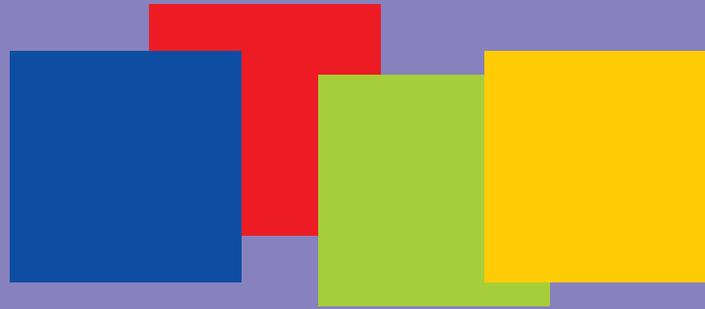




INTERNATIONAL LABOUR ORGANISATION



LABOUR & HUMAN RESOURCE DEPARTMENT
GOVERNMENT OF PUNJAB



Combating BONDED LABOUR

by
Capacity Building of
District Government Functionaries

Compiled
Saeed Ahmed Awan

Report of Workshops held in 2005

November

┌
└── 29-30 Islamabad

December

┌── 6-7 Lahore
└── 9-10 Multan



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(Report of three workshops held in Islamabad, Lahore, Multan)
(Nov. Dec., 2005)

Compiled By:
Saeed Ahmed Awan

January, 2006

Technical Assistance by:
Prevention and Elimination of Bonded Labour in South Asia (PEBLISA)
(Pakistan Component)

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Remarks By Malik Asif Hayat

Secretary Ministry of Labour, Government of Pakistan

It is a pleasure to be among you today, ILO and Department of Labour have charted a new path by sponsoring capacity development activities on largely ignored issue International Labour Standards in general and Bonded Labour in particular. In my experience this is first ever initiative of its kind undertaken for capacity building of district level officers, on the not so widely researched issue of Bonded Labour. It is hearting to see that we are making some progress on one of the biggest social, development and human rights tragedy of our times. But tangible progress cannot be made, unless policy makers and practitioners have a better understanding of the dimensions, characteristics and exploitative labour practices particularly bonded labour.

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Globally development, security and human rights are intricately linked, in words of UN Secretary General:

“We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights”

Dear officers, you are the cutting edge of executive machinery of the state, you will have to play a pivotal role in making our lackluster performance on this issue of International Labour Standards better. One of the issues or challenges is almost zero action under the bonded labour

law. Hopefully this capacity development effort will help you perform your duties more effectively.

As State functionaries you are custodians of rule of law and protectors of human rights. Today's proceedings will go a long way in assisting you in performing your very important duties effectively.

We must appreciate that bonded labour is one of the worst manifestations of poverty. It is one of the most complex challenges facing local communities, governments, employers and workers, and international community. This abhorable phenomenon afflicts many countries globally.

In June 1998 the International Labour Conference adopted a Declaration on Fundamental Principles and Rights at Work and its follow-up that obligates member States to respect, promote and realize freedom of association and the right to collective bargaining, the elimination of all forms of bonded labour, the effective abolition of child labour, and the elimination of discrimination in respect of employment and occupation. We see the promotion of these core labour standards, including the abolition of forced and bonded labour, as integrally related to the objectives of effective poverty reduction

It is a matter of concern that forced labour is becoming a global problem. It is present in all regions and in all types of economies. While forced labour thrives amidst poverty, it can be a cause rather than a

consequence of such poverty. There are also structural concerns of labour market policies and regulations. Forced labour will thrive when there are no controls over recruitment agencies or subcontracting systems, or weak labour inspection. Combating forced labour requires a strong legal framework, and also close cooperation between labour and other law implementing authorities.

Many orthodox economists call for the progressive dismantling of labour regulations to ensure smoother and more flexible functioning of labour markets. Ironically, it is precisely this deregulation that has led to one of the worst forms of labour market failure. Forced labour is a labour market failure because it violates key conditions of labour markets to function efficiently, namely the freedom of workers to exercise choice and to receive sufficient remuneration for freely chosen employment. The right to freedom is essential for efficient labour market, in the same way that property rights are essential for efficient product markets

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We have to accept that abusive control of one human being over another is the antithesis of decent work. Which essentially means exercise of coercion and denial of freedom. This has extremely negative effects on productivity and well-being of poor people trapped in such situation

We must be aware of the fact that issue of child and bonded labour now does not remain only an internal human rights concern but also has bearing on the future of our exports, as the future international market

access is critically linked to ratification and implementation of various international conventions on human rights, including those on the abolition of bonded labour and child labour.

Participants, today's significant event represents an interesting beginning towards understanding different implications of International Labour Standards, and suggesting real practical action that is now so desperately needed.

I am pleased to see that participants belonging to district governments are participating in this workshop, I believe these issues require an organic and holistic approach, and for that we need concerted efforts involving provincial and district governments, it is an issue which can not be dealt by Ministry of Labour alone. We look forward to you as advocates of labour standards and rights in your respective work places.

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On behalf Ministry of Labour, and we are grateful to International Labour Organization for bringing this important issue on the agenda of public sector training.

Thank you

Remarks by Director ILO Office Pakistan

It is a privilege for me to speak on behalf of my Director at this very august and important occasion.

The International Labour Organization is the UN specialized agency, which seeks the promotion of social justice and internationally recognized human and labour rights. Globally ILO works on 4 strategic objectives: 1) The promotion of fundamental principles and rights at work; 2) productive employment creation; 3) social protection for all and 4) social dialogue. These strategic objectives are underpinned by ILO's Decent Work Agenda.

As you learn during the workshop the foremost activity of the ILO is setting international labour standards that are translated into national action. Within this domain ILO is also responsible for the application of these standards in national contexts and their supervision. Being a technical agency, ILO recognises that states cannot automatically apply standards nationally. For smooth implementation, ILO provides member states with technical cooperation services to address its labour related issues.

As such, ILO has been the most prominent exponent of human rights concerns and social justice since its inception in 1919. To date, ILO has passed 185 Conventions and 192 Recommendations. ILO's chief instrument of fundamental human and worker's rights is the Declaration on Fundamental Principles and Rights at Work adopted by the International Labour Conference in June 1998;

The Declaration is not a legal instrument like an ILO Convention that states ratify and apply at the national level, but by virtue of being member states of ILO, all countries as well as employers and workers organizations, regardless of their level of economic development, cultural values and history, are obliged to adhere by its principles and pass no legislation or adopt any measures that contravene it;

The Declaration is premised on four core principles. These are:

- Freedom of association and the right to collective bargaining;
- Elimination of all forms of forced or compulsory labour;
- Abolition of child labour;
- Elimination of discrimination in respect of employment or equality of treatment in employment;

To complement these 4 principles of the Declaration, 8 core ILO Conventions have been laid down as minimal standards.

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Convention 87: Freedom of Association and Protection of the Right to Organise, (1948)

Convention 98: Right to Organise and Collective Bargaining, (1949)

Convention 29: Forced Labour Convention, (1930)

Convention 105: Abolition of Forced Labour Convention, (1957)

Convention 138: Minimum Age Convention, (1973)

Convention 182: Elimination of the Worst Forms of Child Labour, (1999)

Convention 100: Equal Remuneration Convention, (1951)

Convention 111: Discrimination (Employment and Occupation) Convention, (1958)

Pakistan has ratified 7 out of the 8 core ILO Conventions and has passed national legislation and policies to give effect to these Conventions. Of these the most notable are the Cabinet approved two national policies on bonded labour and child labour. The bonded labour policy is perhaps the only of its kind in the world. I will not go into any details as others will do so later on.

As follow up to the Declaration, promotional activities are carried out all over the world for effective realization of its principles. Follow up includes global thematic research, awareness raising, sensitization and provision of technical assistance for capacity development of institutions that are entrusted with the job of implementing or enforcing these rights.

Today's workshop for district level officers is a case in point, where a strategic activity like this is bound to have manifold results. The objective of this seminar is to develop your capacity to understand and implement the International Labour Standards, and particularly Bonded Labour System Abolition Act and the National Policy and Action Plan for the Abolition of Bonded Labour. You as the front line implementors have a direct responsibility to ensure that justice is served and due process is observed.

In Pakistan, ILO has been carrying out several activities related to bonded labour over the past few years. The most important activities relate to the operationalisation of the national policy on bonded labour and the bonded labour law by addressing some of the challenges that obstruct its implementation by developing the capacity of the national mechanisms that are responsible for their implementation.

In partnership with Ministry of Labour, ILO has been implementing a project for the Prevention and elimination of Bonded Labour since 2002. The project has both upstream and down stream interventions.

Mainly it seeks to address some of the challenges that obstruct the implementation of Pakistan's national policy and it seeks to develop the capacity of the mechanisms for the effectuation of the Bonded Labour System Abolition Act. To name a few achievements of many, approximately 50 District Vigilance Committees were reconstituted nationally and five of them trained regarding their role and the law in Sindh last year, plus a manual and training material were produced. In addition, Legal Aid Service were extended to pilot and test whether these specialized services would be used at all. As a spin-off the Ministry of Labour in partnership with provincial governments is establishing a Legal Aid Service from its own funds. Reliable knowledge was scant, through ILO assistance. Government of Pakistan has published a compendium of studies in 10 sectors with incidence of bonded labour. These studies are expected to provide a foundation for policy initiatives in the future. The project has a very large number of successes I can enlist, however, its most notable achievement was that it was recognized and awarded by World Bank as a best example of innovative actions for poverty reduction in 2003.

Without further ado I trust that our efforts will be productive and successful and I hope that this workshop will help perform your duties more effectively. We are grateful to Ministry of Labour and Department of Labour Punjab, for providing this opportunity of collaboration,.

THANK YOU

Keynote Address of Maj. (R) Shahnawaz Badar Secretary Labour & Human Resource Department, Punjab

I would like to thank ILO in helping us organize this two days capacity building workshop for the district government officers on Bonded Labour. It is ironic that in 21st Century we are discussing bondage of human beings which reminds us of slavery in ancient times. But it is a sad reality that many human beings around the world find themselves in an unfortunate situation, where they do not enjoy the freedoms, me and you enjoy. In Pakistan bonded labour in different forms is found especially in the rural areas and in certain geographic regions. Government of Pakistan is fully committed to eradicate the problem of Bonded Labour from Pakistan. Bonded labour is a curse condemned not only by our religion but our constitution and laws also prohibit it. We should get rid of this curse as soon as possible. The problem of bonded labour is outcome of poverty backwardness, illiteracy and outdated customs. The present government is committed at the highest level to eliminate this problem. We are working hand in had with ILO to implement relevant International Labour Standards. Pakistan has ratified ILO's Convention 29 and 105 on Forced Labour and during the last 5 years, we have recently ratified ILO Convention 182 on "Worst Forms of Child Labour" and the Convention 100 on "Equal Remuneration". In fact all these conventions are amongst the core 8 conventions of ILO and are universally recognised as fund basic rights of workers.

Despite the promulgation of Bonded Labour Systems (Abolition) Act 1992 and formation of District Vigilance Committees no effective action has been taken to end this curse. The District Vigilance Committees have remained largely dormant. We have felt that a major reason was the lack of capacity within the district governments and lack of proper understanding of the issue. As you will learn in this workshop this state of affairs should not and cannot continue indefinitely. It has huge implications for the country's standing in the comity of nations. It has bearings on our international trade. Also it is a matter of shame for a nation and country which cannot eliminate bondage of humans. We have to be proactive in our approach to this problem.

The practice of debt bondage in Pakistan is common known as *Peshgi* system. Instead of asking wages in exchange for their work, poor workers take an advance from an employer, in money or in kind, under the obligation to work for that employer until their debt is paid off. The loan (*peshgi*) may be taken for many reasons. They see it as a form of protection against unemployment. The loan ties them to a particular employer, who is then perceived to have an obligation to continue employing them.

Peshgi advance are often quite substantial- much more than can be repaid in just a few months. In extreme cases, debts are so great that they are inherited from one generation to another. In other cases the amount of money may be relatively small. This workshop provides you an opportunity to appraise yourself with legal, social and economic intricacies involved with the bonded labour phenomenon.

