

In the Hon'ble Supreme Court of Pakistan

CMA No...../2018

Human Rights Case No. 16143-P/2014

**Human Rights Case No. 16143-P/2014
(Application by Usama Khawar and Yahya Farid regarding hazardous emission of
dust by stone/marble crushing and grinding)**

**Application under rule 6 of Order XXXIII of the Supreme Court Rules 1980 read with
Article 187 of the Constitution of the Islamic Republic of Pakistan, 1973**

In the Hon'ble Supreme Court of Pakistan

CMA No...../2018

Human Rights Case No. 16143-P/2014

Human Rights Case No. 16143-P/2014

**(Application by Usama Khawar and Yahya Farid regarding hazardous emission of dust
by stone/marble crushing and grinding)**

**Application under rule 6 of Order XXXIII of the Supreme Court Rules 1980 read with
Article 187 of the Constitution of the Islamic Republic of Pakistan, 1973**

**Application filed by Mr. Raheel Kamran Sheikh, ASC for issuance of appropriate
directions to Respondents**

INDEX

Sr. No.	Description of documents	Dated	Pages
1.	Report by the Secretary, Law and Justice Commission of Pakistan (LCP)	02-04-2018	1
2.	Response from the Government of the Balochistan (Annexure-A)		8
3.	Response from the Government of the Khyber Pakhtunkhwa (Annexure-B)		10
4.	Response from the Government of the Punjab (Annexure-C)		14
5.	Response from the Government of the Sindh (Annexure-D)		19
6.	Response from the Islamabad Capital Territory (Annexure-E)		23
7.	Feedback on the recommendations (Annexure-F)		26
8.	Affidavit		28

Certified that the paper book as bound is complete and correct

Date: 02-04-2018



Secretary

Law and Justice Commission of Pakistan

IN THE HON'BLE SUPREME COURT OF PAKISTAN

CMA No...../2018

Human Rights Case No. 16143-P/2014

Human Rights Case No. 16143-P/2014

(Application by Usama Khawar and Yahya Farid regarding hazardous emission of dust by stone/marble crushing and grinding)

Application under rule 6 of Order XXXIII of the Supreme Court Rules 1980 read with Article 187 of the Constitution of the Islamic Republic of Pakistan, 1973

Application filed by Mr. Raheel Kamran Sheikh, ASC for issuance of appropriate directions to Respondents

At the hearing on 20-02-2018, the Hon'ble Supreme Court of Pakistan issued following direction:

"Let a meeting be convened under the chairmanship of the Secretary Law and Justice Commission of Pakistan (LJCP) to be held today at 3:00 pm in which Mr. Raheel Kamran Sheikh, learned ASC, the Deputy Attorney General for Pakistan, all the advocates general, shall make the final suggestions about the preventive measures and curative measures for the purpose of eradication of the menace. To come up for hearing after three weeks."

2. In compliance with the directions of the Supreme Court of Pakistan, a series of meetings were held on 20-02-2018 and 12-3-2018 in the LJCP Secretariat to formulate recommendations on preventive and curative measures of silicosis for submission to Court. After deliberation, finally it was decided that a meeting of the secretaries of the relevant departments and focal persons designated by the provincial chief secretaries in the subject matter may be convened to finalize recommendations. Accordingly, on 20-03-2018, a meeting of the secretaries of relevant departments and focal persons were held in the LJCP Secretariat which was also attended by Mr. Raheel Kamran Sheikh, ASC, learned counsel for the petitioner.

3. In order to make the discussion more focused and result oriented, following information was also sought from the provinces and Islamabad Capital Territory (ICT) for analysis:

- (i) Notification of the Committees constituted in the provinces as well as in the Islamabad Capital Territory to address the issue of silicosis along with copies of the minutes of the meetings of the committees, if any.

- (ii) Status of the proposed legislation on OSH with documentary evidence.
- (iii) Detail of activities conducted for awareness of workers, employers and staff of the relevant departments.
- (iv) Existing enforcement mechanism with number of inspections conducted, prosecution lodged and details of fines/convictions
- (v) Dissemination of relevant information on the official websites.
- (vi) District-wise data of fatal accidents with details of casualties, injuries and compensation awarded to the victims.
- (vii) District-wise detail of actions taken against illegal mining (Fines, punishments and seizure).
- (viii) District-wise detail of cases which are pending in the Labour Courts and Environmental Tribunals with date of institution.
- (ix) Medical inspection schedule along with number of workers examined.

4. The response received from the provinces and ICT is compiled and attached herewith as **Annexure-A,B,C,D & E**.

5. Following the review of information and consultations held with the stakeholders, the LJCP Secretariat recommends following measures for eradication, prevention and cure of the workers affected with the silicosis:

A. Legislative Reforms/ Measures

- (i) On the directions of the Supreme Court of Pakistan, the LJCP in consultation with all the stakeholders prepared a consensual comprehensive draft law on OSH and shared with provinces for enactment. The province of Sindh has enacted the Occupational Safety and Health Act 2017 which is enforced with effect from 2nd January 2018 while other provinces have yet to enact such legislation. It has been more than two years that the provinces and Federation through ICT administration is being persuaded for enactment of OSH law but of no avail. On realization the importance of issue and its benefits the representatives committed that legislation will be enacted within six weeks. Accordingly, it is **recommended that the Federal and provincial governments of Punjab, Khyber Pakhtunkhwa, Balochistan and ICT may be directed to enact OSH law within the committed period.**
- (ii) Factories Act, 1934 is enforced Punjab, Balochistan and ICT whereas, the governments of Khyber Pakhtunkhwa and Sindh have as enacted their own laws i.e. the Khyber Pakhtunkhwa Factories Act, 2013 and the Sindh Factories Act 2015 to regulate the affairs of the labour in factories. All these laws have OSH provisions applicable to industrial establishments

with 10 or more workers. **The Provincial governments may be directed extend the scope of the Acts to industrial units employing even five workers.**

- (iii) The Government of Punjab has notified the Punjab Hazardous Occupation (Silicon) Rules 2015 under the Factories Act, 1934 which provides procedure for declaring any operation hazardous, restriction of employment in unsafe conditions, medical certification of workers and safety measures. **Pending OSH legislation, in exercise of powers under Section 33 Q of the factories Act 1934, Section 46 of the Khyber Pakhtunkhwa Factories Act, 2013 and Section 47 of the Sindh Factories Act 2015 the provinces may consider notification of such rules for declaring any manufacturing processes detrimental to health and safety and prohibiting it by order.**
- (iv) The terms and conditions of employment of mines workers are regulated by Mines Act, 1923 which has a separate chapter related to safety, health and welfare of persons employed in mines, including gas and oil fields. Besides, it also provides inspection system to keep track of health and safety violations and imposition of fines for such violations. However, it is quite surprising that there is no mechanism for regular follow up medical examination as provided in the Factories act 1934. **It is, therefore recommended that each provincial government should formulate and notify rules for regulating the follow up medical examination of the persons employed in mines.**

B. Administrative Measures

- (i) Pursuant to the Court's directions, in the province of Punjab, **Occupational Safety and Health Council** has been constituted to evolve strategies for the protection of workers' rights by addressing issues related to health and safety of workers in the industrial and commercial establishments. Likewise, in Sindh, Khyber Pakhtunkhwa and ICT have constituted high level Core Committees are constitutes to ensure implementation of this Court's order related to safety and taking actions against hazardous emission of dust and stone, marble crushing & grinding. Review of composition of these committees/ councils revealed that in the Punjab Province the representative of the key stakeholders i.e. the Chamber of Commerce and Industry and workers' federations/ unions are included in the Council as its members. **It is, therefore, recommended that other provinces may be directed to include the representatives of the Chamber**

of Commerce and industry and of workers for their input and ownerships of the decisions.

