

Provisions on Human Trafficking in Constitution of Pakistan



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ARTICLE 3 (ELIMINATION OF EXPLOITATION)

The State shall ensure the elimination of all forms of exploitation and the gradual fulfillment of the fundamental principle, from each according to his ability to each according to his work.

ARTICLE 4 (RIGHT OF INDIVIDUALS TO BE DEALT WITH IN ACCORDANCE WITH LAW, ETC.)

(1) To enjoy the protection of law and to be treated in accordance with law is the inalienable right of every citizen, wherever he may be, and of every other person for the time being within Pakistan.

(2) In particular:-

- a) no action detrimental to the life, liberty, body, reputation or property of any person shall be taken except in accordance with law;
- b) no person shall be prevented from or be hindered in doing that which is not prohibited by law; and
- c) no person shall be compelled to do that which the law does not require him to do.

ARTICLE 9 (RIGHT TO LIBERTY AND SECURITY OF PERSON)

No person shall be deprived of life or liberty save in accordance with law.

ARTICLE 11 (SLAVERY, FORCED LABOUR, ETC. PROHIBITED)

- 1) Slavery is non-existent and forbidden and no law shall permit or facilitate its introduction into Pakistan in any form.
- 2) All forms of forced labour and traffic in human beings are prohibited.
- 3) No child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

ARTICLE 14 (INVIOLABILITY OF DIGNITY OF MAN)

- (1) The dignity of man and, subject to law, the privacy of home, shall be inviolable

ARTICLE 15 (FREEDOM OF MOVEMENT)

Every citizen shall have the right to remain in, and, subject to any reasonable restriction imposed by law in the public interest, enter and move freely throughout Pakistan and to reside and settle in any part thereof.

Illegal Detention

10 Safeguards as to arrest and detention

- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor shall he be denied the right to consult and be defended by a legal practitioner of his choice.
- (2) Every person who is arrested and detained in custody shall be produced before a magistrate within a period of twenty-four hours of such arrest, excluding the time necessary for the journey from the place of arrest to the court of the nearest magistrate, and no such person shall be detained in :custody beyond the said period without the authority of a magistrate.

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- (3) Nothing in clauses (1) and (2) shall apply to any person who is arrested or detained under any law providing for preventive detention.
- (4) No law providing for preventive detention shall be made except to deal with persons acting in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof, or external affairs of Pakistan, or public order, or the maintenance of supplies or services, and no such law shall authorise the detention of a person for a period exceeding ²⁰[three months] ²⁰ unless the appropriate Review Board has, after affording him an opportunity of being heard in person, reviewed his case and reported, before the expiration of the said period, that there is, in its opinion, sufficient cause for such detention, and, if the detention is continued after the said period of ²¹[three months] ²¹, unless the appropriate Review Board has reviewed his case and reported, before the expiration of each period of three months, that there is, in its opinion, sufficient cause for such detention.

Explanation-I: In this Article, "the appropriate Review Board" means:-

- (i) in the case of a person detained under a Federal law, a Board appointed by the Chief Justice of Pakistan and consisting of a Chairman and two other persons, each of whom is or has been a Judge of the Supreme Court or a High Court; and
- (ii) in the case of a Person detained under a Provincial law, a Board appointed by the Chief Justice of the High Court concerned and consisting of a Chairman and two other persons, each of whom is or has been a Judge of a High Court.

Explanation-II: The opinion of a Review Board shall be expressed in terms of the views of the majority of its members.

- (5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, ²²[within fifteen days] ²² from such detention, communicate to such person the grounds on which the order has been made, and shall afford him the earliest opportunity of making a representation against the order: **Provided** that the authority making any such order may refuse to disclose facts which such authority considers it to be against the public interest to disclose.
- (6) The authority making the order shall furnish to the appropriate Review Board all documents relevant to the case unless a certificate, signed by a Secretary to the Government concerned, to the effect that it is not in the public interest to furnish any documents, is produced.
- (7) Within a period of twenty-four months commencing on the day of his first detention in pursuance of an order made under a law providing for preventive detention, no person shall be detained in pursuance of any such order for more than a total period of eight months in the case of a person detained for acting in a manner prejudicial to public order and twelve months in any other case: **Provided** that this clause shall not apply to any person who is employed by, or works for, or acts on instructions received from, the enemy ²³[or who is acting or attempting to act in a manner prejudicial to the integrity, security or defence of Pakistan or any part thereof or who commits or attempts to commit any act which amounts to an anti-national activity as defined in a Federal law or is a member of any association which has for its objects, or which indulges in, any such anti-national activity] ²³.

(8) The appropriate Review Board shall determine the place of detention of the person detained and fix a reasonable subsistence allowance for his family.

(9) Nothing in this Article shall apply to any person who for the time being is an enemy alien.

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10A. Right to fair trial:

For the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due process.

12 Protection against retrospective punishment

(1) No law shall authorize the punishment of a person:-

- (a) for an act or omission that was not punishable by law at the time of the act or omission; or
- (b) for an offence by a penalty greater than, or of a kind different from, the penalty prescribed by law for that offence at the time the offence was committed.

(2) Nothing in clause (1) or in Article 270 shall apply to any law making acts of abrogation or subversion of a Constitution in force in Pakistan at any time since the twenty-third day of March, one thousand nine hundred and fifty-six, an offence.