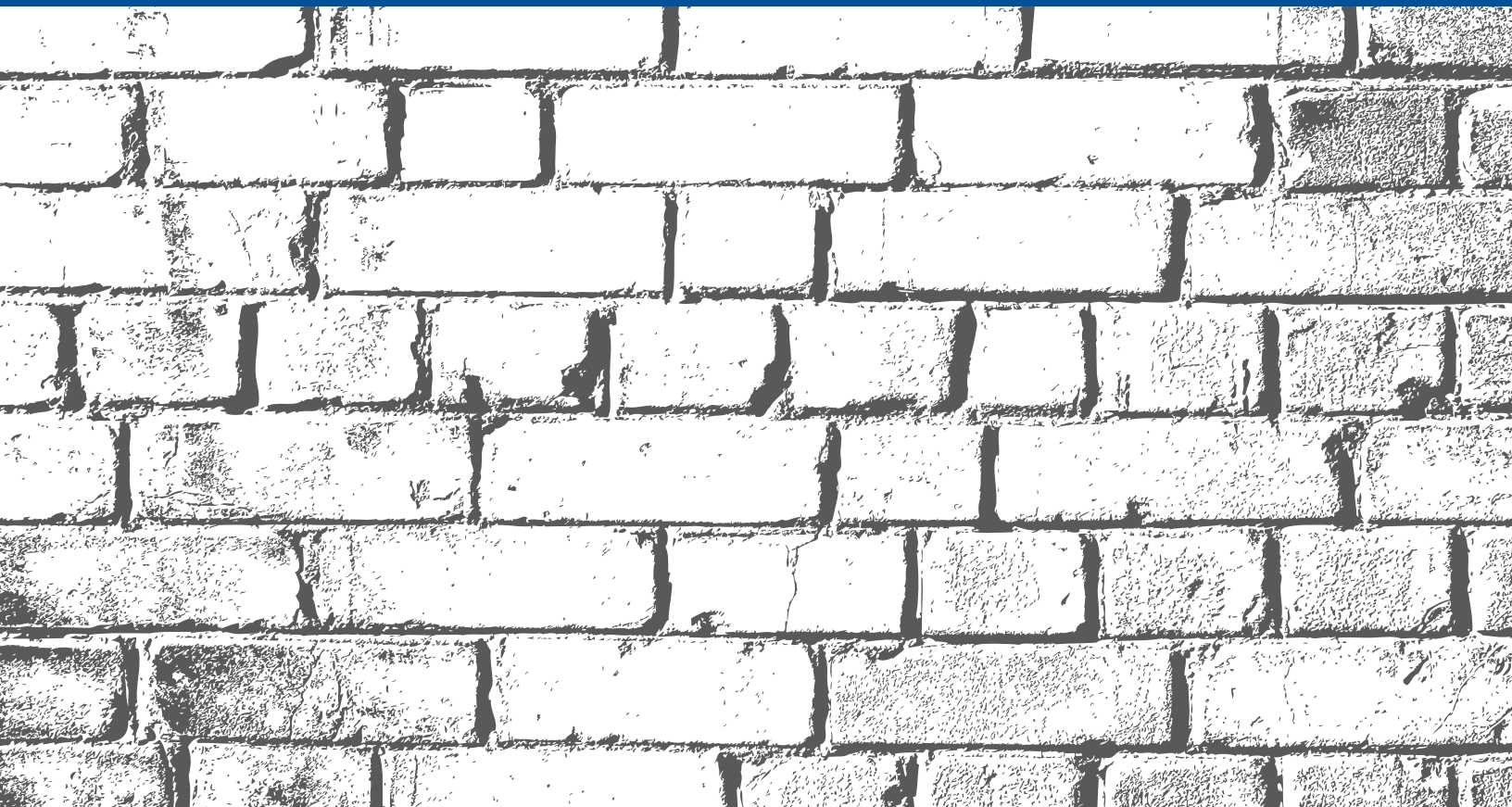




Rural Support Programmes Network

STUDY ON BONDED LABOUR PRACTICES

Tando Muhammad Khan and Tando Allahyar Districts, Sindh



Contents

ACRONYMS

ACKNOWLEDGMENTS

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Acronyms

BHU	Basic Health Unit (BHU)
CNIC	Computerised National Identity Card
CSSP	Civil Society Support Programme
DC	Deputy Commissioner
DCO	District Coordinator Officer
DVC	District Vigilance Committee
FGD	Focus Group Discussion
HH	Household
ILO	International Labour Organisation
KIIs	Key Informant Interviews
MFLO	Muslim Family Law Ordinance
NADRA	National Database & Registration Authority
NGO	Non-Governmental Organisation
NRSP	National Rural Support Programme
P&D	Planning and Development
RHC	Rural Health Centre (RHC)
RSPN	Rural Support Programme Network
RSPs	Rural Support Programmes
SLGA	Sindh Local Government Act
SOP	Standard Operating Procedure
SSP	Senior Superintendent Police
TAY	Tando Allahyar
TGH	Tando Ghulam Haider
TMK	Tando Mohammad Khan
UC	Union Council

Acknowledgements

The Rural Support Programmes Network (RSPN) valued the support of all individuals who contribute in organising, conducting and compiling this survey. We acknowledge with much appreciation to the crucial role of the project staff of 'Strengthening Legal Empowerment in Rural Communities through Community Based Paralegals in Sindh' who made arrangement of the interviews and FGDs in field with support of community institutions: the Community Organisations (COs), Village Organisations (VOs), Local Support Organisations (LSOs).

The Rural Support Programmes Network (RSPN) also extend gratitude to the higher management and focal persons of National Rural Support Programme (NRSP)

for their support to the Head Paralegals, Community Based Paralegals, District Legal Empowerment Officers, and Field Unit in charges. We would also like to take this opportunity to thank our consultants Mr. Iqbal Ahmed Detho and Mr. Muhammad Uris for their technical support and guidance to accomplish this quality survey without timeline.

Lastly, we are grateful to Open Society Foundations (OSF) for their continued financial and technical support in the implementation of this project.

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Executive Summary

The Rural Support Programmes Network (RSPN) is implementing the project through partner organisation National Rural Support Programme (NRSP) for legal empowerment of rural communities with special focus on bonded labour in two districts of Sindh, i.e., Tando Mohammad Khan (TMK) and Tando Allahyar (TAY). The main objective of the project is to empower the rural communities and bonded labourers and their families to resolve their legal issues with the help of trained community-based paralegals. The project also includes a survey to understand the bonded labour in the districts- Tando Mohammad Khan (TMK) and Tando Allahyar (TAY). The prime purpose of the survey is to learn about bonded labour practices in the project areas that include the reasons for bonded labour prevalence, forms of it, and a mechanism to address the issue. A household (HH) survey was conducted in both districts and interviewed 101 heads of the households that include 50 in TMK. In addition to the HH survey, FGD with community members and KIIs were conducted with key officials. Most of the respondents in the household survey and FGDs belonged to the Hindu community.

They informed about various issues. Of the total 101 respondents, only seven said that they had no CNICs. On the other hand, of the total 360 adult family members, 278 had registered their votes (were able to cast their votes). The male participants in FGD in UC Begam Jarwar in TAY shared that their CNICs were with the owner (landlords) so that workers should not run away. Only 37 respondents said that their children did not go to school but worked along with them especially girl children. The majority shared that they were working in the brick kiln and agriculture sectors because of poverty and also because they had to pay back the loan to the brick kiln owners and landlords.

Of the total respondents (101) in the household survey, only one respondent shared that he worked as brick kiln worker; 40 respondents said that they

worked as a sharecropper on the landlords' lands and 60 said that they worked as farmworkers on the landlords' land. Only eight respondents said that they had agriculture land; one of these in TAY district and 7 in TMK district; of these, 3 were non-Muslims. Many of the respondents (36) did not share for how long they had been working for the current landlord/owner; 27 respondents said that they had been working with the current landlords for generations. A good number of respondents informed that they had changed the landlords; among them, the majority has changed only once; on the other hand, 35 respondents shared that they had never changed the landlord. Only ten respondents including one from TMK shared that their previous landlords had trapped them, and kept under illegal captivity. Of the ten respondents, four said that it was because of debt on them.

Of the total 101 respondents, 30 (27 in TAY and 3 in TMK) respondents shared that they were forced to work and lived as bonded labourers. Of the total 30 respondents who had said that they lived a bonded labourer life, they also shared reasons for being treated as bonded labourers; 7 respondents said that they had taken loan from the landlords; one said that it was because of debt on his father and family; 18 respondents said that it was because of the residence, which belonged to the landlord. The male participants in FGD in TAY shared that that brick kiln owner also beat them and used abusive language, and was not allowed to go anywhere and the labourers and their families were unable to do anything. The male participants in FGD in TAY stated that almost all families working at brick kilns were debt-bonded that is why they did not dare to speak anything against ill-treatment they faced from the owners.

Of the 30 respondents, 20 said that the loan they had taken was genuine; 6 respondents informed that it was a false excuse; 4 respondents did not offer any answer. However, almost all others said that peasants

or farm workers were trapped in false pretexts, and in reality, the peasant had not taken any loan, and if taken, that had been repaid every year. The reasons for which tenants obtained loans/debts were more varied. Majority of the debts were taken to meet daily household expenses, repayment of the previous loan, social obligations like Marriage expenses, meeting expenses of festivals. Very little is spent on education, medical treatment or for other productive purposes. Of the 35 respondents who had taken some loan, 16 said that they wanted to leave; 19 said that they did not want to. In addition to 19, the other remaining respondents also said that they did not want to leave. It was mainly because they had been working on the landlord for a long time and it was difficult to get agriculture lands for cultivation.

Of the total 101 respondents, only 21 (15 from TAY and six from TMK) informed that their landlords had forced them to leave the work and the house. Of the total 101, only ten respondents (seven from TAY and three from TMK) shared that they were evicted from the land; many did not know the reasons for their eviction, but a few added that landlords wanted them to work extra which they did not, and they did not pay them for the extra work. These people were asked if they complained anywhere against their forced eviction, five said that they complained to the NGOs, four said that they complained to the police and one respondent did not offer any answer. Some informed that the owners always teased, harass and torture them. In result of complaints, they shared that families were forced to abandon their villages, and over the last a few years, around 20 families had been forced to leave villages. They added that in 2017, the landlord had lodged a fake FIR against workers. Of the total 101 respondents, two said that they did

not know their rights at the time when they want to leave the landlords; three informed that they had such knowledge through the media and NGOs; however, the remaining 96 respondents did not offer any response.

The survey and FGD's results help to understand the issue of bonded on the ground. The issue is severe especially for non-Muslim communities which were socially and economically marginalised and deprived of rights. The prime reasons for the prevalence of bonded labourer are poverty, lack of irrigation water, and non-implementation of the laws, and control of landlord over the police and the community's redressal mechanisms. The data shows that bonded labour practices prevailed in both brick kiln and agriculture, but the respondents were reluctant to share the facts due to fear of severe consequences. The issue of bonded labour is not dead; it prevails in the targeted districts. The landlords in the agriculture sector and owners in the brick kiln sector exploit and abuse poor peasants and workers by using money and political powers. To deal with the issue and give bring back the fresh soul in it, all stakeholders have to play their roles. The governments at the provincial and district should come forward: to activate district vigilance committees; to assist the needy workers and peasants to come out of the trap of debt bondage and in this regard emergency teams and emergency numbers to be launched so that people could easily access the authorities; to ensure safety and protection of complainants; to provide alternative livelihoods and living places (accommodation); to ensure workers get minimum wages; and provide land to landless peasants. RSPs and RSPN should also support victims to follow up cases in courts by providing technical and legal support.

