate, who has been authorised by their concerned Provincial Government under section 9 of the Act,⁴⁰ and any officer designated by them, to ensure that the welfare and economic

³⁶ Pakistan Penal Code, 1860, s 374(1).

³⁷ *Darshan Masih v the State* (n 34).

³⁸ Bonded Labour System (Abolition) Act, 1992, s 4(1).

³⁹ *ibid* s4 (2).

⁴⁰ *ibid* s 9.

interests of freed bonded labourers are secured and that there exists no reason forcing them to render bonded labour in the future.⁴¹ Additionally, section 9(2) of the Act obligates the concerned District Magistrate and any officer designated by him/her to maintain a check on whether employers are engaged in bonded labour within their jurisdiction.⁴²

Moreover, section 5 of the Act renders any contract, tradition, practice, or agreement that was ‘entered into or executed before or after the commencement of this Act’⁴³ void. Furthermore, section 6(1) of the Act removes all liability on bonded labourers to repay the debt.⁴⁴ The automatic voidance of the contracts and freedom from debt is a significant burden removed from the shoulders of bonded labourers. Additionally, section 6(2) retrospectively sets aside any suits lying within civil courts, tribunals or ‘any other authority’ for the purposes of recovering bonded debt,⁴⁵ and section 6(3) renders any unmet decree on the payment of bonded debt to be ‘fully satisfied.’⁴⁶

Furthermore, section 6(4) of the Act protects the proprietary rights of bonded labourers by mandating the return of their property within 90 days of the commencement of the Act (hence being retrospective) if it was ‘forcefully taken’ to recover debt.⁴⁷ Additionally, section 7 of the Act immediately releases properties from mortgage, lien, charge ‘or other encumbrance’ that may be connected to the repayment of bonded debt – this merits appreciation for extensively protecting proprietary rights of the bonded labourer and freeing them of any proprietary burdens.⁴⁸ While the Act largely appears to be retrospective in nature, that retrospectivity does not extend to decrees made by the Courts to sell the properties for the purposes of repaying bonded debt.⁴⁹ However, this is understandable in light of the time and cost that retrospectivity would require for the concerned provision. The Act further

⁴¹ *ibid* s 10(1).

⁴² *ibid* s 10(2).

⁴³ *ibid* s 5.

⁴⁴ *ibid* s 6(1).

⁴⁵ *ibid* s 6(2).

⁴⁶ *ibid* s 6(3).

⁴⁷ *ibid* s 6(4).

⁴⁸ *ibid* s 7(1).

⁴⁹ *ibid* s 6(5).

provides bonded labourers with the option to seek recourse from the Court if there is an omission to return the concerned property,⁵⁰ or release from the mortgage, lien, charge, or burden,⁵¹ within 90 days of its commencement.

The Act incorporates several punitive provisions; however, the stipulated fine amounts have not been updated since 1992 to account for inflation. Under section 11 of the Act, a violation of sections 4 and 5 of the Act is punishable with imprisonment for a period of two to five years, or a minimum fine of 50,000 rupees, or both.⁵² Additionally, failure to comply with section 6(4), concerning proprietary rights, will render a person liable to imprisonment extendable to one year, an extendable fine to 1000 rupees, or both. The Court is to make payment to the bonded labourer at the rate of ten rupees per day for the duration the property was not restored to the bonded labourer.⁵³ However, at the stipulated rate, the fine is no longer as severe as it was in 1992.

Lastly, section 18 of the Act stipulates that if a corporation commits an offence, individuals in charge of, or responsible to, that corporation at the time of the offence will be liable to punishment.⁵⁴ If the concerned offence is committed with the assent of the 'director, manager or other officer' of that corporation, he/she will be held liable for the offence.⁵⁵ This provision deserves appreciation as it makes room for direct liability of corporations, thereby acting as a deterrent against the utilisation of bonded labour within their supply chains.

The concerned Act appears to give extensive retrospective and prospective protection to bonded labourers. It ensures that their economic position is ameliorated and their proprietary rights are protected. It provides a legal framework if creditors fail to cooperate and imposes punishments to deter future debt bondage. The Act also provides for the establishment of district vigilance committees (DVCs) to uphold the welfare of bonded labourers,

⁵⁰ *ibid* s 6(7).

⁵¹ *ibid* s 7(2).

⁵² *ibid* s 11.

⁵³ *ibid* s 13.

⁵⁴ *ibid* s 18(1).

⁵⁵ *ibid* s 18(2).

advise District Administration on the Act's implementation and constantly seek to improve the law.⁵⁶

3.2 Provincial Legal Framework

Pakistan's fight against the bonded labour regime benefits from having provincial acts, alongside the federal act, as they provide for specific resource allocation at provincial levels and generate greater efficiency. The provincial Governments of Pakistan have also enacted Acts for the abolition of bonded labour at a provincial level. It is crucial to shed light on these Acts, as they play a significant legislative role in combating the bonded labour regime and assess their merits and demerits.