Unfortunately no authentic survey has been carried out so far to estimate number of bonded labourers in the country. Identification of bonded labour is a very complicated and difficult task because of its invisibility. It is often argued that the families with are considered to be in bonded labour are specialized in the relevant skills and they bargain advances in return of their services. This is the case where the whole family is involved in a particular type of work. The situation becomes quite complicated and is difficult to identify and reach out.

I would like to bring it your knowledge that a National Plan of Action for Elimination of Bonded Labour has been announced by the Government of Pakistan, which indicates that the Government of Pakistan recognises the problem of bonded labour and is serious about tackling it. A Fund of Rs. 100 million has also been established for Rehabilitation of Freed Bonded Labourers and Education of Working Children. In fact the main reason for holding this workshop is to engage the district governments in the fight against bonded labour. Key district government officers will be trained on the different aspects of bonded labour and they will be helped to come up with viable project proposals which will be submitted to the Bonded Labour Fund for funding.

I sincerely hope and expect from all of the district government officers invited for this workshop to use your time here most productively. You should have at least a basic proposal ready by tomorrow which can then be submitted to the Labour Department in Punjab through your respective district governments. This proposal will also provide an opportunity to call a meeting of District Vigilance Committee whose support should be obtained for the proposal.

We would also like to benefit from your presence here and involve you in consultation process on ILO's Convention 182 on Worst Forms of Child Labour. The main features of this convention and your obligations under it will be explained to you. Your viewpoint will be obtained on the list of hazardous occupations prepared under this Convention, so a more coherent approach could be adopted to implement this Convention as well.

I would like to thank the district governments who have nominated the Executive District Officers (Community Development) for the participation. This workshop and its follow up will provide a much better forum for us to work together for a bondage free, prosperous and happy society.

Introduction to International Labour Standards to Forced Labour

Dr Syed Tauqir Shah
Advisor on Bonded Labour, ILO Office,
Islamabad

The International Labour Organisation (ILO) is the oldest UN agency. It was established in 1919. The primary reason for its creation was to promote global peace and harmony by promoting social justice. The preamble to the constitution of ILO states that “*Universal and lasting peace can be established only if it is based upon social justice*”. Since its inception, the ILO has maintained and developed a system of international labour standards aimed at promoting opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and dignity. According to the UN Secretary General Mr. Kofi Annan, “We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights”. In today's globalized economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all. Decent work sums up the aspirations of people in their working lives. It involves opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.

Decent work should be at the heart of global, national and local strategies for economic and social progress. It is central to efforts to reduce poverty, and a means for achieving equitable, inclusive and sustainable development. The ILO works to promote decent work through its work on employment, social protection, standards and fundamental principles and rights at work and social dialogue. In each of these areas, people throughout the world face deficits, gaps and exclusions in the form of unemployment and underemployment, poor quality and unproductive jobs, unsafe work and insecure income, rights which are denied, gender inequality, migrant workers who are exploited, lack of representation and voice, and inadequate protection and solidarity in the face of disease, disability and old age. ILO programmes aim to find solutions to these problems. In today's globalized economy, international labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits to all. Globalization has created opportunities and benefits for many, yet at the same time millions of workers and employers worldwide have had to face new challenges. The globalized economy has displaced workers and enterprises to new locations, resulted in the sudden accumulation or flight of capital, and caused financial instability in certain regions. Despite initial optimism, globalization has not ushered in an era of prosperity for all. In 2001 it was estimated that virtually half of the world's population survived on US\$2 or less per day, while some 1.1 billion people, or 21% of the world's population, were living on US\$1 or less per day.

Inequality within many countries and between the world's richest and poorest nations has also grown exponentially over the last few decades. In 1960 the income gap between the wealthiest and the poorest fifth of the world's population was 30 to 1. By 1999, it had increased to 74 to 1.

The continued development of the global economy in this direction is neither sustainable nor desirable. Inequality not only leads to a decline in productivity but also breeds poverty, social instability and even conflict. In view of this, the international community has recognized the need to establish some basic rules of the game to ensure that globalization offers a fair chance at prosperity for everyone.

The Decent Work Agenda of ILO aims to achieve decent work for all by promoting social dialogue, social protection and employment creation, as well as respect for international labour standards. The standards have grown into a comprehensive system of instruments on work and social policy, backed by a supervisory system designed to address all sorts of problems in their application at the national level. They are the legal component in the ILO's strategy for governing globalization, promoting sustainable development, eradicating poverty, and ensuring that people can work in dignity and safety. The challenges of globalization have made international labour standards more relevant than ever. What benefits do they provide today?

International labour standards are first and foremost about the development of people as human beings. In the ILO's Declaration of Philadelphia of 1944, the international community recognized that "labour is not a commodity". Indeed, labour is not like an apple or a

television set, an inanimate product that can be negotiated for the highest profit or the lowest price. Work is part of everyone's daily life and is crucial to a person's dignity, well-being and development as a human being. Economic development should include the creation of jobs and working conditions in which people can work in freedom, safety and dignity. In short, economic development is not undertaken for its own sake but to improve the lives of human beings; international labour standards are there to ensure that it remains focused on improving human life and dignity.

Achieving the goal of decent work in the globalized economy requires action at the international level. The world community is responding to this challenge in part by developing international legal instruments on trade, finance, environment, human rights and labour. The ILO contributes to this legal framework by elaborating and promoting international labour standards aimed at making sure that economic growth and development go along with the creation of decent work. The ILO's unique tripartite structure ensures that these standards are backed by governments, employers, and workers alike. International labour standards therefore lay down the basic minimum social standards agreed upon by all players in the global economy.

An international legal framework on social standards ensures a level playing field in the global economy. It helps governments and employers to avoid the temptation of lowering labour standards in the belief that this could give them a greater comparative advantage in international trade. In the long run such practices do not benefit anyone. Lowering

labour standards can encourage the spread of low-wage, low-skill, and high-turnover industries and prevent a country from developing more stable high-skilled employment, while at the same time making it more difficult for trading partners to develop their economies upwards. Because international labour standards are minimum standards adopted by governments and the social partners, it is in everyone's interest to see these rules applied across the board, so that those who do not put them into practice do not undermine the efforts of those who do.

International labour standards are sometimes perceived as entailing significant costs and thus hindering economic development. A growing body of research indicates, however, that compliance with international labour standards often accompanies improvements in productivity and economic performance. The beneficial effects of labour standards do not go unnoticed by foreign investors. Studies have shown that in their criteria for choosing countries in which to invest, foreign investors rank workforce quality and political and social stability above low labour costs. At the same time, there is little evidence that countries which do not respect labour standards are more competitive in the global economy.

International labour standards are the result of discussions among governments, employers and workers, in consultation with experts from around the world. They represent the international consensus on how a particular labour problem could be tackled at the global level and reflect knowledge and experience from all corners of the world. Governments, employers' and workers' organizations, international institutions, multinational companies and non-governmental organizations can

benefit from this knowledge by incorporating the standards in their policies, operational objectives and day-to-day action. The standards' legal character allows them to be used in the legal system and administration at the national level, and as part of the corpus of international law which can bring about greater integration of the international community.

Conventions and Recommendations

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and setting out basic principles and rights at work. They are either *conventions*, which are legally binding international treaties that may be ratified by member states, or *recommendations*, which serve as non-binding guidelines. In many cases, a convention lays down the basic principles to be implemented by ratifying countries, while a related recommendation supplements the convention by providing more detailed guidelines on how it could be applied. Recommendations can also be autonomous, i.e. not linked to any convention.

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Conventions and recommendations are drawn up by representatives of governments, employers and workers and are adopted at the ILO's annual International Labour Conference. Once a standard is adopted, member states are required under the ILO Constitution to *submit* them to their competent authority (normally the parliament) for consideration. In the case of conventions, this means consideration for *ratification*. If it is ratified, a convention generally comes into force for that country one

year after the date of ratification. Ratifying countries commit themselves to applying the convention in national law and practice and reporting on its application at regular intervals. The ILO provides technical assistance if necessary. In addition, representation and complaint procedures can be initiated against countries for violations of a convention they have ratified.

Fundamental Conventions

The ILO's Governing Body has identified eight conventions as "fundamental", covering subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. These principles are also covered in the ILO's Declaration on Fundamental Principles and Rights at Work (1998).

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Priority Conventions

The ILO's Governing Body has also designated another four conventions as "priority" instruments, thereby encouraging member states to ratify them because of their importance for the functioning of the international labour standards system.

International labour standards evolve from a growing international concern that action needs to be taken on a particular issue, for example providing working women with maternity protection, or ensuring safe working conditions for agricultural workers. Developing international

labour standards at the ILO is a unique legislative process involving representatives of governments, workers and employers from around the world. As a first step, the Governing Body agrees to put an issue on the agenda of a future International Labour Conference. The International Labour Office prepares a report that analyses the laws and practices of member states with regard to the issue at stake. The report is circulated to member states and to workers' and employers' organizations for comments and is discussed at the International Labour Conference. A second report is then prepared by the Office with a draft instrument for comments and submitted for discussion at the following Conference, where the draft is amended as necessary and proposed for adoption. This "double discussion" gives Conference participants sufficient time to examine the draft instrument and make comments on it. A two-third majority of votes is required for a standard to be adopted.

There are two main ILO Conventions on forced labour. Convention 29 of 1930, ratified by 161 countries including Pakistan (23 December 1957) and Convention 105 of 1957, ratified by 158 countries including Pakistan (15 February 1960). Forced labour is defined in Convention 29 as "all work or service ..exacted ... under the menace of any penalty and for which the said person has not offered himself voluntarily". This convention requires the states to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. This Convention further stipulates that "Illegal extraction of forced labour will be a penal offense" (Article 25). This Convention does provide certain exemptions to the state to use forced labour in certain conditions and circumstances which are:

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- Work extracted as military service.
 - Work as part of prison sentence.
 - Work in times of emergency.
 - Minor communal work.

But under no circumstance a private entity can exact forced labour. Convention 105 makes further proposals to abolish certain forms of forced or compulsory labour and immediate and complete abolition of forced labour. Article 1 states: Member state to suppress and not to make use of any form of forced or compulsory labour:

- As a means of political coercion or education for opposing established political, social or economic system;
- To mobilize labour for purposes of economic development;
- As a means of labour discipline;
- As a punishment for participating in strikes;
- As a means of racial, social, national or religious discrimination

The ILO's supervisory bodies -- the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards -- regularly examine the application of International Labour Standards in ILO member States. Representation and complaint procedures can also be initiated against states that fail to comply with conventions they have ratified.

Once a country has ratified an ILO convention, it is obliged to report regularly on measures it has taken to implement it. Every two years governments must submit reports detailing the steps they have taken in

law and practice to apply any of the eight fundamental and four priority conventions they may have ratified; for all other conventions, reports must be submitted every five years, except for conventions that have been shelved (no longer supervised on a regular basis). Reports on the application of conventions may be requested at shorter intervals. Governments are required to submit copies of their reports to employers' and workers' organizations. These organizations may comment on the governments' reports; they may also send comments on the application of conventions directly to the ILO.

The Committee of Experts was set up in 1926 to examine the growing number of government reports on ratified conventions. Today it is composed of 20 eminent jurists appointed by the Governing Body for three-year terms. The Experts come from different geographic regions, legal systems and cultures. The Committee's role is to provide an impartial and technical evaluation of the state of application of international labour standards.

When examining the application of international labour standards the Committee of Experts makes two kinds of comments: observations and direct requests. Observations contain comments on fundamental questions raised by the application of a particular convention by a state. These observations are published in the Committee's annual report. Direct requests relate to more technical questions or requests for further information. They are not published in the report but are communicated directly to the governments concerned. Committee of Experts names countries violating their obligations in a report issued before every

International Labour Conference. Inclusion in COE report means country will have to defend itself in the Conference Committee on Application of Standards (CAS).