1. Introduction and Background

1.1. Background

The Rural Support Programmes Network (RSPN) is implementing the project through partner organisation National Rural Support Programme (NRSP) for legal empowerment of rural communities with special focus on bonded labour in two districts of Sindh, i.e., Tando Mohammad Khan and Tando Allahyar. The main objective of the project is to empower the rural communities and bonded labourers and their families to resolve their legal issues with the help of trained community-based paralegals. The project envisions a range of activities including capacity building training, legal aid, and research studies. Out of them, a study on bonded labour practices is one of the major outputs of the project because bonded labour or debt bondage is a modern form of slavery and Pakistan ranks third on the list of countries in which slavery is highly prevalent approximately over 2 million people ensnared in some form of bonded labour. The two main industries where bonded labour is ubiquitous are agriculture and brick kilns, though it can also exist in the production of cotton, textiles, incense, tobacco, sugar cane, gemstones and stone crushing. Both these sectors are particularly notorious for enslaving entire generations and are barely regulated. The women and children are adversely affected as entire families are often made to work off the debt and parents have been known even to pledge their children to pay off their debts. An earlier survey of ILO indicates the existence of some 1.7 million bonded labourers in Sindh province alone (HRCP (2004) 'State of Human Rights in Pakistan 2004' Human Rights Commission of Pakistan). The project also includes a survey to understand the bonded labour in the district. The rationale of the survey is given in the following passage.

1.2 Brief Profile of Tando Muhammad Khan

Tando Muhammad Khan was created in June 2005 by the Government of Sindh. The district derives its name

from Mir Mohammad Khan Talpur- a famous personality of the region. In its north are Tando Allahyar and Hyderabad districts. Badin is in its south and east. In its west is Thatta district. The river Indus flows in its north-west. TMK has three talukas: Tando Muhammad Khan, Tando Ghulam Hyder and Bulri Shah Karim. It has 16 union councils spread over 160 dehs. Of the total 161 mouzas, 156 are rural, one is urban, three are partly urban, and one is forest mouzas. TMK had moderate hot and tolerable weather. TMK has the traditional Sindhi culture and language. It has a well-organized irrigation system. Agriculture, in the district primarily depends upon canal irrigation. In 2014, in TMK, the estimated population was 617,917, which included 293,958 female. In the district, the sex ratio was 110 male per 100 females, which was more than the ratio at the National level, which was 106.¹

1.3. Brief Profile of Tando Allahyar

Before May 2005, Tando Allahyar was a taluka of district Hyderabad. It was separated given the status of a district on 5th May 2005. The city is called Tando Allahyar after Mir Allahyar Khan who had remained ruler of the city before the invasion of British East India company. District Mirpur Khas is its east, district Sanghar on the north, district Hyderabad and Matiari on the west and district Tando Muhammad Khan and Badin on the south. Districts Sanghar and Mirpurkhas are more prone to bonded labour practices. District has pleasant and temperate weather. Due to moderate and pleasant climatic conditions and plentiful supply of irrigation water from canals, the district is rich with diverse cash and food crops including wheat, cotton, sugarcane, and all types of fruits and vegetables. Mangos of the district are famous all over the country. District Tando Allahyar is a traditional Sindhi area, where Islam is a major religion, and Hindus constitute a small minority. The district has a stronghold of Pakistan Peoples Party (PPP) and the Magsi- mostly has feudal

and landlord type of characteristics in its social justice system. District Tando Allahyar has three talukas, namely Tando Allahyar, Jhando Mari and Chamber with 19 union councils and 201 villages. It has 87 mouzas (revenue village); out of which 85 are rural, one is urban, and one is partly urban. The district has a fertile and flat structure/shape with well-organized canal system and higher agriculture production. By 2014, the district had estimated 685,598 populations of which 329,236 were females. In TAY, the sex ratio is 108 male per 100 females, which is higher than the ratio at the National level, which is 106. A very high maternal mortality rate and poor health care at the district are the prime cause of the difference in sex ratio.

2. Objectives, Purpose and Expected Results

2.1. Overall Objective

The Sindh province is a multi-religious and caste-based society where socio-economic indicators of bonded families describe a despicable scenario. The land is a major source of livelihood in rural settings of the districts, and land ownership is non-existent which appears to be an important factor for subjugation and exploitation by the landowners. Including that lack of livelihood, basic social services, i.e., education, health, water and sanitation in selected districts is virtually non-existent and rarely available. Illiteracy is an important factor that has further limited economic opportunities vis-a-vis lack of diverse skill base. Household incomes of the families are extremely low, and ownership of assets by households is at the bare least. The lower caste population of Hindus predominantly comprising of Bheel and Kholi clans are the most vulnerable and marginalised communities that constitute the population of

bonded sharecroppers. Regarding implementation, some deficits prevent the realisation of labour rights. Improvement in the extension of social protection also needs to be worked on. Only 680,000 workers, out of the labour force of 14.07 million in Sindh have been registered by the Sindh Employees Social Security Institute. As noted by the Labour Force Survey 2013-14, access to minimum wage and nondiscriminatory wages (for men and women working at similar positions) is also not taking place, with women earning one-third of the income earned by men. To assess the prevalence of the bonded labour practices, NRSP and RSPN have selected two districts TMK and TAY. The overall purpose of the survey will be to learn about bonded labour practices in the project areas that include the reasons for bonded labour prevalence, forms of it, and a mechanism to address the issue. The project team will incorporate the findings of the study into the project interventions, i.e., advocacy with government departments, sharing information and legal assistance to the bonded labours and their families. The study/survey will be disseminated to the wider audience for sharing purposes through website and workshops and RSPs annual retreat.

2.2. Purpose of the Study

The prime purpose of the survey is to learn about bonded labour practices in the project areas. In specific, the objectives of the survey are:

- To understand the ground issue and forms of bonded labour available in the intervention areas
- To explore the reasons for bonded labour prevalence
- To know the gender context of the bonded labour
- To identify forms of bonded labour in target districts
- To identify socio-economic and political issues with the reasoning of bonded labour
- To understand bonded labour issues in a gender context

- To explore appropriate channels and mechanisms for advocacy with government departments, sharing information and legal assistance to the bonded labour and their families

2.3 Expected Results

The survey team fears that the practice of debt bondage and other relevant practices are commonly prevalent in the project areas, and to address the issues and forms of bonded labour, the state authorities have not intervened. With this survey, we would be able to understand the causes and forms of bonded labour and also its prevalence from a gender perspective. The survey would also help to learn the availability of appropriate channels and mechanisms for advocacy with government departments, sharing information and legal assistance to the bonded labour and their families.

3. Research Approach & Methodology

3.1. Scope of Work

The survey is conducted within the two districts to understand the issue of bonded labourers and its practices.

3.2. Approach

The survey was conducted in both project districts (TAY and TMK). Both quantitative and qualitative approaches were used to collect the data. Minority factor was also taken into account. Four villages were selected through purposive sampling.

3.3. Review of literature

Before and after the survey, the research team thoroughly reviewed the literature on the subject that includes the legal framework (BLSAA and BLSAA Rules), ILO's studies, RSPN's project documents, and independent research reports. In specific the following legal documents were reviewed:

1. Constitutional Provisions -Article 11(1)(2)
2. Bonded Labor System Abolition Act (BLSA)-1992
3. BLSA Rules 1995
4. Sindh Bonded Labor System Abolition Act (SBLSA) 2015
5. Sindh Prohibition of Child Labor Act-2017
6. Relevant Provisions of CrPC related to detention
7. Relevant Provisions of PPC Section 374
8. Sindh Tenancy Act-1951

3.4. Preparation for the survey and monitoring

The researcher had hired a team of researchers, and then they were provided detailed orientation on how to conduct the survey and interviews. Once the researchers were in the field, the main researcher continuously followed up with the team to ensure the presence of the team in the field. Also, in the evening, the survey tools were rechecked by the main research to ensure that the data has properly been gathered. Field work was initiated under the supervision of the team leader. The TL was in the field during all data collection days, and he visited teams for spot checking. During monitoring, he was observing the conducting of the interviews.

3.5 Development of Study Tools

After agreeing on the outline of study, the consultant developed research/ survey tools i.e. questionnaire/ check list, field plan, and the data base management system etc. and finalised these after discussing with RSPN. While developing tools, the researcher focused on following themes

- Basic demographic data of bonded labor families
- Initial Loan and Debt Accumulation
- Migratory Trends

- Working conditions, Child Labor and Abuse
- Issues of Gender

Quantitative data collection:

The total 101 households were sampled for the survey. 12 revenue villages were identified from 12 UCs. In each UC, in one village, 10 questionnaires were filled. Following were the selection criteria of the villages

- A village dominant by share cropper farmers
- A village dominant by labourer farmers
- A village dominant by brick kiln labourers

Minority factor were also be accounted. Four villages were selected through purposive sampling under the each segment.

Qualitative data collection:

Qualitative data was collected through FGD and KIIs. 25 women and 47 men were sampled in the study.

Sample selection of FGD (female):

Two female FGDs were conducted, one in each district. Each FGD had around 12 participants. Through household survey, the participants were identified from 12 villages.

- Share cropper farmers
- Labourer farmers
- Brick kiln labourers
- Civil Society worker/activist

Sample selection of the FGD (male):

Two FGDs were conducted with males, one in each district. In each FGD, around 12 males participated. Participants were identified from 12 villages at the time of household survey.

- Share cropper farmers
- Labourer farmers
- Brick kiln labourers
- Civil Society worker/activist

3.6. Sample size determination and selection

Table 1: Data sample and locations in the districts

#	Activity	Location of the Interview	UC	Taluka/ District
1	Sample selection	With RSPN team at Hyderabad		
2	Training of the team	CSSP Office Hyderabad		
3	HH Survey	Village Vlio Kolhi (8 sample) Village Haji Ismail Samoon (8)	UC Baledino Sathio UC Lakhat	TMK
4	FGD with women	District NRSP Office TMK	TMK	TMK
5	FGD with DVC	District NRSP office TMK SSP, Social Welfare, Bhata president, Bar Council	TMK	TMK
6	FGD with Males	District NRSP Office TMK	TMK	TMK
7	Interview with Government Officials	TMK (SSP/ DC)	TMK	TMK
8	HH Survey	Village Ghulam Nabi Choudhri (8) Village Ghulam/ Yar Muhammad Khoso (6)	UC Allah Yar Turk UC Saeed Khan Lund	Buleri Shah Karim
9	HH Survey	Village Haji Sher Muhammad Rind (10) Village Hamzo Khan Leghari/ village Vidh Sharif (3)	UC Gulam Shah Bagrani UC Lakha at Mir Wah	TGH
10	HH Survey	Village Bhoral shah stop Village Dolat Mirjat	UC Shahpur UC Tando Soomro	Jhando Mari
11	FGD with Females	NRSP Office TAY	TAY	TAY
12	FGD with Males	NRSP Office TAY	TAY	TAY
13	HH Survey	Village Mir Jan Muhammad Talpur Village Mir Kabir Talpur (4)	UC Began Jarwar UC Sultanabad	Chamber Jhando Mari
14	FGD with DVC	NRSP Office Tando Allahyar	TAY	TAY
15	HH Survey	Village Harjee Kolhi Village Lukhy Muhammad Manghwani	UC Rawat Leghar UC Naseer Khan Leghari	Chamber
16	Interview with officials	TAY	TAY	TAY

Table 2: Data Collection Plan

No	Field Level	Activity	Number	Target Group	No of Participants	Total
1	UC	HH Survey	101	Household	100	100
2.	District (one in each district)	FGDs	2	Community members (male) of Agriculture bonded labor and Brick clan	12	24
3	District (one in each district)	FGDs	2	Community members (Female) of Agriculture and brick clan	12	24
4.	District (one in each discussion)	FGDs	2	Community member & members of District Vigilance committees	10	20
5.	District (two in each district)	KIIs	04	District level stakeholders (District Administration, District Police Officials, Members of Bar, District labour officer)	4	4
Total 172						

Note: There are three tehsils in TMK and four in Tando Allahyar. The jurisdiction of both districts is small as compared to other districts of Sindh.

