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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN

LAW AND PROSECUTION DEPARTMENT

(Gilgit-Baltistan Secretariat)

Gilgit, the 22nd June, 2020

The Gilgit-Baltistan Bonded/Forced labour system (Abolition) Act, 2020

(ACT No. III OF 2020)

AN

ACT

To provide for abolition of Bonded / Forced 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 / Forced labour system with a view to preventing the economic and physical exploitation of

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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 Gilgit-Baltistan Bonded / Forced Labour System (Abolition) Act, 2020.

(1) It extends to the whole of the Gilgit Baltistan.

(2) It shall come into force at once.

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

- (1). “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);
- (2) “Bonded / Forced debt” means an advance (*peshgi*) obtained, or presumed to have been obtained, by a Bonded / Forced laborer under, or in pursuance of, the Bonded / Forced labour system;
- (3) “Bonded / Forced labour” means any labour or service rendered under the Bonded / Forced labour system;
- (4) “Bonded / Forced laborer” means a labour who incurs, or has, or is presumed to have, incurred, a Bonded / Forced debt;
- (5) “Bonded / Forced 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.
 - a. 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
 - b. in pursuance of any customary or social obligation, or
 - c. for any economic consideration received by him or by any of the members of his family;

he would—

- i. 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
- ii. forfeit the freedom of employment or adopting other means of livelihood for a specified period or for an un-specified period, or
- iii. forfeit the right to move freely from place to place, or
- iv. 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 / Forced labour on behalf of the debtor;

(6) **“family” means,—**

- (1) in the case of a male Bonded / Forced laborer, the wife or wives, and in the case of a female Bonded / Forced laborer, the husband of the Bonded / Forced laborer; and
- (2) the parents, children, minor brother, and un-married, divorced or widowed sisters of the Bonded / Forced laborer wholly dependent on him;

(7) **“Government”** means Government of the Gilgit Baltistan.

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

- (1) 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
- (2) 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;

- (9) **“Prescribed”** means prescribed by rules made under this Act.
- (10) **“Chief Inspector”** means Director Labour.
- (11) **“Deputy Chief Inspector”** means Deputy Director Labour/Assistant Director Labour.
- (12) **“Inspector”** means, Labour Inspector or an official from Directorate of Labour duly notified as an Inspector for the purpose of this Act by the Chief Inspector.
- (13) **“Authority”** means Executive Magistrate.
- (14) **“Appellate Authority”** means Secretary Labour Gilgit Baltistan.
- (15) **“Court”** Means Gilgit Baltistan Chief Court.
- (16) **“Executive Magistrate”** means Deputy Commissioner of concerned district.

3. **Act to override 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/Forced labour system.**—(1) On the commencement of this Act, the Bonded / Forced labour system shall stand abolished and every Bonded / Forced laborer shall stand freed and discharged from any obligation to render any Bonded / Forced labour.

(2) No person shall make any advance under, or in pursuance of the Bonded / Forced labour system or compel any person to render any Bonded / Forced labour or other form of forced labour.

5. **Agreement, custom, etc., to be void.**—Any custom or tradition or practice or any contract Act, 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 / Forced laborer, shall be void and inoperative.

6. **Liability to repay Bonded / Forced debt to stand extinguished.**—(1) On the commencement of this Act, every obligation of a Bonded / Forced laborer to repay any Bonded / Forced debt, or such part of any Bonded / Forced debt as remains un-satisfied 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 / Forced debt or any part thereof.

(3) Every decree or order for the recovery of Bonded / Forced 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 / Forced laborer or a member of his family was forcibly taken by any creditor for the recovery of any Bonded / Forced debt, such property shall be restored, within ninety days of such commencement, to the possession of the person from whom it was seized.

(5) Every attachment made before the commencement of this Act for the recovery of any Bonded / Forced debt shall, on such commencement, stand vacated; and, where, in pursuance of such attachment, any movable property of the Bonded / Forced labourer was seized and removed from his custody and kept in the custody of any court, tribunal or other authority pending sale thereof, such movable property shall be restored, within ninety days of such commencement, to the possession of the Bonded / Forced laborer:

Provided that, where any attached property was sold before the commencement of this Act, in execution of a decree or order for the recovery of a Bonded / Forced debt, such sale shall not be affected by any provision of this Act.

(6) Subject to the proviso to sub-section (5), any sale, transfer or assignment of any property of a Bonded / Forced laborer made in any manner whatsoever before the commencement of this Act for recovery of Bonded / Forced debt shall not be deemed to have created or transferred any right, or interest in or encumbrance upon any such property and such property shall be restored, within ninety days of such commencement, to the possession of the Bonded / Forced laborer.

(7) If restoration of the possession of any property referred to in sub-section (4) or sub-section (5) or sub-section (6) is not made within ninety days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed, apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the said property within such time as may be specified in the order.

(8) An order made by any prescribed authority under sub-section (7) shall be deemed to be an order made by a labour magistrate.