The annual report of the Committee of Experts, usually adopted in December, is submitted to the International Labour Conference the following June, where it is examined by the Conference Committee on the Application of Standards. A standing committee of the Conference, the Conference Committee is made up of government, employer, and worker delegates. It examines the report in a tripartite setting and selects from it a number of observations for discussion. The governments referred to in these comments are invited to respond before the Conference Committee and to provide information on the situation in question. In many cases the Conference Committee draws up conclusions recommending that governments take specific steps to remedy a problem or to invite ILO missions or technical assistance. The discussions and conclusions of the situations examined by the Conference Committee are published in its report. Situations of special concern are highlighted in special paragraphs of its General Report. Inclusion of country's name in special paragraph is considered very serious and can have serious repercussions on the image of that country.

National Legal Framework- Bonded Labour

Khalid Naseer Khan

Retired Joint Director Labour, Labour Department, Punjab

The prevalent National Legal Framework against the Bonded Labour finds its roots in the” Judicial Activism “of apex court of Pakistan manifested in Darshan Masih case . The Supreme Court of Pakistan converted a Telegram received on behalf of some confined Brick Kiln workers, into a Petition for enforcement of fundamental rights under Article 184(3) of Constitution of Pakistan. The Supreme Court pronounced historical judgment after involving all stakeholders as relevant parties in the case (PLD 1990 SC 513). Salient features of the judgment were:

- Filing of “Habeas Corpus” petitions would not be stopped.
- Women and children would not be pressurized to work.
- The “*Peshgi* System” was to be discontinued forthwith and payment was to be made to the workers concerned or the head of household direct in cash.
- The Jamandar & Jamandarni system will be abolished

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Article 11 of the Constitution of Islamic Republic of Pakistan mandates that all forms of forced labour and traffic in human beings are prohibited. Convention 29 of International Labour Organization which has been ratified by Pakistan reads that each member of the International Labour Organization which ratifies this convention undertakes to suppress the use of forced or compulsory labour in its all forms within shortest possible time.

As a sequel to historic judgment of the Supreme Court and directives contained therein, an Act under the name, style of BONDED LABOUR SYSTEM (ABOLITION) ACT 1992 was promulgated. It, basically, aimed at eradicating the menace of “*Peshgees*” (advances) which is deeply entrenched in the system since centuries and spawns many abhorable malpractices on the part of owner of enterprises. In Pakistan, workers are debt bonded rather than under servitude of forced labour or slavery. The Act stands guard against exploitative relationship between creditors (employers) and debtors (workers). The Section 4 of Law provides for abolition of the system of bonded labour. It prohibits payments of advances in pursuance of Bonded Labour System and rendering of any other form of forced labour. Any custom, tradition, contract, or other instrument of Bonded Labour shall be void. It freed unilaterally all the bonded labourers from bondage with simultaneous liquidation of their debts. The Act does away with every obligation of a bonded labourer to repay any bonded debt; it also dispenses with the future liability of repaying a bonded debt. The law provides that (a) no suit or other proceedings shall be instituted in any Civil Court for the recovery of any bonded debt (b) every suit or proceedings for the enforcement of any liability under Bonded Labour system shall stand dismissed (c) every decree or order for recovery of bonded debt shall be to have been fully satisfied (d) the attachment , transfer, sale or assignment made before the commencement of the Act for the recovery of any bonded debt shall stand vacated and such property shall be restored to the bonded labourer(s) any mortgage, charge , lien or other encumbrances shall stand discharged. The rule 3 of Bonded

Labour System (Abolition) Rules, 1995 provides for the constitution of Authorities by the Provincial governments for restoration of properties of Bonded Labourer in case of above eventualities.

Section 9 of the law stipulates the outlines of powers and function of District Magistrates (now District Nazims). He should be duly authorized by the provincial Governments to exercise powers under the Act for implementation of statutory provisions. Such powers can be delegated by District Magistrates (now District Nazims) to any functionary of the District including magistrates, Labour Officers, Labour Inspectors, police Officers not below the rank Deputy Superintendent of Police or Assistance Superintendent of Police. Their duties *inter alia* include

- To conduct enquiries and take appropriate action against violators of BONDED LABOUR SYSTEM (ABOLITION) ACT 1992.
- To promote the welfare of freed bonded labourers by securing and protecting their economic interests.
- To inspect premises or workplaces to ascertain existence of bonded labour.
- Mobilize Govt-NGOs to bring out cases
- To urge academic and vocation training Institutions to prepare programmes for freed bonded labour and their children
- To persuade philanthropists, SWO etc for rehabilitation & welfare of Bonded Labour.

Under Section-15 of the Act, Vigilance Committees are required to be constituted at the District level for implementation of the provisions of

the law. They are composite bodies headed by District Nazim with representatives from different cross sections of the society including elected representatives of the area, representatives of the district administration, Bar Association, press, recognized social services and NGOs. The powers and functions of Vigilance Committees *inter alia* include:

- To advise the district administration on matters relating to the effective implementation of the law and to ensure its implementation in a proper manner;
- To help in the rehabilitation of the freed bonded labourer;
- To keep an eye on the working of the law; and
- To provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law:

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Bonded Labour system (Abolition) Rules, 1995 prescribe functions of Vigilance Committees, procedures for holding of meetings of Vigilance Committees and tenures of official and non-official members.

Rule 9 of Bonded Labour (System) Abolition Rules 1995 stipulates that a Fund shall be established for the rehabilitation & welfare of freed bonded labourer. The Fund stands established with initial contribution of Rs. 100 million made by Pakistan Bait-ul-Mal and contributions have also been made by the provincial governments.

Although the Law exists in the statute books since last decade but its enforcement has suffered from numerous administrative and legal snags. For effective enforcement of law, sensitization of implementing officials

at all levels judicial training, institutional strengthening and (where necessary) law reforms, Capacity building to ensure compliance with law, pro-activity at all governmental levels and political will to grapple with the menace, are acutely required.

Introduction to National Policy and Plan of Action for the Abolition of Bonded Labour

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Bonded Labour in Pakistan is prohibited under the Constitution and the law. All advances and debts in furtherance of the bonded labour are void. The law relating to bonded labour namely, the Bonded Labour System (Abolition) Act, 1992 was promulgated as a consequence to a historical decision of the Supreme Court of Pakistan which took notice of incidence of bonded labour practices in brick kilns in 1988 and declared all advances as illegal. The core point in the judgment of the Supreme Court, announced on March 15 1989, was the decree against the *Jamadari* system. The Supreme Court also directed the Federal Government to prepare a self contained code defining clearly the term forced labour and laying down essential elements regarding fundamental rights, deprivations and miseries to human beings and the rights guaranteed under Islamic injunctions.

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The enactment of the Bonded Labour System (Abolition) Act, 1992 abolished the system of bonded labour with immediate effect and also extinguished the outstanding advances (*peshgees*) in the name of the bonded workers. The Act also made the commission of the offence of bonded labour punishable with imprisonment for a term of two to five years or with a fine not less than Rs.50,000/- or with both. Out of the fine, if recovered, payment is to be made to the bonded labourers at the

prescribed rate. The Act also provides for the establishment of Vigilance Committees at the district level. The implementation of the law is the responsibility of the district administration.

The rules framed under the Act namely Bonded Labour System (Abolition) Rules, 1995 provide the mechanism and procedural details to meet the objectives of the Act and also contain provision for establishment of the fund for the rehabilitation and welfare of the freed bonded labourers.

The requisite fund has been constituted with an initial amount of Rs.100 million. Procedure for administration of the fund has been framed and notified. All provincial governments have made their contribution with fund and it is

Pakistan is constitutionally, legally and Internationally committed to abolish bonded labour system and forced labour practices in all economic activities. In order to achieve this objective a firm implementation of the law is of utmost importance. It is therefore desirable to put in place a comprehensive action plan for the eradication and rehabilitation of bonded labour.

Although no survey has been carried out so far by the Government to assess the quantum of the problem, it is generally alleged that bonded labour exists in certain parts of the country particularly in agriculture and brick kiln sectors. There is a need to have a countrywide survey to find the actual number of bonded labourers. This will help implement any action plan for their freedom and rehabilitation. As the abolition of

bonded labour system carries serious economic and financial implications, the rehabilitation programme should provide suitable alternatives to make the plan effective.

The problem of bonded labour is steeped in history and is a result of prevailing socio-economic structures. An action plan, therefore, should address the problem through practical and long-term initiatives. An infrastructure is required to be evolved with training, employment generation avenues and schooling for the children of bonded workers and fully protective social safety net.

The Constitution of Islamic Republic of Pakistan

The provision of the Constitution of Islamic Republic of Pakistan prohibiting slavery, forced labour, etc. reads as:

Article 11(1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.

(2) All forms of forced labour and traffic in human being are prohibited.

Bonded Labour is a practice designed to exploit the poor people for their needs. Article 3 of the Constitution vests in the State, the responsibility to ensure to eliminate all forms of exploitation and gradual fulfillment of the fundamental principles. The provisions of the Constitution regarding freedom of movement, freedom of assembly, freedom of association, freedom of speech, equality of citizens and inviolability of dignity of man all go together against the practices of bondage, slavery and coercion

The Bonded Labour System (Abolition) Act, 1992.

The Government enacted the Bonded Labour System (Abolition) Act. in 1992, with a view to fulfilling its obligation arising out of the Constitution and international covenants. The Act abolishes the debt-bondage and forced labour in all forms regardless of age, sex, race, colour, and religion. It sets all bonded labourers free and extinguishes all bonded debts. It requires that 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 any form of forced labour.

The Rules framed in pursuance of the Act provide for the establishment of Vigilance Committees at District level, consisting of elected representatives of the area, representatives of the District Administration, Bar Associations, NGOs, workers body and different Departments of the Federal and Provincial Governments.

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International Instruments

Pakistan is also committed to end all forms of debt bondage, child servitude and forced labour by the ratification of certain international instruments including:

- The UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and institutions and Practices similar to Slavery 1956. The Convention was ratified by Pakistan in 1958.
 - ILO Convention No. 29 concerning Forced Labour, 1930, ratified by Pakistan in 1957.
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- ILO Convention No. 105 concerning the Abolition of Forced Labour, 1957 ratified by Pakistan in 1960.
 - The 1989 UN Convention on the Rights of the Child, Article 32 of which guarantees children's protection from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education.' The Convention was ratified by Pakistan in 1990.
 - Philadelphia Declaration adopted by ILO in 1944 concerning aims and objects of the organization also stresses upon the member states to observe the principles regarding freedom of association and expression and work without exploitation and compulsion.
 - ILO Declaration on Fundamental Principles and Rights at Work 1998 requires member states to furnish to ILO status report on the observance of core conventions including convention on forced labour.

UNO adopted Universal Declaration of Human Rights in 1948. It ordains to prohibit slavery, forced labour, bonded labour and all forms of exploitation. Pakistan being member of the United Nations is under obligation to respect and ensure the observance of fundamental human rights in the country.

The salient features of ILO Convention 29 regarding forced labour ratified by Pakistan are:

“The fundamental commitment made by State ratifying the Convention is to suppress the use of forced or compulsory labour in all its forms in the shortest possible time.

Convention does not apply to five categories of work or compulsory service, subject to certain conditions and guarantees. The five categories are: compulsory military service; certain, civic obligations; prison labour; work exacted in cases of emergency; and minor communal services.

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence”.

The ILO Convention 105 regarding abolition of forced labour which has also been ratified by Pakistan provides for prohibition of forced or compulsory labour in any form for certain purposes. Under the Convention, States undertake to suppress any form of forced or compulsory labour in five defined cases, namely:

- 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.
- As a method of mobilizing and using labour for purposes of economic development.
- As a means of labour discipline.
- As a punishment for having participated in strikes.
- As a means of racial, social, national or religious discrimination.

What is Bonded Labour?

The Bonded Labour System (Abolition) Act defines the 'Bonded Labour System' as a system of forced, or partly forced, labour under which a debtor enters, or is presumed to have entered into an agreement with the creditor to the effect that:

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

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He would:

- render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefits of the creditor, for a specified period, or for an unspecified period, either without wages or for nominal wages, or
 - forfeit the freedom of employment or adopting other means of livelihood for a specified period or for an unspecified period, or
 - forfeit the right to move freely from place to place, or
 - forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him.
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- and includes the system of forced, or partly forced, labour under which a surety for a debtor enters, or has or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor.