- (ii) The OSH Council constituted by the Province of Punjab in 19.09.2014 has met a only thrice and its last meeting was held on 05.08.2015, it is also recommended that such **Councils/Committees shall be directed to meet quarterly to adequately discuss and address the challenges related to occupational safety and health concerns in their respective provinces.**
- (iii) The Government of Balochistan has neither a Core Committee nor constituted an OSH Council to address the issues of health and safety of workers; therefore, **the Government of Balochistan should immediately constitute committee having representation of all the stakeholders including Chamber of Commerce and industry and workers' associations/federation.**
- (iv) **Inspector of Mines may be directed to develop and implement a robust inspection system for effective enforcement of mining laws and to take action against illegal mining activities.**
- (v) **The Hazardous Substance Rules, 2003 framed under Environmental Protection Act 1997 has provision of safety precautions for workers and employer. Directions may be issued to the relevant authorities for strict compliance.**

C. Prevention & Protective Measures:

- (i) To carry out periodic assessments, the Punjab Labour Department has devised a checklist on OSH to be used during labour inspections. **This OSH checklist may be used for inspection in other provinces with suitable modification.**
- (ii) The West Pakistan Hazardous Occupations (Miscellaneous) Rules 1963 specify various manufacturing and utilization processes as hazardous. Under the rules, the Chief Inspector is competent to declare any process hazardous. Therefore, **the chief inspectors may be directed to reassess the manufacturing processes of various industries for notifying hazardous processes.**
- (iii) **Being a potential source to cause Silicosis, all Cement Factories be directed to establish a Silicosis Diagnostic Centre in their factories to monitor the ill effects of inhalation of dust particle emitting from various processes carried out for the manufacturing of Cement.**

- (iv) To ensure health and safety, the provinces in consultation with relevant **Environmental Protection Agencies should notify safe distance and guidelines for stone crushing units and mines.**
- (v) **All kind of mining and stone crushing activities near the archeological and tourists sites should be completely banned.**
- (vi) Under the law, the employers are obligated to ensure compliance to safety standards at workplaces, the provision of a “Hygiene Card” to every worker and compulsory vaccination and inoculation of all workers, to have an emergency/disaster management plan to cater to any emergency situation. **The relevant authority should prepare an effective monitoring mechanism to ensure compliance of these obligations.**
- (vii) **The labour departments may be directed to ensure strict compliance of Section 23 of the Factories Act, 1934, Section 24 of Khyber Pakhtunkhwa Factories Act, 2013 and Section 25 of the Sindh Factories Act, 2015 which provides that each worker in a factory is provided with a Hygiene Card and its entries shall be updated during the months of January and July every year after examination by a designated doctor to diagnose any contagious or infectious disease.**

D. Compensation and medical care:

- (i) The Workmen’s Compensation Act, 1923 including its provincial variants such as the Punjab Workers Compensation Act, 1923, Khyber Pakhtunkhwa Workers Compensation Act, 2013, Sindh Workers Compensation Act, 2016 provide healthcare benefits and identify occupational diseases arising during the course of employment and has fixed compensation (death grant and disability benefits) for workers affected due to occupational diseases and accidents. The death grant varies between PKR 200,000 to PKR 500,000 amongst provinces with greater differences related to permanent or temporary disability. **Keeping in view rising inflation, it is recommended that that Provinces may be directed to enhance such compensation reasonably and the same should be made uniform across the country.**
- (ii) Worker Welfare Boards established under Section 11 A of the Workers Welfare Fund Ordinance, 1971 and its provincial variants established under provincial laws after the 18th Amendment. In exercise of power under relevant law, each Province’s Workers Welfare Board has a “Death Grant Policy.” In Punjab, this comes to “an amount of PKR 500,000/- as death

grant is provided to the family of deceased worker registered with EOBI and Social Security; however this condition is not mandatory for mine workers. During the course of meetings, it was reported that in each Province, the process for release grant takes months to complete which causes frustration among the family members, therefore, **direction be issued to all Workers Welfare Boards for developing a uniform amount of death grant, and ensuring the early release of the same in order to facilitate a bereaved family, in their time of need.**

- (iii) It has been reported that tens of thousands of cases are pending in labour courts increasing agonies of labourers and administrative issues for relevant departments. Therefore, **the High Courts may be asked to issue directions to the labour courts for early disposal of cases.**

E. Capacity Building & Data Collection:

- (i) The Supreme Court of Pakistan in its Order dated 14-7-2015 highlighted the absence of authentic baseline data of labour force critical for planning and implementing labour laws and issued directions to the provincial governments for Labour Force Survey (LFS). **Despite lapse of considerable time, the directions have not been implemented in its true spirit, therefore, the provincial governments may be directed to complete the Labour force Survey without further delay.**
- (ii) Each provincial government in collaboration with ILO develop and implement capacity building programmes for all officers in the field of inspection, safety, health, and welfare of the workers.

F. Awareness:


- (i) **The Ministry of Information, Pakistan Television (PTV), Radio Pakistan and Pakistan Electronic and Media Regulatory Authority (PEMRA)¹ in collaboration with provincial labour and mines departments shall prepare and implement public awareness raising campaign in consultation with relevant departments.**
- (ii) For safety, a worker is required to wear protective clothing specified for the work and no person can be engaged in hazardous work/occupation unless the certifying surgeon has provided the certificate of medical fitness for such work. Therefore **a comprehensive awareness campaign through electronic media and radio may be launched.**

¹ section 20(e) public interest broadcasting obligation, PEMRA Ordinance 2002)

- (iii) PEMRA be asked to issue directions to the electronic media for transmitting awareness messages under their Corporate Social Responsibility (CSR).
- (iv) The respective Labour departments should display on their web-sites general information for workers regarding silicosis, relevant registers, forms, inspection schedules and contact details of relevant labour and medical as directed by the Supreme Court of Pakistan in its order dated 14 July 2015.

6. It is pertinent to mention here that the subject recommendations were formally shared with the provincial labour & mines departments and ICT Administration for their feedback/comments. All of them agreed and response received from them is at **Annexure-F**. Further, the recommendations were also shared with Mr. Kamran Raheel Sheikh, the learned counsel for the petitioner who also agreed with the same.

Dated 02-04-2018


Secretary
Law and Justice Commission of
Pakistan

Annexure-A

RESPONSE FROM BALOCHISTAN

S. #	INFORMATION REQUIRED	BALOCHISTAN																														
1	Notification of the Committees constituted in the provinces as well as in the Islamabad Capital Territory to address the issue of silicosis along with copies of the minutes of the meetings of the committees, if any.	<p>The Balochistan Labour and Manpower Department has sought approval of the following committee to implement the Orders of the Honorable Supreme Court of Pakistan dated 14-7-2015. The composition of the Committee is as follows: -</p> <table> <tr> <th>S. No.</th><th>Name</th><th>Designation</th></tr> <tr> <td>1.</td><td>Minister, Labour & Manpower, GoB</td><td>Chairman</td></tr> <tr> <td>2</td><td>Secretary Labour and HR, GoB</td><td>Member</td></tr> <tr> <td>3.</td><td>Secretary Health Department, GoB</td><td>Member</td></tr> <tr> <td>4.</td><td>Secretary Industries and Commerce Department, GoB</td><td>Member</td></tr> <tr> <td>5.</td><td>Secretary Mines and Mineral Development Department, GoB</td><td>Member</td></tr> <tr> <td>6.</td><td>Director General, Sindh Environmental Protection Agency, GoB</td><td>Member</td></tr> <tr> <td>7</td><td>Director General, Labour Welfare Department, GoB</td><td>Member</td></tr> <tr> <td>8.</td><td>Commissioner BESSI, GoB</td><td>Member</td></tr> <tr> <td>9.</td><td>Secretary, Workers Welfare Board, GoB</td><td>Member</td></tr> </table>	S. No.	Name	Designation	1.	Minister, Labour & Manpower, GoB	Chairman	2	Secretary Labour and HR, GoB	Member	3.	Secretary Health Department, GoB	Member	4.	Secretary Industries and Commerce Department, GoB	Member	5.	Secretary Mines and Mineral Development Department, GoB	Member	6.	Director General, Sindh Environmental Protection Agency, GoB	Member	7	Director General, Labour Welfare Department, GoB	Member	8.	Commissioner BESSI, GoB	Member	9.	Secretary, Workers Welfare Board, GoB	Member
S. No.	Name	Designation																														
1.	Minister, Labour & Manpower, GoB	Chairman																														
2	Secretary Labour and HR, GoB	Member																														
3.	Secretary Health Department, GoB	Member																														
4.	Secretary Industries and Commerce Department, GoB	Member																														
5.	Secretary Mines and Mineral Development Department, GoB	Member																														
6.	Director General, Sindh Environmental Protection Agency, GoB	Member																														
7	Director General, Labour Welfare Department, GoB	Member																														
8.	Commissioner BESSI, GoB	Member																														
9.	Secretary, Workers Welfare Board, GoB	Member																														
2	Status of the proposed legislation on OSH with documentary evidence.	<ul style="list-style-type: none"> OHS Bill is under the process of drafting and will be submitted to the Provincial Cabinet as soon as it is cleared by the Law Department after vetting Meanwhile, an amendment has been proposed by the Labour Department that the list of Occupational Diseases be enhanced in Workmen Compensation Act 1923 as "Balochistan Amendment" and simultaneously the compensation may also be enhanced from Rs. 200,000 to Rs. 500,000 																														
3	Detail of activities conducted for awareness of workers, employers and staff of the relevant departments.	As a first step, a letter has been written to all the Deputy Commissioners of Balochistan regarding verifying the use of proper masks by the workers in stone crushing plants before issuing NOCs to any stone crushing plant. Awareness campaign is being planned through department and print media																														
4	Existing enforcement mechanism with number of inspections conducted, prosecution lodged and details of fines/convictions																															
5	Dissemination of relevant information on the official websites.																															
6	District-wise data of fatal accidents with details of casualties, injuries and compensation awarded to the victims.	<ul style="list-style-type: none"> 103 cases received during the year 2017 under Workman's Compensation Act, 1936. 100 cases have been decided during the year 2017 under Workman's Compensation Act, 1936. Rs. 31247355/- has been disbursed during the year 2017 to the dependent of deceased persons under Workmen's Compensation Act, 1936. No case has been reported in any disease in this office. 																														