Data Collection

The consultants conducted and supervised study/survey in project areas (Tando Muhammad Khan & Tando Allahyar districts). The data was collected through household survey, FGDs and Key Informant Interviews (KIIs).

The FGDs were conducted at the district level, and venues for the FGDs were identified by RSPN. The KII interviews were conducted with identified stakeholders in targeted districts. The duration of the KIIs interview ranged from 45 to 60 minutes per interviewed stakeholder. There were two teams: Team A: It consists of team leader and Female FGD facilitator. They were responsible for collecting qualitative data such as FGDs and KIIs. Team B: It consists of Research Associate and female field researcher. They were responsible for the quantitative data collection.

3.7. Research Tools

Table 3: The number of male and female participants in the HH survey				
	Tehsil	Total	Male	Female
TAY	Chambar	9	3	6
	Jhando Mari	42	12	30
Total		51	15	36
TMK	Bulrishah Karim	22	13	9
	TGH	10	3	7
	TMK	18	9	9
Total		50	25	25
Grand Total		101	40	61

The semi-structured household level interviews to record head of family's views were collected. In this regard, 51 interviews including with 30 females were conducted in Tando Allahyar; of these 9 in Chambar tehsil and 42 in Jhando Mari tehsil were conducted. In TMK district, 50 interviews including with 25 females were conducted; of these, 22 in Bulrishah Karim, 10 in Tando Ghulam Haider and 18 in TMK tehsils were conducted. Of the total respondents, eight were unmarried and 93 married. Of the total 101 respondents, 28 were Muslims (one in TAY and 27 in TMK) and 73 Hindus mainly Kolhis (50 in TAY and 23 in TMK). Total four FGD were conducted; of which, two in TA district and two in TMK district.

3.8. In-depth Interviews

In-depth interviews were conducted with the key informants within the government departments. These informants were from the district administration, district police, members of bar councils and labour office.

3.9. FGD

Total six FGDs were conducted in both districts. In each district, one FGD with males and one with females; and the remaining two FGDs were conducted with the members of the DVCs in each district.

3.10. Data Processing and Report Writing

Once the data was collected, it was shifted to excel and word files; and then these were categorized into different headings and issues. The quantitative data was brought into tables and graphs, and qualitative data was discussed and described. Also, data in the tables and graphs were described in detail.

3.11. Research Limitations

Initially, 12 villages were selected from six UCs (two villages from each UCs). It was decided to include eight households randomly in the survey, but due to non-availability of bonded labour in pure terms particularly in TMK, the research team opted for listing methodology with the addition of one UC in TAY and few villages.

4. Key Findings & Results

• Demographic

In 101 households, total 722 family members were reported; of these, 360 were 18 years old and above. Of the total, 18 family members including seven females were reported with some disabilities. Of the total 722 family members, 363 were reported engaged in different works; that includes 73 children between 5 to 16 years of age. Average 8.95 family members were reported in each

household; minimum from 3 members (husband, wife and a child) to 14 household members were living in the households surveyed under this study. It is pertinent to mention that high fertility matters for societies because it can impede or accelerate progress towards greater prosperity, equitable and sustainable development, and well-being for all and in Pakistan average fertility per woman is 3.3 members. In low socio-economic groups like tenants/labourers the decisions regarding health care or related matters like children's marriage and family planning are controlled by the male head of the family. The ability of a woman to participate in such decisions depends on increasing their power and agency by increasing their participation in decision making at home and work, within the community by social and economic empowerments.

4.1. Status of Marriage Certificates, CNIC and Voter Registration

Of the total 101 respondents, only seven (all male respondents) said that they had no CNICs, and all other respondents had their CNICs. On the other hand, of the total 360 adult family members, 283 had CNICs, and 278 had registered their votes (were able to cast their votes). It shows that CNIC issue existed but was not severe. The male participants in the FGD in UC Begam Jarwar in TAY shared that they had CNICs, but those are with the owner so that workers should not run away. They added that they had no other option and they were provided with a residence.

Civil registration and maintaining of vital statistics- Birth, Marriage, Death, and Divorce is a basic function of Union Council regulated under Sindh Local Government Act (SLGA)-2013. Nikah registrars are licensed under section 5 of Muslim Family Law Ordinance (MFLO) 1961 by UC for registration of marriages. In the Ordinance, penalties are also introduced for a failure to register marriages. In most cases, Registrars are not trained, and the very poor record is maintained due to lack of coordination of union council authorities and Nikkah Registrars and with other departments like NADRA where they are required to update the data. All citizens who have

attained the age of 18 are required to get registered by the National Database and Registration Authority Ordinance 2000. NADRA is responsible for the issuance and renewal of National Identity Cards. The Election Commission of Pakistan is mandated under Elections Act,

2017, to maintain the Electoral Rolls and the Voter Registration. Section 25 of Elections Act-2017 requires NADRA to transmit data to Election Commission for voter registration. It is important to understand that generally the registration of birth and marriage certificates is connected with political identity and rights. Females do need the support of male members for accessing such rights and consequently female cannot go alone without a male family member. First, as compared to male members have more CNICs than females and registered as Voters. Secondly when it comes to exercising the right to vote again, female will be in lesser number, and male member will impose voter choice.

4.2. Status of Education

Table 4: Education of the respondents								
	No education	Class 1	Class 2	Class 3	Class 5	Class 6 to 8	Class 9 to 10	Class 11 to 12
TAY	43	1	0	1	2	2	1	1
TMK	37	2	1	1	4	2	3	0
Total	80	3	1	2	6	4	4	1

3 Age threshold of children from 5 to 16 years is in line with Education as Fundamental Right in Article 25 A of the Constitution of Pakistan and Sindh Right to Free and Compulsory Education Act-2013.

4 State of World Population Report 2018, 'The power of Choice :Reproductive rights and demographic transition',p.9, https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA_PUB_2018_EN_SWP.pdf

5 Sadia Hussein, 'Enhancing Household livelihood through Woman Economic Empowerment: Baseline Study Tando Allahyar ,(SPARC2016) ,p.16

6 Section 21: Information relating to births, deaths, marriages, divorces, etc, National Database and Registration Authority Ordinance 2000

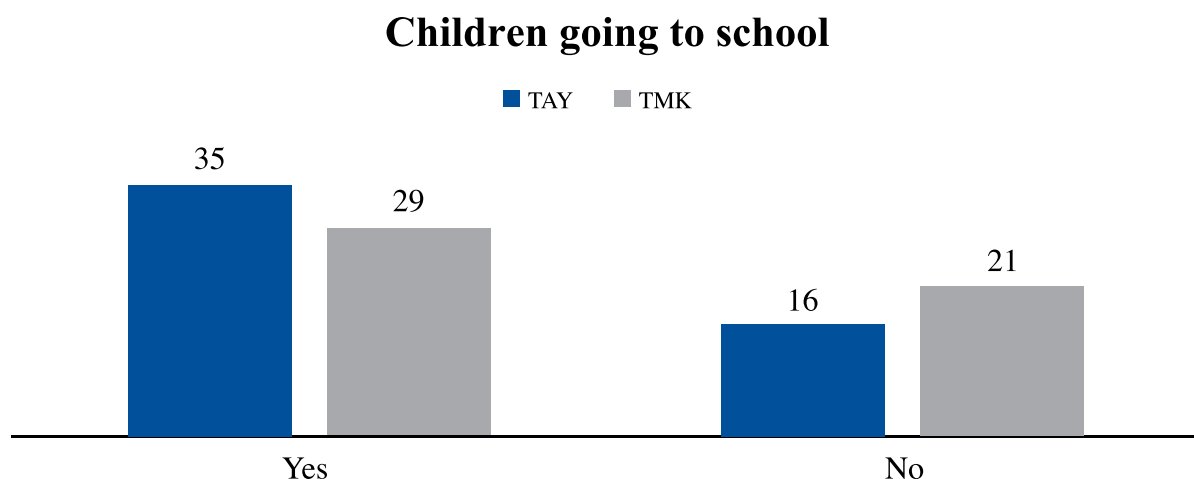
7 National Database and Registration Authority Ordinance 2000, ss.9-10<<http://nasirlaw.site.com/laws/nadra.htm>>

8 Section 23: Preparation and computerization of electoral rolls , Elections Act-2017

9 Section 25 of Elections Act-2017 requires that National Database and Registration Authority to transmit data. — (1) In such manner as may be prescribed, the National Database and Registration Authority shall transmit relevant data of every fresh National Identity Card issued by it to the Commission for registration of the card-holder as a voter in the electoral roll of the electoral area in which his permanent or temporary address is located, in accordance with the option indicated by him in the application for issuance of the National Identity Card.

(2) The Authority shall also transmit to the Commission relevant data of every cancelled or modified National Identity Card, information regarding deceased voters and such other details as may be required by the Commission for the purposes of this Act. (3) The Commission shall forward the data referred to in sub-sections (1) and (2) to the Registration Officer concerned who shall take steps for enrolment or, as the case may be, correction in the relevant electoral roll in accordance with such procedure as may be prescribed

- **Children Going to School**



Only 37 respondents said that their children especially girl children did not go to school but worked along with them in the fields. Some respondents said that they (parents) were interested, schools and teachers were not available in their villages.

- **Ownership of the Residence**

Table 5: Ownership of the current residence				
	Belongs to me	Belongs to the landlord/ owner	Other	Did not share
TAY	2	12	22	1
TMK	4	23	21	2
	6	35	43	3

Of the total respondents, only six (all male) respondents shared that the house they were living belonged to them. It was their property. However, 35 respondents said that the house or place they lived on belonged to the landlord; and of the 43 respondents, some said that the place they lived on belonged to the government, and some said that it belonged to different landlords or relatives.

4.3. Current Working-terms and Working Conditions

The male participants in FGD in TAY shared that they were working in the brick kiln sector because of poverty and also because they had to pay back the loan to the brick kiln owners. The male participants from UC Shahpur Rizvi said that they worked in kiln sector because there was no irrigation water in their area for cultivation. They had nothing but to do work in the brick kiln sector.