Situation in Pakistan

“The practice of debt bondage in Pakistan is commonly known as *Peshgi* system. Instead of just seeking wages in exchange for their work, poor workers take an advance from an employer, in money or in kind, under the obligation to work for that employer until their debt is paid off. The loan (*peshgi*) may be taken for many reasons. Sometimes workers are in desperate need of money or food; in other cases they see it as a form of protection against unemployment: the loan ties them to a particular employer, who is then perceived to have an obligation to continue employing them.

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“*Peshgi* advances are often quite substantial, much more than can be repaid in just a few months. In extreme cases, debts are so great that they are inherited from one generation to another. In other cases the amount of money may be relatively small”. (From: Anti-Slavery)

Unfortunately no authentic survey has been carried out so far to estimate the number of bonded labourers in the country. Identification of bonded labour is a very complicated and difficult task because of its invisibility. It is often argued that the families which are considered to be in bonded labour are specialized in the relevant skill and they bargain advance

payments with their employers. It is the family that demands advances in return of their services. This is the case where the whole family is involved in a particular type of work. In such a system, it becomes difficult to identify them as bonded labourers in the true sense of the terminology and reach them for their rehabilitation. However, there are unofficial and unconfirmed reports of existence of bonded labour practices, in one way or the other, in the agricultural sector in Sindh, mostly controlled by land lords; brick kilns and carpet weaving in Punjab; coal mines in Balochistan.

Implementation Status of the Law relating to Bonded labour

The Provincial Home Departments are basically responsible for the enforcement of the laws on bonded labour. The Act provides for the constitution of District Vigilance Committees to advise the District Administration on effective implementation of the law and to help in the rehabilitation of the freed-bonded labourers.

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The Federal Government requires the Provincial Governments to send the implementation reports on the enforcement of the bonded labour law regularly. There are also reports of the release of bonded labourers in Sindh and Punjab through court orders due to the efforts of trade unions and human rights activists. But there has so far been no effort at the governmental level to rehabilitate freed bonded labourers.

Vigilance Committees

The District Vigilance Committees have been restructured in the light of the Devolution of Power Plan and to make it viable and effective.

Bonded Labour Issues: An Appraisal

Main issues relating to the system of bonded labour in the socio-economic context can be described as follows:-

- Loans and advances extended by creditors to ensure timely availability and supply of labour.
- Advance aim to keep the labour under control.
- Loans are never paid. Before any loan is realized, further amounts are advanced to meet further needs of workers. This chain continues indefinitely. Such an arrangement leads to unpayable debt and severe conditions of bondage.
- In the agriculture sector, a hari with low remuneration is the sole victim of the system.
- Mobility of the bonded labourers is restricted and so they cannot supplement their income by working elsewhere or doing a secondary job.
- Debts are transferred from generation to generation and the labourers can hardly get rid of the system. Landlords being influential persons find ways and means to defeat the purpose of the law.
- Relief Camps for bonded labour established by certain human rights activists as temporary arrangement in certain localities suffer from bad management and unhealthy sanitation conditions.

Policy Statement

Bonded and forced labour in all forms is prohibited under the Constitution and the relevant laws in force in the country. The Government is committed to eliminate the bonded and forced labour practices wherever those exist in the society. It pledges to adhere to all international instruments, covenants, conventions and protocols whether ratified or not which protect fundamental human rights. The Government commits to endeavour to eliminate bonded labour through concerted efforts aimed at the transformation of traditional socio-economic structure and poverty reduction and by putting in place a comprehensive action plan through an integrated and coordinated approach for the eradication and rehabilitation of workers in bondage.

Action Plan

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Relief Package for freed bonded labourers/haris: *Haris* in Sindh living in camps need immediate relief like housing, food, sanitation, drinking water, health facilities and education for their children. A Committee comprising representatives of the federal and provincial governments and NGOs working in *haris*' camps will be constituted to prepare a relief package for the freed *haris*/bonded labourers. Resources of Workers Welfare Fund, Pakistan Baitul Mal and donor agencies will be used towards providing residential accommodation and other necessary infrastructure for their rehabilitation and welfare.

Authentic data: No authentic and reliable data is available about the extent of bonded labour. For proper planning and affirmative actions it is

inevitable to carry out a country-wide survey. It has therefore been decided to undertake a survey through the Federal Bureau of Statistics with the sponsorship of ILO and in collaboration with Provincial Governments, NGOs, CBOs, trade union organizations and academic institutions to find out the ground realities and facts pertaining to bonded labour.

Implementation of the Law: Release of Bonded Labourers: For the purpose of strict implementation of the law, the following measures will be taken:

- Orientation and training of officials of Home Departments, Police, District Administration, Labour Inspectors and all other relevant Government officials about the issue of bonded labour, its implications, legislative and international obligations and the methodology and the system to address the problem effectively.
- Regular monitoring and evaluation of the functioning of the law implementation agencies through:
 - i. Monitoring Teams.
 - ii. Complaint cells in the offices of District Administration and Labour Officers at the district level.
 - iii. Coordinating cells in the Provincial Home Departments and Ministry of Labour.

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- iv. Periodical inter-Ministerial and inter-Provincial meetings.
 - v. Involvement of social partners, NGOs, CBOs, trade unions and employers organizations in the mobile monitoring teams for the purpose of effectiveness and coordination.

Reconstitution and Activation of Vigilance Committees:

- District Vigilance Committees will be reconstituted in line with the new setup of the local government introduced in the country. Vigilance Committees would be headed by the District Nazim. The mandate of Vigilance Committees would be clearly determined to hold them accountable for their responsibilities.
- The law would be amended to give powers to Vigilance Committees to take suo-moto action.
- Vigilance Committees will be required to periodically meet at least once in two months and report to the Coordinating Cells at the Home Departments of the provinces and to the Ministry of Labour at the Federal level.
- The Vigilance Committees will be required to visit suspected workplaces periodically as well as when some complaint is received.
- The Committees should hold meetings with the employers or respective landlords, to apprise them of the sensitivity of the issue and their moral, legal and religious obligations towards their employees.

Composition

The composition of District Vigilance Committees under Rule 6 of the Bonded Labour System (Abolition) Rules, 1995 may be as follows:

District Nazim	Chairman
District Coordination Officer	Member
District and Session Judge, retired or serving, to be nominated	Member
A representative of the Labour & Department of the Province.	Member
Representative of Zakat Committee	Member
Representative of Pakistan Bait-ul-Mal	Member
Representative of Khushali Bank	Member
A work/peasant who is a member of District Council	Member
One representative of NGOs working for the protection of human rights.	Member
A journalist to be nominated	Member

Functions

Vigilance Committee under the Act and the Rules will be responsible to perform the following functions:

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- To advise the District Administration on matters relating to the effective implementation of the law and to ensure its implementation in a proper manner.
 - To help in the rehabilitation of the freed bonded labourers.
 - To keep an eye on the working of the law.
 - To provide the bonded labourers such assistance as may be necessary to achieve the objectives of the law.
 - To ensure that the objective of the law are fully achieved.
 - To call upon a department or an agency or a company or an employing establishment or firm or an individual employee, or any other person to furnish it with such information and documents as may be relevant or useful in connection performance of its functions.
 - To establish a complaint cell in the office of the District Nazim, to be managed by the Secretary of the Committee.
 - To report to the District Magistrate through the Secretary of the Committee for taking appropriate action under the law, on having the knowledge that at a work place bonded labour is employed.

Coordination: A National Committee for the Abolition of Bonded Labour and Rehabilitation of Freed Bonded Labourers has been constituted to perform the following functions:

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- To meet periodically to review the implementation of the law and action plan relating to abolition of bonded labour and rehabilitation of freed bonded labourers.
 - To monitor the working of the District Vigilance Committees constituted under Bonded Labour System (Abolition) Act, 1992 and the Rules made there under.
 - To address the concerns of national and international bodies on bonded/forced labour related matters.

Registration of Brick Kilns: Provincial Labour Department would register all the brick kilns in their relevant jurisdiction so that all the relevant laws could be made applicable to them.

Awareness Raising: Awareness raising and advocacy are essential to address the bonded labour problem effectively. These are essential components of the programme to bring about an attitudinal change in the society. To achieve this end the following activities will be undertaken:

- Campaign for raising general awareness undertaken through the Ministry of Information and Media Development; Pakistan Television Corporation; and Pakistan Broadcasting Corporation.
- District Vigilance Committee will associate community-based organizations to mobilize public opinion in villages and agriculture sector against bonded labour.

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- The field staff of Home and Labour Department and district administration will be sensitized about the issues of bonded labour.
 - Special events like seminars etc. will be organized.

Role of Social Partners: The role of trade unions, employers' organizations, NGOs and community based organizations is crucial for combating bonded labour. They will be fully associated and involved in the activities of Vigilance Committees and in the rehabilitation programmes.

Creation of Legal Aid Cells: Free legal aid cells/centers will be established with the assistance of Bar Councils/associations to render counseling and advocacy services to needy bonded labourers.

Vocational Training: Skill Development Councils and Provincial Training Boards will organize vocational training programmes for the freed bonded labourers.

Generation of Self-Employment Opportunities: Self-employment opportunities will be created through micro credit schemes. A training programme to educate the borrowers in small business and self-employment traders will be chalked out. The CBOs and NGOs will be motivated to establish cooperatives for providing financial assistance to the freed bonded labourers/*haris* with a view to helping them establish their own business/self-employed units.

ILO's Standards on Prevention and Elimination of Hazardous Child Labour

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Child Labour in Pakistan

According to the National Survey of Child Labour conducted in 1996 by the Federal Bureau of Statistics of the Government of Pakistan in collaboration with the ILO, the total number of children in Pakistan falling in the age groups of 5-14 years was 40 million. Out of this total, 3.3 million (or 8.3%) of all children in the country were economically active. The majority of child workers (73%) were boys, the remaining 27% being girls. More than half of the child workers (58.6% or 1.94 million) were working in Punjab Province, the country's largest province.

The survey found that children's involvement in work in rural areas is about eight times greater than in urban areas. One-third of working children are literate. The boys had a higher literacy rate than girls and urban children more educated than rural children. On the basis of employment status by broad categories, about 70% of working children were unpaid family helpers. Significant urban-rural differentials were observed in their employment status. In rural areas, three out of four working children were working as unpaid family members, while in

urban areas the corresponding proportion was one out of three. About 46% of working children worked more than 35 hours per week and a good proportion worked 56 hours or more. According to most of the parents surveyed, children were working in order to assist in household enterprises.

Hazardous Child Labour in Pakistan

A number of occupations and processes have been declared as prohibited for the children under various laws in Pakistan. Under the present laws a child is defined as a person below the age of 14 years. The main laws governing the employment of children are:

- Employment of Children Act 1991
- Factories Act 1934
- Shops & Establishments Ordinance 1969

The list of prohibited occupations and processes under the Employment of Children Act 1991 are given below:

List of processes and occupations where employment of children is prohibited under Employment of children Act 1991

Occupations	Processes
Any occupation connected with: <ul style="list-style-type: none"> ➤ Transport of passengers, goods or mails by railways; ➤ Cinder picking, cleaning of an ash pit or building operation in 	<ul style="list-style-type: none"> ➤ Bidi-making ➤ Carpet weaving ➤ Cement manufacture, including bagging of cement. ➤ Cloth printing, dyeing and

<p>the railway premises;</p> <ul style="list-style-type: none"> ➤ Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train; ➤ Work relating to the construction of a railway station or with any other work where such work is done in close proximity to or between the railway lines; ➤ A port authority within the limits of any port; and ➤ Work relating to selling of crackers and fire works in shops with temporary licenses. 	<p>weaving.</p> <ul style="list-style-type: none"> ➤ Manufacture of matches, explosives and fire works. ➤ Mica-cutting and splitting ➤ Shellac manufacture. ➤ Soap manufacture. ➤ Tanning ➤ Wool cleaning ➤ Building and construction industry. ➤ Manufacture of slate pencils (including packing) ➤ Manufacture of products from agate. ➤ Manufacturing processes using toxic metals and substances such as lead, mercury, manganese, chromium, benzene, pesticides and asbestos.
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Ratification of ILO’s “Worst Forms of Child Labour” Convention 182

The Government of Pakistan in the year 2001 ratified the ILO Convention 182 on “Worst Forms of Child Labour”. For the purposes of this Convention, the term *the worst forms of child labour* is defined in Article 3 and comprises:

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- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
 - the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;
 - the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
 - work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

While clauses (a), (b) and (c) are the worst form of child labour, Article 3(d) actually defines the hazardous form of child labour. This Convention defined the child as a person, who is below 18 years of age. The hazardous forms of child labour are further elaborated in Recommendation 190 of ILO which classify hazardous child labour as:

- work which exposes children to physical, psychological or sexual abuse;
 - work underground, under water, at dangerous heights or in confined spaces;
 - work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
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- work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
 - work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

Special consideration has to be given to the vulnerable children like:

- younger children;
- the girl child;
- the problem of hidden work situations, in which girls are at special risk;
- other groups of children with special vulnerabilities or needs;

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Similarly Convention 138 on Minimum Age provides various age brackets for different kinds of activities by children. For developing countries 14 years is the minimum age for employment, while children can perform light work at the age of 12 years while they are enrolled at schools. The age limit for hazardous types of work is 18 years. Convention 138 requires ILO member States to publicly commit themselves to the total elimination of all forms of child labour. The overall objective should be the protection of the full physical, mental, sexual, spiritual etc development of boys and girls during their formative stage. It also requires the states to lay down in law and enforce a *system*

of minimum ages below which boys or girls should not be admitted to work

After ratification of C-182, the Government of Pakistan, held a series of consultation at regional and national level, in which the tripartite partners as well as civil society organizations were involved. A list of 29 occupations and processes¹ and occupations was identified after national consensus. The list is given in Table-1

Table-1
National Consensus List of Hazardous Occupations for Children in Pakistan

S. No.	Nature of Occupation/category of work
1.	Work inside underground mines over ground quarries, including blasting and assisting in blasting.
2.	Work with power driven cutting machinery like saws, shears, and quillotines, [Thrashers, fodder cutting machines, also marbles]
3.	Work with live electrical wires over 50V.
4.	All operation related to leather tanning process e.g. soaking, dehairing, liming chrome tanning, deliming, pickling defleshing, ink application.
5.	Mixing or application or pesticides insecticide/fumigation
6.	Sandblasting and other work involving exposure to free silica.
7.	Work with exposure to ALL toxic, explosive and carcinogenic

¹ Consensus list of Hazardous Forms of Child Labour, Ministry of :Labour, Government of Pakistan (unpublished)

	chemicals e.g. asbestos, benzene, ammonia, chlorine, sulphur dioxide, hydrogen sulphide, sulphuric acid, hydrochloric acid, nitric acid, caustic soda, phosphorus, benzidine dyes, isocyanates, carbon tetrachloride, carbon disulphide, epoxy resins, formal-dehyde, metal fumes, heavy metals like nickel, mercury chromium, lead, arsenic, beryllium, fiber glass, and
8.	Work with exposure to cement dust (cement industry)
9.	Work with exposure to coal dust.
10.	Manufacture and sale of fireworks explosives
11.	Work at the sites where Liquid Petroleum Gas (LPG) and Compressed Natural Gas (CNG) is filled in cylinders,
12.	Work on glass and metal furnaces.
13.	Work in the cloth printing, dyeing and finishing sections.
14.	Work inside sewer pipelines, pits, storage tanks.
15.	Stone Crushing
16.	Lifting and carrying of heavy weight specially in transport industry, (15kg and above)
17.	Work between 10 pm to 8 am (hotel industry)
18.	Carpet weaving
19.	Working 2 meter above the floor
20.	All Scavenging including hospital waste
21.	Tobacco process (including Niswar) and manufacturing
22.	Deep fishing, Commercial fishing/sea food and fish processing
23.	Sheep casing and wool industry

24.	Ship breaking
25.	Surgical instrument manufacturing specially in vendors workshop
26.	Bangles glass, furnaces
27.	Spice grinding
28.	Work in boiler house
29.	Work in cinema and mini cinema, cyber clubs

National Action Plan for Combating Child Labour

In the year 2001, the Ministry of Labour, Manpower and Overseas Pakistanis launched a National Plan of Action for the Elimination of Child Labour. This Plan is a major effort aiming to formulate a policy for eradicating child labour at the macro level. The policy set out in the Plan includes: progressive elimination of child labour from all sectors of employment; immediate eradication of the worst forms of child labour; formation of a regular monitoring and inspection system to supervise implementation of the National Plan of Action; prevention of entry into the labour market of underage children by offering educational opportunities ensuring at least a primary-level (5th grade) education and the teaching of vocational skills to target children. The Plan outlines the roles to be played by government agencies, NGOs, trade unions and international agencies in combating child labour. It is hoped that this Plan will lay the foundation for tangible action to eliminate child labour, and will help focus the efforts of government and other agencies on this issue.

Combating hazardous child labour

No one approach has been successful in eliminating and combating hazardous child labour.. However ILO has global experience where a number of strategies have worked in different economic sectors and different parts of the world. Some of the strategies are listed below. We must find the best possible combination based on our own situation and ground realities.

Education

Education is the basic right of every child. Good quality education is the only durable solution to all forms of child labour. For this purpose we have to mobilize resources, improves schools, teachers' training, parents' motivation and community's participation. Non formal schooling works well in certain cases, where children can be gradually weaned away from work and mainstreamed into the normal schools. It also reduces the working hours of the children.

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Reduction in Working Hours

Working hours for children in all sectors should be regulated. These children should be given opportunities for participation in positive recreational activities, games, and provided education whether formal or non formal. This will result in reduction of their working hours.

Banning of Hazardous Activities

Certain activities expose the workers to extreme hazards. Engagement of children for such activities should be banned. Furthermore higher age

children if allowed as a transition towards complete elimination of child labour, should be provided with protective measures as indicated in

Awareness Programmes

It is important that the hazards faced by children be discussed with parents, teachers, employers, government officials and other stakeholders and their opinion and cooperation be sought to combat hazardous impacts of work on the children. Any strategy in this area should only be evolved with their consultation and participation. The representatives of local bodies should be taken on-board in any effort to combat hazardous child labour. A major reason why children are discouraged or deterred from attending school is the nature of the educational system itself. Although much of this relates to infrastructure and costs, there is also a policy element in the relevancy of the curriculum and in the way it is taught. When additional supports are provided for children who work (e.g. classes outside the regular school building or during the evenings or weekends), there appears to be an increase in learning. When those who are likely to drop out to work are identified and given extra support (e.g. lunch or help with homework), this also encourages them.

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Healthcare facilities

Most families whose children work under hazardous conditions have no access to even the minimum healthcare facilities. In most cases such workers are not listed. Any effort at combating child labour should have a health component, whereby the workers should be provided basic

health facilities and taught the importance of basic personal hygiene and health care. They also need to be educated on the harmful impact of certain kinds of works and dangerous practices. The messages also need to be conveyed to the parents of the child workers, who in many cases do not know the dangers their offspring are exposed to.

Population Control

The families which are too big often find it difficult to sustain themselves without relying on the toil of children. These families as well as the others in the areas where such families belong have to be made aware of and encouraged to use population control measures. For this an interface of the NGOs can be established with the existing government institutions providing health care and population control measures.

Skill Training of the Adults

If the income of the family is improved, then perhaps they will not put their children to hazardous types of work. Ways and means should be searched to enhance the income of the families. There should be special income generation programmes tailored to the needs of such families.

Improving the productivity and health and safety conditions of adult workers

We have to make the work productive and worthwhile for the adults who can earn a decent living out of it and don't fall ill as a result of work. If we conform with the core labour standards of ILO, we will have productive labour force and there will be no need for child labour. Improving working conditions and environment at workplaces and

encouraging adults to take up the work has shown very promising results.

Revision and updating of national list of hazardous forms of work for children

The national list of hazardous forms of child labour forms the basis for legislation and policies and programmes of the government to address hazardous child labour. This list has to be updated periodically to incorporate hazardous forms of child labour which might not have been included. We may consider following areas:

- Child domestic workers
- Certain activities related to agriculture

Introduction to the Legal Aid Service for the Bonded Labour in Punjab

Saeed Ahmed Awan
Director ,Industrial Relations Institute
Lahore

The Government of Pakistan is fully committed to eradicate the problem of Bonded Labour from the country. Bonded labour is a curse condemned not only by our religion but our constitution and laws also prohibit it. The problem of bonded labour is outcome of poverty backwardness, illiteracy and outdated customs. The present government is fully committed at the highest level to eliminate this problem.

Constitution of Islamic Republic of Pakistan 1973, specifically prohibits forced labour, (Article 11), however Pakistan enacted a special law in 1992, the Bonded Labour System (Abolition) Act prohibiting Bonded Labour. This was followed in 2001 by the approval by Cabinet of a National Policy and Plan of Action for the Abolition of Bonded Labour and the Rehabilitation of Freed Bonded Labourers. *Pakistan is one of the few countries, and probably the only country that has a Cabinet approved National Policy and Plan of Action to address the issue of Bonded Labour.*

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In the year 2000, a Fund for Education of Working Children and Rehabilitation of Freed Bonded Labourers” (BLF), was established by the Government of Pakistan with an initial amount of Rs. 100 million grant from the Pakistan Bait-ul-Mal. The setting up of this fund is mandated

under rule 9 of the Bonded Labour System (Abolition) Rules 1995. The Government of Punjab has also contributed an amount of Rs. 3.0 million in the fund in order to operationalise it. However the fund was still non operational until recently as no project was submitted to it for approval. The Labour and Human Resource Department Punjab submitted a project for the provision of Legal Aid Service on bonded labour issue, for consideration of the Board of Directors of the Fund. This project was approved. Below is given a brief outline of the project, its targets, methodologies and intended outcomes.

Objective:

Key objective of this initiative is to demonstrate through tangible action the commitment of government to eliminate and prevent bonded labour. It will be realized through provision of timely and quality legal assistance to people who are entangled in bonded labour situation.

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Methodology and Project Design:

The Labour & Human Resource Department Punjab is fully committed to attain the aims and objectives of National Policy and Plan of Action on Bonded Labour (NPPA), however it does not have matching human and financial resources, and is experiencing severe capacity deficit. Therefore we propose to establish as Legal Aid Service by tapping the resources of Bonded Labour.

The Legal Aid Service is to be supported by a very lean, but high caliber project team. A team of legal experts will be engaged on retainer basis in different regions of the province.

The **Legal Aid Service Unit (LASU)** will work under day to day supervision of Director Industrial Relations Institute (IRI) of the Labour Department who will be assisted by a law Officer and will be based at IRI. An Oversight and Monitoring committee headed by Secretary Labour & Human Resource Punjab has been established to periodically review the working of LAS.

In addition to the Law Officer, three legal experts will be engaged on following regional bases, and will provide legal assistance to anyone in bonded labour situation approaching the Labour Department for legal assistance.

- **Central Punjab** (comprising of the districts of Pakpattan, Sahiwal, Okara, Lahore Kasur, Sheikhupura, Faisalabad, TT Singh, Bhakkar, Hafizabad, Jhang, Gujranwala, Gujrat, Sialkot, Mandibhauddin, Narowal, Nankana Sahib)
- **Southern Punjab** (comprising of the districts of Multan, Khanewal, Vehari, Bhawalpur, Bhawalnager, RY Khan, Lodhran, Muzzafergarh, Rajanpur, Layyah, D.G Khan)
- **Northern Punjab** (comprising of the districts of Jhelum, Chakwal, Mianwali, Khusahab, Sargodha, Rawalpindi, Attock)

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a) **Legal Experts:**

The Labour Department is engaging legal experts of appropriate experience, in each of the areas identified above. The experts will be engaged on retainer ship basis, and will be paid on per case basis, legal

expenses will be paid separately. The contract of legal expert will be renewed every year in light of performance.

The experts will have to undertake to provide services of legal expert of appropriate experience if the case pertains to a district far off from place where lead expert is based. For profile of legal expert.

b) Free Phone Service at LAS-“Bonded Labour Help Line”:

LAS will set up a free phone service (Bonded Labour Help Line), where anyone seeking legal assistance or information can call and ask for guidance and help. Steps have been taken to install this helpline, which is likely to be operational by January, 2006.

c) Proposed Working Mechanism:

The LAS will work in close coordination with district governments particularly the Executive District Officers (Community Development) and District Officers (Labour) and in each district.