3.2.1 The Sindh Bonded Labour System (Abolition) Act, 2015

The Sindh provincial Act has inherited the provisions of the Federal Act with minor changes. While the Federal Act empowered the District Coordination Officer to secure the welfare and interests of freed bonded labourers,⁵⁷ the provincial Act imposes this duty on the Deputy Commissioner.⁵⁸ Moreover, section 11 of the Sindh Act punishes bonded labour by imprisonment of between two and five years, or with a minimum fine of 100,000 rupees, which is double that of the Federal Act.⁵⁹ Furthermore, section 12 of the Sindh Act stipulates the same punishment as the Federal Act for enforcing 'any custom, tradition, practice, contract, agreement or other instrument' as a result of which one may be required to 'render any service' under the regime of bonded labour with an increase in the fine to a minimum of 100,000 rupees.⁶⁰ The foregoing increase in fine deserves appreciation in light of Pakistan's devaluing currency which has decreased the deterrent effect of the minimum fine of 50,000 rupees under the Federal Act.

⁵⁶ *ibid* s 15.

⁵⁷ *ibid* s 10(1).

⁵⁸ The Sindh Bonded Labour System (Abolition) Act 2015, s 10(1).

⁵⁹ *ibid* s 11.

⁶⁰ *ibid* s 12.

3.2.2 The Punjab Bonded Labour System (Abolition) Act, 1992

The Punjab Act, like its Sindh counterpart, has inherited provisions from the Federal Act with several amendments. One notable addition is under section 7, wherein a bonded labourer, upon resignation, retirement, retrenchment, discharge, dismissal, termination or ‘otherwise occupying residential accommodation by his employer’ cannot be evicted by the employer for a duration of two months after the occurrence of the foregoing situations, failing which the bonded labourer to receive compensation from the employer.⁶¹

However, the minimum fine punishing the enforcement of bonded labour under section 11 of the Punjab Act continues to be 50,000 rupees like the Federal Act.⁶² In light of today’s economy, it does not act as a strong deterrent against the practice. However, the fine for employing on the basis of bonded labour under section 12 has been increased to 350,000 rupees⁶³ which is a significant increase from the amount stipulated under the Federal Act.

One of the most condemned amendments by the Punjab Act is the reintroduction of *peshgi*. Section 4(3) of the Punjab Act prohibits employers from making or receiving *peshgi* which is ‘inconsistent with, or in violation of’ the law.⁶⁴ However, subsection 4 stipulates that the *peshgi* may be recovered by the employer in ‘such manner as may be prescribed’⁶⁵ and subsection 5 entails the employer to maintain a record of the *peshgi* made to or received by them.⁶⁶ The reintroduction of *peshgi*, which is the mechanism utilised by employers to induce bonded labourers into the bonded labour regime is counterproductive to the intentions of the Act and is highly problematic. The HRCP has rightfully criticised it for being ‘deplorable’ and asked for it to be ‘rolled back immediately.’⁶⁷

⁶¹ The Punjab Bonded Labour System (Abolition) Act 1992, s 7(1).

⁶² *ibid* s 11.

⁶³ *ibid* s 12.

⁶⁴ *ibid* s 4 (3).

⁶⁵ *ibid* s 4(4).

⁶⁶ *ibid* s 4(6).

⁶⁷ Human Rights Commission of Pakistan, *State of Human Rights in 2022* (HRCP, 2023), 273.

3.2.3 The Khyber Pakhtunkhwa (KPK) Bonded Labour System (Abolition) Act, 2015 and The Balochistan Employment of Children (Prohibition and Regulation) Act, 2021

The KPK and Balochistan Acts have also inherited provisions from the Federal Act with certain amendments. While the Acts prohibit *peshgi* under sections 3(2)⁶⁸ and 6(1) respectively,⁶⁹ they stipulate for extending *peshgi* as interest free in a prescribed fashion.⁷⁰ The *peshgi* shall not exceed three times the rate of minimum wage⁷¹ and a second *peshgi* cannot be given until the first one has been recovered.⁷² Moreover, the instalments of the *peshgi* cannot exceed one fourth of the worker's wage⁷³ and the employer is required to maintain a record of the *peshgi* extended to workers.⁷⁴ By prohibiting *peshgi* on one hand and permitting it on the other, the KPK and Balochistan Acts create confusion regarding the intentions of the State in banning bonded labour; while an interest-free *peshgi* is better than one which comes with an interest, it is nonetheless dangerous.

Section 14 of the KPK and Balochistan Acts continue to have the minimum fine, against the enforcement of bonded labour, as 50,000 rupees⁷⁵ which is not a sufficient deterrent. However, the minimum fine, against the employment of a bonded labourer under section 15, has been increased to 100,000 rupees.⁷⁶

⁶⁸ The Khyber Pakhtunkhwa Bonded Labour System (Abolition) Act, 2015; The Balochistan Employment of Children (Prohibition and Regulation) Act, 2021, s 3(2).

⁶⁹ *ibid* s 6(1).

⁷⁰ *ibid* s 6(2).

⁷¹ *ibid* s 6(3).

⁷² *ibid* s 6(4).

⁷³ *ibid* s 6(5).

⁷⁴ *ibid* s 6(6).

⁷⁵ *ibid* s 14.

⁷⁶ *ibid* s 15.