7	District-wise detail of actions taken against illegal mining (Fines, punishments and seizure).	
8	District-wise detail of cases which are pending in the Labour Courts and Environmental Tribunals with date of institution.	
9	Medical inspection schedule along with number of workers examined.	

RESPONSE FROM KPK

S. #	Information required	KPK																														
1.	Notification of the Committees constituted in the provinces as well as in the Islamabad Capital Territory to address the issue of silicosis along with copies of the minutes of the meetings of the committees, if any.	<p>In this regard Chief Secretary KP has notified a committee in the chairmanship of the additional Chief Secretary to look after the matters pertaining HRC. NO. 16143 on 23 January 2018. The composition of the Committee is as follows:</p> <table> <tr> <th>S. No.</th><th>Name</th><th>Designation</th></tr> <tr> <td>1.</td><td>Additional Chief Secretary, Planning and Development</td><td>Chairman</td></tr> <tr> <td>2.</td><td>Secretary Labour Department</td><td>Member</td></tr> <tr> <td>3.</td><td>Secretary Health Department</td><td>Member</td></tr> <tr> <td>4.</td><td>Secretary Mines and Minerals Development Department</td><td>Member</td></tr> <tr> <td>5.</td><td>Secretary Information Department</td><td>Member</td></tr> <tr> <td>6.</td><td>Secretary Environment Department</td><td>Member</td></tr> <tr> <td>7.</td><td>Secretary ST& IT Department</td><td>Member</td></tr> <tr> <td>8.</td><td>Secretary Social Security Institution</td><td>Member</td></tr> <tr> <td>9.</td><td>Additional Secretary Labour Department</td><td>Member/Secretary</td></tr> </table> <p>Two meetings of the committee have taken place so far dated 31-01-2018 and 15-03-2018 The Chairman of the committee has asked to request the Chief Secretary to re notify the committee to widened its scope to entertain all the issues relating to OSH.</p>	S. No.	Name	Designation	1.	Additional Chief Secretary, Planning and Development	Chairman	2.	Secretary Labour Department	Member	3.	Secretary Health Department	Member	4.	Secretary Mines and Minerals Development Department	Member	5.	Secretary Information Department	Member	6.	Secretary Environment Department	Member	7.	Secretary ST& IT Department	Member	8.	Secretary Social Security Institution	Member	9.	Additional Secretary Labour Department	Member/Secretary
S. No.	Name	Designation																														
1.	Additional Chief Secretary, Planning and Development	Chairman																														
2.	Secretary Labour Department	Member																														
3.	Secretary Health Department	Member																														
4.	Secretary Mines and Minerals Development Department	Member																														
5.	Secretary Information Department	Member																														
6.	Secretary Environment Department	Member																														
7.	Secretary ST& IT Department	Member																														
8.	Secretary Social Security Institution	Member																														
9.	Additional Secretary Labour Department	Member/Secretary																														
2.	Status of the proposed legislation on OSH with documentary evidence.	<ul style="list-style-type: none"> Draft law on OSH already prepared by Ministry of OPHRD Islamabad has been modified / customized, necessary changes have been made in the same draft. The same has been sent to Law Department for vetting and will be placed before the provincial Cabinet. The Mines Department has forwarded the proposed law on Occupational Health & Safety Act, 2018 to the Federal Government on 16-2-2018. Further the inspectorate of Mines KP has submitted draft incorporating all necessary amendments and enhancing deterrence / penalties to the Law Department for vetting. Meeting for final vetting has also been held on 16-3-2018. After final vetting of the draft bill will be submitted to Cabinet for approval and enactment. 																														
3.	Detail of activities conducted for awareness of workers, employers and staff of the relevant departments.	<ul style="list-style-type: none"> In this regard a meeting under the chairmanship of the secretary Information was held on 22-02-2018 to devise a comprehensive communication strategy on Hazardous emission of dust by stone and marble crushing and grinding units. The department was tasked to prepare material for print and electronic media. In this regard Department of Labour has prepared two items which have already been shared with the Information Department. Script for Radio Pamphlet/Poster for newspaper and billboards. In mines for awareness of workers/employers and staff in the field of mining is being carried out as per following categories <ol style="list-style-type: none"> Dissemination of training workshops through mine rescue safety and training center Jalozaï throughout the year via a proper pre-planned annual schedule 																														

		<div><div><div>ii. Awareness programme arranged for employers by Director General Mines and Minerals</div><div>iii. Publication of awareness on print and electronic medial through information and public relation department.</div></div><div><div><div>Workers Education Wing of the Directorate of Labour, KP has been tasked to design special training / awareness programmes on the subject of OSH so that both the employers and workers are educated on the issue.</div><div>Workers' Facilitation Counters have been established in all the field offices of the Directorate of Labour, KP for redressal of grievances of workers community. These facilitation counters also provide information as well as received complaints. Contact address and telephone numbers of the Workers Facilitation Officers have been widely published in the newspapers.</div><div>The Directorate of Labour, KP has also developed a facebook page i.e. https://www.facebook.com/dlkpk786/ to educate the masses on the social media.</div></div></div></div>																										
4	Existing enforcement mechanism with number of inspections conducted, prosecution lodged and details of fines/convictions	<div>Directorate of Labour to carry out regular inspections and check the compliance of labour laws in the industrial and commercial concerns inspected. On the factories side, the Inspectors are appointed under the Khyber Pakhtunkhwa Factories Act, 2013 while on the other side the inspectors are appointed under the KP Shops & Establishments Act, 2013. Both the stated cadres have also been empowered/ notified as inspectors in their respective areas of jurisdiction. The inspectors during routine inspection bring shortcomings, if any to the notice of the employer for rectification. In case these shortcomings are not rectified during a stipulated time, the defaulters are prosecuted in the court of law. Details of performance of inspectors is as follows:</div> <div><div>Performance of Inspectors of Factories under Labour Laws from 2014 to 2017</div><table><tr><td>No. of Inspection conducted</td><td>Prosecutions lodged</td><td>Cases decided by Courts</td><td>Fine imposed in Rupees</td></tr><tr><td>15482</td><td>6298</td><td>3070</td><td>7215960</td></tr></table></div> <div><div>Performance of Labour Inspectors under KP Shops and Establishment Act, 2015 from 2014 to 2017</div><table><tr><td>No. of Inspection conducted</td><td>Prosecutions lodged</td><td>Cases decided by Courts</td><td>Fine imposed in Rupees</td></tr><tr><td>162561</td><td>15335</td><td>13156</td><td>9875704</td></tr></table></div> <div><div>Performance under the KP Workers Compensation Act, 2013 from 2014 to 2017</div><table><tr><td>Cases instituted</td><td>Cases decided</td><td>Amount of Compensation paid to the workers/heirs of the deceased workers</td></tr><tr><td>584</td><td>300</td><td>69307</td></tr></table></div> <div><div>The Mines Act, 1923</div><table><tr><td>No. of Mines Inspected</td><td>No. of Notices issued</td></tr><tr><td>363</td><td>323</td></tr></table></div>	No. of Inspection conducted	Prosecutions lodged	Cases decided by Courts	Fine imposed in Rupees	15482	6298	3070	7215960	No. of Inspection conducted	Prosecutions lodged	Cases decided by Courts	Fine imposed in Rupees	162561	15335	13156	9875704	Cases instituted	Cases decided	Amount of Compensation paid to the workers/heirs of the deceased workers	584	300	69307	No. of Mines Inspected	No. of Notices issued	363	323
No. of Inspection conducted	Prosecutions lodged	Cases decided by Courts	Fine imposed in Rupees																									
15482	6298	3070	7215960																									
No. of Inspection conducted	Prosecutions lodged	Cases decided by Courts	Fine imposed in Rupees																									
162561	15335	13156	9875704																									
Cases instituted	Cases decided	Amount of Compensation paid to the workers/heirs of the deceased workers																										
584	300	69307																										
No. of Mines Inspected	No. of Notices issued																											
363	323																											