Once LAS is approached by a person requesting assistance, the Director IRI in coordination with the District Officer Labour of the concerned district will verify the facts through an expeditions ground check, and will place the matter before Director Labour Welfare Punjab for necessary action. If the request is genuine, the matter will be referred to the Legal Expert of the concerned region, for taking up the matter with the appropriate court. Intimation will also be sent to the District Labour Officer, who will maintain liaison with the legal expert and monitor the progress.

Legal Aid Service Unit LASU:

The Legal Aid Service Unit (LASU) which will act as a hub for the whole initiative. It will have following staff:

i) Coordination and Facilitation (Director IRI)

The Director IRI will coordinate the activities of Legal Aid Cell. He will help organize the activities of Legal Aid Cell and work as the secretary of monitoring committee. He will help prepare and disseminate information and awareness materials to publicize the services to be provided by LASU. The Industrial Relations Institute will also hold training courses and awareness seminars for key stakeholders of the project specially the district government officials, legal experts and local NGOs to familiarize them with the project's objectives and activities and solicit their full support to realize its objectives. A Training Kit on Bonded Labour will also be developed and used as training tool.

The Director IRI will monitor and report the efficient working of the scheme. operationally responsible for day to day functioning of LASU, and will coordinate all matters between Regional Legal Experts (RLE) the District Labour Officer, Directorate of Labour Welfare Punjab and the individual seeking legal assistance.

ii) LAS Law Officer:

A law officer will be recruited under the project. The Law Officer will assist the head of LAS in operationalising the LASU. The Law Officer will also respond to requests being made through "Bonded Labour Helpline".

iii) Office Assistant:

A computer literate office assistant will be provided to LASU, he/she will assist the Law Officer in maintenance of record and efficient management of LASU. The office assistant will also act as first filter for all requests being received on the “Help Line”.

iv) LASU office premises and Equipment:

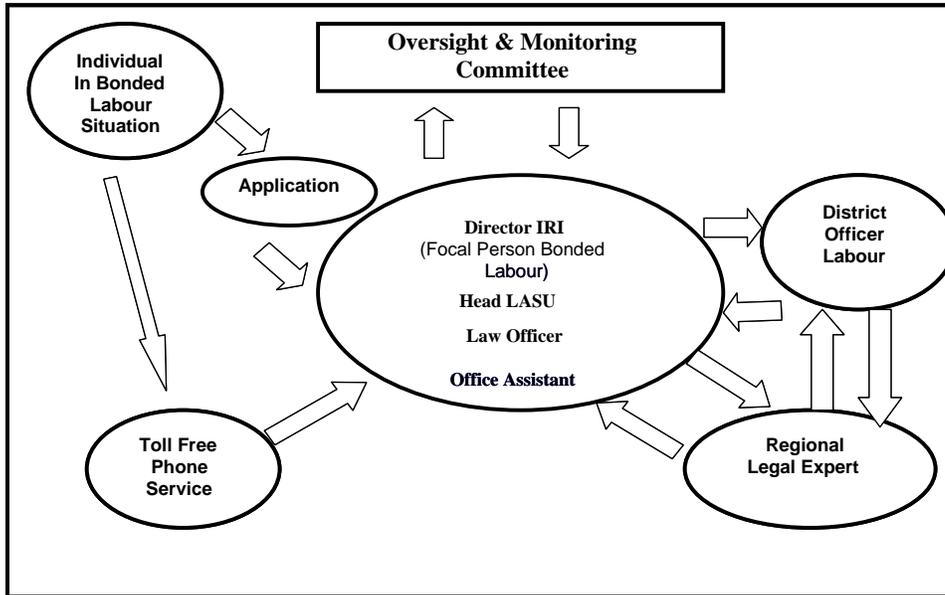
The IRI will provide the office premises. The office furniture, computers, printers, and other equipment will be provided by the project from the Bonded labour Fund’s resources.

v) Oversight and Monitoring Committee

An oversight committee headed by Secretary Labour has been established to give policy guidance and regularly monitor the working of the LAS. The committee will meet every three months, it will have following members

- a. Secretary Labour (Chair)
- b. Representative of Home Department. (Member)
- c. Director Labour Welfare Punjab (Member)
- d. Expert on Human Rights from NGO sector representing a credible civil society organization.
- e. ILO Advisor on Bonded Labour (co-opted member)
- f. Senior Law Officer Member
- g. Director IRI Member/Secretary.

Schematic Representation of LAS:



Duration and Phasing and Cost:

LAS will be a three year project, and BLF will be requested to provide annual budget. The total cost will be Rs. 3.373 million

International Trade Competitiveness and Labour Standards

Muhammad Irfan
Section officer, Ministry of Commerce
Islamabad

The world is rapidly becoming a global village. Trade barriers are rapidly coming down. Flow of information is rapid and out of the control of the governments. While on one hand it is creating massive opportunities, simultaneously it is creating barriers and obstacles for a free trade. The world trade is formally regulated by the principles of world trade organization. But on the same time autonomous regimes in the form of GSP schemes and buyers' and consumers' requirements are gaining more importance.

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An Introduction to WTO

The past 50 years have seen an exceptional growth in world trade. Merchandise exports grew on average by 6% annually. Total trade in 1997 was 14-times the level of 1950. GATT and the WTO have helped to create a strong and prosperous trading system contributing to unprecedented growth.

The system was developed through a series of trade negotiations, or rounds, held under GATT. The first rounds dealt mainly with tariff reductions but later negotiations included other areas such as anti-dumping and non-tariff measures. The latest round — the 1986–94 Uruguay Round — led to the WTO's creation.

The negotiations did not end there. Some continued after the end of the Uruguay Round. In February 1997 agreement was reached on telecommunications services, with 69 governments agreeing to wide-ranging liberalization measures that went beyond those agreed in the Uruguay Round.

In the same year 40 governments successfully concluded negotiations for tariff-free trade in information technology products, and 70 members concluded a financial services deal covering more than 95% of trade in banking, insurance, securities and financial information.

WTO Agreements

The WTO's rules — the agreements — are the result of negotiations between the members. The current set were the outcome of the 1986–94 Uruguay Round negotiations which included a major revision of the original General Agreement on Tariffs and Trade (GATT).

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GATT is now the WTO's principal rule-book for trade in goods. The Uruguay Round also created new rules for dealing with trade in services, relevant aspects of intellectual property, dispute settlement, and trade policy reviews. The complete set runs to some 30,000 pages consisting of about 60 agreements and separate commitments (called schedules), made by individual members in specific areas such as lower customs duty rates and services market-opening.

Through these agreements, WTO members operate a non-discriminatory trading system that spells out their rights and their obligations. Each country receives guarantees that its exports will be

treated fairly and consistently in other countries' markets. Each promises to do the same for imports into its own market. The system also gives developing countries some flexibility in implementing their commitments.

WTO and Labour Standards

Labour Standards are currently not subject to World Trade Organization rules and disciplines but some industrial nations believe the issue should be studied by the WTO as a first step toward bringing the matter of core labour standards into the organization.

These industrial member states believe the right to bargain collectively, freedom of association and workplace abuse, (including forced labour and certain types of child labour), are matters for consideration in the WTO. WTO rules and disciplines, they argue, would provide a powerful incentive for member nations to improve workplace conditions. These proposals have been highly controversial.

Many developing and some developed nations believe the issue has no place in the WTO framework. These nations argue that efforts to bring labour standards into the arena of multilateral trade negotiations are little more than a smokescreen for protectionism. Many officials in developing countries believe the campaign to bring labour issues into the WTO is actually a bid by industrial nations to undermine the comparative advantage of lower wage trading partners.

During preparations for the Singapore Ministerial Conference, proposals were made by the United States and Norway for a decision to be taken by Ministers for the WTO to undertake work on promoting core labour

standards in the context of global trade liberalization and to report back to Ministers at their 1998 Conference. Both proposals view WTO work in this area as complementing that of the ILO, which they recognize has primary international responsibility in this field. Both countries view the objective as reaching a common understanding among WTO members on how to reinforce the mutually supporting nature of increased trade and improving labour standards.

While some WTO members expressed support for the approach suggested by the United States and Norway, many others raised serious reservations about any structured discussion of trade and labour standards in the organization.

The then WTO Director General Renato Ruggiero had suggested four points on which a consensus on this difficult issue might be built. In his consultations with member states, Mr. Ruggiero has found wide support for the four points, which are as follows:

- All WTO member nations oppose abusive work place practices, through their approval of the United Nations Universal Declaration of Human Rights.
- The International Labour Organization holds primary responsibility for labour issues.
- Trade sanctions should not be used to deal with disputes over labour standards.
- Member states agree that the comparative advantage of low wage countries should not be compromised.

However it must be noted that social/labour issues are strongly linked with international trade although they are not on the agenda of WTO. Furthermore, the issue of human rights and bonded labour is gaining more and more importance globally to the extent that it will have a strong bearing on the competitiveness of Pakistan's economy.

The European Union's new General System of Preferences (GSP) for what GSP stands? scheme (called as GSP plus) offers strong incentives to countries abiding by core labour standards of ILO and major international covenants on human rights, good governance and environment. Pakistan has not yet been able to qualify for that. European Union (EU) is insisting on ratification and implementation of 16 conventions relating to human and labour rights. Pakistan has not as yet ratified 3 conventions of the 16 and hence has lost out on the GSP plus advantage vis-à-vis its competitors e.g. Sri Lanka.

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The 0% duty as opposed to general GSP rate deeply affects competition of exporting countries with particularly Pakistan in terms of export loss and job loss translating into poverty aggravation. According to some estimates the financial impact on the economy of the country is around US\$ 500 million, which is a huge loss. If we could qualify for the GSP plus status it would mean more exports, more jobs, reduction in poverty and availability of more funds for education and healthcare schemes and development projects.

Some buyers like Nike stung by the criticism of consumers are implementing strict quality, environmental and social/labour standards on all their suppliers.

In the past, USA also excluded some Pakistani products particularly carpets and soccer balls due to allegations of child labour. But due to timely action by the employers assistance by ILO and intervention of the Government of Pakistan, effective steps were taken to combat child labour from these sectors. This has resulted in enhanced exports in these sectors.

In today's world the final driver of trade would be the buyers' requirements irrespective of any other restrictions. It is hoped that the officers in the district governments will keep these issues in mind when posted in relevant government agencies and contribute to policy formulation, which addresses the key concerns pointed out earlier. We must remember that

- Labour issues will influence export competitiveness and opportunities.
- The more we adapt the better it will be for the country and for the exports.

An Introduction to Bonded Labour Fund

Dr. Syed Tauqir Shah,
Advisor on Bonded Labour, ILO Office,
Islamabad

Pakistan has unfortunately been among those countries against which the international perceived concerns regarding forced bonded labour have been high. The situation has changed to a great extent due to serious and concerted efforts by the State. But this is one struggle that requires commitment and active participation of all the stakeholders. The contribution of the social partners cannot be stressed enough and mechanisms need to be in place to provide for a joint effort of government and social partners in the eradication of this menace.

Slavery and forced labour are prohibited under the Constitution of Islamic Republic of Pakistan. Article 11 (1) reads as 'Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form. (2) All forms of forced labour and traffic in human being are prohibited.' In 1988, Supreme Court of Pakistan while, taking cognizance of incidence of bonded labour practices in brick kilns directed the Federal Government to codify the spirit of the Constitution and to also provide punishment for such crimes in legislation. Consequently the Bonded Labour System (Abolition) Act, 1992 was promulgated. This Act provided for the first time the clear definition of Bonded Labour and also prescribed punishment for such practices.

After three years the Bonded Labour System (Abolition) Rules were framed in 1995 that provided, *inter alia*, the establishment of a special fund for financing the projects for the welfare and rehabilitation of freed

bonded labourers. This fund was later on constituted with an initial outlay of Rs. 100 million. National Policy and Plan of Action (NPPA) for the abolition of Bonded Labour was approved by the Federal Cabinet on September 5, 2001. Providing policy statement, NPPA envisages various activities for the realisation of objectives contained therein with active participation of NGOs, CBOs and employer and worker bodies.