• Occupation

Table 6: Current occupation				
	Tehsil	BKW	Sharecropper	Farmworker
TAY	Chambar	0	3	6
	Jhando Mari	1	25	16
Total		1	28	22
TMK	Bulrishah Karim	0	2	20
	TGH	0	3	7
	TMK	0	7	11
Total		0	12	38
Grand Total		1	40	60

Of the total respondents, only one respondent shared that he worked as brick kiln worker; 40 respondents said that they worked as a sharecropper on the landlords' lands and 60 said that they worked as farmworkers on the landlords' land. It is important to understand that agriculture workers are classified into three categories: Tenants, sharecroppers and manual labour (farmworker). Due to tenancy claim, the landholders (landlords) prefer the mode of other two workers categories. The Sindh Tenancy Act, 1950, addresses the tenancy related matters, duties of tenants and Zamindars, and the division of produce between them. The Sindh Tenancy Act 1950 earlier recognises two classes of tenants: Permanent tenant and tenant at will. Now the latter category was done away in 2002, only retaining permanent tenant, so landlords are fearful of tenancy rights if the same farmer tills it for consecutive three years. Thus overwhelming majority of agriculture workers are landless and assetless.

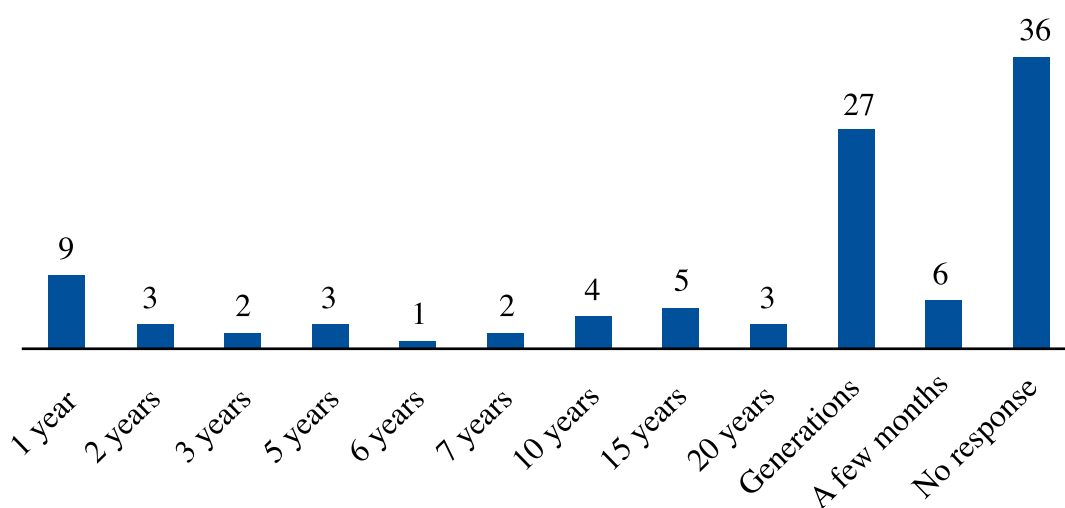
• Personal Agriculture land

Table 7: Have agriculture land		
	Yes	No
TAY	1	50
TMK	7	43

Only eight respondents including two females said that they had their personal agriculture land; one of these in TAY district and 7 in TMK district; of these, 3 were non-Muslims. One respondent said that he had one acre, and other said he had two acres, and six respondents said that they had more than 6 acres. Land distribution in Sindh is highly skewed and almost 76% of rural families being landless, working on land owned by a large landowner as tenants. Traditionally, other inputs (e.g., seed, fertiliser and pesticides) were self-supplied at no extra cost. The modernisation of agriculture has added additional costs for the tenant without, necessarily, a concomitant increase in his share of the produce. New cash crops (e.g., cotton, sugarcane, vegetables and fruits in lower Sindh - TAY and TMK) have largely replaced earlier food-grain production and machinery has replaced bullocks – all requiring

larger cash outlays. So, although the introduction of new inputs has made farms much more productive, it has also made farming more costly and riskier. The above situation, coupled with highly skewed land distribution in Sindh as discussed, has created a very harsh working environment for peasants/sharecroppers. Thus, they are pushed in debt bondage as most sharecroppers hardly get due share of tilling.

How long have you been working with your current landlord?



Many of the respondents (36) did not share for how long they had been working for the current landlord/owner; 27 respondents including 19 females said that they had been working with the current landlords for generations.

As it is evident from above data that 36 respondents did not share the number of years they had been working for the landlords; it indicates about the element of 'Fear and Violence' factor, which is prevalent in rural areas where power relations between Landlord and Tenants are unequal it cannot be overruled.

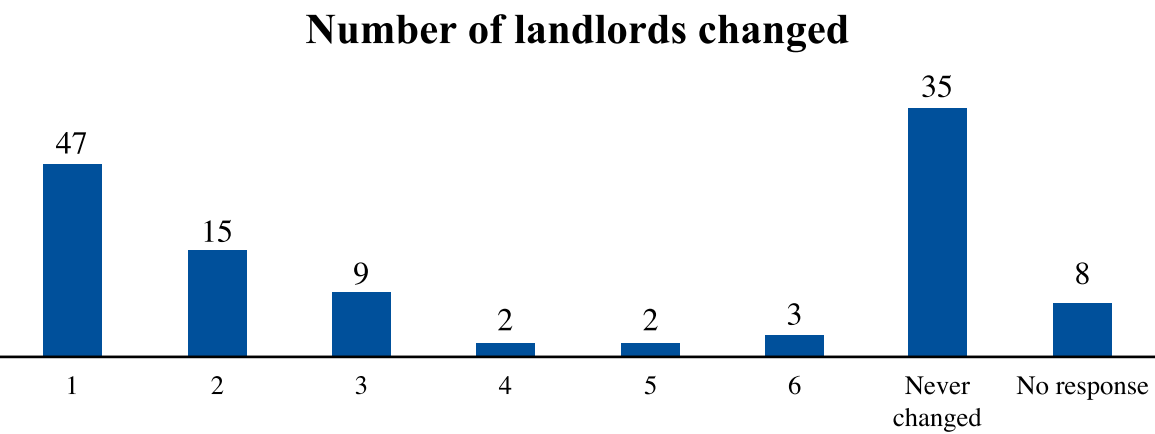
Table 8: Family members are working along with the respondent on the farm/land

My wife only/My husband only	13
All family members but not children	43
All family members including children	29
Only adult male family members	6
No one	6
Others	4

10 Dr. Kaiser Bengali, "Profiles of Land Tenure System in Pakistan" (PILER 2015) p.23

11 Abdul Khaliq Shaikh & Iqbal Detho, 'Combating Bonded Labor: Police officers Handbook' Sindh Police (unpublished)

Most (43) of the respondents shared that only adult family members were working on the land/farm and no children companied them. Around 28 per cent respondents informed that all family members including women and children worked along with them on the farms, agriculture lands and brick kilns.



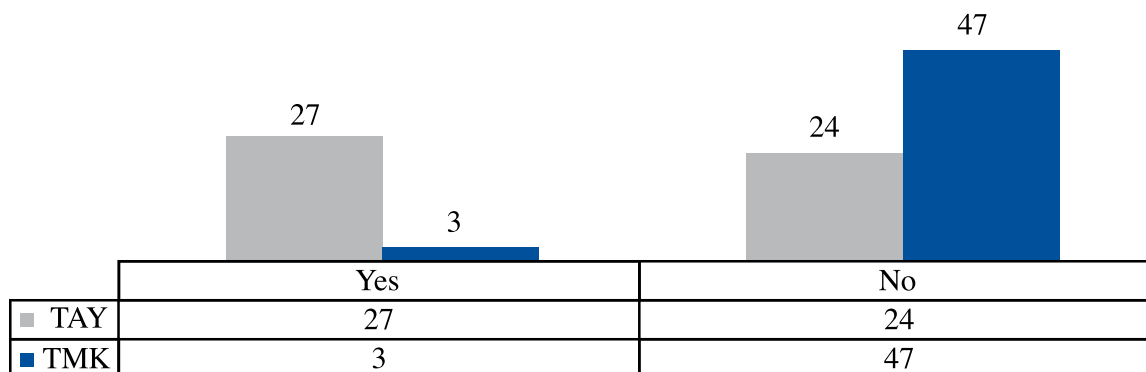
A good number of respondents informed that they had changed the landlords; among them, the majority has changed only once; on the other hand, 35 respondents shared that they had never changed the landlord. Only ten respondents including one from TMK shared that their previous landlords had trapped them, and kept under illegal captivity; however, 91 respondents did not face the same situation. Of the ten respondents, four said that it was because debt on him/her, one said that it was because debt on his father and five said it was because of the residence; they had no other place to go. Tenants or villagers residing in the village or settlements near agricultural lands by virtue of the goodwill of the landlords or Zamindar.

• Working as a bonded labourer

Of the total 101 respondents, 71 (including 35 males) said that they were not working as bonded labourers or were forced to work. Some of them added that their landlords had a positive attitude towards them. However, still, 30 (27 in TAY and 3 in TMK) respondents including five males shared that they were forced to work and lived as bonded labourers.

Of the total 30 respondents who had said that they lived a bonded labourer life, they also shared reasons for being treated as bonded labourers; 7 respondents said that they had taken loan from the landlords; one said that it was because of debt on his father and family; 18 respondents said that it was because of the residence, which belonged to the landlord. Four respondents did not offer any response. However, no one shared that they lived a bonded labourer life because of debt was taken from the previous landlord. In FGD with males in brick kiln sector in TAY, the participants shared that there were many bonded labourer families. They said in their area; they were 150 families treated as bonded labourers. They shared that they work on piece rate, and often taken a loan to survive. In result of the loan, they were unable to leave the kiln of the landlords’. They also regretted that all brick kiln owners were Pathans- non-locals. They also claimed that most of the families were working with landlords for generations.

Are you currently working as a bonded labourer?



The male participants in FGD in TAY shared that a person or family was paid Rs. 700 were paid for 1000 bricks. Additionally, 50 bricks were deducted. Money was paid at the end of the day. They were bonded because they were not paid properly. They added that Rs 300 was deducted for every Rs1,000 loan as an interest. The male participants in FGD in TAY shared that Pathan owners provided loans, but they asked reasons for taking a loan. They always ask the reason before giving a loan. They added that loan was not written if it was written but on their books as they liked to maintain it, which the workers did not know. They added that from the loan, they bought routine things such as clothes, food, etc.

The male participants in FGD in TAY shared that that brick kiln owner also beat them and used abusive language, and was not allowed to go anywhere and the labourers and their families were unable to do anything. The male participants in FGD in TAY claimed that almost all families working at brick kilns were debt-bonded that is why they did not dare to speak anything against ill-treatment they faced from the owners. They added that they were unable to move to the other owners that could bring worst consequences for them. The owners always harassed and molested women. The male participants in FGD in TAY shared that Bheel, Kolhi, and Muslims all were badly treated. However, Muslims peasants and workers kept their financial records.

• Was the debt genuine?

Debt bondage can be defined as a person's pledge of their labour or services as repayment for a loan or other debt. The services required to repay the debt may be undefined, and the services' duration may be undefined. Debt bondage can be passed on from generation to generation . Of the 30 respondents, 20 (including nine females) said that the loan they had taken was genuine; 6 respondents informed that it was a false excuse; 4 respondents did not offer any answer. However, almost all others said that peasants or farm workers were trapped in false pretexts, and in reality, the peasant had not taken any loan, and if taken, that had been repaid every year.

It is a general practice that landlord and tenants or labour obtains a loan . However, access to credit from formal sources is available to landlords/owners only and declines along with land size . Large-scale landowners/Zamindars were the major sources for debt along with money lenders/shopkeeper to meet their financial needs and household expenditure.

• Was the debt recorded?

