

Bonded Labour (Prohibition) Rules, 2067 (2010 AD)

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In the exercise of the powers conferred by the Section 23 of the Bonded Labour (Prohibition) Act, 2058 (2001 AD) the Government of Nepal has framed the following Rules.

1. **Short Title and Commencement:** (1) These Rules may be called “Bonded Labour (Prohibition) Rules, 2067”.
(2) These Rules shall come into force immediately.
2. **Definitions:** Unless the subject or the context otherwise requires, in these Rules:
 - (a) "Act" means the Bonded Labour (Prohibition) Act, 2058.
 - (b) "Certificate" means the Certificate of Class Registration issued pursuant to Rule 14 of the Act.
 - (c) “Ministry” means the Ministry of Land Reform and Management.
 - (d) “Group” means the group of the freed bonded labors registered pursuant to the Rule 14.
3. **Classification of Freed Bonded Labours:** Upon the recommendation of the Committee, the Ministry will classify the freed bonded labour to make their settlements, employment and engage in activities relating to income generation as follows:
 - (a) Class “A” for those who do not possess a house and land in his/her own name or his/her family name.
 - (b) Class “B” for those who are settling in public or government land and do not possess any land in his/her own name or his/her family name.

- (c) Class “C” for those who possess up to two *Kaththa* land and a house in his/her own name or his/her family name.
- (d) Class “D” for those who possess more than two *Kaththa* land and a house in his/her own name or his/her family name.
4. **To Issue Identity Card:** (1) The Welfare Officer shall issue the freed bonded labours identity cards based on the classification prescribed pursuant to Rule 3.
- (2) While issuing identity card pursuant to Sub rule (1), red coloured Identity Card shall be issued to the class ‘A’ freed bonded labours , blue coloured Card to class the ‘B’ freed bonded labours, yellow coloured Card to the class ‘C’ freed bonded labours, and white coloured Card to the class ‘D’ freed bonded labours.
5. **To Recommend Land:** (1) The Committee shall ascertain land necessary for settlement and cultivation for the freed bonded labours, and recommend to the Ministry.
- (2) While recommending land pursuant to Sub-rule (1), the location of the land, plot number, four boundaries, area, including the number of the freed bonded labours that can be settled in the land shall be mentioned.
- (3) The Committee, while recommending pursuant to Sub rule (1), shall recommend the land which is the most suitable for settlement and cultivation from among the following lands:
- (a) Land, registered in the name of the Government of Nepal, government companies, Committees formulated by the Government of Nepal, commissions or committees formulated pursuant to Development Committee Act, 2013 (1956 AD), but not used by the Government of Nepal, such a Committee or Commission,
- (b) Public or private land, devoid of dense forest and vegetation.
- (c) Land of community or forest area devoid of dense forest and vegetation.

- (d) Leftover land of public or government after separating the river-sides and river boundaries.
 - (e) Public or government land located at the boundary of the plot of any person.
 - (f) The land brought into the possession of the Government of Nepal again pursuant to Rule 10 after allotting it one-time to the freed bonded labours.
6. **To Allot Land:** (1) The Government of Nepal shall allot a maximum of five *Kaththa* land from the lands recommended by the Committee pursuant to Rule 5 for settlement and cultivation for the family of the freed bonded labours of class 'A' and 'B'.
- (2) While allotting land pursuant to Sub rule (1), as far as possible, the land being used by the freed bonded labours shall be allotted.
 - (3) Provided that it is not possible to allot land to the freed bonded labours pursuant to Sub clause (1), the Government of Nepal may purchase land, and make an allotment.
 - (4) Notwithstanding anything written in the Sub rule (1) and (3), the freed bonded labours who have secured loans pursuant to these Rules for procurement of land, shall not be allotted land.
7. **Ceiling of Land to be Allotted:** While allotting land to the freed bonded labours pursuant to Rule 6, allotment shall be made in the following areas, as follows:
- (a) Maximum one *Kaththa* in the municipalities or bazaar areas adjoining the national highways.
 - (b) Maximum two *Kaththas* in the areas adjoining the national highways other than those of the division (a).
 - (c) Maximum five *Kaththas* in areas other than those of the divisions (a) and (b).

