

BONDED LABOR FREE TO STARVE



Bonded labor, also called debt bondage, is defined as a form of slavery by the Abolition of Forced Labor Convention 1957 (No 105) and a form of forced labor under ILO Forced Labor Convention 1930 (No 29).

A person becomes a bonded laborer when he or she takes or is tricked into taking a loan. Subsequently, the person is forced to work long hours for little or no pay, often for seven days a week, in order to repay the debt. Sometimes, the debt is never repaid and simply passes from one generation to the next. Intimidation and violence is used to prevent people escaping from this form of slavery.

The United Nations estimates that there are millions enslaved as bonded laborers in Pakistan. Ironically, these people live in a country which has several laws, specifically outlawing bonded labor.



Criminal Laws



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Pervaiz Maseeh

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Section 371 supplements the section 370 provisions by making habitual import, export, removal, buying, selling, trafficking or dealing in slaves punishable with imprisonment for life or for a term not exceeding ten years, and fine.

Section 374 in this regard goes on to say that unlawfully compelling any person to labor against the will of that person is punishable with imprisonment for a term extending up to five years or with fine or with both.

Section 100 of the Code of Criminal Procedure 1898 deals with the issue's practical side. It empowers a First Class Magistrate or a Sub-Divisional Magistrate to issue a search warrant if he has reason to believe that any person is confined under conditions that may amount to an offense. Additionally, section 491 gives any High Court the power to order the release of any person illegally or improperly detained in public or private custody within the limits of its jurisdiction.

There is a special provision for the recovery of unlawfully detained under-16 girls. Section 552 of the Code of Criminal Procedure says that a District Magistrate, upon complaint made on oath, can order for the immediate release of such women or children who have been abducted or unlawfully detained.



The Constitutional Provisions

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Article 14 of the Constitution of Pakistan (1973) makes the dignity of man inviolable. Its Article 25 treats all citizens as equal before law and thus entitled to equal protection of law. Article 11(2), in order to uphold this spirit, prohibits all forms of forced labor and traffic in human beings while Article 11(1) declares slavery to be non-existent and forbidden, and disallows any law to permit or facilitate, in any form, its introduction in Pakistan.

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Bonded Labor Abolished

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The Supreme Court of India in *Sanjit v. State of Rajasthan*, AIR 1983 SC 328, has held that this provision prohibiting forced labor, which is similar to that contained in Pakistan's Constitution, can be invoked not only against the State but also against private persons, who indulge in such practice. Additionally, the Indian Court has held that a court can go to the extent of directing rehabilitation of bonded laborers, or order

Bonded Labor System (Abolition) Act



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in consideration of an advance (peshgi) obtained by him or by any of the members of his family whether or not such advance is evidenced by any document, and in consideration of the interest, if any, due on such advance;

in pursuance of any customary or social obligation; or

for any economic consideration received by him or by any of the members of his family,

he would:

render, by himself or through any member of his family, or any person dependent on him, labor or service to the creditor, for the benefit 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;

forfeit the right to move freely from place to place;

forfeit the right to appropriate or sell at market value



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