Of the total 101 respondents, 35 including 21 females said that they had taken loan from their current landlords; Rs6,000 were taken by one; Rs10,000 by five; Rs 15,000 by one; Rs 20,000 by three; Rs30,000 by seven; Rs40,000 by five; Rs50,000 by seven; Rs80,000 by one; Rs100,000 by one; Rs150,000 by two; Rs175,000 by one; and Rs300,000 by one.

Of the total 35 respondents, nine said that the debt on them was properly recorded; 17 respondents denied of such practice; whereas five respondents offered no response. The size of the debt profile /band shows that few tenants/farmworkers have contracted loans more than Rs.100,000.

The reasons for which tenants obtain loans/debts are more varied. Majority of the debts are for meeting the daily household expenses, repayment of the loan, social obligations like Marriage expenses, meeting expenses of Festivals in context of Bheel and Kholis and other consumptive purposes like gutka/pan puri, smoking cigarettes, consuming alcohol or Katcho Sharab etc. Very little is spent on education, medical treatment or for other productive purposes.

Table 9: Loan paid back to the current landlord/owner							
	10000	20000	30000	40000	50000	Other amount	No response
TAY	3	7	0	0	1	7	11
TMK	2	0	1	1	0	1	1

Of the total 35 respondents, five (all males) said that that they had returned Rs10,000 to the landlords; seven returned Rs20,000; see the Figure for more details.

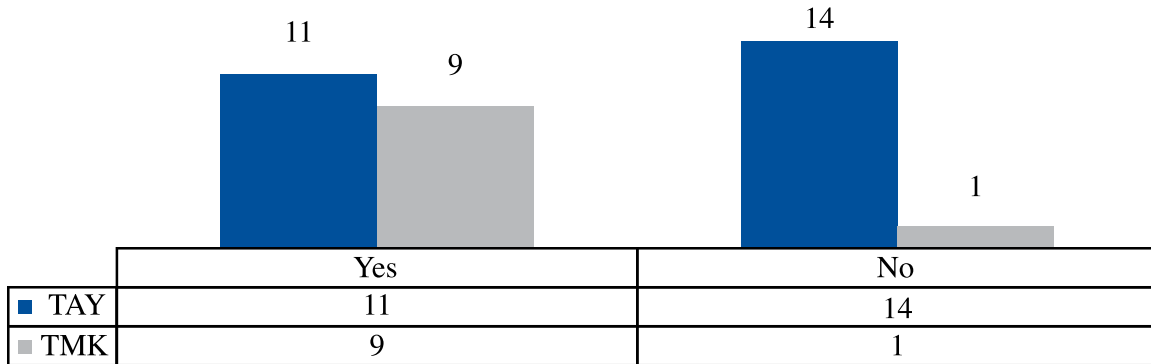
It was commonly argued by Landlords, Police, Lawyers and government officials during interviews that tenants/labourers do not repay their loans and in some cases flee away without

paying back the loan. In the first instant giving debt for bondage is illegal under Sindh Bonded Labour System Abolition Act, 2015 and even if the loan is given under Contract Act 1872, it can be only given an advance of one-fourth salary for four months. Secondly, the mode of return in case of default cannot be through the institution of criminal cases but through civil litigation as landlords adopts/avails themselves while defaulting in taking loans from formal sources i.e. Agricultural or Commercial Banks.

¹² Abdul Khaliq Shaikh & Iqbal Detho, 'Combating Bonded Labor: Police officers Handbook' Sindh Police (2017) (unpublished) Session 2 'Bonded Labor: An overview' p.9

¹³ Zarri Tarqaiti Bank (Agriculture Development Bank) provides the loan against the social collateral of depositing the "Land Revenue Pass Book".

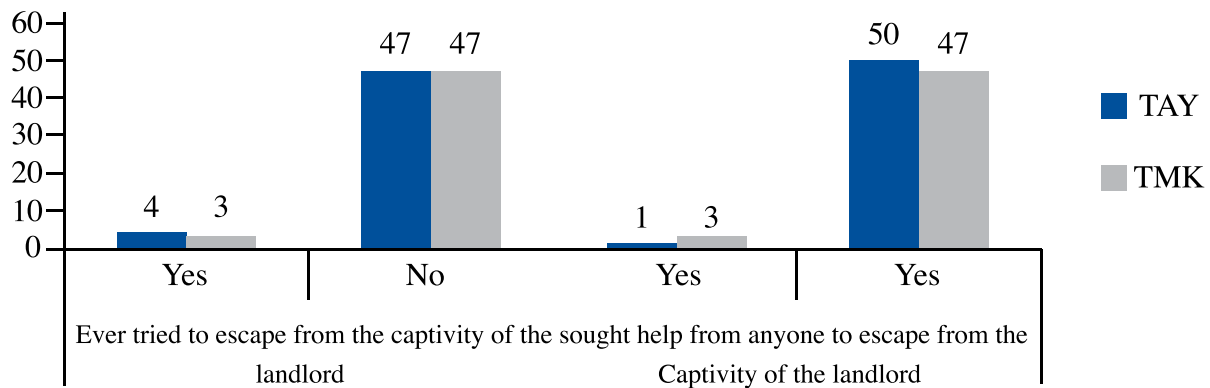
Want to leave the current landlord



They were asked if they wanted to leave the current landlord or owner; of the 35 respondents who had taken some loan, 16 (including five females) said that they wanted to leave; 19 said that they did not want to. In addition to 19, the other remaining respondents also said that they did not want to leave. It was mainly because they had been working on the landlord for a long time and it was difficult to get agriculture lands for cultivation.

When they were asked to explain the reasons for leaving the current landlords, they gave various answers. They majority informed that it was because the landlord did not provide them with their wages on time and also demanded extra work. Some also shared that landlords and their kamdars were cruel towards them and their family members.

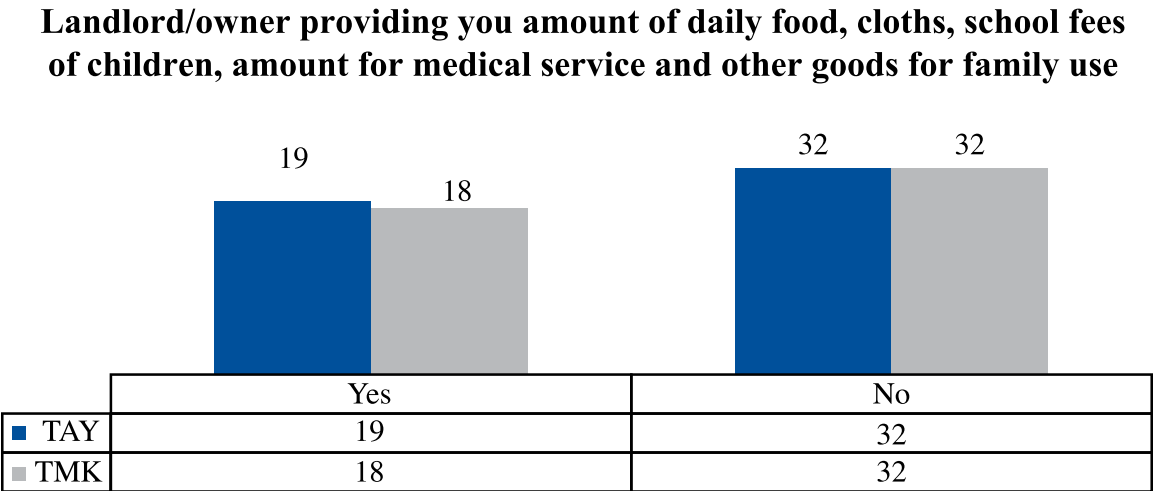
Tried to escape and sought help



Of those 15 respondents (out of 35) who had said that they did not want to leave their current landlords, they were asked to share the reasons why they did not like to leave them. Eleven of them said that they had no other option; one said that no one was ready to pay their current debt; three said that wages were low all over.

• **Tried to escape and sought help**

Only seven respondents (including four females) shared that they had tried to escape from their current landlord; the other 94 respondents denied such steps. Of these four respondents shared that they had sought help to escape from the captivity. Two respondents said that they had sought help from their relatives and friends; one had tried to seek help from Rangers, and one respondent did not share anything. They did not share how their relatives, friends, and Rangers had helped them. When they were asked they wanted to go to the police get their family members released, they categorically denied to seek it. One said that the police support the landlords and three preferred to stay silent on the matter, and just passed smiles. They were also asked if they wanted to a complaint at the court to seek the release of their family members, but they all refused to opt for the court option. Only two informed that they did not know how to access the court and other procedures to follow the case. They were also asked they wanted to NGOs for seeking for the release of their family members to get rid of their current landlords; they again stayed silent to ignore the question. Perhaps, they were not motivated and ready to talk about it, and perhaps, serious consequences were echoing in their minds to share their only feelings about escape from the current landlord. In other words, they might have no trust in the researcher or fear and violence factor already discussed, which is not easy to gain through survey types of approach. They were also asked where they would go if they are released or allowed to go from here, they said that they would go to another landlord because they had to find land and work for their survival.



Those 64 respondents (32 from TAY and 32 from TMK) including 13 males who had said that their landlord/owner did not provide them with the amount of daily food, clothes, school fees of children, the amount for medical service and other goods for family use, of them a few had shared different views with the surveyor's. One said that the kiln owner gave Rs50 daily, which were not sufficient to meet her family needs, and many others shared that the landlord did not give them share in the crop but gave them a daily wage which they gave them after a week or when the landlords wanted. Only one respondent shared he had complained against his landlord, and wanted to move to that landlord, but that landlord was not ready to take him as peasants; thus, people around him asked him to wait for the response of the other landlord.

Table 10: Your children work with you at the land/kiln?

	Yes	No	No response
TA	36	13	2
TMK	21	28	1

The data and information shared by TMK district police shows that the cases of bonded labour or forced labour were reported or directed by the courts but the police seldom invokes the provisions of special laws, i.e, Sindh Bonded Labor System Abolition Act, 2015, or its previous version Bonded Labor System Abolition Act, 1992, but generally provisions of Pakistan Penal Code regarding illegal confinement are invoked; thus, it results in, the freeing or liberating the labourers but no prosecution for offenders under special or general laws takes place. Secondly, the police appear to be less sensitised on curbing bonded labour and less trained in applying laws and investigating the cases and responding to bonded labour complaints.

The male participants from village Mohsin Dago in UC Massom (TAY) also said that women were the worst sufferers because if women did not go to work, the owners got angry. They also wanted more hands so that more bricks could be produced. They also added that women labourers were abused by the landlord and his men, but they were unable to do anything; and in a different scenario, such matters were decided by peer landlords, who always favored each one. In that case, the workers had to leave work and the village.

• **Women and Children: Bonded labourers**

Of the total 101 respondents, 57 including 20 males said that their children work along with them on the land; 41 denied it, and three did not offer any response. Only two respondents shared that their children were doing to schools; 33 respondents said that their children did not attend schools; whereas 66 respondents offered no response. Those who said that their children did not go to school, they also shared the reasons of it; four of them said that the landlords forced all family members to work on the land; however, 97 respondent said that since they had a few hands, thus, they had engaged them in work. Except for three respondents, all denied that the landlords beat their children; two respondents said that they simply requested the landlord for noting beating their children, and one respondent had complained to another landlord.

Three male and five female respondents shared that working conditions were not good for women and women had a double burden of work. They had to work in the field and at their homes. Forty-one respondents including 25 females in TAY and 46 including 14 females in TMK districts said that harassment of women and girls was common. The male participants in FGD in TAY shared that the police and judges were paying surprise visits; therefore, families stopped engaging children in brick making work.