5	Dissemination of relevant information on the official websites.	<ul style="list-style-type: none">The Labour Department informed that interface of the official dedicated website for dissemination of information regarding occupational safety and health and silicosis has been prepared by department of ST&IT information on the same website will be uploaded and same will be live in a week time.The Directorate of Labour, KP has also launched its official website http://directoratelabour.kpdata.gov.pk. Necessary information / Laws and other material including the one related to silicosis are being uploaded.The Mines Department informed that the relevant information uploaded on official website i.e. www.kpminerals.gov.pk and further improvement updation is under process.																				
6	District-wise data of fatal accidents with details of casualties, injuries and compensation awarded to the victims.	<p>Since January 2016, 15 fatal and no fatal accident have been reported in this regard the relevant information from January 2016 to March 2018. Further compensation under KP workers compensation Act 2013 have been awarded. Data regarding award of compensation to the dead and serious injured workers is mix (mine + factory) as commissioner compensation under the mentioned act is notified to entertain cases of mine and factory workers.</p> <p style="text-align: center;">January 2016 -March 2018</p> <table><tr><th>Factory Name</th><th>No. of Workers Injured /died</th><th>Date of Accident</th><th>Cause of Accident</th></tr><tr><td>Crown Lighting (PVT) Ltd. RisalpurNowshera</td><td>01</td><td>11-5-2016</td><td>Fata (Heavy explosion)</td></tr><tr><td>BCM Babri Cotton Mills Limited HabibabadKohat</td><td>11</td><td>2016-2017</td><td>Non-fatal (cutting of thumb, finger, elbow broken, leg injured)</td></tr><tr><td>Askari Cement Ltd. NizampurNowshera</td><td>1</td><td>31-7-2017</td><td>Non-fatal (Mild burn)</td></tr><tr><td>Mustehkam Steel Industries Phase III Hatter District Haripur</td><td>16 injured and 7 deaths.</td><td>25-10-2017</td><td>Breakage of furnace</td></tr></table>	Factory Name	No. of Workers Injured /died	Date of Accident	Cause of Accident	Crown Lighting (PVT) Ltd. RisalpurNowshera	01	11-5-2016	Fata (Heavy explosion)	BCM Babri Cotton Mills Limited HabibabadKohat	11	2016-2017	Non-fatal (cutting of thumb, finger, elbow broken, leg injured)	Askari Cement Ltd. NizampurNowshera	1	31-7-2017	Non-fatal (Mild burn)	Mustehkam Steel Industries Phase III Hatter District Haripur	16 injured and 7 deaths.	25-10-2017	Breakage of furnace
Factory Name	No. of Workers Injured /died	Date of Accident	Cause of Accident																			
Crown Lighting (PVT) Ltd. RisalpurNowshera	01	11-5-2016	Fata (Heavy explosion)																			
BCM Babri Cotton Mills Limited HabibabadKohat	11	2016-2017	Non-fatal (cutting of thumb, finger, elbow broken, leg injured)																			
Askari Cement Ltd. NizampurNowshera	1	31-7-2017	Non-fatal (Mild burn)																			
Mustehkam Steel Industries Phase III Hatter District Haripur	16 injured and 7 deaths.	25-10-2017	Breakage of furnace																			
7	District-wise detail of actions taken against illegal mining (Fines, punishments and seizure).	The KP Mines Department has taken action against 653 illegal mines.																				
8	District-wise detail of cases which are pending in the Labour Courts and Environmental Tribunals with date of institution.	<p>Inspectors of factories and labour inspectors appointed/notified under the relevant labour laws periodically inspect industrial and commercial establishments in their respective area of commercial establishments in their respective area of jurisdictions in case of any violation, inspectors take necessary legal action under the relevant labour law. District wise detail is as follows:</p> <p>District wise pending cases in the Labour Court latest by February 2018</p> <table><tr><th>Districts</th><th>Various Labour Laws</th><th>Shops and Establishment Act</th><th>Minimum Wages Act</th></tr><tr><td>Peshawar</td><td>2474</td><td>6224</td><td>3952</td></tr><tr><td>Nowshera</td><td>435</td><td>184</td><td>182</td></tr><tr><td>Mardan</td><td>279</td><td>191</td><td>725</td></tr></table>	Districts	Various Labour Laws	Shops and Establishment Act	Minimum Wages Act	Peshawar	2474	6224	3952	Nowshera	435	184	182	Mardan	279	191	725				
Districts	Various Labour Laws	Shops and Establishment Act	Minimum Wages Act																			
Peshawar	2474	6224	3952																			
Nowshera	435	184	182																			
Mardan	279	191	725																			

		<table><tr><td>Charsada</td><td>141</td><td>11</td><td>33</td></tr><tr><td>Swabi</td><td>354</td><td>39</td><td>30</td></tr><tr><td>Haripur</td><td>60</td><td>563</td><td>222</td></tr><tr><td>Kohat</td><td>34</td><td>95</td><td>10</td></tr><tr><td>Bannu</td><td>743</td><td>53</td><td>200</td></tr><tr><td>D.I. Khan</td><td>617</td><td>55</td><td>27</td></tr><tr><td>Swat</td><td>150</td><td>141</td><td>231</td></tr></table>	Charsada	141	11	33	Swabi	354	39	30	Haripur	60	563	222	Kohat	34	95	10	Bannu	743	53	200	D.I. Khan	617	55	27	Swat	150	141	231
Charsada	141	11	33																											
Swabi	354	39	30																											
Haripur	60	563	222																											
Kohat	34	95	10																											
Bannu	743	53	200																											
D.I. Khan	617	55	27																											
Swat	150	141	231																											
9	Medical inspection schedule along with number of workers examined.	<p>Inspectors of factories, in their areas of jurisdiction, have already conducted necessary medical inspections of workers working in stone crushing units and marble unit's in collaboration with the Health Department KPK. Workers, working in different silica dust producing units were also medically examined to see their physical condition and ascertain whether any of the workers is suffering from silicosis. In this regard, a total of 65 units have been inspected and out of which 929 workers were medically examined. None of them was suffering from silicosis. The Labour Department has issued instructions to all the field offices to keep a check on the industrial units especially dust producing units and take immediate necessary action in case any silicosis cases are suspected.</p> <p>Besides, the Labour Department has also approved an ADP Scheme <u>"Establishment of Center for Occupational Safety & Health in Khyber Pakhtunkhwa"</u>. Hiring of staff and procurement of equipment is under process. This would be in the shape of mobile inspection unit and the Inspectors appointed therein would be provided with transport facilities as well as gadgets to enable them to look after the OSH related issues of the workers.</p> <p>Furthermore, In order to have a proper mechanism of periodic medical inspection of the workers working in different stone crushing, marble, cement manufacturing and various other silica dust producing units, this Department in collaboration with the Health Department has prepared Medical Inspection Proformas as well as medical examination schedule and directed inspection staff of the Directorate of Labour to liaise with the Health Department KP in conducting health survey of the workers working in silica dust producing units. This is going to be a regular / continuous activity.</p>																												