4. ENFORCEMENT OF THE LEGAL FRAMEWORK

4.1 State Intervention and Lack of Interest

4.1.1 The Bonded Labour System (Abolition) Rules, 1995

For three years after the adoption of the Federal Act, the Government played no role towards its enforcement.⁷⁷ After receiving significant pressure, it established the Bonded Labour System (Abolition) Rules, 1995. The Rules direct provincial Governments to inspect places where bonded labour was reported to have occurred and set up DVCs for the purposes of identifying, freeing, and rehabilitating bonded labourers.⁷⁸ Moreover, Rule 9 establishes a fund for bonded labourers which, as per Rule 9(2), is dedicated to financing projects for the rehabilitation and welfare of bonded labourers, as well as providing them legal assistance.⁷⁹

While the 1995 Rules appeared satisfactory on paper, their implementation, as observed by the Lahore High Court in *Muhammad Siddique v Mansha*,⁸⁰ was unsatisfactory. Moreover, the three-year delay in concocting the Rules affirms the government's lack of interest in actively eradicating bonded labour.

4.1.2 National Policy and a Plan of Action for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers (NPPA)

The adoption of the NPPA in 2001 was a significant move towards developing enforcement mechanisms for the Act and thereby eradicating bonded labour within Pakistan.⁸¹ It established the State's commitment to eliminating bonded labour and provided for a relief package to assist bonded labourers in securing food, shelter and basic amenities.⁸² It also called for the

⁷⁷ Javed Jabbar and others, *Hope for the Bonded Laborers* (Society for Protection of the Rights of the Child, 2015) 46.

⁷⁸ *ibid.*

⁷⁹ Bonded Labour System (Abolition) Rules 1995, rule 9 (2).

⁸⁰ *Muhammad Siddique v Mansha* (PLD 1997 Lah 428).

⁸¹ Human Rights Commission of Pakistan, *Abolition of Bonded Labour in Pakistan* (HRCP, 2003) 9.

⁸² *ibid.*

training of officials and provision of resources.⁸³ However, the fact that the NPPA came almost a decade after the came into force illustrates the lack of priority given to the grievances of bonded labourers by the State.

4.1.3 District Vigilance Committees (DVCs)

Section 15 of the Bonded Labour (Abolition) Act, 1992 requires the establishment of DVCs to safeguard the aid to and welfare of bonded labourers, as well as to advise the District Administration on the implementation of law.⁸⁴ Nonetheless, DVCs have hardly been functional since their establishment⁸⁵ – 14 DVCs were constituted in Sindh in 2022 but remained dysfunctional.⁸⁶ The presence of DVCs appears to be more ‘on paper’⁸⁷ than in practice as there is hardly any intervention by them on record.⁸⁸ The lack of funds and resources continues to be a problem for the workability of DVCs⁸⁹ which has significantly impaired the monitoring of the implementation and enforcement of the Act.

4.1.4 Fund For Education of Working Children and Rehabilitation of Freed Bonded Labourers

In 2000, the Federal Government established a fund to educate children involved in labour and rehabilitate freed bonded labourers.⁹⁰ The initial amount of 100 million rupees was donated by *Bait-ul-Mal* (an autonomous body established under the Pakistan Bait-ul-Mal Act, 1991); however, that money was not utilised for the rehabilitation of bonded labourers.⁹¹ This

⁸³ Zulfiqar Shah, *Effectiveness of Interventions for the Release and Rehabilitation of Bonded Labour in Pakistan* (Pakistan Institute of Labour Education and Research, 2008), 28.

⁸⁴ Bonded Labour System (Abolition) Act, 1992, s 15.

⁸⁵ Business Recorder, ‘Bonded labour has surged in Sindh, say analysts’ (*Business Recorder*, 17 November 2022) <<https://www.brecorder.com/news/40209238/bonded-labour-has-surged-in-sindh-say-analysts>> accessed 5 April 2023.

⁸⁶ HRCP ‘Abolition’ (n 81) 25.

⁸⁷ Hafeez Tunio ‘Bonded labour vigilance committees missing’ (*The Express Tribune*, 11 August 2022) <<https://tribune.com.pk/story/2370452/bonded-labour-vigilance-committees-missing>> accessed 5 April 2023.

⁸⁸ Shah (n 83) 28.

⁸⁹ *ibid.*

⁹⁰ *ibid.*

⁹¹ *ibid.*

serves as further indication of Pakistan's negligence towards the issue of enforcing the law on bonded labour.

4.1.5 Police Intervention

The police has often failed to discharge its duty, demonstrating a hesitance in playing an active role in releasing bonded labourers.⁹² Despite the issuance of many First Information Reports (FIRs) against landlords, and those aiding them to employ bonded labourers, there is rarely any action taken against them.⁹³ Iqbal Datho, the National Programme Manager of the Society for the Protection of Rights of the Child (SPARC), criticised the police force for being ignorant about the laws prohibiting bonded labour.⁹⁴ He highlighted the failure of the police force in applying the provisions of the Act when dealing with cases of bonded labour.⁹⁵

Moreover, stakeholders at a meeting conducted by the Government of Sindh in collaboration with the ILO in 2011 blamed the ignorance of the police force for allowing 'this curse to exist'⁹⁶ which continues to be the case today. The ignorance of the concerned law enforcement body and its hesitation to register FIRs is further testament to the State's lack of interest in actively eradicating bonded labour.

4.1.6 Welfare Schemes

In 2005, the Government of Punjab started the *Sasta Atta* Scheme to provide low-cost flour to individuals struggling due to increasing prices of everyday commodities. However, bonded labourers did not benefit from this scheme.⁹⁷ Similarly, the *Parha Likha* Punjab scheme, which sought to increase the enrolment of children attending schools in rural areas did not benefit the

⁹² *ibid* 29.