In the wake of 18th Constitutional Amendment, Sindh Provinces have legislated many laws such as Sindh Industrial Relations Act-2013 which brings agriculture under its ambit but rules of implementation have been formulated and such is the fate of Sindh Prohibition of Employment of Children Act-2017 which envisages Provincial Monitoring committee, but such efforts have not been taken .

• Migration Trends

Table 11: In the last ten years, how many times you have changed the landlord/kiln						
	One time	Two times	Three times	Four times	Never migrated	No Response
TA	10	3	1	1	35	1
TMK	2	2	3	0	39	4

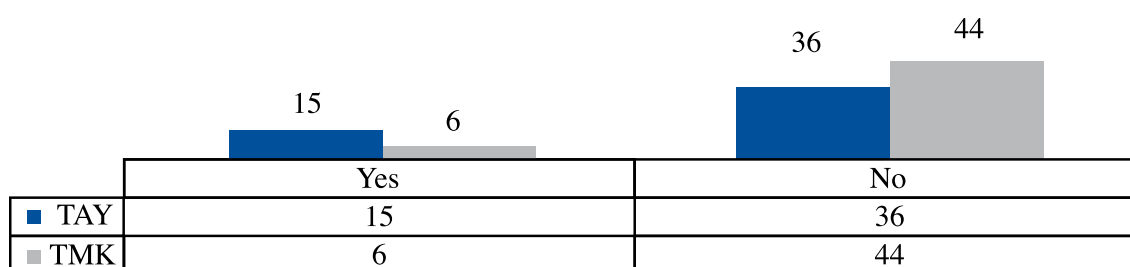
Of the total, 101, 12 respondents shared that they had migrated one time; five, two times; four, three times; one, four times; 74 respondents shared that they had never migrated; and five respondents offered no response. The respondents did not provide reasons of migration and also did not share any side effects of the migration on women. The male participants in FGD in TAY shared that workers often migrate from one place to another; and one year, various families come in and go out of the district.

• Minorities' Issues

Some of the respondents shared that they had serious water, sanitation and drainage problem and they added that the majority of people did not consider it a problem. However, the majority of the respondents said that safe drinking water, lack of education and health facilities, extremely low wages and not-having the own residence were the severe problems the minorities and other poor communities were facing in TAY and TMK districts. In addition to them, a few informed about the harassment of minorities, but they did not clear mention how and who harassed the minorities. Earlier Minorities Affairs Department had established facilitation centres for addressing the issues of minorities at Divisional level and Provincial level issues of educational stipends, renovation of religious places, ensuring minorities job quota and other welfare related matters. So there is a need for linking the minorities' communities with mechanisms at the local and provincial level.

4.4. The Incidence of Forced Eviction

Have you ever been forced by the landlord/owner to leave the work and your house?



Of the total 101 respondents, only 21 (15 from TAY and six from TMK) informed that their landlords had forced them to leave the work and the house. Of these, the majority belong to TAY district.

Table 12: Are you every forcibly evicted from the land?

	Yes	No	No response
TAY	7	19	25
TMK	3	23	24

Of the total 101, only ten respondents (seven from TAY and three from TMK) including three females shared that they were evicted from the land; many did not know the reasons for their eviction, but a few added that landlords wanted them to do the work extra which they did not, and the landlords did not pay them for the extra work. These people were asked if they complained anywhere against their forced eviction, five said that they complained to the NGOs, four said that they complained to the police and one respondent did not offer any answer.

The male participants from UC Shahpur Rizvi informed that the owners always teased, harass and torture them. In result of complaints, they shared that families are forced to abandon their villages, and over the last a few years, around 20 families had been forced to leave villages. They added that in 2017, the landlord had lodged a fake FIR against workers.

4.5. Knowledge and Patterns Used for Redressal

Of the total 101 respondents, two said that they did not know their rights at the time when they want to leave the landlords; three informed that they had such knowledge through the media and NGOs; however, the remaining 96 respondents did not offer any response.

Table 13: Do you think, the police is the right institution to complain about the forced captivity of labourers?

	Yes	No	No response
TAY	1	0	50
TMK	2	1	47

The male participants in FGD in TAY informed that the government official knew that workers were exploited, but they did not take action; they added that only workers from Muslim communities were about to complain against owners. They also shared that Khaskheli peasants had threatened the Munshi who migrated to another place, but Hindus could not dare to do that.

The male participants in FGD from Village Gul-Hassan Lund informed that some five months ago, on the court's orders, the police and bailiff has raided a brick kiln and got freed 60 to 70 Meghwarr, and also ten couples were released, but no action was taken against the owners. The owners held them for the last 10-15 years. Afterwards, the owners hired other peasants from the Odd community. They shared that without the guarantee of somebody, the owners were providing loans because people left the work without paying the loan money. The participants informed that Munshi became the guarantors of Bheel, Kolhi, Odd and Meghwarr communities. The guarantors took some share from the loan.

The participants from UC Shahpur Rizvi shared that they worked as peasants on the lands of landlord Nazeer Qaim Khani for two years, but he did not pay them even a rupee. Therefore, they went to the Mukhtiyarkar, but Mukhtiyarkar advised them to go to the DCO. A participant said, "We were supposed to be paid Rs. 50,000, but we got only Rs. 20,000, the rest of the money was taken as a loan payment. After that, our houses were bulldozed, and we were forced to leave. The DCO did not take any action."

In the FGD in Village Gul-Hassan Lund, the participants added that they did not know about laws and Muslim labourers complained and threatened the Munshi. They said that owners were powerful; they provided money to the police to torture workers. They complained that the police always took the side of the wealthy and influential people. They shared that workers did not complain anywhere because owners got angry and tortured the workers by paying money to the police.

15 Abdul Khaliq Shaikh & Iqbal Detho, 'Combating Bonded Labor: Police officers Handbook' Sindh Police (2017) (unpublished) Session 8 'Police Anti-Bonded labor Cell: A case study of Mirpurkhas' p.28

16 Contemporary Forms of Slavery in Pakistan (1995), Human Rights Watch available at <http://www.hrw.org/reports/1995/07/01/contemporary-forms-slavery-pakistan>

The Sindh Bonded Labor System Abolition Act-2015 section 15 provides the mechanism of District Vigilance Committee (DVC) for addressing the issues of bonded labour and provision of legal aid in both districts such DVC has been formed but is not active. During research of study Deputy Commissioners (DC) and other members were consulted through FGDs and were apprised of the need and efficacy of mechanisms for addressing the menace of Bonded Labor.

Sindh Police Department has established Human Rights Cells at District level, under which anti-bonded labour cells were established in those areas where the prevalence of Bonded labour was found, and Standard Operating Procedure (SOP) developed for handling such cases. In TAY such Anti- Bonded labour Cell existed at SSP office but functioning desires to be improved. The bonded labourer essentially forfeits his/her right to employment, right to move freely, and right to appropriate and sell his or a family members' property or product of his labour at market value. These are a range of violations of internationally recognised human rights, and further include the right not to be held in slavery, the right not to be imprisoned arbitrarily and the right to freedom of association as in trade union.

5. Conclusion

The survey and FGD's results help to understand the issue of bonded on the ground. The issue is severe especially for non-Muslim communities which were socially and economically marginalised and deprived of rights. The prime reasons for the prevalence of bonded labourer are poverty, lack of irrigation water, and non-implementation of the laws, and control of landlord over the police and the community's redressal mechanisms. Also, almost all people were unaware of the laws and their rights to leave and continue to work at the workplace without honour and dignity. The data shows that bonded labour practices prevail in both brick kiln and agriculture, but the respondents were reluctant to share the facts due to 'Fear and Violence' factor.

In the political economy of debt bondage, the most sufferers were women in the hands of landlords and brick kiln owners. They were abused and harassed. They were without any protection, but the perpetrators enjoyed the total immunity. Children in the agriculture sector worked, but in the brick kiln sector, parents had stopped engaging them in work because the judicial magistrate often raided the kilns and made the owner accountable; however, the owner's pressurised men to engage their women.

The respondents and all individual informants were unaware of the legal rights and redressal mechanisms, and even if a few were but had no proper guidance and support to complain about the injustice. They also feared serious repercussions once the complaint was made and it did not bring any favourable results. Therefore, the majority of the complaints related to wage, share, abuse, harassment, tortures, and exploitations were ignored. The findings suggest that law and its policies implementation did not prevail on the ground. Thus, a large number of families were still working and suffering as bonded labourers. The police are not known as friendly and considered as a tool of the powerful/landlord; thus, access or approaching Police was deemed as the last option.

6. Recommendations and Way Forward

The issue of bonded labour seems to be dead though it prevails in the targeted districts. The landlords in the agriculture sector and owners in the brick kiln sector exploit and abuse poor workers and peasants by using money and political powers. To deal with the issue and give bring back the fresh soul in it, all stakeholders have to play their roles. We have listed down the following some important recommendations to be considered by the public and private sector separately.

6.1. Recommendations for the Provincial and District Governments

1. Assist the needy workers and peasants to come out of the trap and in this regard emergency teams and emergency numbers to be launched so that people could easily access the authorities; once those who approach or access the authorities (the police, or the courts), the government may take extra measures to ensure the safety and protection of the complainants
2. The brick kiln workers and farm workers could also complain about the injustice regarding low wages or maltreatment
3. The government should also provide alternative livelihoods and living places (accommodation) to those who have left the landlords or willing to leave landlords
4. Through the special scheme, the government may launch a landless hari project to accommodate the ex-bonded labourers
5. The government should also ensure that the STA is implemented and both parties formally sign the tenancy contracts before starting the cultivation
6. The government should amend the STA and insert provisions related to peasant courts to be established in each Taluka/tehsil, which should be headed by judicial magistrates
7. The government should also ensure allocation for funds for the activation and functioning of DVCs; the Provincial Social Welfare Department should receive regular monthly progress reports from DVCs
8. The government should allocate and provide funds for the needy complainants who want to pursue cases in the courts
9. Through district government, the brick kiln workers should be organised under unions

6.2. Recommendations for RSPs and RSPN

1. RSPs and RSPN should also organise stakeholders' consultation on a regular basis to get an update on the situation of bonded labour in the region
2. Until the government allocates funds, the organisations could provide financial support to the victims; and also moral, technical and psychological support to the victims defend their rights in the courts.

6.3. General Recommendations

Policy Gaps and Opportunities	Policy alternatives
Empowering woman laborers through exercising their choice of family planning and economic empowerment.	<ol style="list-style-type: none"> 1. Linking the village communities through Lady Health Workers (Health Department), Family Planning Assistants (Population Welfare Department) for provision of family planning tools and contraceptives for birth spacing at facility level i.e. Basic Health Unit (BHU), Rural Health Centre (RHC), Family Planning Centre, and Reproductive Health Service Centres. 2. Empowering the woman through resources i.e Human Capital (education, skills, training), Financial capital (loans, entrepreneurship, savings), Social capital (networks and social Organisations), Physical capital (land, machinery) etc 3. Linkages with other UC based Sindh Government (Health and P&D) and other stakeholders' programme i.e. RSPNs on Community Mobilization, Nutrition Support Program, Saaf Sathro Sindh and others. 4. Skill development programs through Sindh Technical and Vocational Educational Training Authority (STVETA)
<p>Political empowerment of Bonded/Freed Bonded labor families for making CNICs and registration of Voter Rolls</p> <p>Enrolment and education of Children in Schools up to Matriculation</p>	<ol style="list-style-type: none"> 1. Enactment of Policy for subsidized fees for Birth ,Marriage and other civil documentation with Planning and Development Department, Local Government, Labor Department (Provincial Level) 2. Facilitation of Birth Registration, Marriage Registration and other civil documentation at Union Council Level through Digital Birth Registration linked with NADRA (District and Local) 3. Seeking legal aid/assistance for such documentation through District Bar Association Pro bono and Low bono cases be activated under Pakistan Bar Council Act-1973 and Rules 2005 (Provincial and District) 4. Facilitation of CNICs and Voter registration particularly for female at Union Council Level (District and Local) 5. As Enrollment and education is free in Government owned schools but admission in private owned schools where government facility is not existing, there is special quota for children belonging to low socio-economic and disadvantaged groups under Sindh Right to Free and Compulsory Education Act-2013 and Rules 2016 so there is need for advocacy on such aspect as well.