RESPONSE FROM PUNJAB

S.#	Information required	Punjab																																																
1.	Notification of the Committees constituted in the provinces as well as in the Islamabad Capital Territory to address the issue of silicosis along with copies of the minutes of the meetings of the committees, if any.	<p>The Punjab Labour and Human Resource Department notified the "Punjab Occupational Safety and Health Council" on 19 September 2014. The composition of the Council is as follows: -</p> <table> <tr> <th>S. No.</th><th>Designation</th><th>Responsibility in Council</th></tr> <tr> <td>1.</td><td>Minister for Labour and HR, Punjab</td><td>Chairman</td></tr> <tr> <td>2.</td><td>Secretary Labour and HR, Punjab</td><td>Member</td></tr> <tr> <td>3.</td><td>Secretary Industries, Punjab</td><td>Member</td></tr> <tr> <td>4.</td><td>Secretary Environment, Punjab</td><td>Member</td></tr> <tr> <td>5.</td><td>Secretary Local Government and Rural Development Department</td><td>Member</td></tr> <tr> <td>6.</td><td>Secretary Housing and Physical Planning Punjab</td><td>Member</td></tr> <tr> <td>7.</td><td>Director General Labour Punjab</td><td>Member</td></tr> <tr> <td>8.</td><td>Commissioner, PESSI, Punjab</td><td>Member</td></tr> <tr> <td>9.</td><td>President Employers Federation of Pakistan</td><td>Member</td></tr> <tr> <td>10.</td><td>President Lahore Chamber of Commerce and Industry</td><td>Member</td></tr> <tr> <td>11.</td><td>Mr. Zahoor Ahmad Awan, General Secretary Pakistan Workers Federation Union Plaza Rawalpindi</td><td>Member</td></tr> <tr> <td>12.</td><td>Mr. Khursheed Ahmed, General Secretary, All Pakistan WAPDA Hydro Electric Workers Union</td><td>Member</td></tr> <tr> <td>13.</td><td>Mr. Atta ulHaq ECO Green Technology, Lahore</td><td>Member</td></tr> <tr> <td>14.</td><td>Mr. ArshadMehmood, Environmental Hygienist, SAA CIWCE, Lahore</td><td>Member</td></tr> <tr> <td>15.</td><td>Director SAA CIWCE, Punjab</td><td>Member/Secretary</td></tr> </table> <p>Three meetings of the said Councils are held and the last meeting of the Council was held on 5 August 2015.</p> <p>Standing Committee of Cabinet on Legislative Business in its 33th meeting has approved the Draft "Occupational Safety and Health Act 2018 on 15-3-2018".</p> <p>The Secretary Labour also commit during the meeting dated 20-3-2018 that the proposed law will be enacted within six-week time.</p>	S. No.	Designation	Responsibility in Council	1.	Minister for Labour and HR, Punjab	Chairman	2.	Secretary Labour and HR, Punjab	Member	3.	Secretary Industries, Punjab	Member	4.	Secretary Environment, Punjab	Member	5.	Secretary Local Government and Rural Development Department	Member	6.	Secretary Housing and Physical Planning Punjab	Member	7.	Director General Labour Punjab	Member	8.	Commissioner, PESSI, Punjab	Member	9.	President Employers Federation of Pakistan	Member	10.	President Lahore Chamber of Commerce and Industry	Member	11.	Mr. Zahoor Ahmad Awan, General Secretary Pakistan Workers Federation Union Plaza Rawalpindi	Member	12.	Mr. Khursheed Ahmed, General Secretary, All Pakistan WAPDA Hydro Electric Workers Union	Member	13.	Mr. Atta ulHaq ECO Green Technology, Lahore	Member	14.	Mr. ArshadMehmood, Environmental Hygienist, SAA CIWCE, Lahore	Member	15.	Director SAA CIWCE, Punjab	Member/Secretary
S. No.	Designation	Responsibility in Council																																																
1.	Minister for Labour and HR, Punjab	Chairman																																																
2.	Secretary Labour and HR, Punjab	Member																																																
3.	Secretary Industries, Punjab	Member																																																
4.	Secretary Environment, Punjab	Member																																																
5.	Secretary Local Government and Rural Development Department	Member																																																
6.	Secretary Housing and Physical Planning Punjab	Member																																																
7.	Director General Labour Punjab	Member																																																
8.	Commissioner, PESSI, Punjab	Member																																																
9.	President Employers Federation of Pakistan	Member																																																
10.	President Lahore Chamber of Commerce and Industry	Member																																																
11.	Mr. Zahoor Ahmad Awan, General Secretary Pakistan Workers Federation Union Plaza Rawalpindi	Member																																																
12.	Mr. Khursheed Ahmed, General Secretary, All Pakistan WAPDA Hydro Electric Workers Union	Member																																																
13.	Mr. Atta ulHaq ECO Green Technology, Lahore	Member																																																
14.	Mr. ArshadMehmood, Environmental Hygienist, SAA CIWCE, Lahore	Member																																																
15.	Director SAA CIWCE, Punjab	Member/Secretary																																																
2.	Status of the proposed legislation on OSH with documentary evidence.																																																	

3.	Detail of activities conducted for awareness of workers, employers and staff of the relevant departments.	<p>Labour Department</p> <p>A comprehensive awareness and training program has been launched by the Government of the Punjab. Awareness on occupational disease (silicosis) is being created through:</p> <ul style="list-style-type: none">a. Onsite training sessions by mobile training unit of Centre for the Improvement of Working Conditions & Environment for worker and general public at shop floor level and capacity building of inspecting staff of Directorate General Labour Welfare and in-house and on-site training on workplace safety.b. A regular awareness campaign is being carried by publication of advertisement in the daily newspapers for print media.c. Newsletter, pamphlet and brochures are circulated among workers.d. Electronic media: A public service message is being aired on various FM radio channels.e. Social media: Following web-sites are updated and campaign is in progress. <p>https://www.punjab.gov.pk/provincialdepartments https://www.facebook.com/177472265643603/videos/1757087871015360 http://ciwce.org.pk/silicosis-fauji-cement-14-02-2018/ http://ciwce.org.pk/silicosis-training-dg-khan-cement04-01-18 http://ciwce.org.pk/silicosis-training-lalian-distt-chiniot-18-07-2017 http://ciwce.org.pk/silicosis-sargodha-26-12-2017/ https://twitter.com/CiwceOfficial</p> <p>Mines Department</p> <p>To promote awareness amongst workers and employers (Mine owners) the following activities are carried out: -</p> <ul style="list-style-type: none">• As series of safety seminars and tripartite meeting of Government officials, representative of Pakistan Mine workers, Federation and Pakistan Mine owner’s association were held at mining districts like Chakwal, Khushab and Mianwali.• There are 1213 mine worker trained in 14 In-Service Training Course.• Different safety posters have been circulated to mine owners with instruction to display at mining sites.• Official website (www.cim.punjab.gov.pk) is also used for display of safety posters including safety tips and safe mining practices.• For queries, complaints and public entraction, social media site (www.facebook.com/cim.punjab) is functional.• Coverage of safety seminars and other awareness compaign is made on local print media/newspapers as well as electroni media (through local cable operators) in respective mining areas.								
4	Existing enforcement mechanism with number of inspections conducted, prosecution lodged and details of fines/convictions	<p>Labour Department</p> <p>There are notified inspectors in each district for inspection of factories. All manual inspection proforma have been transformed into digitized on-line system. Information concerning inspection has to be filled in at computerized system or tabs.</p> <p>The newly introduced computerized system makes it mandatory for all the inspectors to fill reports on line within 24 hours of inspection and subsequently no change can be made in the data. Such transparency is now the hallmark and distinctive feature of excellence revitalizing the role of Labour& Human Resource Department.</p> <p>Inspections of factories under the Occupational Safety and Health provisions of Factories Act, 1934.</p> <table><tr><td>No. of inspections</td><td>Prosecution lodged</td><td>Prosecution decided</td><td>Fine imposed (Rs.)</td></tr><tr><td></td><td></td><td></td><td></td></tr></table>	No. of inspections	Prosecution lodged	Prosecution decided	Fine imposed (Rs.)				
No. of inspections	Prosecution lodged	Prosecution decided	Fine imposed (Rs.)							

		<table><tr><td>9491</td><td>4567</td><td>1851</td><td>1322580/-</td></tr><tr><td colspan="4">Inspections of factories under the "Punjab Hazardous Occupations (Silicon) Rules 2015"</td></tr><tr><td>No. of Inspections</td><td>Prosecution lodged</td><td>Prosecution decided</td><td>Fine Imposed (Rs)</td></tr><tr><td>591</td><td>287</td><td>15</td><td>35,000/-</td></tr></table>	9491	4567	1851	1322580/-	Inspections of factories under the "Punjab Hazardous Occupations (Silicon) Rules 2015"				No. of Inspections	Prosecution lodged	Prosecution decided	Fine Imposed (Rs)	591	287	15	35,000/-
9491	4567	1851	1322580/-															
Inspections of factories under the "Punjab Hazardous Occupations (Silicon) Rules 2015"																		
No. of Inspections	Prosecution lodged	Prosecution decided	Fine Imposed (Rs)															
591	287	15	35,000/-															
		<p>Mines Department</p> <p>Enforcement of mines Act and Rules, regulations made thereunder with reference to the matters related to safety, health and welfare of mine workers is ensured as follows:</p> <ul style="list-style-type: none">• Inspection of mines/quarries by regional and district level Officer. Each Inspector is bound to conduct 14 inspections per month. Total 1117 mine inspections have been conducted by Inspecting Officers in Punjab during the year, 2017.• In case of detection of imminent danger to the life, health or safety of any person employed in any mine• /quarry, section 19 (2) of the Mines Act, 1923 is imposed prohibition of work or closure of mine/quarry until the danger is removed to ensure the safe working conditions.• Issuance of instructional letters (violation letters) to mine operators upon detection of violations by specifying a time period to rectify the same.• Collection of mine environmental samples. The department has established a Mine Sample Testing Laboratory, Khushab to complete this task. Total 3162 sample have been collected and analyzed during the year 2017.• Inquiries into fatal and serious accidents. There are 70 inquires conducted during the year 2017.																
5	Dissemination of relevant information on the official websites.	<p>Labour Department</p> <p>Relevant information is dissemination on the following web-sties.</p> <p>https://www.punjab.gov.pk/provincialdepartments</p> <p>https://www.facebook.com/177472265643603/videos/1757087871015360</p> <p>http://ciwce.org.pk/silicosis-fauji-cement-14-02-2018/</p> <p>http://ciwce.org.pk/silicosis-training-dg-khan-cement04-01-18</p> <p>http://ciwce.org.pk/silicosis-training-lalian-distt-chiniot-18-07-2017</p> <p>http://ciwce.org.pk/silicosis-sargodha-26-12-2017/</p> <p>https://twitter.com/CiwceOfficial</p> <p>Mines Department</p> <p>Relevant information has been up-loaded at official website (www.cim.punjab.gov.pk)</p>																
	District-wise data of fatal accidents with details of casualties, injuries and compensation awarded to the victims.	<p>Labour Department</p> <table><tr><td>Total No. of Accidents Occurred</td><td>No. of Injuries</td><td>No. of Deaths</td><td>No. of accidents by nature of Industry</td><td>No. of Accidents by reasons</td></tr></table>	Total No. of Accidents Occurred	No. of Injuries	No. of Deaths	No. of accidents by nature of Industry	No. of Accidents by reasons											
Total No. of Accidents Occurred	No. of Injuries	No. of Deaths	No. of accidents by nature of Industry	No. of Accidents by reasons														