⁹³ *ibid*.

⁹⁴ Dawn, 'Lack of will, police ignorance encouraging bonded labour' (*Dawn News*, 26 March 2011) <<https://www.dawn.com/news/616090/lack-of-will-police-ignorance-encouraging-bonded-labour>> accessed 7 April 2023.

⁹⁵ *ibid*.

⁹⁶ *ibid*.

⁹⁷ Shah (n 83) 30.

children working as bonded labourers.⁹⁸ The failure of these governmental schemes strengthens the observation that there is a significant lack of enforcement of the legal framework against bonded labour on the State's part.

4.2 The State in Collaboration With ILO

The ILO has collaborated with Pakistan on various projects to ameliorate the grievances of bonded labourers to improve the enforcement of the law to safeguard their interests. The two most prominent projects will be discussed below.

4.2.1 Promoting The Elimination of Bonded Labour in Pakistan (PEBLIP)

PEBLIP was a project aimed to address issues concerning capacity building and policy within Pakistan. The project resulted in an increase in the allocation of budget to initiatives carried out by provincial Governments to eliminate bonded labour.⁹⁹ The Government of Punjab allocated 123 million rupees to its Annual Development Programme between 2010-2011 for the education, health, skills training, social protection, social security benefits and citizenship to brick kiln workers.¹⁰⁰

Moreover, PEBLIP has benefitted over 1800 children and 300 adults from non-formal education and adult literacy programmes, and more than 3500 bonded labourers were given health facilities and medical aid.¹⁰¹ Furthermore, adults were registered with the National Database and Registration Authority (NADRA) in order to empower them on a social and legal level.¹⁰² Additionally, bonded labourers were also given skills-based training to help them in the longer term as it would enable them to pay off their debts and prevent them from going back into bondage.¹⁰³

⁹⁸ *ibid.*

⁹⁹ ILO, 'Promoting the Elimination of Bonded Labour in Pakistan (PEBLIP)' (ILO, 2010) <https://www.ilo.org/islamabad/whatwedo/projects/WCMS_125694/lang-en/index.htm> accessed 14 April 2023.

¹⁰⁰ *ibid.*

¹⁰¹ *ibid.*

¹⁰² *ibid.*

¹⁰³ *ibid.*

4.2.2 Enrolment Campaign

In collaboration with the Government of Punjab, the ILO launched an enrolment campaign in 2015 to provide education to children of bonded labourers.¹⁰⁴ More than 600 children were enrolled by the end of the year, and the Minister of Labour announced that free education, books and school bags would also be provided to children.¹⁰⁵ This campaign catered to the long-term benefits of bonded labourers and their children and tackles one of the biggest reasons for debt bondage (lack of education). Francesco d'Ovidio, head of the Solutions and Innovation Unit of the ILO, praised the Government of Punjab for fulfilling its promise.¹⁰⁶ However, it must be noted that the monitoring of the concerned initiative is to be carried out by DVCs,¹⁰⁷ which, as highlighted before, are barely functional. The Government will also have to ensure that finance and other resources are made available for the campaign to run successfully for several years.

While the two foregoing projects were successful, Pakistan's projects with ILO are limited and difficult to sustain due to funding limitations and poor implementation. As a result, they cannot be solely relied upon to aid bonded labourers, especially given the high number of persons enslaved under the regime, and cannot be used to cover the disregard Pakistan has had for enforcing the law and ameliorating the grievances of bonded labourers.

4.3 Judicial enforcement

The judiciary of Pakistan has played an active role in giving relief to bonded labourers and enforcing the law when met with cases concerning the bonded labour regime. Moreover, it has continuously instructed Governments to enforce the law and concoct mechanisms to prevent individuals from turning towards the regime in times of desperation.

¹⁰⁴ ILO, 'Efforts launched to combat child labour in Punjab's brick kilns' (*ILO*, 2015) <https://www.ilo.org/islamabad/info/public/pr/WCMS_396171/lang--en/index.htm> accessed 14 April 2023.

¹⁰⁵ *ibid.*

¹⁰⁶ *ibid.*

¹⁰⁷ *ibid.*

In October 2005, the Federal Shariat Court dismissed eight petitions filed by brick kiln owners contending that certain provisions of the Act were unacceptable in Islam.¹⁰⁸ The decision of the Court is commendable as it safeguarded the Act from incurring any scrutiny in the name of religion and further illustrates the Court's willingness to enforce the Act.

Moreover, the Supreme Court freed 18 brick kiln bonded labourers in 2006 who were illegally confined by brick kiln owners in the district of Muzaffargarh.¹⁰⁹ The Court stipulated directives for the adoption of mechanisms to register brick kilns, a record be maintained of the labour at brick kilns and introduction of campaigns by the Chief Secretaries to combat bonded labour within their concerned provinces.¹¹⁰

Furthermore, the Court, in *Shabbir Hussain v Government of Pakistan*, criticised the lack of enforcement of the Act by the Governments and urged them to protect labourers from the regime.¹¹¹ Additionally, in 2007, the Supreme Court freed the applicant's family of 11 bonded labourers including six children under the age of 15 years, upon a raid conducted subsequent to receiving the complaint.¹¹² A second raid recovered seven bonded labourers among whom one was merely a year and a half old. This shows that the judiciary has actively played its role in freeing bonded labourers; however, it also highlights the continuous neglect incurred by them from the Government and its little interest in implementing rules and legislation against the practice.

