

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Iftikhar Muhammad Chaudhry, CJ.
Mr. Justice Jawwad S. Khawaja
Mr. Justice Sh. Azmat Saeed

CRIMINAL PETITION NO.213 OF 2013.

(On appeal from order dated 17.5.2013,
passed by the Lahore High Court, Lahore, in
Cr.Misc. No.701-H/2013)

Mst. Rasoolan w/o Muhammad Aslam.

Petitioner(s)

VERSUS

Station House Officer, Police Station,
Head Marala, District Sialkot and 4-others.

Respondent(s)

Petitioner(s) : Nemo.

For Respondents No.1, 3 & 5 : Mr. Muhammad Hanif Khtana,
Additional A.G. Punjab

Mr. Muhammad Gohar Nafees,
DPO, Sialkot

Respondents No.2 & 4 : N.R.

Date of Hearing : 17.07.2013.

ORDER

IFTIKHAR MUHAMMAD CHAUDHRY, CJ.- Mr. Muhammad

Gohar Nafees, DPO, Sialkot, submitted a report and also informed that in his District approximate number of labourers working on the *Bhatta* is 8250. To ascertain as to whether they

are subject to bonded labour or otherwise, he arranged a campaign through police parties and civil society, which revealed that there were 379 such type of labourers, who were detained at *Bhatta* because of receiving advance amount of their labour charges were got released and against the *Bhatta* owners, 150 cases have been registered and after conducting investigation, challan has been submitted for trial before the Courts. It is informed by the learned Advocate General, Punjab, that unfortunately the Bonded Labour System (Abolition) Act, 1992, had not been applied strictly, inasmuch as, the Vigilance Committees had not been formulated, as the Members of the Committees are 17 out of which 11 are the officials whereas 06 are the private persons, including the Chairman, District Council, and as there is no local government in place, therefore, the said Committees could not start their function. We must insist that command of the Constitution in holding the elections be fulfilled, as the elected Members, including the Chairman, District Council, etc. shall be helpful in solving the problems of maintaining law and order as well as to control crime, as through cooperation by them, the police and the Law Enforcing Agencies would be more effective for bringing to book the culprits involved in different kinds of crimes. However, the Government is directed to activate

the Vigilance Committees as early as possible. The DPO, Sialkot, has also pointed out that despite application of the Employees' Social Security Ordinance, 1965, in the Province no registration is obtained by the owners to avoid making the payment of the contribution.

2. The Chief Secretary of the Government of the Punjab, is directed to ensure that within two weeks of receipt of this Order, all the labourers working on the *Bhattas*, subject to fulfillment of the requirement of the law, be registered as a recipient of the Social Security and the owners be bound to pay their contribution to the Social Security Department. He shall submit a report and on receipt of the report, final Order shall be passed. As the report has been submitted and the DPO, Sialkot, has also taken interest to ensure that no labourer is detained on *Bhatta* forcibly in the name of the payment of the *Peshgi* labour charges, we are of the opinion that no further proceedings are called for except perusal of the report from the Chief Secretary regarding the registration of the *Bhatta* labourers under the Employees' Social Security Ordinance, 1965, subject to the conditions laid down in the said Ordinance, therefore, the petition stands disposed of.

3. Copy of this Order be sent to the Inspector General of Police, Punjab, for the purpose of circulating among all the Law Enforcement Agencies and DPOs, etc. and to ensure that in future there shall not be any case of bonded labour and if such a complaint of *habeas corpus* is received in future, the DPO concerned shall be held responsible for the same.

Chief Justice

Judge

Islamabad

17.7.2013

‘NOT APPROVED FOR REPORTING’

Mahtab/*

Judge