(9) Where any suit or proceeding for the enforcement of any obligation under the Bonded / Forced labour system, including a suit or proceeding for the recovery of any advance (*peshgi*) made to a Bonded / Forced laborer, is pending at the commencement of this Act, such suit or other proceeding shall, on such commencement, stand dismissed.

(10) On the commencement of this Act, every Bonded / Forced laborer who has been detained in civil prison, whether before or after judgment, shall be released from detention forthwith.

7. Property of Bonded / Forced labour to be freed from mortgage, etc.—(1) All property vested in a Bonded / Forced laborer which was, immediately before the commencement of this Act, under any mortgage, charge, lien or other encumbrance in connection with any Bonded / Forced debt shall, in so far as it is relatable to the Bonded / Forced debt, stand freed and discharged from such mortgage, charge, lien or other encumbrance; and where any such property was, immediately before the commencement of this Act, in the possession of the mortgagee or the holder of the charge, lien or encumbrance, such property shall, except where it was subject to any other charge, on such commencement, be restored to the possession of the Bonded / Forced labourer.

(2) If any delay is made in restoring any property referred to in sub-section (1) to the possession of the Bonded / Forced laborer, such laborer shall be entitled, on and from the date of such commencement, to recover from the mortgagee or holder of the lien, charge or encumbrance, such mesne profits as may be determined by the civil court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction such property is situated.

8. Creditor not to accept payment against extinguished debt.—(1) No creditor shall accept any payment against any Bonded / Forced debt which has been extinguished or deemed to have been extinguished or fully satisfied by virtue of the provisions of this Act.

(2) Whoever contravenes the provisions of sub-section (1), shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than fifty thousand rupees, or with both.

(3) The court convicting any person under sub-section (2) may, in addition to the penalties which may be imposed under that sub-section, direct such person to deposit, in court, the amount accepted in contravention of the provisions of

sub-section (1), within such period as may be specified in the order, for being refunded to the Bonded / Forced laborer.

9. Authorities who may be specified for implementing the provisions of this Act.— The Government may confer such powers and impose such duties on a Chief Inspector Labour as may be necessary to ensure that the provisions of this Act are properly carried out and the Chief Inspector may designate after approval of Secretary Labour an officer sub-ordinate to him to exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and specify the local limits within which such powers or duties shall be carried out by such officer.

10. Chief Inspector and other officers designated by him.—(1) The Chief Inspector Labour authorized by the Government under section 9 and the officer designated by the Chief Inspector Labour under that shall, as far as practice, try to promote the welfare of the freed Bonded / Forced laborer by securing and protecting the economic interests of such Bonded / Forced labourer after approval of Secretary Labour so that he may not have any occasion or reason to contract Act any further Bonded / Forced debt.

(2) It shall be the duty of every Chief Inspector Labour and every officer designated by him under section 9 to inquire whether, after the commencement of this Act, any Bonded / Forced labour system or any other form of forced labour is being enforced by, or on behalf of, any person resident within the local limits of his jurisdiction and if, as a result of such inquiry, any person is found to be enforcing the Bonded / Forced labour system or any other system of forced labour, he shall forthwith take such action as may be necessary to implement the provisions of this Act.

11. Punishment for enforcement of Bonded / Forced labour.— Whoever, after the commencement of this Act compels any person to render any Bonded / Forced labour shall be punishable with imprisonment for a term which shall not be less than six months not more than one year, or with fine which shall not be less than fifty thousand rupees, or with both.

12. Punishment for extra Acting Bonded / Forced labour under the Bonded / Forced labour system.— Whoever enforces, after the commencement of this Act any custom, tradition, practice, contract Act, agreement or other instrument, by virtue of which any person or any member of his family is required to render any service under the Bonded / Forced labour system, shall be punishable with imprisonment for a term which shall not be less than six months nor more than two years or with fine which may be extend to three hundred thousand rupees but shall not be less than fifty thousand rupees, or with both; and out of the fine, if recovered,

payment shall be made to the Bonded / Forced laborer at the rate of not less than six hundred rupees for each day for which Bonded / Forced labour was extracted from him.

13. Punishment for omission or failure to restore possession of property to, Bonded / Forced laborer.—Whoever, being required by this Act to restore any property to the possession of any Bonded / Forced labour, omits or fails to do so, within a period of ninety days from the commencement of this Act shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to thirty thousand rupees, or with both; and out of the fine, if recovered, payment shall be made to the Bonded / Forced laborer at the rate of six hundred rupees for each day during which possession of the property was not restored to him.

14. Abetment to be an offence.—Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

Explanation.—For the purpose of this section, “abetment” has the same meaning as is assigned to it in the Pakistan Penal Code (Act XLV of 1860).