Moreover, around 3486 bonded labourers were freed by the Punjab judiciary between 1997 to 2007.¹¹³ The Sessions Court dealt with 143 cases of bonded labour between 2000 to 2004, with 87% of these cases resulting in the freedom of bonded labourers.¹¹⁴ In another case, 63 bonded labourers were

¹⁰⁸ Shah (n 83) 22.

¹⁰⁹ *ibid.*

¹¹⁰ *ibid.*

¹¹¹ *Shabbir Hussain Kazmi and others v Government of Pakistan* (PLC 2006 CS 49).

¹¹² *Case no. 5091 2006*, (PLD 2007 SC 232).

¹¹³ Shah (n 83) 22.

¹¹⁴ *ibid.*

granted liberty from a brick kiln in Basir Pir Ismail, located near Multan, after a writ petition was filed by the HRCP before the Lahore High Court's Multan Bench in 2019.¹¹⁵ Similarly, 43 bonded labourers were freed in November 2021, in the district of Khuzdar, after the HRCP filed a petition to the Balochistan High Court.¹¹⁶ Additionally, 78 bonded labourers, located in the district of Shaheed Benazirabad, were freed in 2019 and 15 in 2021.¹¹⁷ These statistics illustrate a clear and active enforcement of the law by the Courts.

More recently, the Islamabad High Court appointed a Commission to assess the enforcement and violation of labour laws within the brick kiln industry and provide recommendations.¹¹⁸ The appointment of the Commission by the Court is further indication of the serious attitude of the judiciary to enforce the legal framework against bonded labour.

4.4 The Role of Non-Governmental Organisations (NGOs)

In light of the government's negligent attitude towards bonded labourers, NGOs have stepped in to aid bonded labourers attain freedom. These NGOs have often held the State accountable for its lack of interest and issued multiple reports thereby holding the State accountable to some degree, albeit not enough.

4.4.1 Drafting and Publication of Data and Provision of Education

The Hari Welfare Association (HWA) is an NGO operating in Sindh for the welfare of bonded labourers, including children and women. It has played an active role in drafting and publishing data on the state of bonded labourers and has continuously raised its voice against the injustices suffered by them.¹¹⁹

¹¹⁵ Mehdi Hasan, 'HRCP secures release of bonded workers' (HRCP, 2019) <<https://hrcp-web.org/hrcpweb/hrcp-secures-release-of-bonded-workers/>> accessed 6 May 2023.

¹¹⁶ Hina Jilani '43 bonded labourers released from Khuzdar after HRCP Petition' (HRCP, 2021) <<https://hrcp-web.org/hrcpweb/43-bonded-labourers-released-from-khuzdar-after-hrcp-petition/>> accessed 6 May 2023.

¹¹⁷ Business Recorder (n 85)

¹¹⁸ Malik Asad 'IHC forms commission to examine labour laws' violation in brick kilns' (Dawn News, 3 January 2021) <<https://www.dawn.com/news/1599377>> accessed 24 April 2023.

¹¹⁹ Hari Welfare Association, 'Peasant and Labour Rights' (Hari Welfare Association, n.d) <<https://hariwelfare.org/peasants-and-labour-rights/>> accessed 6 May 2023.

Moreover, the NGO runs seven schools within different districts of Sindh providing free education to the children of bonded labourers.¹²⁰

4.4.2 Large-Scale District-Specific Studies

The Rural Support Programmes Network (RSPN) is an NGO located in Islamabad which undertook a study of bonded labour within the district of Umerkot in 2009¹²¹ and recently initiated a project to legally empower bonded labourers within the districts of Tando Mohammad Khan and Tando Allahyar in Sindh. It also conducted surveys to better understand the position of bonded labourers within the concerned districts.¹²² The surveys were then utilised to generate a report apprising concerned bodies about the situation of bonded labourers within those districts and further provide recommendations.¹²³ The project facilitated greater data accuracy for the concerned area, thereby aiding concerned bodies in appropriately tackling the practice and ensuring that the needs of those geographically specific bonded labourers were met. However, such large-scale research projects, focusing on specific districts, are rarely conducted by NGOs.

4.4.3 Legal Aid and Annual Reports

The HRCP is an NGO with offices in all provinces in Pakistan that has helped free bonded labourers all across the country. It has constantly urged civil society and political leaders to play their role in eradicating the practice of bonded labour.¹²⁴ Moreover, it issues annual reports apprising considered bodies about the status of human rights violations within Pakistan, including those incurred by bonded labourers, and therefore continues to play a pivotal role in combating the practice.

¹²⁰ Hari Welfare Association, 'A Brief of Hari Welfare Association' (*Hari Welfare Association*, n.d) <<https://hariwelfare.org/about-us/>> accessed 6 May 2023.

¹²¹ Farhan Sami Khan and others, *Bonded Labour District Umerkot* (Rural Support Programmes Network, 2009) 6.

¹²² Rural Support Programmes Network, 'Study on Bonded Labour Practices: Tando Muhammad Khan and Tando Allahyar Districts, Sindh' (Islamabad: Rural Support Programmes Network, 2018) 1-5.

¹²³ *ibid* 12-26.