8. **To Distribute Land Ownership Registration Certificate:** (1) Subsequent to the decision of the Government of Nepal to allot land pursuant to the Rule 6, the Welfare Officer may issue Land Ownership Registration Certificates to the respective freed bonded labours.

(2) In the Land Ownership Registration Certificates in pursuance of Sub rule (1), it shall also be stated that such a land is not allowed to mortgage or transfer ownership by any reason.

9. **Not Allowed to Mortgage or Transfer Ownership:** (1) the land allotted to the freed bonded labours by the Government of Nepal shall not be allowed to secure the loan by mortgaging the land in any financial or other institution or transfer ownership to anybody by any reason.

(2) Notwithstanding anything written in Sub-rule (1), there shall be no restriction to share the property among the legal sharers of the freed bonded labour, and to transfer ownership to his/her heirs after his/her demise.

10. **Shall Be Established in the Name of the Government of Nepal:** (1) Under one of the following situations, the land allotted to the freed bonded labour shall be removed from the name of the freed bonded labour and registered in the name of the Government of Nepal.

(a) After allotment of the land, if it comes to the light that somebody had obtained the land by submitting false documents of identity card of free bonded labour or based on such an identity card.

(b) If the person himself/herself or his/her family does not settle in the land allotted to the freed bonded labour, or if the land is not occupied for a period of three consecutive years or more.

(c) Conditioned that he/she could not be settled in the land set for the freed bonded labours prior to these Rules came into force.

(2) In the event of Part (c) of Sub clause (1), the freed bonded labours will be allotted land elsewhere.

11. **Shall be provided Money and Construction Materials:** Those freed bonded labours of class 'A' and free bonded labours of class 'B' without a house or having houses but displaced from the place, who have been allotted land pursuant to these Rules, shall be provided money and timber onetime for construction of a house as decided by the Government of Nepal as a cost for construction of the house.
12. **Other duty, Responsibility and Authority of the Committee:** In addition to the duty, responsibility and authority stated elsewhere in the Act and these Rules, the following shall be the duty, responsibility and authority of the Committee:
- (a) To identify appropriate land for settlement of the freed bonded labours, and recommend to the Ministry.
 - (b) To prepare an up-to-date roster of those freed bonded labours who were allotted land for settlement pursuant to these Rules, those remaining to be allotted land, and those who received land but could not yet been able to possess and use the land for various reasons.
 - (c) To coordinate the programmes conducted by different agencies, non-governmental institutions and organizations.
 - (d) To assist in the effective implementation of the programmes introduced by the Government of Nepal for income generation, business and employment promotion of the freed bonded labours.
13. **Duty, Responsibility, and Authority of the Welfare Officer:** In addition to the duty, responsibility and authority mentioned elsewhere in the Act, and these Rules, the Welfare Officer shall have other duty, responsibility and authority as follow:
- (a) To conduct income generating programmes through contact and coordination with different governmental and non-governmental organizations and institutions for the freed bonded labours.

(b) To prepare an up-to-date roster of freed bonded labours that have received income generating training, and submit in the Ministry fifteen days before the end of every fiscal year.

(c) To conduct training programmes approved by the Government of Nepal for income generation, business and employment promotion for the freed bonded labours.

(d) To follow up whether the freed bonded labours who received loans from the Fund have been carrying out businesses as per the agreement.

(e) To recover loans provided to the freed bonded labours.

(f) To encourage and assist the freed bonded labours to be united and mobilized as per the spirit of cooperatives.

(g) To collect information about employment and inform the freed bonded labours through proper media.

14. **To Form Groups:** (1) the freed bonded labours may form Groups consisting of at least twenty five families of the freed bonded labours for carrying out any income generating business in union.

(2) The freed bonded labours who choose to form a Group pursuant to Sub rule (1), may apply to the Welfare Officer for the registration of such a Group enclosing an application fee of Rupees fifty in the format prescribed in the Schedule- 1.

(3) On verification of the application along with the documents received pursuant to the Sub rule (2), and if found suitable to register the group, the Welfare Officer shall register the Group of the freed bonded labours and issue a certificate to the applicant in the format prescribed in the Schedule- 2.

