

BALUCHISTAN PROVINCIAL ASSEMBLY SECRETARIATDated Quetta, the 05th May, 2021.**NOTIFICATION.**

No.PAB/Legis:V(11)/2021. The Balochistan Employment of Children (Prohibition & Regulation) Bill, 2021(Bill No.11 of 2021), having been passed by the Provincial Assembly of Balochistan on 26th April, 2021 and assented to by the Governor Balochistan, on 04th May, 2021 is hereby published as an Act of the Balochistan Provincial Assembly.

The Balochistan Employment of Children (Prohibition & Regulation) Act, 2021 Act No. XII of 2021.

**AN
ACT**

to prohibit and regulate the employment of children to eliminate child abuse in the province in keeping with the provisions as contained in the Constitution of Islamic Republic of Pakistan and ILO Conventions concerning admissible age for employment and worst forms of child labour.

Preamble.

Whereas in pursuance of 18th Constitutional Amendment it is expedient to re-enact the existing law as per the requirement and circumstances of the Balochistan Province. It is therefore imperative to eradicate child labour from the province by this Act of the provincial legislature aiming to prohibit and regulate the employment of children in keeping with the Constitution of Islamic Republic of Pakistan and ILO Conventions concerning admissible age for employment and worst forms of child labour.

It is therefore enacted as follows:

PART I

PRELIMINARY

Short Title, Extent and Commencement.

1. (1) This Act may be called the Balochistan Employment of Children (Prohibition and Regulation) Act, 2021.
- (2) It extends to the whole of Balochistan.
- (3) It shall come into force at once.

Definitions.

2. (1) In this Act, unless the context otherwise requires, –
 - (a) **“Act”** means the Balochistan Employment of Children (Prohibition and Regulation) Act, 2021;
 - (b) **“Adolescent or young person”** means a person who has completed his fourteenth but has not completed his eighteenth year;
 - (c) **“Child”** means a person who has not completed his fourteenth year of age;
 - (d) **“Day”** means a period of twenty-four hours beginning at midnight;
 - (e) **“Establishment”** means any workplace in formal or informal sector of economy where work is carried out or performed.
 - (f) **“Family”** in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;
 - (g) **“Government”** means the Government of the Balochistan;
 - (h) **“Hazardous work”** means the work which, by its nature or the circumstances in which it is carried out, is likely to cause harm to the health, safety or morals of children and adolescents and includes occupations and processes mentioned in Part-I & II of the Schedule;
 - (i) **“Inspector”** means an official duly appointed and notified, as an inspector for the purpose of this Act by the Government;

(j) **"Light work"** means work that is performed by children above 12 years of age and below 14 years of age, which is not likely to be harmful to their health or development; and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received;

(k) **"Mine"** means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on, and includes all work, machinery, tramways and sidings, whether above or below grounds, in or adjacent to or belonging to a mine and also includes mine as defined in section of the Mines Act, 1923 (Act No. IV of 1923):

Provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for coke-making or the dressing of minerals.

(l) **"Obligation under the Constitution of Pakistan"** refers to the compliance for the sake of this Act of Article 11 of the Constitution of Islamic Republic of Pakistan, 1973 towards the employment of children;

(m) **"Occupier"** in relation to an establishment, means the person who has the ultimate control over the affairs of the establishment;

(n) **"Port Authority"** means any authority administering a port;

(o) **"Prescribed"** means prescribed by rules made under section 18 of this Act;

(p) **"Programme of Action"** is the programme drawn and run by the Government for eradication of child labour and integration of the youth into useful activity;

(q) **"Shop"** means shop as defined the West Pakistan Shops and Establishment Ordinance, 1969 (Ordinance VIII of 1969);

(r) **"Week"** means a period of seven days beginning at midnight on Thursday night or such other night as may be approved in writing for a particular area by the Inspector;

(s) **“Workplace”** means any premises (including the precincts thereof) wherein any work is performed, whether stationary or moving.

(2) Any expression or term not defined under this Act carries the meaning as defined or attributed to it under any law.

PART II

PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

Prohibition on Employment.