What is this manual about?

- It explains how the resources from the fund can be accessed.
- It demonstrates how different forms can be filled.
- It is meant for Federal Ministry of Labour, concerned provincial departments, district government through vigilance committees, and social partners.

What is BLF?

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In order to fulfill its constitutional and international obligations, Government of Pakistan has established a Fund for the Education of Working Children and Rehabilitation of Freed Bonded laborers, commonly known as Bonded Labor Fund (BLF). The establishment of this fund was ordained under the Bonded labour System (Abolition) Rules 1995, which were framed under the Bonded Labour System (Abolition) Act 1992. The fund has been constituted with an initial outlay of Rs. 100 million granted by Pakistan Bait ul Mal.

Management of Fund

- Ministry of Labour, Manpower and Overseas Pakistanis is administering the Fund and a Board of Directors has been constituted for its administration.
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- Central Labour Adviser (CLA) is the ex-officio secretary of the Board and Child/Bonded Labour Unit of the Ministry acts as the Secretariat of the Fund.
 - The Board has all the necessary administrative and financial powers for the smooth operation of fund and approval or projects.

Criteria

- *Demand through participatory process*

Widespread local consultations are essential for firming up the demand. For this purpose, all the proposals originating in a district will be got cleared by the District Labour Officer from District Vigilance Committee in which all the stakeholders are represented.

- **Eligibility**

Proposals must be from any of the thematic areas mentioned below:

Priority areas

- i. Training and rehabilitation of freed bonded labour.
- ii. Legal and financial assistance to the bonded labourers or their families.
- iii. Micro credit schemes.

Other areas

- i. Taking over of schools for working children established under ILO's International Programme for Elimination of Child Labour (IPEC).
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- ii. The education of working children and subsistence of their families.
 - iii. Activities outlined under National Policy & Plane Action (NPPA) for the abolition of bonded Labour.
 - iv. Awareness raising and advocacy
 - v. Any other activity approved by BOD

➤ **Application process**

i) Implementing Agencies

- Provincial Labour/Home Departments
- Pakistan Bait ul Mal
- District governments through District Labour Officer & EDO Community Development.
- Any other agency that is approved by the BOD

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ii) How to apply?

- Proposals are only accepted on the prescribed formats.
- Proposers/implementing agencies should fill the Project Proposal Formats available in the BLF manual.
- The proposal along with necessary documents and a covering letter should be routed through appropriate channel to Fund Secretariat.

iii) When to apply?

- Project proposals are considered in its meetings by the Board of Directors (BOD).
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- Proposals on the prescribed format must reach the Fund Secretariat through the respective Department Labour.
 - Proposals received late shall automatically be considered in the next meeting. There is no need to apply afresh.

Funding arrangements

- Once approved the fund secretariat will communicate the approval of the Board in writing to the concerned implementing agency within 15 days.
 - Accounts will be opened in any Scheduled Bank or General Post Office in the name of project by the implementing agency and account details will be communicated to Fund Secretariat at once.
 - First installment for six months or for entire period of project, whichever is less, shall be released within 15 days of the receipt of bank account details. At the same time the delegation of financial powers from the BOD to Project Manager to incur expenditure will be communicated.
 - Subsequent releases would be made on six monthly basis on the receipt of expenditure report of the last quarter and expenditure forecast of the next six months.
 - Explanation: Requests are to be submitted after first quarter of every six months to allow for processing and timely release of funds before the expiry of six-months period for uninterrupted execution of the project.
 - Requests for reappropriation and additional funds are discouraged.
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➤ **Reporting Requirements**

i) Financial

- The designated project managers are required to maintain the accounts. They are also required to submit a quarterly expenditure report with vouched accounts to Fund Secretariat.
- Audit reports as and when conducted by the Auditor General of Pakistan are to be made available to BOD.
- Copies of annual internal audit report shall also be made available to BOD.

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ii) Monitoring

- Quarterly monitoring reports will be prepared and submitted to BOD and Ministry of Labour.
 - Final Evaluation report will be prepared at the close of each project.
 - Officers may be designated by the BOD to monitor the projects.
 - Representatives of District Vigilance Committees may also monitor the projects. In addition to Vigilance Committees their reports will also be submitted to BOD.
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- Monitoring reports will be prepared according to the format at Appendix C.

Frequently Asked Questions (FAQ)

Q. How can the Fund be accessed for the financing of a project in a district?

A. It all starts with the local consultation of all stakeholders. District Labour Officer (DLO) is the key person who can himself initiate the process or can coordinate or help the NGOs or other social partners for firming up of demand. Moreover, idea can come up in the meetings of District Vigilance Committee. After an idea is found workable, it should be reduced on paper in the formats provided in the Manual. Application is got cleared from the District Vigilance Committee by the DLO and forwarded to provincial labour department for scrutiny. Provincial department in turn will send the application to BOD before the deadline for consideration. The funding starts once the Board approves the proposal.

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Q. I have a project which is made of more than one component as it contains training of freed bonded labour as well as providing of micro credit to trained labourers. Should I apply separately?

A. There is no need to apply separately. Format A has a section, which deals with components. Details of different components

may be provided there. However, it will be evaluated by the BOD and one or more components can be approved for financing depending upon the integration of the different components.

Q. Three are many items in the Formats that are not applicable to the project that I am proposing. Will it go against the project if not all the items are answered?

A. No. It is mentioned that only applicable items in the formats have to be filled. If the project is very innovative, its detail will reveal its viability. On the other hand it is also important that columns may not be left blank unnecessarily.

Q. The duration of my project is 3 years. Do I have to apply every year for fresh funding?

A. No. Once approved the project will be funded uninterrupted subject to conditions contained in 'funding arrangements' and 'reporting requirements'.

Project Proposals from DISTRICTS

79

The district government officers from each district came up with an outline of proposal for funding from the Bonded Labour Fund. This proposal is to be further refined by the concerned Executive District Officers (Community Development) and District Officers Labour, and submitted to the District Vigilance Committee (DVC) of their respective district once approved by DVC, it has to be submitted to the Provincial Labour Department, which will forward it to the Bonded Labour Funds Secretariat for consideration.

ATTOCK

Name of Project

Education Centre for adult workers of bricks kiln.

Project Goals/Objectives

To create awareness to the brick kiln workers about their duties and rights.

Expected Outcome

To educate at least 1000 workers of brick kilns about their rights. We can also teach them about their future job description

Target Group

Adult workers of Brick Kiln industry.

RAWALPINDI

Name of Project

Establishment of non-formal education centre for children of
Brick Kiln workers

Project Goals/Objectives

Elimination of Child Labour and education of Children of
Brick Kiln Workers

Expected Outcome

300 children (Approx) will be provided education at primary
level

Target Group

Children of Brick Kiln Workers.

CHAKWAL

Name of Project

Establishment of an Educational Institution for the Brick Kiln labourers or allowed to hire school building.

Project Goals/Objectives

To provide education and awareness to the Brick Kilns Labourer's children of districts Chakwal to make them educated to fight for their legal rights.

Expected Outcome

It is expected that more than 200 children will be able to get education. They will be able to get awareness about their legal rights.

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Target Group

- i. Bonded Labourers un educated children
 - ii. Employers to be pursued to eliminate bonded labour system.
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JHELUM

Name of Project

Establishment of vocational training centre for female family members of freed bonded labour of brick kilns

Project Goals/Objectives

To up-lift socio economic status of the families working at brick kilns.

Expected Outcome

To help 200 families (Approx). It is expected that by the end of 2 years they will not be living in bonded labour conditions

Target Group

Bonded labour and their families working at Brick kiln

MIANWALI

Name of Project

Establishment of Legal Aid Cell and School for the child Labour of Fish Industry.

Project Goals/Objectives

To provide Legal Aid to the laborer and their families working at fish industry & school for Child Labour Health Facility,

Expected Outcome

To provide legal help and education at their door step for two years

Target Group

Bonded labour if any and child labour.

KHUSHAB

(Project - I)

Name of Project

Awareness / Seminar to DVC and bonded Labourers

Project Goals/Objectives

Giving the know-how about the objective and the working of DVC and to labourers under BLA 1992 and Rules 1995 and other institutions related the freed persons and their families.

Expected Outcome

- i. Training of 50 Govt. functionaries including members of DVC.
- ii. Dissemination Inspiration of knowledge of laws to 200 labourers.
- iii. 40 labour leader of associations & trade unions to be trained

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Target Group

Bonded labourer and their families.

KHUSHAB

(Project-II)

Name of Project

Chalking out a nutrition plan for the provision of milk to the children of bonded labour.

Project Goals/Objectives

As a matter of common observation it is evident that many siblings and small aged children of these workers remain mostly under-nourished and unattended so providing them milk at their home point every day marks some unique human contribution to the families of bonded labour.

Expected Outcome

First, the data of children of various ages is to be collected in order to ascertain the rational rationing of each family. Afterwards, good results can be achieved.

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Target Group

Child workers in bonded Condition

SARGODHA

Name of Project

Provision of guidance/help for improvement of physical health of women labourers in the brick kiln.

Project Goals/Objectives

To provide basic knowledge regarding occupational hazards and enlist them, and women diseases. This will enhance there working capability.

Expected Outcome

This project will cover 3500 women worker in one year.

Target Group

Bonded labourer families.

LAHORE

Name of Project

- i) Awareness raising through seminars/workshops
- ii) Non formal Education/Adult literacy programme.

Project Goals/Objectives

Not mentioned

Expected Outcome

Not mentioned

Target Group

Not mentioned

KASUR

Name of Project

- i) Establishment of Legal Aid Cell for the help of brick kiln labourers.
- ii) Awareness raising/non formal education

Project Goals/Objectives

- i) To provide the Legal Aid to the workers/labourers those could not offered the legalities.
- ii) To educate the workers through seminars, workshops on site about their rights and also educate their children some basic non-formal education.

Expected Outcome

- i) workers will be made aware about their legal rights and obligations.
- ii) Children of the working families will get education to become reasonable citizen of the country.

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Target Group

Bonded labourers/other labourers working on Brick Kilns

GUJRAT

Name of Project

Project for the workers of the Brick Kiln industry District Gujrat, to provide them registration facilities of the NDRA for obtaining ID cards.

Project Goals/Objectives

To provide the ID Cards and enrollment in the voter list, specially to give ID Cards to the woman of their families and birth certificate to their children.

Expected Outcome

It will help the workers to become useful citizen and will give awareness to the workers about their basic rights.

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Target Group

Bonded labour working at Brick Kilns and their families.

GUJRANWALA

Name of Project

Formulation of a model labour contract and its implementation

Project Goals/Objectives

- i) Formulation of a legal document for requiring terms and condition for provision of labour to the employer.
- ii) The signed units will not be covered under bonded labour under the cover of law.

Expected Outcome

To assist the 150 families engaged in Brick Kiln industry to get freedom from the yoke of bonded labour in any of its form.

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Target Group

Main focus will at the Brick Kiln Industry of the District Gujranwala, but others sectors can also be covered under this model contract.

SIALKOT

Name of Project

Establishment of Legal Aid Cell for the help of Brick kiln labourers/awareness Raising

Project Goals/Objectives

To provide Legal Aid to the labourers/families working at brick kilns in the District. Awareness Raising about their rights and privileges under the law.

Expected Outcome

To help 180 families (approx). It is expected that by the end of two years, they will not be living in bonded labour conditions and will be well educated to the labour law, their rights and privileges.

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Target Group

Bonded /other labourers and their families working at Brick Kilns.

MANDI BAHUDDIN

Name of Project

- i) Awareness/awaking among owners/workers
- ii) Issuance of National Identity Cards.

Project Goals/Objectives

- i) To enhance/awareness among the owners & workers about the harms of bonded labour.
- ii) Issuance of NIC cards.

Expected Outcome

These workers will come into main stream of social justice and democratic process

Target Group

Brick kilns bonded labourers

HAFIZABAD

Name of Project

Establishment of schools for children of Brick kilns.

Project Goals/Objectives

To provide education to the children involved in Brick Kilns Industry.

Expected Outcome

Increased literacy rate

Target Group

Children of Brick Kiln labourers.