		99	08	207	Textile processing and dyeing	18	Explosion	06																															
					Chemical/Fertilizer	05	Electric shock	21																															
					Engineering /Steel/Auto Parts	14	Un saved machinery	03																															
					Weaving /Jute	25	Collapse of building /roof	04																															
					Construction Industry	02	Fire	05																															
					Garments and Embroidery	05	Road Accidents	04																															
					Food	03	Blast of Boiler	05																															
					Sugar	04	Misc.	51																															
					Cement	02																																	
					Others	21																																	
Workman's Compensation law																																							
<table><tr><th>District</th><th>No of Accidents/Deaths</th><th>Amount of Compensation paid</th></tr><tr><td>Lahore (South)</td><td>62</td><td>29089242</td></tr><tr><td>Gujranwala</td><td>5</td><td>Under process</td></tr><tr><td>Gujranwala (East)</td><td>14</td><td>3800000</td></tr><tr><td>Multan</td><td>7</td><td>2 cases pending in the court and one claim is not filed by the legal heirs</td></tr><tr><td>Bahawalpur</td><td>9</td><td>1200000</td></tr><tr><td>Faisalabad</td><td>19</td><td>3400000</td></tr></table>								District	No of Accidents/Deaths	Amount of Compensation paid	Lahore (South)	62	29089242	Gujranwala	5	Under process	Gujranwala (East)	14	3800000	Multan	7	2 cases pending in the court and one claim is not filed by the legal heirs	Bahawalpur	9	1200000	Faisalabad	19	3400000											
District	No of Accidents/Deaths	Amount of Compensation paid																																					
Lahore (South)	62	29089242																																					
Gujranwala	5	Under process																																					
Gujranwala (East)	14	3800000																																					
Multan	7	2 cases pending in the court and one claim is not filed by the legal heirs																																					
Bahawalpur	9	1200000																																					
Faisalabad	19	3400000																																					
Mines Department																																							
Data of fatal accidents for the year 2017 is as follows:																																							
<table><tr><th>District</th><th>No. of Accidents</th><th>Causalities</th><th>Injuries</th></tr><tr><td>Sargodha</td><td>25</td><td>34</td><td>2</td></tr><tr><td>Khushab</td><td>7</td><td>7</td><td>-</td></tr><tr><td>Mianwali</td><td>3</td><td>4</td><td>-</td></tr><tr><td>Chakwal</td><td>14</td><td>15</td><td>2</td></tr><tr><td>Jhelum</td><td>2</td><td>2</td><td>-</td></tr><tr><td>Bahawalnagar</td><td>1</td><td>1</td><td>-</td></tr><tr><td>Total</td><td>52</td><td>63</td><td>4</td></tr></table>								District	No. of Accidents	Causalities	Injuries	Sargodha	25	34	2	Khushab	7	7	-	Mianwali	3	4	-	Chakwal	14	15	2	Jhelum	2	2	-	Bahawalnagar	1	1	-	Total	52	63	4
District	No. of Accidents	Causalities	Injuries																																				
Sargodha	25	34	2																																				
Khushab	7	7	-																																				
Mianwali	3	4	-																																				
Chakwal	14	15	2																																				
Jhelum	2	2	-																																				
Bahawalnagar	1	1	-																																				
Total	52	63	4																																				
6	District-wise detail of actions taken against illegal mining (Fines, punishments and seizure).	In 103 mines illegal excavation stopped by the Mines Department and in some mines stopped the illegal work and also removed the Dredger machines.																																					

7	District-wise detail of cases which are pending in the Labour Courts and Environmental Tribunals with date of institution.	23311 cases are pending in the Labour Courts in Punjab 631 cases on mining pending in the Labour Courts 14 cases are pending in the Environmental Tribunals in Punjab 209 cases are pending under payment of workman compensation Act																																																																																								
8	Medical inspection schedule along with number of workers examined.	<div>I. Detail of medical inspection till February 2018 along with schedule received from the Punjab Employees Social Security Institute (PESSI) is as follows:</div> <table><tr><th>S. No.</th><th>Activity</th><th>Lahore</th><th>Sheikhopura</th><th>Gujranwala</th><th>Sargodha</th><th>Rawalpindi</th><th>Faisalabad</th><th>Multan</th><th>DG Khan</th><th>Sialkot</th></tr><tr><td>1.</td><td>Total No. of Units</td><td>1</td><td>18</td><td>64</td><td>1100</td><td>16</td><td>38</td><td>2</td><td>22</td><td>7</td></tr><tr><td></td><td>No. of Units visited</td><td>1</td><td>21</td><td>48</td><td>5</td><td>11</td><td>24</td><td>2</td><td>13</td><td>7</td></tr><tr><td></td><td>No. of workers examined</td><td>9</td><td>224</td><td>241</td><td>142</td><td>125</td><td>148</td><td>44</td><td>33</td><td>19</td></tr><tr><td></td><td>No. of suspected cases</td><td>Nil</td><td>Nil</td><td>3</td><td>Nil</td><td>Nil</td><td>Nil</td><td>10</td><td>Nil</td><td>Nil</td></tr><tr><td></td><td>No. of referral to PEESI Hospitals</td><td>Nil</td><td>Nil</td><td>18</td><td>Nil</td><td>Nil</td><td>Nil</td><td>6</td><td>Nil</td><td>Nil</td></tr><tr><td></td><td>No. of reevaluation of the previously examined workers</td><td>Nil</td><td>212</td><td>4</td><td>Nil</td><td>17</td><td>Nil</td><td>44</td><td>24</td><td>Nil</td></tr><tr><td></td><td>Status of suspected cases</td><td>Nil</td><td>Nil</td><td>Nil</td><td>Nil</td><td>Nil</td><td>Nil</td><td>10</td><td>Nil</td><td>Nil</td></tr></table> <div>Patient's reported with industrial/occupational diseases from 1 January 2017 to 28 February 201810</div>	S. No.	Activity	Lahore	Sheikhopura	Gujranwala	Sargodha	Rawalpindi	Faisalabad	Multan	DG Khan	Sialkot	1.	Total No. of Units	1	18	64	1100	16	38	2	22	7		No. of Units visited	1	21	48	5	11	24	2	13	7		No. of workers examined	9	224	241	142	125	148	44	33	19		No. of suspected cases	Nil	Nil	3	Nil	Nil	Nil	10	Nil	Nil		No. of referral to PEESI Hospitals	Nil	Nil	18	Nil	Nil	Nil	6	Nil	Nil		No. of reevaluation of the previously examined workers	Nil	212	4	Nil	17	Nil	44	24	Nil		Status of suspected cases	Nil	Nil	Nil	Nil	Nil	Nil	10	Nil	Nil
S. No.	Activity	Lahore	Sheikhopura	Gujranwala	Sargodha	Rawalpindi	Faisalabad	Multan	DG Khan	Sialkot																																																																																
1.	Total No. of Units	1	18	64	1100	16	38	2	22	7																																																																																
	No. of Units visited	1	21	48	5	11	24	2	13	7																																																																																
	No. of workers examined	9	224	241	142	125	148	44	33	19																																																																																
	No. of suspected cases	Nil	Nil	3	Nil	Nil	Nil	10	Nil	Nil																																																																																
	No. of referral to PEESI Hospitals	Nil	Nil	18	Nil	Nil	Nil	6	Nil	Nil																																																																																
	No. of reevaluation of the previously examined workers	Nil	212	4	Nil	17	Nil	44	24	Nil																																																																																
	Status of suspected cases	Nil	Nil	Nil	Nil	Nil	Nil	10	Nil	Nil																																																																																