¹²⁴ Dawn, 'Hyderabad: Steps urged to eradicate bonded labour' (*Dawn News*, 26 February 2006) <<https://www.dawn.com/news/180418/hyderabad-steps-urged-to-eradicate-bonded-labour>> accessed 10 May 2023.

While other small NGOs are also working towards the same goal, they often lack funds to continuously carry out their work. Moreover, the majority of NGOs within Pakistan focus on other areas of human rights; therefore, bonded labourers often feel a sense of disinterest from NGOs as well.¹²⁵

5. INITIATIVES FOR BONDED LABOURERS IN NEPAL

In light of Pakistan's lack of effort towards eradicating bonded labour, this chapter will refer to initiatives undertaken by Nepal and use them to subsequently draw out recommendations for Pakistan in the final chapter.

5.1 Bonded Labour in Nepal

Over 230,000 Nepalese are enslaved under the bonded labour regime,¹²⁶ and the most common forms of bonded labour within Nepal are the *Kamaiya* and *Haliya* systems.¹²⁷ However, the UN International Children's Emergency Fund (UNICEF) has applauded Nepal for making 'remarkable progress in fighting traditional bonded labour practices.'¹²⁸ Reference will be made to both the systems alongside initiatives concocted to fight the practice.

5.1.1 The Bridge Project

The ILO, in collaboration with Nepal's government, launched the Bridge Project in 2021. This was a rehabilitation programme offering skills training to over 700 freed bonded labourers. It polished their labour skills, provided them with an increased income,¹²⁹ linked them to the job market through

¹²⁵ Business Recorder (n 85).

¹²⁶ The Kathmandu Post 'Over 230,000 Nepalis living in modern day slavery' *The Kathmandu Post* (Kathmandu, 2 June 2016) <<https://kathmandupost.com/national/2016/06/02/over-230000-nepalis-living-in-modern-day-slavery>> accessed 15 May 2023.

¹²⁷ Birendra R. Giri 'The Bonded Labor System in Nepal: Exploring Haliya and Kamaliya Children's Life-worlds' (2010) 29 *Himalaya: The Journal of the Association for Nepal and Himalayan Studies* 29.

¹²⁸ UNICEF, 'Ending forced and child labour in Nepal's brick industry – Need for a holistic approach' (UNICEF, 28 January 2021) <<https://www.unicef.org/nepal/press-releases/ending-forced-and-child-labour-nepals-brick-industry-need-holistic-approach>> accessed 15 May 2023.

¹²⁹ 50 for Freedom 'Eliminating Bonded Labour in Nepal: The Example of the Bridge Project' (ILO, 2021) <<https://50forfreedom.org/blog/stories/eliminating-bonded-labour-in-nepal-the-example-of-the-bridge-project/>> accessed 22 May 2023.

work placements and gave them additional support to facilitate their self-employment.¹³⁰ The project further economically and socially empowered women by training them and developing their skills in non-traditional arenas such as carpentry and masonry. While jobs in the concerned sectors were usually taken up by men, as a result of these trainings, women are now working in these sectors and able to provide for their families, and thereby avoid going back into bonded labour.¹³¹ Although Pakistan has undertaken similar projects with the ILO, none have specifically focused on economically and socially empowering women, and no such project has been reported within the last five years.

5.1.2 Sustainable Elimination of Child Bonded Labour (SECBL)

The ILO also launched the SECBL initiative in 2001 in collaboration with the Nepalese government to free children from bonded labour.¹³² The first phase of the project focused on the *Kamaiya* system of bonded labour and was eventually expanded to other systems of bonded labour during its second phase between 2008 and 2010. The project's second phase aided over 9600 children, 7000 parents and 3400 families.¹³³ It provided formal and non-formal education, training and employment options. It also facilitated the unionisation of agricultural workers to introduce changes to wages paid to them.¹³⁴ As union members, they were empowered to raise their concerns at the central policy and executive level regarding working hours, minimum wage, and social protection. They were further able to work together to exercise vigilance against the bonded labour regime.¹³⁵

Moreover, community chiefs and other community leaders with influential roles in their communities who formerly encouraged participation of children in bonded labour, were apprised of the legal, moral and ethical implications

¹³⁰ ILO, 'Breaking bonded labour and gender roles in Nepal' (ILO, 2018) <https://www.ilo.org/asia/media-centre/articles/WCMS_619926/lang-en/index.htm> accessed 22 May 2023.

¹³¹ *ibid.*

¹³² IPEC and SECBL, 'Successful Strategies and Experiences in Combating Child Bonded Labour in Nepal' (ILO, 2011) 4.

¹³³ *ibid.*

¹³⁴ *ibid.*

¹³⁵ *ibid.* 26.

of doing so. Large awareness campaigns were undertaken by the project on the harms of bonded labour.¹³⁶ Furthermore, the project involved various ministries in ‘reviewing, drafting and enforcing’ the necessitated legislative measures to eliminate the practice.¹³⁷ The project undertook actions directly targeted towards the beneficiaries alongside indirect actions through policy reforms and capacity building.¹³⁸ The foregoing strategies and initiatives undertaken by the project were successful in providing long-term relief to bonded labourers.

Although Pakistan has undertaken similar initiatives within its projects, and bonded labour has a history of unionisation through organisations such as the Bonded Labour Liberation Front and Pakistan *Dehati Mazdoor Tanzeem*, there have been no reports of educating community leaders playing a significant role in its rural areas.

