

## **BONDED LABOUR SYSTEM (ABOLITION) RULES, 1995<sup>1</sup>**

[July 20, 1995]

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

### **1. Short title and commencement:--**

- (1) These rules may be called the Bonded Labour System (Abolition) Rules, 1995.
- (2) They shall come into force at once.

### **2. Definitions:--**

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

- (a) "Act" means the Bonded Labour System (Abolition) Act, 1992 (III of 1992).
- (b) "authority" means authority prescribed under rule 3.
- (c) "Chairman" means the Chairman of Vigilance Committee.
- (d) "Fund" means Fund established under rule 9; and
- (e) "Vigilance Committee" means the Vigilance Committee set up under rule 6.

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

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

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

---

<sup>1</sup> Gaz. of Pak., Extra., Pt. II, July 22, 1995, p. 1683-1689.

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

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

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

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

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

#### **4. Powers and duties of the District Magistrate for implementing the provisions of the Act.--**

(1) The Provincial Government shall, by notification in the Official Gazette, confer upon every District Magistrate in the Province the following powers, namely:

- (a) to inspect any premises or work place in his jurisdiction where he has reason to believe that bonded labour system is being enforced and make such examination of that place or any record, register or other documents maintained therein and may require any explanation of any person or record or document and take such measures as he may consider necessary for the purposes of the Act;
- (b) to call for such information from the creditor or any other person as he may deem necessary for the discharge of his functions;
- (c) to enquire into any matter relating to the implementation or violation of the provisions of the Act; and
- (d) to exercise such other powers as may be conferred upon him for carrying out the purposes of the Act.

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

- (a) to mobilize Government and non-government organizations falling in his jurisdiction for the purpose that those should work together so as to bring to light the cases of bonded labour so that measures should be taken under the law for their freedom and rehabilitation;
- (b) to urge academic institutions and vocational training schools to prepare programs for the education and training of workers freed from the bonded labour system;
- (c) to persuade philanthropists and social welfare organizations to undertake activities to rehabilitate and promote the welfare of the freed bonded labourer by; securing and protecting the economic interest of such freed bonded labourer to enable him not to contract any further bonded debt; and
- (d) to perform such other duties as may be conferred upon him for carrying out the purposes of the Act.

#### **5. Other Officers to exercise powers and perform duties conferred upon a District Magistrate.**

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

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

#### **6. Constitution and meetings of the Vigilance Committees.--**

(1) The Provincial Government shall, by notification in the Official Gazette, constitute in each district of the province a Vigilance Committee consisting of the following members, namely:--

- (a) Deputy Commissioner of the District ..... Chairman
- (b) A police officer not below the rank of Superintendent of Police as nominated by the Senior Superintendent of Police of the District. .... Member

- (c) District and Session Judge, retired or serving, to be nominated by the Provincial Government. .... Member
- (d) President District Bar Association ..... Member
- (e) An elected representative of the District Council, to be nominated by the Local Government and Rural Development Department of the Provincial Government. .... Member
- (f) A member of the Provincial Assembly, to be nominated by the Provincial Government in consultation with the Local Government and Rural Development Department of the Province. .... Member
- (g) A representative of the Labour and Manpower Department of the province not below the rank of Assistant Director Labour Welfare, to be nominated by that Department ..... Member
- (h) A representative of the Labour, Manpower and Overseas Pakistanis Division of the Federal Government, to be nominated by that Division. .... Member
- (i) A representative of the Education Department not below the rank of an officer in BPS-17 or a staff member of an educational institution run or controlled by the Provincial Government, to be nominated by that Department. .... Member
- (j) A representative of the Agriculture Department not below the rank of an officer in Basic Pay Scale 17, to be nominated by that Department ..... Member
- (k) A representative of the Health Department preferably a qualified physician, to be nominated by that Department. Member
- (l) A representative of recognised body of workers, to be nominated by the Provincial Labour and Manpower Department in consultation with that body. Member
- (m) A representative of a recognised body of employers, to be nominated by the Provincial Labour and Manpower Department in consultation with that body. Member
- (n) A representative of registered or recognised NGO working for the protection of human rights, to be nominated by the District Administration with approval of the concerned Deputy Commissioner. .... Member

- (o) A journalist of a standing competence and having ..... Member experience of working in the field of human rights, to be nominated by the Federal Information Department.
- (p) A representative of Social Welfare Department ..... Member of the Province not below the rank of an officer in BPS-17, to be nominated by that Department.
- (q) Two representatives of recognised social services, ..... Member one from All Pakistan Women Association and one from any other body established to render services to the society at large for its development, to be nominated by the Federal Government.

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

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

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

#### **7. Functions of the Vigilance Committee.--**

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

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

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

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

#### **8. Tenure of office of non-official members.--**

(1) A non-official member of the Vigilance Committee shall hold office for a period of two years from the date of his appointment as a member and shall be eligible for re-nomination.

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

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

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

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

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

#### **9. Establishment of the Fund.--**

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

- (a) any initial or subsequent contribution made by the Federal Government or Provincial Government;
- (b) such sums and voluntary contributions as may, from time to time, be paid by any national or international organization; and
- (c) income from the investments made and properties and assets acquired out of the Fund.

(2) The Fund shall be utilized to:-

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

- (b) provide legal and financial assistance to the bonded labourer or their family members for the sake of protection of their rights under the Act.
- (c) finance the other measures for the rehabilitation and welfare of free bonded labourer as envisaged in sub-section (1) of section 10 of the Act;
- (d) meet expenditure in respect of cost of management and administration of the Fund; and
- (e) make investment in securities approved for the purposes by the Provincial Governments.

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

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

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

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

**10. Travelling allowance and daily allowance of non-official members.--**

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