(4) To facilitate the freed bonded labours in the registration of the Group pursuant to these Rules, the Ministry shall make provision of providing the bylaw of the Group through the Welfare Officer by preparing samples of other necessary documents.

15. **Provision Relating to Renewal:** (1) the validity period of the Certificate shall remain till the end of fiscal year.

(2) The Group intending to renew the certificate shall apply to the Welfare Officer fifteen days before the expiry date of the Certificate with a renewal fee of Rupees fifteen.

(3) On receiving an application pursuant to Sub rule (2), the Welfare Officer may renew the certificate.

(4) Notwithstanding anything written in Sub rule (2), if any Group approaches for renewal within three months of the expiry of the certificate, the Welfare Officer may renew the certificate charging an additional fee of Rupees hundred.

16. **May send on Foreign Employment:** The Government of Nepal may make adequate provision for sending on foreign employment to those freed bonded labours that choose to go to foreign employment.

17. **Loans may be Provided:** (1) The Government of Nepal may provide loan for one time for procurement of up to two *Kaththa* land to those freed bonded labours of class 'A' and 'B' who have not received lands pursuant to these Rules.

(2) The Government of Nepal may recommend to the concern entity for providing loans to the freed bonded labours of class 'C' and 'D' for operating a business.

(3) The Government of Nepal may provide loan on individual or Group basis to those freed bonded labours or Group who intend to do any income generating business.

(4) The Government of Nepal may provide loans for buying of airplane tickets to the freed bonded labours who intends to go to foreign employment.

(5) The loans pursuant to Sub rule (4) and (5) shall be provided from the amount accrued in the Fund.

(6) The annual interest rate of the loans provided under these Rules shall not be more than three percent.

18. **May Request for Loan:** (1) In pursuance of Rule 17, if any freed bonded labour or a Group intends to secure loan, an application shall be submitted to the Welfare Officer in the format prescribed in Schedule -3.

(2) On verification of the application received pursuant to Sub rule (1), if found justifiable to provide loan to the applicant, the following authority or entity may provide the loan to the freed bonded labour or the Group.

(a) If it is up to a Rupees fifty thousand by the related Welfare Officer,

(b) If it is more than a Rupees fifty thousand, but less than Rupees hundred thousand by the Sub-committee.

(c) If it is more than Rupees hundred thousand by the Secretary of the Ministry on the recommendation of the Sub-committee.

(3) In pursuance of Part (b) of Sub rule (2), a Sub-committee, consisting of head of Revenue Office and head of Survey Office, shall exist in the coordination of the Welfare Officer.

(4) Notwithstanding anything written in Sub rule (2), the Secretary of the Ministry shall provide loans pursuant to Sub rule (1) and (5) of Rule 17 on the recommendation of the Committee.

19. **Shall make an Agreement:** Following the decision to provide a loan pursuant to Rule 18, the Welfare Officer shall make an agreement with the freed bonded labour or the Group in the format prescribed in Schedule-4 before offering the loan.

20. **Loan to be Expend for Related Work:** (1) the loan received by the freed bonded labours pursuant to these Rules shall be expended in the work for which the loan was taken.

(2) The Welfare Officer may recover the loan amount anytime in the event that the freed bonded labour or Group expands the loan amount in contradiction to Sub rule (1).

21. **Progress Report to be submitted:** (1) The Group shall submit a report with details of work progress to the Welfare Officer every three months.

(2) The Welfare Officer may inspect the work progress of the Group anytime and give necessary instructions to the Group.

(3) It shall be the responsibility of the Group to follow the instructions given pursuant to the Sub rule (2).

22. **To Monitor:** (1) The Welfare Officer may or cause to monitor as regards to the used of the land allotted to the freed bonded labours along with whether the programmes initiated for income generation and employment for the freed bonded labours have been effective or not, and whether the freed bonded labours who received loans pursuant to these Rules have or have not used the loans as per the Agreement.

(2) The Welfare Office shall submit reports with factual details following the follow-ups pursuant to Sub rule (1) regularly to the Ministry.

23. **To Enforce by Preparing Working Procedures:** To implement these Rules, the Ministry may prepare necessary working procedures and enforce them.

24. **May Change in the Schedules:** The Government of Nepal may change in the Schedules by publishing notices in the Nepal Gazette.

