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PART I OCCUPATIONS

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THE EMPLOYMENT OF CHILDREN ACT, 1991

'*ACT NO. V OF 1991

[2nd April, 1991]

An Act to prohibit the employment of children in certain occupations and to regulate the conditions of work of children

PART I

PRELIMINARY

1. Short Title, Extent and Commencement.—(1) This Act may be called the Employment of Children Act, 1991.

(2) It extends to the whole of Pakistan.

(3) The provisions of this Act, shall come into force at once.

2. Definitions. In this Act, unless the context otherwise requires

(i) “adolescent” means a person who has completed his fourteenth but has not completed his eighteenth year;

(ii) “appropriate Government” means the Federal Government in relation to an establishment under the control of the Federal Government, and in all other cases, the Provincial Government concerned;

(iii) “child” means a person who has not completed his fourteenth year of age;

(iv) “day” means a period of twenty-four hours beginning at mid-night;

(v) “establishment” includes a shop, commercial establishment, workshop, factory, farm, residential hotel or restaurant;

(vi) “factory” means any premises, including the precincts thereof, whereon ten or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on or is ordinarily, carried on with or without the aid of power but does not include a mine, subject to the operation of the Mines Act, 1923 (IV of 1923).

(vii) “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;

'*This Act shall apply to FATA. vide S.R.O. No.1294 (1)/98, dated 16-11-1998.

(viii) “occupier” in relation to an establishment, means the person who has the ultimate control over the affairs of the establishment;

(ix) | “Inspector” means an official duly appointed and notified, as an inspector for the purpose of this Act by the Federal Government or the Provincial Government concerned;

(x) “port authority” means any authority administering a port;

(xi) “prescribed” means prescribed by rules made under section 18 of this Act;

(xii) “week” means a period of seven days beginning at mid-night on Thursday night or such other night as may be approved in writing for a particular area by the Inspector;

(xiii) “workshop” means any premises (including the precincts thereof) wherein any industrial process is carried on.

(xiv) “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:

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 on the dressing of minerals.

PART II

PROHIBITION OF EMPLOYMENT OF CHILDREN IN CERTAIN OCCUPATIONS AND PROCESSES

3. Prohibition on Employment. — No child 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:

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.

4. Amendment of Schedule. — The Federal 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 three months after the date of the notification.

5. National Committee on the Rights of the Child. — (1) The Federal Government may, by notification in the official Gazette, constitute a National Committee to be called the National Committee on the “Rights of the Child”, to perform the functions visualized in Article 43 of the US

Convention on the Rights of the Child, and to advise the Federal Government for the purpose of addition of occupations and processes to the Schedule.

(2) The Committee shall consist of a Chairman and 10 other experts of high moral standing and recognized competence.

PART III

REGULATION OF CONDITIONS OR WORK OF CHILDREN

6. Application of Part.— The provisions of this Part shall apply to an establishment or a class of establishments in which none of the occupations or processes referred to in section 3 is carried on.

7. Hours and Period of Work. — (1) No child 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.

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

(3) The period of work of a child shall be so arranged that inclusive of the interval for rest, under sub-section (2), it shall not exceed seven hours, including the time spent in waiting for work on any day.

(4) No child shall be permitted or required to work between 7.00 p.m. to 8.00 a.m.

(5) No child shall be required or permitted to work overtime.

(6) No child shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.

8. Weekly Holidays. — Every child employed in an establishment shall be allowed in each week, a holiday of 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.

9. Notice to Inspector. — (1) Every occupier in relation to an establishment in which a child 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 employees, or permits to work, any child 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.

10. Dispute as to Age. — 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.

11. Maintenance of Register. — There shall be maintained by every occupier in respect of children 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 so employed or permitted to work;

(b) hours and periods of work of any such child and the intervals of rest to which he is entitled;

(c) the nature of work of any such child; and

(d) such other particulars as may be prescribed.

12. Display of Notice containing abstract of section 3 and 14.— Every occupier shall

cause to be displayed in a conspicuous and accessible place a notice in the local language and in the English language containing an abstract of sections 3 and 14.