NAROWAL

Name of Project

Seminar for awareness on bonded Labour

Project Goals/Objectives

Awareness for bonded labour to eliminate the child labour

Expected Outcome

The case of bonded labour and child labour will be highlighted in the district.

Target Group

Brick kilns, Power Looms and Carpet Industry

SHEIKHUPURA

Name of Project

- i) Establishment of Advisory Cell/Rehabilitation programme for freed bonded labour and child labour.
- ii) Establishment of non-formal schools for the children involved in Brick Kiln industry.

Project Goals/Objectives

- i) Provision of legal and Rehabilitation facilities to the freed Bonded Labours.
- ii) Provision of proper education to the children of the Brick Kiln Industry.

Expected Outcome

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- i) Workers freed from Bonded Labour will be rehabilitated and helped to integrate into some regular sector of economy and awareness sector.
- ii) Child Labourers will get education about their rights and obligations for better future.

Target Group

Adult workers and child workers of the Brick Kiln industry of the district.

FAISALABAD

Name of Project

- i) Awareness /raising between workers/ employees belonging to Brick Kilns
- ii) Issuance of national Identity cards for bonded labours/workers employed at Brick Kilns

Project Goals/Objectives

To promote awareness among the employees and workers
Issuance of NIC cards

Expected Outcome

The beneficiaries, will come into the main stream of development, social justice and democratic process.

97

Target Group

Brick Kiln bonded Labourers.

TOBA TEK SINGH

Name of Project

Awareness raising workshops/seminars about the issue of bonded labour.

Project Goals/Objectives

To provide awareness among the stake holders of the issue. In the beginning the labourers working under the conditions of bonded labour will be educated about the issue as well as awareness will be produced among the employers about the facilities should be provided to the workers.

Expected Outcome

- i) The adult workers would come to know that education is very imperative for their children as they are also the sufferers in the situation.
- ii) The workers will be more aware of their rights and bonded conditions will eliminate.

98

Target Group

- i) The labourers of the Brick Kiln Industry
 - ii) The labourers of the agriculture sector
-
-

OKARA

Name of Project

Legal Aid Cell

Project Goals/Objectives

To provide Legal Aid Services to workers of Brick Kiln free of cost

Expected Outcome

20 cases to be dealt every year

Target Group

Workers engaged in Brick Kiln Industry

SAHIWAL

Name of Project

Awareness raising training programme against child labour and Bonded Labour.

Project Goals/Objectives

To create awareness against Child and Bonded Labour.

Expected Outcome

One thousand people will be benefited this project.

Target Group

Parents and children directly involved in child and bonded labour

PAKPATTAN

Name of Project

Workers welfares workshop

Project Goals/Objectives

Awareness for workers/owners NGO's with a local partner.
After consultative workshop, we will submit a detail project
with approval of DVC.

Expected Outcome

First of all awareness and coordination with workers,
NGO's, owners.

Target Group

Brick Kiln workers and families.

JHANG

Name of Project

Sensitization of stake holders and provision of educational facilities to children and legal aid facilities to the brick kiln workers.

Project Goals/Objectives

- i) Sensitization of all stake holders regarding bonded labour & child labour problems.
- ii) Creation of conducive atmospheres for employers and employees.
- iii) Provision of educational facilities to the children of Brick Kiln labourers & power loom labourers.
- iv) Free Legal Aid facilities to the aggrieved workers.

Expected Outcome

102

360 children will be educated
Approximately 10 cases annually be provided Legal Aid Facility
All stake-holders will be sensitized

Target Group

Bonded Labour & Child Labour.

BHAKKAR

Name of Project

Establishment of Legal Aid Cell for the help of Brick Kiln labour.

Project Goals/Objectives

In order to provide legal aid/help to labourers and their families working in Brick Kilns. In order to protect their rights given in the laws.

Expected Outcome

Approximately fifty families will benefit from this project. It is expected that these families will get rid of the bonded labour condition.

103

Target Group

Bonded workers and their families working at the Brick Kilns

LODHRAN

Name of Project

Awareness campaign on Bonded, Forced and child labour and establishment of 3 Nos. schools in Distt. Lodhran Brick Kilns.

Project Goals/Objectives

- i) Creating awareness against Bonded, forced and child labour.
- ii) Imparting non-formal education & about enhancing workers awareness.
- iii) Collection of data.

Expected Outcome

- i.) Enrollment of out of school going children's at schools.
- ii.) Improvement in working and living conditions
- iii.) Availability of reliable data for future planning

104

Target Group

- i.) Brick Kilns
 - ii.) Bonded labour in all sector
 - iii.) Child labour in all sectors.
-
-

VEHARI

Name of Project

To educate the children of the Brick – Kiln workers.

Project Goals/Objectives

To educate the children of the workers especially the brick kilns workers

Expected Outcome

To educate 300 children for a period of three (3) years.

Target Group

Brick Kiln workers and other workers and their families.

DERA GHAZI KHAN

Name of Project

Survey and Awareness on Brick Kiln Bonded labour/Child Labour.

Project Goals/Objectives

To conduct survey and compile data about bonded Labour in different sections. Such as Brick Kilns factories, carpet industry, agriculture farming / forestry, cottage industry and mines.

Expected Outcome

To help the 4 hundred individuals found in bounded conditions. It is expected the end of 6 months they will not be living a bonded condition.

106

Target Group

Bonded workers and their families working in different sectors.

KHANEWAL

Name of Project

Creation of awareness about bonded labour and education of children

Project Goals/Objectives

Awareness in masses, about bonded labour, child labour, labour in brick kilns and textile industry.

Expected Outcome

It may help in abolition of bonded labour from the area.

Target Group

General labour & Brick Kiln labour

MULTAN

Name of Project

Awareness Raising among workers of different sectors.

Project Goals/Objectives

Giving awareness to the workers about their rights and obligations.

Expected Outcome

This will help to eliminate Bonded Labour/Child Labour.

Target Group

Workers of different sectors and their families.

BAHAWALPUR

Name of Project

To educate the children of workers of Brick Kilns and agriculture.

Project Goals/Objectives

To educate the children of target group.

Expected Outcome

Approximately 100 children or more can be educated.

Target Group

Workers of Brick Kiln/Agriculture and their families.

BAHAWALNAGAR

Name of Project

Establishment of adult literacy center

Project Goals/Objectives

To provide educational opportunities to labourers to increase the literacy rate. To provide basic literacy and numeracy skills to illiterate persons in order to empower them. To create social awareness among about their rights. To provide better opportunities to labourers in health care.

Expected Outcome

150 male and 50 female labourers will benefit from this project

110

Target Group

Bonded labour and their families members.

LAYYA

Name of Project

Establishment of four adult literacy centers for Brick Kiln workers in Tehsil Layyah

Project Goals/Objectives

- i. To provide basic education to adult labourers so as to enable them to read & write.
- ii. To create awareness among labourers about their legal rights.

Expected Outcome

200 adult labourers would benefit.

Target Group

Adult male labourers at brick kilns of tehsil Layyah of the age group of 20 – 40 years

RAHIM YAR KHAN

Name of Project

Non-Formal education to the children of Brick Kiln workers
(5 classes within 5 years)

Project Goals/Objectives

To educate the children of Brick Kiln workers

Expected Outcome

Education of 100 children

Target Group

Child workers of Brick Kiln families.

RAJANPUR

Name of Project

Establishment of the education centres for Adult workers (male/female) of Brick Kiln Industry.

Project Goals/Objectives

To increase the literacy level of the workers of Brick Kiln Industry.

Expected Outcome

150 male and 50 female labourers will be benefit in Brick Kiln sector

Target Group

Workers and their families in Brick Kiln sector.

MUZAFFAR GARH

Name of Project

To create awareness amongst the laborers, employers, NGOs, general public etc.

Project Goals/Objectives

- i) To hold workshops/meetings/seminars at various places of the District.
- ii) To provide lecturers on Bonded Labour.
- iii) To display banners
- iv) To invite communities for interaction with local press, media.

Expected Outcomes

- i) To help 6000 workers and families in achieving their lights.
- ii) To get their liability restored.
- iii) To help them in joining the mainstream society, as citizen.

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Target Group

Bonded labour and their families.

GLIMPSES
OF
TRAINING
WORKSHOPS

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ISLAMABAD



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**Group Photo taken on the Occasion of
Regional Capacity Building Workshops for District Government Officers on Bonded Labour issue
Islamabad 29-30 November, 2005**



LAHORE





**Group Photo taken on the Occasion of
Regional Capacity Building Workshops for District Government Officers on Bonded Labour issue
Lahore 6-7 December, 2005**



MULTAN





**Group Photo taken on the Occasion of
Regional Capacity Building Workshops for District Government Officers on Bonded Labour issue
Multan 9-10 December, 2005**



Programme

Regional Capacity Building Workshops for District Government Functionaries on Bonded Labour issue”

ILO- Building, Islamabad

November 29-30, 2005

Day 1

0830-0900 Registration of Participants

Inaugural Session

0900-0905 Recitation from the Holy Quran

0905-0915 Welcome and Introduction to the Objectives of the Workshop

by Mr. Saeed Awan Director CIWCE

0915-0925 Remarks/Comments

by Director ILO-Pakistan

0925-0945 Keynote address

*by Maj. (R) Shahnawaz Badar, Secretary Labour & Human
Resource Department, Punjab*

0945-1000 Inaugural address

*by Malik Asif Hayat, Secretary, Labour & Manpower,
Government of Pakistan*

1000-1030 Refreshments

Technical Session – I Legal Aspects of Bonded and Forced Labour

1030-1100 Bonded Labour and Pakistan's International Commitments including C-29 and C-105

by Dr. Tauqeer Shah, Advisor on Bonded Labour ILO Office Pakistan

1100-1130 National Legal Framework on Bonded Labour

by Barrister Zafarullah Khan

1130-1200 Introduction to National Policy and Plan of Action on Bonded Labour and Role of District Vigilance Committees in its Implementation

by Raja Faizul Hassan Faiz, Central Labour Advisor, Ministry of Labour, Government of Pakistan

1200-1230 Introduction to the Legal Aid Service for the Bonded Labour in Punjab

by Mr. Saeed Awan Director CIWCE

1230-1300 Introduction to ILO C-182 and List of Hazardous Processes for Pakistan and Role of Stakeholders in Further Improving the List

by Mr. Ahmet Ozirmak Chief Technical Advisor, International Programme on Elimination of Child Labour (IPEC)-ILO Islamabad

1300-1400 Lunch break

Technical Session– II Trade Implications and Bonded Labour Fund’s Utilization

1400-1500 Trade Implications of Bonded Labour Issue Specially in Light of GSP Regime of EU and other Trade Agreements

by *Dr. Muhammad Irfan, Section Officer, Ministry of Commerce, Government of Pakistan*

1500-1515 Tea Break

1515-1600 Introduction to Bonded Labour Fund and Strategies for Utilizing it for District Based Projects

by *Dr. Tauqeer Shah, Advisor on Bonded Labour ILO Office Pakistan*

1600-1630 Assignment of Tasks for Identification of District Based Schemes for Submission to BLF and District Based Surveys to Assess Bonded Labour and Review of List of Hazardous Occupations

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Day 2

**Technical Session–III Facilitators:
Dr. Tauqeer Shah, Mr. Saeed Ahmed Awan**

0900-1300 Continuation of group work to firm up proposals for district based plans for submission to BLF

1300-1400 Lunch

1400-1500 Presentation of the outline of each district’s plan

1500-1510 Concluding session

NEWSPAPER CLIPPINGS

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INTERNATIONAL
THE NEWS

Thursday

December 8, 2005

Rs 100 million for child labourers

By Our Correspondent

THE government is aware of the problems of the bonded labour in certain areas of the province.

This was stated by Maj (Retd) Khidmatullah Bader, Secretary Labour and Human Resource Department Punjab, while inaugurating a two-day capacity building workshop for the district government officers here on Wednesday. He said that Pak-

istan should sever out of the eight core conventions of the International Labour Organisation (ILO). These conventions focus on forced labour, child labour, freedom of association, right to collective bargaining and non-discrimination," he added. He said that the government had allocated Rs 100 million for the rehabilitation of the child labourers. "A national policy and a plan of action for bonded labour has already been approved by the government in 2003," he said.

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