



## THE BONDED LABOUR SYSTEM (ABOLITION) ACT, 1992



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# THE BONDED LABOUR SYSTEM (ABOLITION) ACT,1992

ACT No. III OF 1992

[11<sup>th</sup> March 1992]

*An Act to provide for abolition of bonded labour system*

WHEREAS clause (2) of Article 11 of the Constitution of the Islamic Republic of Pakistan prohibits all forms of forced labour;

AND WHEREAS it is necessary to provide for abolition of bonded labour system with a view to preventing the economic and physical exploitation of the labour class in the country and for matters connected therewith or incidental thereto;

It is hereby enacted as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Bonded Labour System (Abolition) Act, 1992.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

**2. Definitions.** In this Act, unless there is anything repugnant in the subject or context,—

(a) “advance (*peshgi*)” means an advance (*peshgi*), whether in cash or in kind, or partly in cash or partly in kind, made by one person (hereinafter referred to as the creditor) to another person (hereinafter referred to as the debtor);

(b) “bonded debt” means an advance (*peshgi*) obtained, or presumed to have been obtained, by a bonded labourer under, or in pursuance of, the bounded labour system ;

(c) “bonded labour” means any labour or service rendered under the bonded labour system ;

(d) “bonded labourer” means a labour who incurs, or has, or is presumed to have, incurred, a bonded debt;

(e) “bonded labour system” means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered into an agreement with the creditor to the effect that,—

(i) in consideration of advance (*peshgi*) obtained by him or by any of the members of his family [whether or not such advance (*peshgi*) is evidence by any document]

and in consideration of the interest, if any, due on such advance (*peshgi*), or

**(ii)** in pursuance of any customary or social obligation, or

**(iii)** for any economic consideration received by him or by any of the members of his family ;

he would—

(1) 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 benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

(2) forfeit the freedom of employment or adopting other means of livelihood for a specified period or for an unspecified period, or

(3) forfeit the right to move freely from place to place, or

(4) 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 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 ;

**(f)** “family” means,—

**(i)** in the case of a male bonded labourer, the wife or wives, and in the case of a female bonded labourer, the husband of the bonded labourer; and

**(ii)** the parents, children, minor brother, and unmarried, divorced or widowed sisters of the bonded labourer wholly dependent on him ;

**(g)** “nominal wages”, in relation to any labour, means a wage which is less than,—

**(a)** the minimum wages fixed by the Government, in relation to the same or similar labour, under any law for the time being in force ; and

**(b)** where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same

or similar labour, to the labourers working in the same locality ; and

(h) “prescribed” means prescribed by rules made under this Act.

**3. Act to over ride other laws, etc.** The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law.

**4. Abolition of bonded labour system.**— (1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall stand freed and discharged from any obligation to render any bonded labour.

(2) 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 other form of forced labour.

**5. Agreement, custom, etc., to be void.** Any custom or tradition or practice or any contract, agreement or other instrument, whether entered into or executed before or after the commencement of this Act, by virtue of which any person, or any member of his family, is required to do any work or render any service as a bonded labourer, shall be void and inoperative.

**6. Liability to repay bonded debt to stand extinguished.** — (1) On the commencement of this Act, every obligation of a bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied immediately before such commencement, shall stand extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall lie in any civil court, tribunal or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree or order for the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement, shall be deemed, on such commencement, to have been fully satisfied.

(4) Where, before the commencement of this Act, possession of any property belonging to a bonded labourer or a member of his family was forcibly taken by any creditor for the recovery of any bonded debt, such property shall be restored, within ninety days of such commencement, to the possession of the person from whom it was sized.

(5) Every attachment made before the commencement of this Act for the recovery of any bonded debt shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from his custody and kept in the custody of any court, tribunal or other authority pending sale thereof, such

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