Activation of District Vigilance Committee under section 15 of The Sindh Bonded Labor System Abolition Act-2015 and Framing of Rules	<p>2. Legal aid envisaged for Freed Bonded labor and Bonded labour through District Vigilance committee (DVC) formed under Sindh Bonded Labor System (Abolition) Act-2015 be activated</p> <p>3. District structures/mechanisms which are supposed to provide legal aid /assistance children/woman/vulnerable/minorities such as Child Protection Committee section 17(2) Sindh Child Protection Authority Act-2011, Woman Protection Committee Section 17 of Sindh Domestic Violence (Prevention &Protection) Act- 2013, District Monitoring Committee on Child Marriages Rule 34 of Sindh Child Marriage Restraint Act-2013 be activated and linked with DVC (Provincial ,District and Local Level)</p> <p>4. Functional liaison of line departments such as Social Welfare Department, Woman Development Department, Human Rights Department, Minority Affairs Department, Local Government department, Labor Department and District Administration is very much essential for the realization of rights and entitlements.</p>
Issues related to Civil registration and documentation such as Birth registration, Marriage registration, etc	<p>1. Civil registration is basic function of Union council regulated under Sindh Local Government Act (SLGA)-2013 .Schedule VI SLGA in item 34 and VIII item 1 underlines the duties of Union council but procedures has not been formulated for these registration. These functions are not carried out by union councils in rural areas. Earlier law on Registration of Deaths, Births, and Marriages Act-1886 governed that processes. Nikah registrars are regulated by section 5 of MFLO-1961 under union councils. In most cases Registrars are not trained and no record and poor coordination with other departments (Provincial and District Level)</p> <p>2. In absence of above such documents issues of CNICs, Voter registration is affected.</p> <p>3. Revenue department needs to implement the Sindh Tenancy Act-1950 by making entries of permanent Tenant in revenue register for his/her entitlements.</p> <p>4. Awareness and education programs through District Government tier i.e. elected representatives of local government and District Vigilance Committee be initiated.</p>
Legal rights and needs of religious minorities	<p>It is recommended that the following initiatives be prioritized to resolve special needs and concerns of religious minorities with respect to the other line departments and concerned stakeholders:</p> <ul style="list-style-type: none"> •The Sindh government has recently taken important steps to introduce laws intended to provide security to religious minorities and their places of worship, most importantly, the Sindh Protection of Communal Properties

	<p>of Minorities Act promulgated in 2013. It is recommended that the implementation of this law should be assessed and supported at various level (Provincial and District)</p> <ul style="list-style-type: none"> • Minorities facilitation centers i.e 24/7 hotlines be set up by the Minorities Affairs Department and need to be assessed and improved; • Implementation of the 5% quota announced by the Government across government institutions • Inclusion of subjects of civic education and religious tolerance in educational syllabus and creation of Minorities Rights commission and task force.
Linking with redresal grievances mechanisms	<ol style="list-style-type: none"> 1. Communities needs to be made aware on mechanisms of internal and external accountability of all administrative departments particularly; 2. Institutions of non-judicial nature such as Federal Ombudsman (dealing with issues of NADRA, Voter Registration by Election Commission of Pakistan etc) , Provincial Ombudsman (dealing with land revenue, irrigation, Police etc) of general nature and of special nature such as Ombudsman for addressing issues of woman harassment at workplace etc) 3. Activation of Human Rights Cells notified by the police Department under Standing Order 235/2009 should be activated as a separate unit in the CPO with district level formations – at least in districts with large non-Muslim populations – with the participation of local citizen and civil society groups in these cells. <p>Such as establishment of anti-bonded labor cells as one of such cell is functioning in TandoAllayar</p> <ol style="list-style-type: none"> 4. Capacity building (Policy, Resources, Training) of District Vigilance Committee (DVC)-District Administration, Anti-Bonded Labor Cell (Police) 5. Advocacy for the implementation of Minimum Wage for unskilled workers and Minimum Wage board regulations for workers of BrickKiln workers, Registration of Social Security Cards and inspection of labor Inspectors/officers by Labor Department (Provincial and District)

7. Annexure 1: Bonded Labour Household Questionnaire

Date of Interview:

1. Name of Interviewer:
2. Name of the respondent:
3. Age:
4. Gender:
5. Education:
6. Marital Status:
7. Religion
8. Name of the village/Settlement/Goth/Muhallah:
9. Name of Deh/Revenue Village/Moza
10. Name of Taluka/Tehsil:
11. Name of District:
12. Current work (please tick):
 - a. Brick kiln worker.....
 - b. Sharecropper.....
 - c. Farmworker..... /Daily wager...../Seasonal
 - d. Other (please specify)
13. Since when you are working with the landlord/owner on brick kiln/land/farm? (please tick the appropriate)
 - a. 0 – 2.5 years
 - b. 2.6 – 5 years
 - c. 5.1 – 7.5 years
 - d. 7.6 – 10 years
 - e. 11 – 15 years
 - f. 16 – 20 years
 - g. More than 21 years

14. How many family members you are? Please tick the appropriate

1. Head
2. Son/daughter
3. Brother/sister
4. Grandfather/mother
5. Son/daughter in law
6. Father/mother in law
7. Brother/sister in law
8. Spouse
9. Father/mother
10. Grandchild
11. Nephew/niece
12. Uncle/aunt
13. Other relative
14. Not related

15. Could you please share following details of your family members

S.No	Name	Relationship with respondent	Age	Gender	Marital Status	Marriage Certificate (in case of marriage)	CNIC available for 18 years and above/Birth certificate and B-Form for less than 18 years	Status of Voter registration	Disability information	Education s	Does he/she works at the land/farm? (Yes/No)
1											
2											
3											
4											
5											
6											
7											
8											
9											

16. Are your children girls and boys going to school?
 - a. Yes (boys)
 - b. No (boys)
 - c. Yes (girls)
 - d. No (girls)
17. If no, please share, why they do not go to school? Please tick the appropriate reasons for girls and boys.
 - a. To work along with you (boys)
 - b. To work in the city (boys)
 - c. To work along with you (girls)
 - d. Another.....
18. Do you have your agriculture land?
 - a. Yes
 - b. No
19. If yes, how much the piece of land you own? (please tick the appropriate)
 - a. 1 acre
 - b. 2 acres
 - c. More.....
20. Is the current house/place you live in belonging to you or your spouse or the owner/landlord? (please tick the appropriate)
 - a. Belongs to me (husband/ wife)
 - b. Belongs to the landlord/owner
 - c. If other then please specify:.....
21. Since how long you are working at the current landlord/owner? (please tick the appropriate)
 - a. 1 year
 - b. 2 years
 - c. Other please specify.....
22. How are many family members working together with you on the farm/land/brick kiln? (please tick the appropriate)
 - a. My wife only/My husband only

- b. All family members but not children
 - c. All family members including children
 - d. No one
 - e. Others.....
23. How many landlords/owners/farms have you changed? (please tick the appropriate)
- a. One landlord/owner
 - b. Two landlord/owner
 - c. Three landlord/owner
 - d. More number (specify).....
24. Before this owner/landlord, were you trapped or kept in captivity by the previous landlords? (Please ask carefully this sensitive question from the respondent)
- a. Yes...
 - b. No....
25. If yes, could you please share details, why you were trapped or kept in the captivity? (please tick the appropriate)
- a. Because of the debt on me
 - b. Because of the debt on my father/family
 - c. Other please specify
26. Are you currently working as a bonded laborer?
- a. Yes
 - b. No (if no, how you got freedom from the owner/landlord? Please tick the appropriate)
- Through the police
 - Through NGO
 - Through the court
 - Other than specify
27. Are you ever forced by the landlord/owner to leave the work and house? (please tick the appropriate)
- a. Yes (If yes, then mention reasons)
 - b. No

Reasons for bonded labour

28. Why your family became bonded laborer? (please tick the appropriate)
- a. Because of debt on me
 - b. Because of debt on my father/family
 - c. Debt owed by previous landlord and sold/retailed him/her to existing landlord
 - d.
29. Is the debt genuine on you merely landlord/owner's false excuses? (please tick the appropriate)
- a. Yes
 - b. No
30. How much debt have you taken from the current landlord/owner? (please tick the appropriate)
- a. 10000 PKR
 - b. 20000 PKR
 - c. 30000 PKR
 - d. 40000 PKR
 - e. 50000 PKR
 - f. Other Amount..... PKR
31. Is the debt on your correctly recorded? (please tick the appropriate)
- a. Yes (inquire further about documentation of debt and related information)
 - b. No
32. If you had taken loan how much you have paid back the current landlord/owner?
- a. 10000 PKR
 - b. 20000 PKR
 - c. 30000 PKR
 - d. 40000 PKR
 - e. 50000 PKR
 - f. Other Amount..... PKR
 - g.

33. Do you want to leave this landlord/owner?
- Yes
 - No
34. If yes, please explain why you want to leave this landlord/owner? (please tick the appropriate)
- S/he does not give money/wage for daily work
 - S/he is cruel towards me
 - S/he is cruel towards my family members
 - Her/his kamdars are cruel
 - S/he demands us to work long working hours
 - Other.....
35. If no, please explain why you do not want to leave this landlord/owner? (please tick the appropriate)
- I have no other option of land/work
 - No one ready to pay current debt
 - Wages/facilities are less at other owners/landlords
 - Other

Possession of CNIC and any other relevant document

36. Do you have possession of CNIC and other relevant documents?
- Yes
 - No (if no, define reason/s)

Redressal mechanism

37. Have you ever tried to escape from the captivity of the landlord/owner?
- Yes
 - No (If no please go to Q 50)
38. Have you sought help from anyone to escape from the captivity of the landlord/owner?
- Yes
 - No

39. If yes, please explain share from whom you sought help? (please tick the appropriate)
- a. NGO
 - b. The Police
 - c. Court
 - d. Politician
 - e. Media
 - f. The other landlord/owner
 - g.
40. How were you helped to get freedom? (please tick the appropriate)
- a. File complaint at NGO, then go to the court and court sent the police to produce family members
 - b.
41. Would you like to go to the police to seek help for the release of your family members?
- a. Yes
 - b. No
42. If yes, could you please explain why? (please tick the appropriate)
- a. Because police have more power
 - b. Because others do not interfere in the police matters
 - c.
43. If no, could you please explain why? (please tick the appropriate)
- a. The police favors the landlord/Brick Kiln owner
 - b. It takes bribe
 - c. Difficult to access the police
 - d.
44. Would you like to go to the court to seek help for the release of your family members?
- a. Yes
 - b. No
45. If yes, could you please explain why? (please tick the appropriate)
- a. The court does provide relief

- b. It is easy to access courts
 - c. It is cheap to go to the court
 - d. Courts have more power than any other institution
 - e.
46. If no, could you please explain why?
- a. I do not know how to access the court
 - b. Hiring of lawyers is costly
 - c. It takes time to decide the cases
47. Would you like to go the NGO to seek help for the release of your family members? (inquire reasons also with response)
- a. Yes.....
 - b. No.....
 - c. Do not want to answer.....
 - d. Not Applicable.....
48. After freedom where would you go?
- a. Hari camp
 - b. To another landlord
 - c. NGO camp
 - d. Government camp
 - e. Other
49. Is your landlord/owner providing you amount of daily food, cloths, school fees of children, amount for medical service and other goods for family use?
- a. Yes
 - b. No (if not, inquire reason)
50. Have you ever complained somewhere against your landlord/owner?
- a. Yes.....
 - b. No..... (If No proceed to Q 53)
51. If yes, what were the results? (please share in detail)

52. Do you know NGOs are helping bonded laborers in their release?

- a. Yes
- b. No

Forced Eviction

53. Are you every forcibly evicted from the land?

- a. Yes
- b. No (If No please proceed to Q 58)

54. What are the causes of forced eviction?

- a. Landlords/owner want to have another family of laborers
- b. Other

55. Are you every forcibly evicted from the land?

- a. Yes
- b. No

56. What you did when you were forcibly evicted from the land/work? (please tick the appropriate)

- a. Complained to NGO
- b. Complained to the police
- c. Complained to another landlord
- d. Complained to the court
- e. Other

Children (girls and boys) bonded laborers. Please gender disaggregate this?????

