

Curse of bonded labour

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Bonded Labour is steeped in the history of mankind and is the result of prevailing socio-economic systems of the World. In Pakistan, bonded labour exists in the agriculture sector and brick kiln industry. Some *kharkar* camps also exists in some parts of the country where abducted children are brought and made to work day and night without payments. Though bonded labour exists in many parts of the world, but it is more condemnable in a country like Pakistan which claims to be an Islamic country. Islam recognises dignity of labour. The Holy Prophet (PBUH) worked in digging a trench in the battle of Azzab and in the construction of a mosque at Madina. Unlike the present world, Islam established a classless society and eliminated all discriminations between human beings. Usama Ibn Zaid was a slave of the Holy Prophet (PBUH) who was given the command and leadership of an army.

No doctrine before the advent of Islam went so far in creating and establishing a classless society in which the humblest was given equal opportunities to rise to the highest position and the distinction of birth and occupation were completely obliterated. Prophet Muhammad (PBUH) gave birth to new social order based on equality of man. He completely eliminated slavery, demolished the tribal society, established harmony and brotherhood between Ansar of Madina and Muhajireen of Makkah and ushered in an era in which men of various professions and pursuits were accorded equal respect and also given equal opportunity to serve mankind.

According to the Bonded Labour System (Abolition) Act 1992 the 'bonded labour system' is 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 consider-

ation received by him or by any of the member of his family; 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 and includes the system of forces, or

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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."

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 judgement 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 mis-

eries to human beings and the rights guaranteed under Islamic injunctions.

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 Act also made the commission of the offence of bonded labour punishable with imprisonment

for a term of two to five years or with fine of Rs50,000 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.

From the above discussion it may not be difficult to say that bonded labour is the exploitation of the poor by the strong in the shape of *peshgi* loan. The loan is considered as the source for promotion of bonded labour. As such the industrialised countries, the International Monetary Fund and the World Bank are promoting and taking worst type of bonded labour from the poor countries of the world because they offer loans in the name of helping the poor countries. Stringent conditions are attached with these loans to be met by the debtor countries. The borrowing countries accept the loan in spite of the fact that these loans sometime affect the freedom of association, freedom of movement and freedom of ex-

pression of the borrowing countries. Leaving aside the original amount, the borrowing countries are unable to pay the interest, which falls on the original amount of the loan. The result is that the loan is shifted from one generation to another.

While analysing the above discussion, it can be concluded that bonded labour is the result of extreme poverty and unemployment on the one side and the imperialistic trend of the society on the other and this trend is supported and complemented by the capitalistic economic system prevailing in the world today. So the reformation of society is the first requisite for abolition of bonded labour.

The government, therefore, should reform the society by inculcating humane norms and Islamic values by using all available sources including print and electronic media, ulema, opinion leaders and NGOs. Secondly in order to eliminate unemployment and poverty, the government should provide small loans to the poverty stricken people of the society to enable them to stand on their own feet and earn their livelihood with honour and dignity. These steps if taken, will not only help to eliminate poverty and unemployment but would also help to reduce bonded labour situation in the country.

✓ Bonded labour is the product of exploitative society, which is due to the capitalistic economic system. The foundation of this system is based on interest. Interest is the product of selfishness and materialistic percepts which give birth to exploitative society. On the other hand the foundation of Islamic economic system is based on the welfare of human being in the shape of *zakat*, *usher* and *khairat*. The purpose of *zakat*, *usher* and *khairat* is distribution of wealth and helping the poor and needy persons of society.

The government is aware of the problem and steps are being taken to introduce interest free banking system very soon in the country. It is noteworthy to mention here that the government has decided to impart technical training under ministry of labour and manpower to two lakh unemployed youth annually which would certainly help reduce poverty and unemployment situation in the country.

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