5.1.3 Crime Against the State

Gokarna Bista, the former Minister for Labour, Employment and Social Security for Nepal, recognised bonded labour as a crime against the State and renewed the Government’s pledge to eradicate the practice in 2019.¹³⁹ The concerned declaration serves as an evidence of Nepal’s determination to eradicate bonded labour and aids in educating the public about the grave nature of the practice.¹⁴⁰ While such a declaration may not be an effective deterrent for the practice, it does give the issue attention within the media and increases awareness about its harms.

¹³⁶ *ibid* 17.

¹³⁷ *ibid* 4.

¹³⁸ *ibid*.

¹³⁹ Chandan Kumar Mandal, ‘Nepal reaffirms commitment to eliminating forced labour, human trafficking and child labour’ *The Kathmandu Post* (Kathmandu, 21 November 2019) <<https://kathmandupost.com/national/2019/11/21/nepal-reaffirms-commitment-to-eliminating-forced-labour-human-trafficking-and-child-labour>> accessed 2 June 2023.

¹⁴⁰ *ibid*.

5.1.4 *Kamaiya* System

In 2019, around 100,000 Tharu people were estimated to be bonded labourers under the *Kamaiya* bonded labour system in Nepal.¹⁴¹ The Nepalese Government abolished the *Kamaiya* system through a declaration in 2000, which was further reaffirmed by the Bonded Labour (Prohibition) Act, 2002.¹⁴² The Act freed the *Kamaiya* families and offered them 679-1690 square meters of land for them to build their own homes.¹⁴³ While the provision of land may only be the first step towards rehabilitating freed bonded labourers, it aids in eradicating bonded labour since land ownership strengthens one's economic position in society, enables them to cultivate that land for the purposes of farming and also provides shelter.

In comparison, Pakistan's projects have primarily focused on education and skills training, and have not focused on providing land to freed bonded labourers which would have aided the State in fighting the practice significantly.

5.1.5 *Haliya* system

Anti-Slavery International, alongside the Nepal National Dalit Social Welfare Organisation (NNDSWO), launched a project to monitor the application of the government's rehabilitation programme to ensure that it meets the needs of *Haliya* people.¹⁴⁴ Furthermore, the project aimed to free 36,000 *Haliya* people from bonded labour and informed them of their rights and provided them access to education alongside skills to attain economic stability.¹⁴⁵ Young people were also provided vocational training, skills development in literacy, finance, and mathematics together with start-up support. It further aimed to provide tuition classes, books, uniforms, and transition support to

¹⁴¹ Leah M. Metzger 'Modern Slavery: An Analysis of the Kamaiya System in Nepal' (2019) Orphans and Vulnerable Children Student Scholarship 1, 4.

¹⁴² *ibid* 9-10.

¹⁴³ ILO, 'Breaking bonded labour and gender roles in Nepal' (n 130)

¹⁴⁴ Anti-Slavery International, 'Nepal: tackling bonded labour' (*Anti-Slavery International*, n.d) <<https://www.antislavery.org/what-we-do/nepal-bonded-labour/>> accessed 7 June 2023.

¹⁴⁵ *ibid*.

over 3000 children and ensure that they remain within schools to break the inter-generational loop of bonded labour.¹⁴⁶

Pakistan has undertaken similar initiatives in its limited projects; however, it has not launched projects to specifically monitor the application of the Act, which would have otherwise added pressure on the Government to enforce the law and thereby been fruitful.

6. RECOMMENDATIONS FOR PAKISTAN

The following are some recommendations for Pakistan in light of its current legal framework on bonded labour.

6.1 Establishing Functional Oversight Mechanisms

A three-tiered oversight mechanism consisting of a national task force and provincial and district committees should be established. The national task force should be headed by the Federal Secretary of the Ministry of Human Rights and have one representative of the HRC, the Ministry of Law and Justice, the Ministry of Interior and civil society. One member from the proposed provincial committees should also be a part of the national task force to facilitate the coordination between the national task force and provincial committees. Parties to the three-tiered mechanism should work towards policy framework and monitoring the enforcement of legal provisions on bonded labour. Funds, offices, transportation, professional manpower and other necessary resources should be allocated for them to carry out their role effectively. Moreover, lawyers, NGOs and human rights activists should hold the heads of these committees accountable.

6.2 Revision of the Act and Rules and The Need For A New Action Plan

The Federal Act 1995 Rules and the NPPA were passed several decades ago and have not been updated to account for inflation and changing political structures. The Act, and section 374 of the PPC, should be amended to

¹⁴⁶ *ibid.*

introduce a greater sentence of imprisonment¹⁴⁷ and fines should be increased to a minimum of 500,000 rupees in light of international best practices. While the provincial Acts have increased the fine, in comparison to the Federal Act, their fines should be further increased in light of Pakistan's devaluing currency. An increase in prison sentence and fine will act as an effective deterrent to the practice.

Moreover, the Punjab, KPK and Balochistan Acts should be amended to completely prohibit *peshgi* as it is counterproductive to the abolition of the regime. Furthermore, the 1995 Rules should be revised in order to set up a monitoring committee to examine each DVC's performance. While Pakistan's National Action Plan on Business and Human Rights 2021 tackles the issue of bonded labour,¹⁴⁸ the State should concoct a new action plan solely against the bonded labour regime in order to provide special protection to bonded labourers. Vulnerable groups, considering international best practice, benefit from instruments that solely focus on them. Moreover, a new action plan against bonded labour will ensure its relevance and practicability which the NPPA fails to do given the changes in the bonded labour regime.