15. Vigilance Committees.—(1) Vigilance Committees comprised of following officers shall be set up at the District level in the prescribed manner:—

1. Deputy Commissioner	<i>Chairman</i>
2. Elected Representatives	<i>Member</i>
3. Superintendent of Police	<i>Member</i>
4. Assistant Commissioner (Concerned Tehsil)	<i>Member</i>
5. President of Bar Association	<i>Member</i>
6. President of Press Club	<i>Member</i>
7. Social Welfare Officer	<i>Member</i>
8. Deputy Director Labour	<i>Member</i> <i>Secretary</i>

(2) The following shall be the functions of the Vigilance Committees, namely:—

- (a) to advise the Labour Department on matters relating to the effective implementation of the law and to ensure its implementation in a proper manner;
- (b) to help in the rehabilitation of the freed bonded labour and forced labour.
- (c) to keep an eye on the working of the law; and
- (d) to provide the Bonded / Forced labourers such assistance as may be necessary to achieve the objectives of the law.

16. **Offences to be tried by the Magistrate.**—Labour Inspector may file a complaint to Executive Magistrate of concerned District under this Act.

17. **Cognizance of offences.**—Every offence under this Act shall be cognizable and bailable.

18. **Offences by companies.**—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager or other officer of the company, such director, manager or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “**Company**” means anybody corporate, and includes a firm or other association of individuals; and
- (b) “**Director**”, in relation to a firm, means a partner in the firm.

19. **Protection of Action taken in good faith.**—No suit, prosecution or other legal proceeding shall lie against Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act.

20. **Jurisdiction of Courts Barred.**—Save as otherwise provided in this Act, no court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any court in respect of anything which is done or intended to be done under this Act.

21. **Interference in duty.**—(1) Whoever interferes in duty of Appellate Authority, Chief Inspector, Deputy Chief Inspector or Labour Inspector or any officer of the Government under this act or rules made thereunder or while performing a duty/function in fulfillment of the mandate given to the department, is committing a non-bailable offence.

(2) On conviction the offender is liable to a fine which may extend to fifty thousand rupees or imprisonment which may extend to three month but not less than fifteen days or both.

22. **Lodging of Complaints.**—All complaints about Bonded / Forced labour related offences are to be lodged in the prescribed manners.

23. **Competent Court.**—All complaints and suits about the Bonded / Forced labour related offences are to be instituted in the court of Executive Magistrate.

24. **Summary Trial.**—Bonded / Forced labour related cases shall be tried through summary trial in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

25. **Courts competent to take cognizance.**—All offence cases punishable under this Act and rules made thereunder shall be adjudicated and trials shall be conducted exclusively by Executive Magistrate.

26. **Power to try offences summarily and as special cases.**—(1) Offences under this Act or rules made thereunder which can be tried summarily in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898) shall be tried summarily.

(2) A Court taking cognizance of an offence under this Act or rules made thereunder, may direct Labor Department Officer of the area to serve summons on the accused person to appear before the Court on a given date. In case of refusal or non-compliance by the accused, the Court shall direct the police of the concerned police station to serve a warrant on the accused and produce him before the Court on the given date.

(3) All labour related offence cases shall be treated as Special Cases and their trial shall be conducted accordingly.

27. **Appeals from orders of Magistrates.**—A convicted person or the Department aggrieved by an acquittal order or sentence passed by the Executive Magistrate under this Act or the rules made thereunder may, within fifteen days of

communication of such acquittal order or sentence, may appeal to the Secretary Labour Gilgit-Baltistan, who will decide the appeal within one month from the date of submission/institution of the appeal.

(2) The appeal against the decision of the Secretary Labour shall lie with the Chief Court of Gilgit-Baltistan having jurisdiction and final appeal shall be made before the Supreme Appellate Court of Gilgit-Baltistan.

28. Duties of other Government Departments and Functionaries.—Other Government Departments and Functionaries of Government of Gilgit-Baltistan including Police, Administration & Revenue Department and any other department shall assist the Labour Department in implementation and enforcement of this Act or rules made thereunder and any policies, orders, notifications and measures meant for achieving mandate of the Labour Department.

29. Obligation of other Government Departments and Functionaries.—
(1) It is the obligation of all Government Departments and Functionaries of Government of Gilgit-Baltistan as mentioned in Section 27 to provide any assistance when asked for by a Labour Department.

(2) The Police Department, Administration and other law enforcing agencies as the case may be, of the concerned district is bound to abide by and comply the orders of Executive Magistrate in the proceedings and disposal of Bonded/ Forced labour offence cases and in implementation of this Act.

30. Liability to inform.—(1) Every citizen of Gilgit-Baltistan or a functionary of any Government department is bound to and liable to inform Labour Department or near police station about the Bonded / Forced labour offence happening or likely to happen and truthful and *bonafide* informer shall be fully protected by the Government.

(2) Government shall keep confidential the identity of informer under subsection (1).

31. Power to make Rules.—The Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.

32. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

FIDA MUHAMMAD NASHAD,
Speaker
Gilgit-Baltistan Assembly.

RAJA JALAL MAQPOON,
Governor
Gilgit-Baltistan .