57. Your children (girls and boys) work with you at the land/kiln?

- a. Yes (boys)
- b. No (boys)
- c. Yes (girls)
- d. No (boys)

58. Your children (girls and boys) do not go to school

- a. Yes
- b. No

59. If girls and boys do not go to school, please share reasons? (please tick the appropriate)

- a. The landlord/owner forced them
 - b. I do not have more hands to work. Therefore, I engage them
 - c. Schools are not around
 - d.
60. Are your children beaten /abused up by the owner/landlord?
- a. Yes
 - b. No
61. If yes, why they are beaten /abused up by the landlord/owner? (please tick the appropriate)
- a. They do not obey the landlord/owner
 - b. They do not like to work on the land/kiln
 - c. Other
62. Have you taken any action to stop the landlord/owner to beat your children?
- a. Yes
 - b. No
63. What actions have you taken so far? (please tick the appropriate)
- a. Simply requested him
 - b. Argued with him
 - c. Fought with him
 - d. Complained to another landlord/owner
 - e. Other

Women bonded labour (Women should ask separately and if possible a local activist should facilitate to make this conversation comfortable for women members. In case of male enumerators he will ask bullet one and last)

64. Please inquire below statements:
- o Work conditions and burden of work (household chores/ land lord household work) at Women
 - o Harassment with women and girls (this should be asked by local women activists)
 - o Pregnancy and Delivery leaves
 - o Sexual abuse and rape (landowners, family, munshis)
 - o Forced marriages/forced conversions

- o Financial Compensation
 - o Agricultural effects on women and children health?
65. Does landlord/owner harass/abused anyone from your family members?
- a. Yes
 - b. No (If No go Q 68)
66. If yes, what you did to stop the landlord? (please tick the appropriate)
- a. Simply requested him
 - b. Argued with him
 - c. Fought with him
 - d. Complained to another landlord/owner
 - e. Other steps (specify please).....

Forced conversation

67. Are laborers forcibly conversed by the land/kiln?
- a. Yes (if yes, do you know how many number of forced conversations addressed in the last five years)
 - b. No

Minorities as bonded labors and issues other than civic facilities such as discrimination in socio-economic and political sphere)

68. What kind of problems are mostly facing by minorities? Please list major problems?

- a.
- b.
- c.
- d.

Kidnapping

69. Is your any family member kidnaped ever by landlord/kiln owners?
- a. Yes (inquire reason and what happened after kidnapping)
 - b. No

Migration trends

70. In the last ten years, how many times you have changed the landlord/kiln (please tick the appropriate)
- a. 1 time

- b. 2 times
- c. 3 times
- d. 4 time
- e. More (specify) time

71. What are the reasons of migration? (Please inquire)

72. Are women get effects of migration?

- a. Yes
- b. No

Knowledge

73. Do you know that the landlord/owner could not stop you from leaving his work/land because of debt bondage?

- a. Yes
- b. No

74. If yes, how did you know about it?

75. Do you know any law that prohibits debt bondage?

- a. Yes
- b. No

76. If yes, could you please share the name of the law?

The existing mechanisms used to address bonded labour

77. Do you think, the police is the right institution to complain about the forced captivity of laborers?

- a. Yes
- b. No

78. If yes, please share why the police are the right institution to make a complaint? (please tick the appropriate)

- a. The police has power
- b. The police take quick action
- c. Other responses

Thank you

8. Annex 2: Terms of References (TORs)

For Study/Survey on Bonded Labour Practices in District Tando Allahyar and District Tando Muhammad Khan (Sindh)

Project Title:

Strengthening legal empowerment in rural communities through community based paralegals in Sindh Districts

Background:

The Rural Support Programmes Network (RSPN) is implementing project through partner Organisation National Rural Support Programme (NRSP) for legal empowerment of rural communities with special focus on bonded labour in two districts of Sindh i.e. Tando Mohammad Khan and Tando Allahyar. The main objective of the project is to empower the rural communities and bonded labours and their families to resolve their own legal issues with the help of trained community based paralegals. The project envisages a range of activities including capacity building trainings, legal aid and research studies. Out of them, a study on bonded labour practices is one of the major outputs of project because bonded labour or debt bondage is a modern form of slavery and Pakistan ranks third on the list of countries in which slavery is highly prevalent approximately over 2 million people ensnared in some form of bonded labour. The two main industries where bonded labour is ubiquitous are agriculture and brick kilns, though it can also exist in the production of cotton, textiles, incense, tobacco, sugar cane, gemstones and stone crushing. Both these sectors are particularly notorious for enslaving entire generations and are barely regulated. The women and children are adversely affected as entire families are often made to work off the debt and parents have been known to even pledge their children to pay off their debts. An earlier survey of ILO indicates the existence of some 1.7 million bonded labourers in Sindh province alone (HRCP (2004) 'State of Human Rights in Pakistan 2004' Human Rights Commission of Pakistan).

Rationale of Bonded Labour Study/Survey:

The Sindh province is multi-religious and caste-based society where socio-economic indicators of bonded families describe a despicable scenario. Land is a major source of livelihood in rural settings of the districts, and land ownership is non-existent which appears to be an important factor for subjugation and exploitation by the landowners. Including that lack of livelihood, basic social services i.e. education, health, water and sanitation in selected districts is virtually non-existent and rarely available. Illiteracy is an important factor that has further limited economic opportunities vis-a-vis lack of diverse skill base. Household incomes of the families are extremely low and ownership of assets by households is at the bare least. The lower caste population of Hindus predominantly comprising of Bheel and Kholi clans are the most vulnerable and marginalised communities that constitute the population of bonded sharecroppers. In terms of implementation, there are deficits that prevent realization of labour rights. Improvement in the extension of social protection too needs to be worked on. Only 680,000 workers, out of the labour force of 14.07million in Sindh have been registered by the Sindh Employees Social Security Institute.³⁴ As noted by the Labour Force Survey 2013-14, access to minimum wage and non discriminatory wages (for men and women working at similar positions) is also not taking place, with women earning one third of the income earned by men.

Based on above situation, the Rural Support Programmes Network (RSPN) is hiring Consultant Firm/ individual to conduct a bonded labour study/survey in two districts of Sindh i.e. Tando Mohammad Khan and Tando Allahyar.

The study will be carried out in the twelve finalised union councils (6 in each district) to learn about bonded labour practices in the project areas. This study survey will help project team to understand the ground issue and forms of bonded labour available in the intervention area specially putting focus on the reasons and gender context of the problem. The project team will incorporate findings of the study into the project interventions i.e. advocacy with government departments, sharing information and legal assistance to the bonded labours and their families. The study/survey will be disseminated to the wider audience for sharing purposes through website and workshops and RSPs annual retreat.

Task Perform:

- The Consultant Firm/ individual will conduct few meetings with RSPN's focal person(s) for an orientation to understand the needs, requirement and essence of project before starting bonded labour study/survey in areas.
- Based on the review of project documents, the Consultant Firm/ individual will submit an outline of the study with brief note for RSPN feedback.
- The Consultant Firm/ individual will develop research/ survey tools i.e. questionnaire/check list, field plan, enumerators' list (if required) and data base management system etc. and discuss with RSPN team for finalisation.
- The Consultant Firm/ individual will conduct orientation on bonded labour study survey and trained enumerators under observation of RSPN/NRSP staff if required.
- The Consultant Firm/ individual will be responsible to conduct and supervise study/survey in project areas i.e. Tando Muhammad Khan & Tando Allahyar districts.
- The Consultant Firm/ individual will also get secondary data from resources and utilize it in study/survey and reference of report.
- The Consultant Firm/ individual will share final copy of database and detailed study/survey report with RSPN team for feedback and then submit last copies to RSPN as well. While contents and mode of report should be finalised first by consultation with RSPN team.
- The Consultant will be responsible to incorporate comments/feedback of RSPN and share the final version of reports with RSPN in soft and hard form within 01 week (after completion of assignment).

Duration of Study Survey:

The assignment is scheduled to be completed within six weeks' time starting with signing of contract and release of first payment.

Deliverable	Description	Timeline
Study/ Survey plan	Submit detail study/survey plan to RSPN focal person and review project documents, project area details, district profiles and other relevant material for survey	Within 01 week (July 2-7, 2018) of contract award
Sharing of methodology, tools, formats for the study/survey	Provide a rational/outline of the study. The Consultant firm/individual shall propose set of tools/methodology to be used for the study/survey and finalise it in discussion with the RSPN representative keeping in view project objectives for the effectiveness. The pre testing of tools/methodology are necessary before start up of study/survey.	01 Week (July 9-14, 2018)
Field work/study	Collection of secondary data and complete the field work following the set of tools and techniques agreed between both parties (Consultant firm/individual & RSPN) i.e. data collection and organizing, analysis of primary and secondary data for report	03 Weeks (July 16 July-03 August, 2018)
Database and Final bonded labour study/ survey report	A detail report will be developed based on the findings, observation and future recommendation as derived from the assignment for RSPN feedback. The contents of report should be agreed by both parties (Consultant and RSPN) before submission of report. However the final report of bonded labour study/survey will be validated by RSPN designated staff. Thus consultant will also be responsible to handover complete database of interviews/responses/FGDs to RSPN used for bonded labour survey.	Within 01 (August 4-10, 2018) Week after completion of assignment

Qualifications of the Consultant Firm/Individual:

The consultant/team should have Masters Degree in Human Rights from well reputed University and having 2-3 years experience of researches, feasibility studies and surveys mainly on rule of law, gender and specifically on bonded labours. The Consultant /team may add partner/s with him/her self during assessment to fulfil the criteria mentioned above). The consultant/team should have background of understanding of human rights, various labour laws relate to bonded labours and justice system in Pakistan.

Reporting line:

The Consultant will report to and work in close coordination with RSPN focal person for regular feedback and guidance.



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