Schedule – 1

(Relating to Sub rule (2) of Rule 14)

Format of Application to be submitted for Registration of a Group

The Welfare Officer,
Land Revenue Office,

Subject: Request for Group Registration

Whereas, we intend to register a Group to conduct an incoming generating business in union, we have submitted this application with the following details along with the fee required for the application.

1. Name of Group:
2. Contact Address of Group: (a) District:-
(b) Municipality/VDC:- (c) Ward No.:-
(d) Phone No.:-
3. Proposed number of families in the Group:
4. Proposed work of the Group:
5. Financial Resource of the Group:
6. Other details:

Of the Chief Member of the Group

Signature:-

Name, Surname:-

Address:-

Date:-

Documents to be enclosed with the application:-

- (1) Two copies of the Rules and Regulation of the Group
- (2) Copy of the decision made for the Group registration.
- (3) Citizenship Certificates of the members of the Group and copies of identity cards of the freed bonded labours.

NEPALLAW COMMISSION

Schedule- 2

(Relating to Sub rule (3) of Rule 14)

Certificate of Group Registration

M/S.....

.....(Group)

Following the decision dated, this certificate has been issued to you on registration of the Group of freed bonded labours, named

.....

Welfare Officer's:

Signature:-

Name, Surname:

Office Stamp

Designation:

Date:-

Renewal of the Certificate

Date of Renewal	Period of Renewal Validity	Renewal Fee	Signature of the Renewing Authority

Schedule- 3

(Relating to Sub rule (1) of Rule 18)

Format of Application for Requesting Loans

The Welfare Officer,

Land Revenue Office.....

Subject: **Request for Loan**

Dear Sir/Madam,

As I/we are in a need of Rupeesto dowork, I/we have submitted this application with the following details with a request to make avail of the amount as a loan.

1. Of the freed bonded labour or Group:-

- (a) If a person, Name Surname:-
- (b) No. of Identity Card and Class:-
- (c) Address:-
- (d) If included in a Group, name of the Group:-

2. Purpose of Loan Request,-

- (a) If going to purchase land,-
 - (1) Whether land has been acquired or not pursuant to these Rules:-
 - (2) Region of the land intending to purchase and the area of the land:-
- (b) If going to do business,-
 - (1) Name of Business:-
 - (2) Location of business operation:-

- (3) Estimated Cost:-
- (4) Market that will consume produced goods:-
- (5) Time required for profit earning from the produced goods:-
- (6) Estimated profit in a year:-

(c) If requesting loan to purchase an aero plane ticket for going to foreign employment,-

- (1) Country Intending to Go for Employment:-
- (2) The Company Working with and Description of Work:-
- (3) Remuneration to Receive for the Work:-

3. If taken loan before to run business a business,-

- (1) Amount of loan taken:-
- (2) For what business purpose the loan was taken:-
- (3) Date of loan paid off:-

4. Period of loan recovery and method (to propose a period of loan recovery and method)

Applicant's,-

Signature:-

Name Surname:-

Date-

Documents to be submitted with the Application:-

- (1) Copy of Identity Card of the freed bonded labour,
- (2) Copy of Nepali Citizenship Certificate,
- (3) Copy of the training certificate, provided one has received such training,
- (4) If intending to run a business on behalf of a Group, recommendation from the Group,

- (5) If intending to go to foreign employment, the proof of Visa receipt from the concerned country.

NEPALLAW COMMISSION

Schedule- 4

(Relating to Rule 19)

Format of Agreement used for Securing Loan

Whereas, I/.....Group have/has received loan of amount Rupees.....for thework/business, I/.....Group have/has submitted this Agreement to be executed as under.

1. Annual interest rate for the loan amount:-
2. Method of repayment of the loan:-
3. Wording of, if the loan amount is not repaid on time, entitling to recover the loan from other properties.
4. Other necessary matters:-

Welfare Officer's

Signature:-

Name, Surname:-

Office:-

Designation:-

Office Stamp:

Loan Recipient's

Signature:-

Name, Surname:-

Age:-

Address:-

Dated, BS 20.....month.....date.....-day. (Year 20....., month.....day,-day AD).