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PART-I

LABOUR & HUMAN RESOURCES
DEPARTMENT

Karachi, dated the 31st May, 2021

No.L-II-2-8/2019:- In exercise of the powers conferred by section 22 of the Sindh Bonded Labour System (Abolition) Act, 2015, the Government of Sindh are pleased to make the following rules, namely:-

1. **Short title and commencement:-** (1) These rules may be called the Sindh Bonded Labour System (Abolition) Rules, 2021.

(2) They shall come into force at once.

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

- (a) "Act" means the Sindh Bonded Labour System (Abolition) Act, 2015 (Sindh Act No.XX of 2016);
- (b) "authority" means authority prescribed under rule 3.
- (c) "Chairperson" means the Chairperson of Vigilance Committee;
- (d) "Deputy Commissioner" means a Revenue Officer classified under section 7 of the Sindh Land Revenue Act, 1967;
- (e) "Fund" means Fund established under rule 9;
- (f) "Government" means the Government of Sindh; and
- (g) "Vigilance Committee" means the Vigilance Committee set up under rule 6.

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

3. **Authority to deal with cases of restoration of possession of any property of bonded labourer or a member of his family:** (1) Government shall, by notification in the Official Gazette, establish one or more authorities to deal with cases of restoration of possession of any property under sub-section (7) of section 6 of the Act and specify the territorial limits within which each one of them shall exercise jurisdiction under the Act.

(2) An authority established under sub-rule (1) shall consist of an officer of Government not below the rank of BPS-19 with experience and legal background.

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

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

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

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

4. **Powers and duties of the Deputy Commissioner for Implementing the provisions of the Act:-** (1) Government shall, by notification in the Official Gazette, confer upon every Deputy Commissioner in the Province the following powers, namely:-

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

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

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

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

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

6. **Constitution and meetings of the Vigilance Committees.** (1) Labour & Human Resources Department, Government of Sindh shall issue notification in the Official Gazette, constitute in each district of the province a Vigilance Committee consisting of the following members, namely: -

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| (a) Deputy Commissioner of the District, | Chairperson |
| (b) A police officer not below the rank of Superintendent of Police as nominated by the Senior Superintendent of Police of the District. | Member |
| (c) District and Session Judge, retired. | Member |
| (d) President District Bar Association | Member |

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| (e) | An elected representative of the District Council, to be nominated by the Local Government Department. | Member |
| (f) | A member of the Provincial Assembly, to be nominated by the Speaker Provincial Assembly of Sindh | Member |
| (g) | A representative of the Labour and Human Resources Department not below the rank of Assistant Director, to be nominated by that Department | Member |
| (h) | A representative of the Education Department not below the rank of an officer in BPS-17 to be nominated by that Department | Member |
| (i) | A representative of the Agriculture Department not Member below the rank of an officer in BPS-17, to be nominated by that Department | Member |
| (j) | A representative of the Health Department preferably a Member qualified physician, to be nominated by that Department | Member |
| (k) | A representative of recognized body of workers, to be nominated by the Labour & HR Department in Member consultation with that body. | Member |
| (l) | A representative of a recognized body of employers, to be nominated by the Labour and HR Department in consultation with that body. | Member |
| (m) | A representative of registered or recognized NGO working for the protection of human rights to be nominated by the District Administration with approval of the concerned Deputy Commissioner. | Member |
| (n) | A journalist of a standing competence and having Member experience of working in the field of human rights, to be nominated by the Information Department, Government of Sindh. | Member |
| (o) | A representative of Social Welfare Department of the Province not below the rank of an officer in BPS-17, to be nominated by that Department. | Member |
| (p) | Two representatives of recognized social services, one Member of whom shall be a from Women Association and one from any other body established to render services to the society at large for its development, to be nominated by Chief Minister | Member |

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

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

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

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

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

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

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

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

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

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

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

(5) A member of the Vigilance Committee may, by writing in his own hand addressed to the concerned Chairperson, resign his office. (6) A member of the Vigilance Committee may be removed by the Government if he is convicted of an offence which in the opinion of Government involves moral turpitude or if he has been absent from three consecutive meetings without leave of absence obtained from the Chairperson.

9. **Establishment of the Fund.** (1) There shall be established for the rehabilitation and welfare of the freed bonded labourer a Fund consisting of:—

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

(2) The Fund shall be utilized to —

- (a) finance the projects connected with the establishment of training institutes for the training of persons freed from bonded labour system;
- (b) provide legal and financial assistance to the bonded labourer or their family members for the sake of protection of their rights under the Act;
- (c) finance the other measures for the rehabilitation and welfare of freed bonded labourer as envisaged in sub-section (1) of section 10 of the Act;
- (c) meet expenditure in respect of cost of management and administration of the Fund; and
- (e) make investment in securities approved for the purposes by Government

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

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

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

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

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

11. The Bonded Labour Rules, 1995, in its application to the Province of Sindh shall, on commencement of these rules, stand repealed.

ABDUL RASHEED SOLANGI
SECRETARY TO GOVT. OF SINDH