13. Health and Safety. — (1) The appropriate Government may, by notification in the official Gazette, make rules for the health and safety of the children employed or permitted to work in any establishment or class of 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 fume;

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artificial humidification;

lighting;

drinking water;

latrine and urinals;

spittoons;

fencing of machinery;

work at or near machinery in motion;
employment of children on dangerous machines;

instructions training and supervision in relation to employment of children on
dangerous machines;

device for cutting off power;

self-acting machines;

easing of new machinery;

floor, stairs and means of access;

pits, sums, opening in floors, etc.;

excessive weights;

protection of eyes;

explosive of inflammable dust, gas, etc.;

precaution in case of fire;

maintenance of buildings; and

safety of buildings and machinery.

PART IV

MISCELLANEOUS

14. Penalties. —(1) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to twenty thousand rupees or with both.

(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 but which may extend to two years.

(3) Whoever:—

(a) fails to give notice as required by section 9; or

(b) fails to maintain a register as required by section 11 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 fine which may extend to ten thousand rupees or with both.

15. Modified Application of Certain Laws in relation to Penalties. — (1) Where any person is found guilty and convicted of contravention of any of the provisions regarding children and adolescents mentioned in sub-section (2), he shall be liable to penalties as provided in sub-sections (1) and (2) of section 14 of this Act and not under other relevant Acts.

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

(a) The Mines Act 1923.

(b) The Factories Act 1934.

(c) The Shops and Establishments Ordinance 1969.

16. Procedure relating to Offences. — (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.

17. Appointment of Inspectors. — The appropriate Government may appoint Inspectors for the purposes 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.

18. Power to make Rules. — The appropriate Government may, 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.

19. Certain other provisions of Law not barred. — Subject to the provisions contained in section 15, 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, the Factories Act, 1934, the Sindh Children Act, 1955; the Shops and Establishments Ordinance, 1969, and the Punjab Children Ordinance, 1983. 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.

20. Power to remove difficulties. — (1) If any difficulty arises in giving effect to the provisions of this Act, the Federal 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 on which this Act receives the assent of the President.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

21. Repeal and Savings. — (1) The Employment of Children Act, 1938, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purported to have 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.

1 [THE SCHEDULE
[See section 3]

PART I
OCCUPATIONS

Any occupation connected with:—

(1) Transport of passengers, goods or mail;

(2) Work in a catering establishment at a railway station, involving the movement of a vendor or any other employee of the establishment from one platform to another or into or out of a moving train;

(3) Work relating to the construction of a 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, guillotines 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, isocyanates, carbon tetrachloride, carbon disulphide, epoxy resins, formaldehyde, metal fumes, heavy metals like nickel, mercury chromium, lead, arsenic, beryllium, fiber glass.

(8) Work with exposure to cement dust in cement industry.

(9) Work with exposure to coal dust.

'Subs. by S.R.O. 1280 (1/05, dated 20-12-2005

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Manufacture and sale of fireworks and explosives.

Work at the sites where liquid petroleum gas (LPG) and compressed natural gas (CNG) is filled in cylinders.

Work on glass and metal furnaces; and glass bangles manufacturing.
Work in the cloth weaving, printing, dyeing and finishing sections.
Work inside sewer pipelines, pits and storage tanks.

Stone crushing.

Lifting and carrying of heavy weight (15 Kg and above) specially in transport industry.

Carpet weaving.

Working two meters or more above the floor.

All scavenging including hospital waste.

Tobacco processing and manufacturing including niswar and bidi making.
Deep-sea fishing, commercial fishing and processing of fish and seafood.
Sheep casing and wool industry.

Ship breaking.

Surgical instruments manufacturing specially in vendors' workshops.
Spice grinding.

Work in boiler house.

Work in cinemas, mini cinemas and cyber clubs.

Mica-cutting and splitting.

Shellas manufacturing.

Soap manufacture.

Wool cleaning.

Building and construction industry.

Manufacture of slate pencils including packing.

Manufacture of products from agate.]