6.3 Media's Attention

The media has often underreported the prevalence of bonded labour within the State and the civil society, as a result, lacks awareness about its severity and degree of prevalence within Pakistan (many being entirely unaware of the practice). Given the strong role the media plays in disseminating information to the public, Pakistan should incentivise the industry to play an active role in highlighting the practice. The media should actively conduct interviews with freed bonded labourers, host talk shows with lawyers and NGOs working against the regime and create public mobilisation and support in order to generate policy changes.¹⁴⁹ This will not just help influence the civil society in standing up against the practice but also add pressure on political leaders and

¹⁴⁷ National Action Plan on Business and Human Rights, (Ministry of Human Rights, 2001) 41 <https://portal.mohr.gov.pk/wp-content/uploads/2021/11/NAP-BHR.pdf>.

¹⁴⁸ *ibid* 41-42.

¹⁴⁹ ILO, 'Media Reporting on Forced Labour and Fair Recruitment' (ILO, 2018) <https://www.ilo.org/global/topics/labour-migration/events-training/WCMS_634739/lang-en/index.htm> accessed 7 June 2023.

hold law enforcement accountable for a lack of enforcement of the existing legal provisions prohibiting bonded labour.

6.4 Increased Literature

The literature on bonded labour within Pakistan continues to be limited as few academics, think tanks, NGOs and human rights activists focus on the issue. Pakistan is advised to mobilise the foregoing persons and bodies to carry out thorough research on bonded labour within the State, together with generating reports, books, and journal articles aiming to provide an accurate and geographically-specific understanding of the practice. These will assist in creating awareness among students and the general public and add pressure on the Government to enforce the law.

6.5 The Need for Recent Projects

Pakistan has not reported any recent projects, either independent or in collaboration with local or international NGOs, which is a consequence of the lack of priority given to bonded labourers. This enables current and future Governments to continue ignoring their plight. The Government, especially the Ministries of Labour and Human Rights, should undertake new initiatives to ameliorate the grievances of bonded labourers and ensure that the statutes are enforced. Moreover, they should collaborate with international organisations to generate resources and implement effective mechanisms to eradicate the practice.

6.6 Unionisation of Bonded Labourers and Provision of Land

The unionisation of Nepalese bonded labourers and provision of land raised their position within the society and empowered them to fight for their rights. Taking from this, keeping in mind its own history of unionisation of bonded labourers, Pakistan is advised to continue encouraging and including unionisation of bonded labourers and provision of land as two of the aims of its projects and action plans in order to socially, economically, and politically empower them within the State.

6.7 Political Interest and Declaration of the Act as Crime Against the State

While bonded labour has been continuously condemned by Pakistani judges, lawyers, human rights activists and NGOs, political leaders have often turned a blind eye towards it.¹⁵⁰ In light of Nepal's example, Pakistan is advised to recognise bonded labour as a crime against the State as it will increase the severity of a violation of the Acts. Moreover, its political leaders should actively condemn the practice in order to show the State's continued disapproval of bonded labour and be held accountable by the judiciary, NGOs and opposing parties, for not actively enforcing the Act.

6.8 Registration of Bonded Labourers with NADRA

Many Pakistani bonded labourers are unregistered as citizens with NADRA¹⁵¹ which prevents them from voting in elections and deprives them of many other rights. Pakistan is advised to launch mass registration projects in order to register them with NADRA thereby permitting them to vote for political leaders that promise to safeguard their interests. This will further give them a greater footing within the society as their unregistered status is often utilised by employers to exploit them. Moreover, NADRA should generate a digital database of people involved in bonded labour (bonded labourers and employers), together with FIRs lodged and cases against employers and access to this database should be given to the proposed national, provincial and district committees. This will increase efficiency, help the committees evaluate progress and ensure accountability.

7. CONCLUSION

Although the number of bonded labourers has decreased over time, the practice continues to be widespread within Pakistan. Despite significant legal and policy initiatives to eradicate the practice, it still persists. Pakistan undertook several independent, and collaborative, initiatives; however, these

¹⁵⁰ Ercelawn and Nauman (n 4).

¹⁵¹ Rehan Piracha, 'Kiln Workers Not Bound To Repay Vicious Debt: Athar Minallah' (*VoicePK*, 3 February 2021) <<https://voicepk.net/2021/02/kiln-workers-not-bound-to-repay-vicious-debt-athar-minallah/>> accessed 14 June 2023.

have been limited and lack sustainability. While judges have played an active role in enforcing the law, the Government and law enforcement bodies have often shown neglect towards and ignorance for it. Moreover, most DVCs continue being dysfunctional and lack resources; only a handful of NGOs are focusing on the regime and its victims. Additionally, the media has often underreported the grievances of bonded labourers and the lack of enforcement of the law thereof. These, alongside a lack of accountability, have significantly hindered Pakistan's abolition efforts. It may be contended, however, that the recent enactment of provincial legislation abolishing bonded labour indicates a shift in the State's attitude and a demonstration of its willingness to eradicate the regime, however, no governmental initiatives have been reported in the past five years. To effectively fight against the practice, Pakistan should take into consideration the recommendations made in the final chapter of this article.