RESPONSE FROM SINDH

Annexure-D

S. #	Information required	Sindh																					
1	Notification of the Committees constituted in the provinces as well as in the Islamabad Capital Territory to address the issue of silicosis along with copies of the minutes of the meetings of the committees, if any.	<p>The Sindh Labour and Human Resource Department notified the Committee to implement the Orders of the Supreme Court of Pakistan dated 14-7-2015. The composition of the Committee is as follows: -</p> <table><tr><th>S. No.</th><th>Name</th><th>Designation</th></tr><tr><td>1.</td><td>Secretary Labour and HR, Government of Sindh</td><td>Convener</td></tr><tr><td>2.</td><td>Secretary Health Department, Government of Sindh</td><td>Member</td></tr><tr><td>3.</td><td>Secretary Industries and Commerce Department, Government of Sindh</td><td>Member</td></tr><tr><td>4.</td><td>Secretary Mines and Mineral Development Department, Government of Sindh</td><td>Member</td></tr><tr><td>5.</td><td>Director General, Sindh Environmental Protection Agency</td><td>Member</td></tr><tr><td>6.</td><td>Director General, Sindh Bureau of Statistics, Government of Sindh</td><td>Member</td></tr></table> <p>Six meetings of the said Committee are held and the last meeting of the Committee was held on 22-1-2018.</p>	S. No.	Name	Designation	1.	Secretary Labour and HR, Government of Sindh	Convener	2.	Secretary Health Department, Government of Sindh	Member	3.	Secretary Industries and Commerce Department, Government of Sindh	Member	4.	Secretary Mines and Mineral Development Department, Government of Sindh	Member	5.	Director General, Sindh Environmental Protection Agency	Member	6.	Director General, Sindh Bureau of Statistics, Government of Sindh	Member
S. No.	Name	Designation																					
1.	Secretary Labour and HR, Government of Sindh	Convener																					
2.	Secretary Health Department, Government of Sindh	Member																					
3.	Secretary Industries and Commerce Department, Government of Sindh	Member																					
4.	Secretary Mines and Mineral Development Department, Government of Sindh	Member																					
5.	Director General, Sindh Environmental Protection Agency	Member																					
6.	Director General, Sindh Bureau of Statistics, Government of Sindh	Member																					
2	Status of the proposed legislation on OSH with documentary evidence.	<ul style="list-style-type: none">The Government of Sindh has enacted “Sindh Occupational Safety & Health Act, 2017” vide Notification No. PAS/LEGIS-B-27/2017 dated 2nd January, 2018.Under the Sindh Workers Compensation Act, 2015, the list of Occupational Diseases has been increased from 10 to 112.As reported by the Chief Inspector of Mines, Sindh, draft Bill of Sindh Metalliferous Mines Act, 2017 has been vetted by Law Department, Government of Sindh and submitted to the Provincial Cabinet of Sindh for approval.Regarding enactment of Sindh Hazardous Occupation Rules (Silicon) to be promulgated under Factories Act, the same are, under preparation which will be submitted to the Provincial Tripartite Labour Standing Committee for consultation and finalization in its next meeting. Subsequently said rules will be forwarded to the Provincial Cabinet, for approval.																					
3	Detail of activities conducted for awareness of workers, employers and staff of the relevant departments.	<p>The Labour & HR department, Govt. of Sindh has launched the awareness campaign which has been published in various leading newspapers. Furthermore, electronic campaign was also launched.</p> <p>The Secretary, Information Department, Govt. of Sindh has again been approached through letter dated 14th March, 2018, to repeat the said awareness campaign through print media.</p>																					
4	Existing enforcement mechanism with number of inspections conducted, prosecution lodged and details of fines/convictions	<p>Inspections under Factories Act, 2015 from <u>January 2015 to December, 2017</u>:</p> <table><tr><th>Jo. of Inspection conducted</th><th>Prosecutions lodged</th><th>Cases decided by Courts</th><th>Fine imposed in Rupees</th></tr><tr><td>6246</td><td>379</td><td>252</td><td>Rs.285000/-</td></tr></table>	Jo. of Inspection conducted	Prosecutions lodged	Cases decided by Courts	Fine imposed in Rupees	6246	379	252	Rs.285000/-													
Jo. of Inspection conducted	Prosecutions lodged	Cases decided by Courts	Fine imposed in Rupees																				
6246	379	252	Rs.285000/-																				

		<p>It is further stated that 1110 cases under Sindh Factories Act, 2015 are lying pending before various Labour Courts throughout the Province.</p> <p><u>Inspections under Mines Act, 1923:</u></p> <table><tr><th>No. of Inspection conducted</th><th>Prosecutions lodged</th><th>Cases decided by Courts</th><th>Fine imposed in Rupees</th></tr><tr><td>155</td><td>69</td><td>252</td><td>Rs.48400/-</td></tr></table> <p><u>Inspections under Sindh Environmental Protection Act, 2014:</u></p> <table><tr><th>No. of Inspection conducted</th><th>Prose-cautions lodged</th><th>Cases decided by Courts</th><th>Fine imposed/ action taken/closed</th></tr><tr><td>125</td><td>23</td><td>20</td><td>20 Units closed</td></tr></table>	No. of Inspection conducted	Prosecutions lodged	Cases decided by Courts	Fine imposed in Rupees	155	69	252	Rs.48400/-	No. of Inspection conducted	Prose-cautions lodged	Cases decided by Courts	Fine imposed/ action taken/closed	125	23	20	20 Units closed
No. of Inspection conducted	Prosecutions lodged	Cases decided by Courts	Fine imposed in Rupees															
155	69	252	Rs.48400/-															
No. of Inspection conducted	Prose-cautions lodged	Cases decided by Courts	Fine imposed/ action taken/closed															
125	23	20	20 Units closed															
5	Dissemination of relevant information on the official websites.	<p>The Labour& HR department, Govt. of Sindh in its webpage allocated on the official website of Govt. of Sindh has uploaded following information:</p> <ul style="list-style-type: none">i) Government of Sindh, Directorate of Labour: Functions:ii) Recent Labour Legislation after 18th Amendment.iii) Hazards arising from quartz stone crushing grinding cause-fatal diseases silicosis.iv) Labour& HR department, Govt. of Sindh precautionary measures labour crushing and grinding (Sindh).v) Silicosis Case, HR Case No.16143- P/2014.vi) Silicosis.vii) Stone Crushing (Urr'u).viii) List of Certifying Surgeons.ix) Training Schedule (NILAT).x) Meeting Notice (Silicosis Disease)xi) Public Awareness Silicosis.																
6	District-wise data of fatal accidents with details of casualties, injuries and compensation awarded to the victims.	<p>Accidents occurred in Factories</p> <table><tr><th>Factory Name</th><th>No. of Workers died</th><th>No. of Workers Injured</th><th>Cause of Accident</th></tr><tr><td>M/S Dawn Gatta Factory Hyderabad</td><td>03</td><td>--</td><td>Fire</td></tr><tr><td>Progressive Engg: Associates Karachi</td><td>03</td><td>02</td><td>Explosion in Furnace Tank</td></tr></table>	Factory Name	No. of Workers died	No. of Workers Injured	Cause of Accident	M/S Dawn Gatta Factory Hyderabad	03	--	Fire	Progressive Engg: Associates Karachi	03	02	Explosion in Furnace Tank				
Factory Name	No. of Workers died	No. of Workers Injured	Cause of Accident															
M/S Dawn Gatta Factory Hyderabad	03	--	Fire															
Progressive Engg: Associates Karachi	03	02	Explosion in Furnace Tank															

		M/S Indigo Textile Karachi	03	02	Persons drawn in water tank				
		M/S Scada Chemical Karachi	03	--	Drowned in drum				
		M/S Inter Market International Karachi	03	01	Drowned in the Tank				
		Accidents occurred in Mines in 2017							
		District where accident occurred		No. of Workers died	No. of Workers Injured	Cause of Accident			
		Khairpur Stone Query		01	--	Head Injury			
		Lakhra Coal Mines		01	--	Fall of object			
		-do-		01	--	Fire			
		-do-		01	--	Gas burst			
		-do-		04	--	Roof fall			
		Performance under Sindh Worker's Compensation Act, 2015							
		Year Name		Cases pending at the beginning of the year	No. of cases filed	No. of cases decided	Cases pending at the end of the year	Payment to workers	Amount paid by the Court
		2015		137	90	88	141	Rs. 791662/-	Rs.18668662/-
		2016		141	65	54	152	Rs. 659746/-	Rs. 149450465/-
		2017		152	124	111	165	Rs.7582303/-	Rs. 61237088/-

7	District-wise detail of actions taken against illegal mining (Fines, punishments and seizure).	<p>The Mines Department of Sindh stated that no any illegal working found other than Frontier Works Organization (FWO) with armed forces lands. FWO is constructing road from Hyderabad to Karachi Motorway M9 since 4 years and they are lifting material/minerals illegally from either sides of M9, they also installed crushing plants near nooriabad without having any licence/permit from mines and mineral development. They are also constructing KTDC (Karachi Thatta Dual Carriage) and K4 project for water supply from Thatta to Karachi. Similarly using/lifting material illegally from different parts i.e. GhoroDhabejjugshahi and surroundings. Whereas reti/bajridikka and stone crushing plants are also installed within lands defence near bolhari and naiBarran).</p> <p>Further regarding the status of illegal lifting of minerals in Karachi areas especially in district Malir, it is evident that there is ban on lifting of mineral raiti/bajri and Mouram. In this connection the Hon'ble High Court of Sindh Karachi also directed the Provincial Police Officer to ensure ban on raiti/bajri in letter and spirit.</p>
---	--	--

8	District-wise detail of cases which are pending in the Labour Courts and Environmental Tribunals with date of institution.	1110 cases under Sindh Factories Act, 2015 are lying pending before various Labour Courts throughout the Province.
9	Medical inspection schedule along with number of workers examined.	The 462046 workers and general patients suffering from lungs diseases are medically examined in the month of January 2018 in the province of Sindh and no silicosis patient is found.

