

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE, PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD

Dated: 29th March, 2017

No. LD/Legis-Act/268-279/2017. The following Act of Assembly

received the assent of the President on the 16th day of March 2017, is hereby published for general information.

(ACT XIX OF 2017)

An
Act
to prohibit the pledging of the labour of children

WHEREAS, it is expedient to prohibit the making of agreement to pledge the labour of children and the employment of children whose labour has been pledged;

It is hereby, enacted as follows:-

1. Short title, Extent and Commencement.— (1) This Act may be called the Children (Pledging of Labour) Act, 2017.

(2) It shall extend to the whole of the Azad Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,—

(a) "Agreement to pledge" means an agreement, written or oral, express or implied, whereby the parent or guardian of a Child, in return for any payment or benefit received or to be received by him, undertakes to cause or allow the services of the Child to be utilized in any employment:

Provided that an agreement made without detriment to a Child and not made in consideration of benefit other than reasonable wages to be paid for the child's services, and terminable at not more than a week's notice, is not an agreement within the meaning of this definition.

(b) "Child" means a person who is under the age of fifteen years; and

(c) "Guardian" includes any person having legal custody of or control over a child.

Agreements to pledge to be void.- An Agreement to pledge, contrary to this Act, shall be void.

Penalty for parent or guardian making Agreement_to pledge.- Whoever, being the parent or guardian of a Child, makes an Agreement to pledge shall be punished with fine which may extend to twenty thousand rupees.

Penalty for making an Agreement to pledge with a parent or a guardian.- Whoever makes with the parent or guardian of a Child, an Agreement whereby such parent or guardian pledges the labour of the Child shall be punished with fine which may extend to two hundred thousand rupees.

Penalty for employing a Child whose labour has been pledged.- Whoever, knowing or having reason to believe that an agreement has been made to pledge the labour of a Child, in furtherance of such agreement employs such Child, or permits such Child to be employed in any premises or place under his control shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year or fine which may extend to one hundred thousand rupees.

Penalty for_ making second default.- Whoever, having been convicted of an offence under Section 4, 5 and 6 of this Act, commits a like offence afterwards, shall be punished with imprisonment of either description for a term which shall neither be less than six months nor more than two years or with fine of three hundred thousand rupees or with both for each subsequent offence.

Offences to_be tried by the Magistrate.- (1) A Magistrate of first class empowered in this behalf by the government may try any offence under this Act.

(2) An offence under this Act, shall be tried summarily.

Sd/-
(Mehr-un-Nisa Qadri)
Section Officer (Legislation)