

**IN THE HIGH COURT OF SINDH, CIRCUIT
COURT, HYDERABAD.**

C.P. No. S - 857 of 2019

Petitioner : Through Mr. Ishfaque Ahmed
Almani, Advocate

Respondents: : Through Mr. Wali Muhammad
Jamari, Asst: Advocate General
a/w Zulfiqar Ali, SHO PS Shahpur
Chakar.

Date of Hearing : 28.10.2019

Date of Order : 28.10.2019

ORDER

ADNAN-UL-KARIM MEMON J: Through instant petition, the petitioner is seeking release of detainee namely Bilal Son of Akram, who is/was purportedly in illegal custody of private respondent No.4.

2. Brief facts of the case, as per pleadings of the petitioner is that the alleged detainee Bilal Son of Akram is in illegal confinement of private respondent No.4 on account of Brick-Klin wages. In the similar circumstances, the Honourable Supreme Court of Pakistan took action for the enforcement of fundamental rights which resulted in the first public interest litigation case (PLD 1990 SC 513) regarding bonded labour practices. The Honourable Supreme Court of Pakistan declared bonded labour as unconstitutional, and in its observance directed the government to introduce legislation defining 'forced labour' with illustrations of its different forms. The Legislature, in response to the Honourable Supreme Court orders and to fulfill constitutional obligations, enacted the Bonded Labour System (Abolition) Act, 1992. The law abolished the bonded labour system throughout Pakistan, discharged bonded laborers from obligation and put an end to outstanding loans; that the offence was criminalized, imposing imprisonment up to 5 years and a fine of up to PKR 50,000, or both,

for a person who compels anyone to render bonded labour; that the law also made it mandatory for Provincial Governments to set-up District Vigilance Committees (DVCs) for the effective implementation of the law and help rehabilitation of the bonded labour.

3. Mr. Ishfaque Ahmed Almani, learned Counsel for the petitioner has argued that the alleged detainee has been detained for force labour which is against the fundamental rights as discussed supra and in this regard he has put reliance upon various Articles of the Constitution of Islamic Republic of Pakistan. He next submitted that in compliance of the order dated 21.10.2019 the detainee has been recovered from the illegal confinement of respondent No.4, however, he under instructions from the petitioner does not wish to press the instant petition due to recovery of detainee.

4. I have heard learned counsel for the petitioner on the issue involved in the matter and perused the material placed on record as well as, the case law cited at the bar.

5. I have noticed that this Court vide order dated 21.10.2019 issued notice to the respondents, as well as, learned Addl: Advocate General, Sindh. In the meanwhile report was also called from SSP Sanghar regarding the factum of detention of the alleged detainee.

6. Learned A.A.G. has placed on record a report of SHO PS Shahpur Chakar, in compliance of the aforesaid order, on the assertion that the alleged detainee Bilal has been recovered from super Punjab Brick-kiln, he also relied upon mashirnama of recovery. He added that the detainee has given voluntary statement that he has neither been detained nor any restriction was imposed from any corner of whatsoever nature. However, the alleged detainee who has been produced in court by the concerned SHO has refuted his claim and

states that he was illegally detained by the private respondent No.4 and now makes a categorical statement that he has no any complaint against the respondents and seeks disposal of the instant petition on the premise that he has been set free from the bonded labour.

7. In view of the above, this petition having served its purpose stands disposed of accordingly.

JUDGE

Fahad Memon