RESPONSE FROM ICT

Annexure-E

S. #	Information required	ICT																																							
1.	Notification of the Committees constituted in the provinces as well as in the Islamabad Capital Territory to address the issue of silicosis along with copies of the minutes of the meetings of the committees, if any.	<div>The ICT notified the Committee on 13 March 2018. The composition of the Committee is as follows:</div> <table><tr><th>S. No.</th><th>Name</th><th>Designation</th></tr><tr><td>1.</td><td>Chief Commissioner ICT</td><td>Convener</td></tr><tr><td>2.</td><td>Chief Commissioner ICT Employees Social Security Institute Islamabad</td><td>Member</td></tr><tr><td>3.</td><td>The Deputy Commissioner ICT</td><td>Member</td></tr><tr><td>4.</td><td>Director (Industries and Labour) ICT</td><td>Member</td></tr><tr><td>5.</td><td>Director Pakistan Environmental Protection Agency Islamabad</td><td>Member</td></tr><tr><td>6.</td><td>Director (Environment) CDA</td><td>Member</td></tr><tr><td>7.</td><td>District Health Officer ICT Rep. of PIMS</td><td>Member</td></tr><tr><td>8.</td><td>Representative of Polyclinic</td><td>Member</td></tr><tr><td>9.</td><td>President Chamber of Commerce Islamabad</td><td>Member</td></tr><tr><td>10.</td><td>Ch. Javed Iqbal General Secretary, Islamabad</td><td>Member</td></tr><tr><td>11.</td><td>President of NGO namely Network Human & Social Development</td><td>Member</td></tr><tr><td>12.</td><td>President of NGO Namely Pakistan Islamic Medical Association</td><td>Member</td></tr></table>	S. No.	Name	Designation	1.	Chief Commissioner ICT	Convener	2.	Chief Commissioner ICT Employees Social Security Institute Islamabad	Member	3.	The Deputy Commissioner ICT	Member	4.	Director (Industries and Labour) ICT	Member	5.	Director Pakistan Environmental Protection Agency Islamabad	Member	6.	Director (Environment) CDA	Member	7.	District Health Officer ICT Rep. of PIMS	Member	8.	Representative of Polyclinic	Member	9.	President Chamber of Commerce Islamabad	Member	10.	Ch. Javed Iqbal General Secretary, Islamabad	Member	11.	President of NGO namely Network Human & Social Development	Member	12.	President of NGO Namely Pakistan Islamic Medical Association	Member
S. No.	Name	Designation																																							
1.	Chief Commissioner ICT	Convener																																							
2.	Chief Commissioner ICT Employees Social Security Institute Islamabad	Member																																							
3.	The Deputy Commissioner ICT	Member																																							
4.	Director (Industries and Labour) ICT	Member																																							
5.	Director Pakistan Environmental Protection Agency Islamabad	Member																																							
6.	Director (Environment) CDA	Member																																							
7.	District Health Officer ICT Rep. of PIMS	Member																																							
8.	Representative of Polyclinic	Member																																							
9.	President Chamber of Commerce Islamabad	Member																																							
10.	Ch. Javed Iqbal General Secretary, Islamabad	Member																																							
11.	President of NGO namely Network Human & Social Development	Member																																							
12.	President of NGO Namely Pakistan Islamic Medical Association	Member																																							

2.	Status of the proposed legislation on OSH with documentary evidence.	The OSH law has been forwarded to the Ministry of Interior for onward submission to the National Assembly for legislation
3.	Detail of activities conducted for awareness of workers, employers and staff of the relevant departments.	A programme "MeriAwaz" has already been on-air on PTV repeatedly A training workshop has been conducted with the help of Marble Association and a firm namely Vibrant Safety Solution (Pvt) Ltd. A Radio programme has been on-air on FM Radio on Thursday dated 15-3-2018
4	Existing enforcement mechanism with number of inspections conducted, prosecution lodged and details of fines/convictions	The ICT rules under the Factories Act 1934 are in the process of formulation in consultation with District Attorney. Once they are notified. Action will be taken accordingly.
5	Dissemination of relevant information on the official websites.	Data has been uploaded on the website of Chief Commissioner Office Islamabad
6	District-wise data of fatal accidents with details of casualties, injuries and compensation awarded to the victims.	Nil
7	District-wise detail of actions taken against illegal mining (Fines, punishments and seizure).	Not applicable
8	District-wise detail of cases which are pending in the Labour Courts and Environmental Tribunals with date of institution.	
9	Medical inspection schedule along with number of workers examined.	219 workers of Marble Units are medically examined during the 2017



No. CD/PCLS/351
 Labour & Human Resource Department
 Government of the Punjab
 Dated 30-3-2018

To,

The Secretary,
 Law and Justice Commission of Pakistan
 Islamabad

Subject:

HUMAN RIGHT CASE NO. 16143-P/2014 (APPLICATION BY USAMA KHAWAR AND YAHYA FARID REGARDING HAZARDOUS EMISSION OF DUST BY STONE/MARBLE CRUSHING AND GRINDING)

Kindly refer to Law & Justice Commission of Pakistan's draft report on the subject cited above. Following comments of this Department are submitted for consideration:

- a) In para-5(D)(i) the phrase "provides health care benefits" may be replaced with the phrase "the employer provides compensation"
- b) Further, para-5(D)(ii) following may be considered:

"It is important to highlight here that welfare funds are provided by Worker Welfare Funds (WWF) Islamabad which collects contributions from registered employees to spend on various welfare schemes including death grants and these funds are released to the provincial workers welfare boards. After 18th constitutional amendment, the Federal WWF was devolved and funds were retained by the federal government. System has been devised that Federal Board of Revenue (FBR) collects these contributions and the Finance Department releases them to the WWF which in turn releases to provincial worker welfare boards according to their demands. The welfare grants including death grants are not timely released which cause frustration among families of deceased. It is therefore requested that directions should be issued to Federal Ministry of Finance and Federal Worker Welfare Fund to streamline the process of early release of funds".

Udu
 07/4.

So(LAW)

fel 30/3/2018
 (DR. SOHAİL SHEHZAD)
 Additional Secretary



✓ Sindh
COURT MATTER.
BY U.M.S.

No.L-II-7-67/2014.V
GOVERNMENT OF SINDH
LABOUR & HUMAN RESOURCES
DEPARTMENT

Karachi, dated the 30th March, 2018

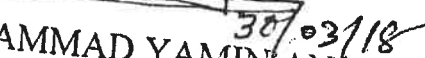
To,

✓
The Joint Secretary,
Law & Justice Commission of Pakistan,
Govt. of Pakistan,
Islamabad

SUBJECT: HRC NO.16143-P/2014 (APPLICATION BY USAMA KHAWAR
AND YAHYA FARID REGARDING HAZARDOUS EMISSION OF
DUST STORE/MARBLE CRUSHING AND GRINDING).

I am directed to refer to your e-mail dated 29th March, 2018 forwarding
draft report containing recommendations on the subject noted above.

2. It is requested that at Serial No. 9 of Annex-B in column-3 the words
"and general patients suffering from lungs deceases" may be inserted after the word
"workers".


(MUHAMMAD YAMIN ANSARI)
SECTION OFFICER (L-II)
FOR SECRETARY TO GOVT. OF SINDH

U. A.
02/4
(Law)
C.c. to:-

P. S. to Secretary Labour & HR Department Sindh, Karachi.

In the Hon'ble Supreme Court of Pakistan

CMA No.116/2017

Human Rights Case No. 16143-P/2014

Human Rights Case No. 16143-P/2014

**(Application by Usama Khawar and Yahya Farid regarding hazardous emission of dust
by stone/marble crushing and grinding)**

**Application under rule 6 of Order XXXIII of the Supreme Court Rules 1980 read with
Article 187 of the Constitution of the Islamic Republic of Pakistan, 1973**

**Application filed by Mr. Raheel Kamran Sheikh, ASC for issuance of appropriate
directions to Respondents**

AFFIDAVIT OF THE FACTS

I, Dr. Muhammad Raheem Awan, Secretary Law and Justice Commission of Pakistan
solemnly affirm that the facts stated in the report are true and correct to the best of my
knowledge and belief.

Sworn at Islamabad on the 2nd day of April 2018.



DEPONENT