3. (1) No person below the age of 18 years shall be employed or permitted to work in any hazardous occupations and in any of forms of labour that are of the worst kind in nature, that is to say—

- (a) Work which exposes him to physical, psychological or sexual abuse;
- (b) Work underground, under water, at dangerous heights or in confined spaces;
- (c) Work which is inherently dangerous in nature, involves dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) Work in an unhealthy environment which may, for example, involve exposure to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) Work under particularly difficult conditions such as work for long hours or during the night or work where such person is unreasonably confined to the premises of the employer; *and*
- (f) Work which is connected to or involves illegal practices, in particular the production and trafficking of illegal substances.

(2) Without prejudice to the generality of sub-section (1), no child or adolescent shall be employed or permitted to work in any of the occupations set forth in Part I of the Schedule or in any workshop wherein any of the processes set forth in Part II of that Schedule is carried on:

(3) No child of prohibited age under this Act shall be involved in employment, whether paid or unpaid or economic activity.

(4) without prejudice to sub-section (3), children may engage in—

- (a) light work outside of regular school hours which does not impact on the child's health or ability to fully benefit from education and which supports their intellectual growth and development: or
- (b) work as part of vocational training where the school and programme of training has been approved and inspected by the Committee on child labour:

Provided that nothing in this section shall apply to any establishment wherein such process is carried on by the occupier with the help of his family or to any school established, assisted or recognized by Government.

Amendment of Schedule.

4. The Government may by notification in the official Gazette, add any occupation or process to the Schedule and thereupon the Schedule shall be deemed to have been amended accordingly after the date of the notification.

Balochistan Committee on the Rights of the Child.

5. Constitution of committee on child labour—

(1) The Government shall by notification constitute a Committee, consisting of a Chairman and seven other members, representing Government, employers, workers and civil society, to be called the Balochistan Coordination Committee on Child Labour, to advise Government for appropriate legislative, administrative and other measures for eradication of the child labour as per national and international instruments.

(2) The committee constituted under sub-section (1) shall act in such a manner and perform such functions as may be prescribed.

PART III

REGULATION OF CONDITIONS OF WORK OF CHILDREN.

Application of Part.

6. The provisions of this Part shall apply to establishments in which none of the occupations or processes referred to in section 3 is carried on and must be light and attractive in nature and involves no risk, hazard or danger to the young person or adolescent who may be engaged or employed for limited hours.

Hours and Period of Work.

7. (1) No young person or adolescent shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments:

Provided that the young person or adolescent so engaged or employed shall not be required to work on any day for more than the regular hours of work prescribed for that establishment or class of establishments or 8 hours per day, whichever is less.

(2) The period of work on each day shall be so fixed that no period/ shift shall exceed three hours and that no adolescent or young person shall work for more than three consecutive hours before he has an interval of at least one hour for rest.

(3) No young person or adolescent shall be permitted or required to work between the hours of 7.00 p.m. to 8.00 a.m.

(4) No young person or adolescent shall be required or permitted to work more than 8 hours of over-time in any given week. Over-time rates shall apply equally to adolescents and young persons.

Weekly Holidays.

8. Every young person or adolescent employed in an establishment shall be allowed in each week, a holiday of at least one whole day, which day shall be specified by the occupier in a notice permanently displayed in a conspicuous place in the establishment and the day so specified shall not be altered by the occupier more than once in three months.

Wages.

9. All young persons or adolescents engaged in employment shall be entitled to wages equal to adult workers performing the same or similar work. Prevailing minimum wage rates apply equally to young persons and adolescents.

Education and vocational training

10. Work performed by adolescents or young persons where such work is part of a course of education or training for which a school or training institution is responsible or where a programme of training has been approved by the Committee on child labour, must comply with all relevant conditions applicable to establishments under this Act.

Action Programme.

11. (1) As soon as possible the Government will draw a comprehensive time-bound action programme for the effective elimination of child labour and their rehabilitation, targeting the entire child population in the province, especially in the age group of 5-14 years that may also address the issue of street children.

(2) The programme so envisaged shall be sponsored through public exchequer, national and international donations and shall be commenced from the date as notified by the Government in the Official Gazette.

(3) Fund established for the purpose of the aforesaid programme shall be spent with all checks and balances and all expenditure made out of it will be periodically audited according to rules made for the purpose.

**Notice to
Inspector.**

12. (1) Every occupier in relation to an establishment in which a young person or adolescent was employed or permitted to work immediately before the date of commencement of this Act in relation to such establishment shall, within a period of thirty days from such commencement, send to the Inspector within whose local limits the establishment is situated, a written notice containing the following particulars, namely: -

- (a) the name location and address of the establishment;
- (b) the name of the person in actual management of the establishment;
- (c) the address to which communications relating to the establishment should be sent; *and*
- (d) the nature of the occupation or process carried on in the establishment.

