

ORDER SHEET.

IN THE ISLAMABAD HIGH COURT, ISLAMABAD. **JUDICIAL DEPARTMENT.**

W.P No.488/2019.

Mst. Khadija

Versus

Allah Dad etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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28.05.2019

Petitioner in person.
Rozi Khan, respondent No.2 in person.
Muhammad Sabir, ASI, P.S Shamas Colony, Islamabad.

Through the instant writ petition, the petitioner has prayed for issuance of direction to respondents No.3 & 4 to provide due protection to the petitioner and respondent No.5 may also be directed to adopt preventive measures against respondents No.1 & 2 in order to protect the liberty of the petitioner and her family members and to prevent forced labour.

2. The petitioner in person contends that she and her family worked for one year in brick kiln of respondents No.1 & 2 and they completed their all work and after their shifting, respondents No.1 & 2 are harassing them in connivance with local police.

3. Conversely, Rozi Khan/respondent No.2, who is real brother of respondent No.1, in person contends that the petitioner and her family members are under debt of Rs.8,50,000/-, which has not yet been cleared and they have shifted from their brick kiln.

4. Arguments heard, record perused.

5. Perusal of the record reveals that the petitioner and her family members are being harassed by respondents No.1 & 2 in connivance with local police to settle the dispute with respondents No.1 & 2.

6. Keeping in view above background, respondent No.2 has been confronted as to whether he ever filed an application or civil suit against the petitioner and her family members for recovery of outstanding amount against them, which was paid to them, whereupon he has replied that they have not yet approached any Court of law for recovery of the outstanding amount.

7. The petitioner has vehemently denied stance of respondent No.2 that she and her family members have to pay some outstanding amount.

8. Under The Bonded Labour System (Abolition) Act, 1992, no one is allowed to claim amount in lieu of services, which fall within bonded labour system.

9. The above referred scenario convinces this Court that the petitioner and her family members worked with respondents No.1 & 2 for one year in their brick kiln under bonded labour system, which is illegal. In reported judgment of Supreme Court reported as **PLD 2009 SC 507 (Human Rights Commission of Pakistan vs. Government of Pakistan)**, it was held that all such agreements, which have not yet been concluded could not be enforced and even the police shall not act as tool for recovery of amount, therefore, I have no hesitation in my mind to hold that any agreement executed with the petitioner and her family members is against the law as well as public policy, therefore, the same cannot be considered valid for recovery of the amount, therefore, any action on part of the respondents for recovery of the amount is illegal and the respondents shall restrain from causing any harassment to the petitioner and her family members.

10. Respondent No.2 in person before this Court has confirmed that he has not yet filed any proceedings against the petitioner

and her family members for recovery of amount, therefore, claim of respondents No.1 & 2 can only be adjudicated upon by the Court of competent jurisdiction, however, the case in hand governs under Bounded Labour System.

11. In view of above discussion, the instant writ petition stands **disposed of** with direction to respondent No.4/SHO, P.S Golra Sharif, Islamabad to provide due protection to the petitioner and her family members and any action on part of respondents No.1 & 2 will be considered as void except the legal course for recovery of the amount if any.

(MOHSIN AKHTAR KAYANI)
JUDGE

R.Anjam