(2) Every occupier, in relation to an establishment, which employs, or permits to work, any adolescent or young person after the date of commencement of this Act in relation to such establishment, shall, within a period of thirty days from the date of such employment send to the Inspector within whose local limits the establishment is situated, a written notice containing the particulars mentioned in sub-section (1).

(3) Nothing in sections 7, 8 and 9 shall apply to any establishment wherein any process is carried on by the occupier with the aid of his family or to any school established, assisted or recognized by Government.

**Disputes as to
Age.**

13. If any question arises between an Inspector and an occupier as to the age of any child who is employed or is permitted to work by him in an establishment, the question shall, in the absence of a certificate as to the age of such child granted by the prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority.

Maintenance of Register.

14. There shall be maintained by every occupier in respect of children, adolescents and young persons employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours showing: -

- (a) the name and date of birth of every child, adolescents and young person so employed or permitted to work;
- (b) hours and periods of work of any such child, adolescents and young person and the intervals of rest to which he is entitled;
- (c) the nature of work of any such child and young person; *and*
- (d) such other particulars as may be prescribed.

Display of Notice containing abstract of sections 3 and 15.

15. Every occupier shall display in a conspicuous and accessible place a notice in the local language, Urdu language and in the English language containing an abstract of sections 3 and 17.

Health and Safety.

16. (1) The Government may, by notification in the official Gazette, make rules for the health and safety of the children and young persons employed or permitted to work in any establishment or class or establishments.

(2) Without prejudice to the generality of the foregoing provisions, the said rules may provide for all or any of the following matters, namely: -

- (a) cleanliness in the place of work and its freedom from nuisance;
- (b) disposal of wastes and effluents;
- (c) ventilation and temperature;
- (d) dust and fumes;
- (e) artificial humidification;
- (f) lighting;
- (g) drinking water;
- (h) latrine and urinals;
- (i) spittoons;
- (j) fencing of machinery;
- (k) work at or near machinery in motion;
- (l) restrictions on and regulations of employment of adolescents and young persons on dangerous machines;

- (m) instructions, training and supervision in relation to employment of children on dangerous machines;
- (n) device for cutting off power;
- (o) self-acting machines;
- (p) easing of new machinery;
- (q) floor, stairs and means of access;
- (r) pits, sumps, openings in floors, etc.;
- (s) excessive weights;
- (t) protection of eyes;
- (u) explosive or inflammable dust, gas, etc.;
- (v) precaution in case of fire;
- (w) maintenance of buildings; *and*
- (x) safety of building and machinery.

PART IV MISCELLANEOUS.

Penalties.

17. (1) Whoever employs any child or permits any child, adolescent or young person to work in contravention of the provisions of section 3 and section 9 shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to one hundred thousand rupees or with both:

Provided the amount of the fine shall, after the same is recovered and transferred to the fund or any specified authority for growth of children, shall be so spent within the meaning of section 9.

(2) Whoever, having been convicted of an offence under section 3, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than six months and may extend to two years.

(3) Whoever—

- (a) fails to give notice as required by section 12; or
- (b) fails to maintain a register as required by section 14 or makes any false entry in any such register; or
- (c) fails to display a notice; or
- (d) fails to comply with or contravenes any provisions of this Act or the rules made thereunder, shall be punishable with simple imprisonment which may

extend to one month or with a fine which may extend to twenty thousand rupees or with both.

**Modified
Application of
Certain Laws in
Relation to
Penalties.**

18. (1) Where any person is found guilty and convicted of contravention of any of the provisions regarding children and adolescents mentioned in subsection (2), he shall be liable to penalties as provided in sub-sections (1) and (2) of section 17 of this Act and not under other relevant Acts.

(2) The provisions mentioned in sub section (1) are the provisions regarding children and adolescents in the following Acts:-

- (a) The Mines Act 1923 (Act No. IV of 1923);
- (b) The Factories Act 1934 (Act No. XXV of 1934); and
- (c) The West Pakistan Shops and Establishments Ordinance, 1969 (W.P. Ordinance No. VIII of 1969).

**Procedure relating
to offences.**

19. (1) Any person, Police Officer or Inspector may file a complaint of the commission of an offence under this Act in any court of competent jurisdiction.

(2) Every certificate as to the age of a child which has been granted by a prescribed Medical Authority shall, for the purposes of this Act, be conclusive evidence as to the age of the child to whom it relates.

(3) No court inferior to that of a Magistrate of the first class shall try any offence under this Act.

**Appointment of
Inspectors.**

20. The Government may appoint Inspectors for the purpose of securing compliance with the provisions of this Act and any Inspector so appointed shall be deemed to be a public servant within the meaning of the Pakistan Penal Code.

**Power to make
Rules.**

21. The Government may within a year, by notification in the official Gazette and subject to the condition of previous publication, make rules for carrying into effect the provisions of this Act.

**Certain other
provisions of law
not barred.**

22. Subject to the provisions contained in section 17, the provisions of this Act and the rules made thereunder shall be in addition to, and not in derogation of, the provisions of the Mines Act, 1923 (Act No. IV of 1923); the Factories Act 1934 (Act No. XXV of 1934); and the West Pakistan Shops and Establishments Ordinance, 1969 (W.P. Ordinance No. VIII of 1969); the definition of 'child' and 'adolescent' in these provisions shall be deemed to have been amended in accordance with the definitions in section 2 of this Act.

Power to remove difficulties.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

Repeal and Savings.

24. (1) The Employment of Children Act, 1991 (Act No. V of 1991), in its application to the extent of Balochistan Province, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have been done or taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

(SEE SECTION 3)

PART I**OCCUPATIONS****OCCUPATIONS.**

1. Transport of Passengers, goods or mail;
2. Work in catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one plant to another or into or out of a moving train;
3. Work relating to the construction of railway station or with any other work where such work is done in close proximity to or between the railway lines; *and*
4. A port authority within the limits of any port

PART II**PROCESSES.**

1. Work inside underground mines and above ground quarries including blasting and assisting in blasting.
2. Work with power driven cutting machinery like saws, shears, guillotine and agricultural machines, thrashers, fodder cutting machines.
3. Work with live electrical wires over 50 volts.
4. All operations related to leather tanning process e.g. soaking, dehairing, liming, chrome tanning, deliming, pickling, defleshing, ink application.

5. Mixing and manufacture of pesticides and insecticides; and fumigation.
6. Sandblasting and other work involving exposure to free silica.
7. Work with exposure to all toxic, explosive and carcinogenic chemicals e.g. asbestos, benzene, ammonia, chlorine, manganese, cadmium, sulphur dioxide, hydrogen sulphide, sulphuric acid, hydrochloric acid, nitric acid, caustic soda, phosphorus, benzidine dyes, isocyanides, carbon tetrachloride, carbon disulphide, epoxy resins, formaldehyde, metal fumes, heavy metals like nickel, mercury, chromium, lead, arsenic, beryllium, fibre glass.
8. Work with exposure to cement dust in cement industry.
9. Work with exposure to coal dust.
10. Manufacture and sale of fireworks and explosives.
11. Work at the sites where liquid petroleum gas (LPG) and compressed natural gas (CNG) is filled in cylinders.
12. Work on glass and metal furnaces; and glass bangles manufacturing.
13. Work in the cloth weaving, printing, dyeing and finishing sections.
14. Work inside sewer pipelines, pits and storage tanks.
15. Stone crushing.
16. Lifting and carrying of heavy weight (15) kg and above especially in transport industry.
17. Carpet weaving.
18. Working two meters or more above the floor.
19. All scavenging including hospital waste.
20. Tobacco processing and manufacturing including nisar and bidi making.
21. Deep-sea fishing commercial fishing and processing of fish and seafood.
22. Sheep casing and wool industry.
23. Ship breaking.
24. Surgical instruments manufacturing especially in vendors workshops.

25. Spice grinding.
26. Work in boiler house.
27. Work in cinemas, mini cinemas and cyber clubs.
28. Mica-cutting and splitting.
29. Shellac manufacturing.
30. Soap manufacture.
31. Wool cleaning.
32. Building and construction industry.
33. Manufacture of pencils including packing.
34. Manufacture of products form agate.
35. Marble cutting.
36. Bakery and working in ovens.
37. Plastic moulding.
38. Domestic Child Labour.


(TAHIR SHAH KAKAR)
Secretary