

The Gazette of Pakistan



EXTRAORDINARY
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, DECEMBER 31, 2019

PART I

Acts, Ordinances, President's Orders and Regulations

GILGIT-BALTISTAN ASSEMBLY SECRETARIAT

Gilgit, the 9th December, 2019

THE GILGIT-BALTISTAN PROHIBITION OF EMPLOYMENT OF
CHILDREN ACT, 2019

ACT No. XIII OF 2019

AN

ACT

*To prohibit the employment of children and to regulate employment
of adolescents in certain occupations and processes in Gilgit-Baltistan.*

No. ALA-1(1)/2019/GBLA.—Preamble: WHEREAS Article 11 of the Government of Gilgit-Baltistan Order, 2018 provides that no child below the age of fourteen years shall be engaged in any factory or mine or any other hazardous employment.

AND WHEREAS it is expedient to enact the law relating to the employment of children and adolescents in Gilgit-Baltistan and for matters connected herewith or ancillary thereto. It is hereby enacted as follows:—

(825)

Price : Rs. 20.00

[2079(2019)/Ex. Gaz.]

PART 1- PRELIMINARY**1. SHORT TITLE, EXTENT AND COMMENCEMENT**

(1) This Act may be called the Gilgit-Baltistan Prohibition of Employment of Children Act, 2019.

(2) It extends to the whole of Gilgit-Baltistan.

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

2. DEFINITIONS. (1) In this Act, unless there is anything repugnant to the subject or context,—

I. “**Adolescent**” means a person who has completed his fourteenth but has not completed eighteenth year of his age;

II. “**Government**” means the Government of Gilgit-Baltistan;

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 midnight;

V. “**Establishment**” means any industrial, commercial or agricultural establishment, mine, business, trade, undertaking, manufacture, and place where any economic activity is being carried on and includes charitable and welfare organizations, whether run for profit or otherwise and any other establishment, class of establishments or workplace notified by the Government, to be an establishment for the purpose of this Act:

Provided that establishment shall not include small scale agricultural landholdings producing mainly for self consumption and not employing hired workers;

VI. “**Factory**” means as defined under Factories Act, 1934 (XXV of 1934) but does not include a mine subject to the operations of 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;

- VIII. **"Occupier"** in relation to an establishment, means the person who employs workers either directly or indirectly and includes—
- (i) In case of an individual, any heir, successor, administrator or assignee; and
 - (ii) A person who has the overall control over the affairs of the establishment by whatever name he is called;
- IX. **"Court"** means Gilgit-Baltistan Chief Court;
- X. **"Appellate Authority"** means Secretary Labour GB;
- XI. **"Chief Inspector"** Means Director Labour Gilgit Baltistan;
- XII. **"Deputy Chief Inspector"** Means Deputy Director Labour/ Assistant Director Labour;
- XIII. **"Labour Magistrate"** Means any officer of Labour Department not below the rank of Deputy Chief Inspector;
- XIV. **"Inspector"** means an official of the Directorate of Labour duly notified, as an inspector for the purpose of this Act by the Government;
- XV. **"Port authority"** means any authority administering a port including dry port;
- XVI. **"Schedule"** means the schedule appended to this Act;
- XVII. **"Prescribe"** means prescribed by rules made under this Act;
- XVIII. **"Week"** means a period of seven days beginning at midnight on Sunday night or such other night as may be approved in writing for a particular area by the Inspector;
- XIX. **"Workshop"** means any premises (including the precincts thereof) wherein any industrial process is carried on but does not include a factory;
- XX. **"Hazardous Work"** means the work which, by its nature or the circumstances in which it is carried out, is likely to cause harm to health, safety or morals of children and adolescents and includes occupations and processes mentioned in Part-I & II of the Schedule;

- XXI. "Light Work" means work, which is not likely to cause harm to health or impede the physical or mental development of a child engaged in such work;
- XXII. "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 ground, 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 or the dressing of minerals

PART- II.

Prohibition of Employment of Children and Prohibition of Employment of Adolescents in Hazardous Work

3. **PROHIBITION OF EMPLOYMENT.**—(1) No child shall be employed or permitted to work in any establishment.

Provided that a child not below the age of 14 years may be engaged in the light work, alongside his family member, for a maximum of two hours per day mainly for the purpose of acquiring skills, in a private undertaking, or in any school established, assisted or recognized by Government for such purpose.

(2) No adolescent shall be employed or permitted to Hazardous work in any establishment as provided in schedule 1. 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 Government, may by notification in the official Gazette, add or delete any occupation or process in the Schedule and thereupon the Schedule shall be deemed to have been amended accordingly three months after the date of the notification.

5. **GILGIT BALTISTAN COMMITTEE ON CHILD LABOUR.**—
(1) The Government may, by notification in the official Gazette, constitute a Provincial Committee to be called the Gilgit-Baltistan Coordination Committee on Child Labour to advise the Government for the appropriate legislative, administrative, and other measure for eradication of child labour as per international instruments or conventions and to coordinate, approve and monitor all child labour elimination programmes in Gilgit-Baltistan.

(2) The Committee shall consist of a Chairman/Secretary Labour Department and 07 other Members representing the Government, employers, workers and civil society.

PART - III

Regulation of Conditions of Work of Adolescents.

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(2) is carried on.

7. **HOURS AND PERIOD OF WORK.**—(1) No 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 adolescent 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 an adolescent shall be so arranged that inclusive of the interval for rest, under sub section (ii), it shall not exceed eight hours, including the time spent in waiting for work on any day.

(4) No adolescent shall be permitted or required to work between 5.00 p.m. to 8.00 a.m in winter and 07:00 pm to 08:00 am in summer.

(5) No adolescent shall be required or permitted to work over-time.

(6) No adolescent 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 adolescent 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 an 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:

- I. The name, location and address of the establishment;
- II. The name of the person in actual management of the establishment;
- III. The address to which communications relating to the establishment should be sent; and
- IV. 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 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 solely with the aid of his family or to any school established, assisted or recognized by the Government for learning skills.

10. DISPUTES AS TO AGE.—If any question arises between an Inspector and an occupier as to the age of any adolescent 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 adolescent 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 adolescent 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 adolescent so employed or permitted to work;
- (b) Hours and periods of work of any such adolescent and the intervals of rest to which he is entitled;
- (c) The nature of work of such adolescent;
- (d) Such other particulars as may be prescribed.

12. SUPPLY OF A COPY OF THE NOTICE CONTAINING ABSTRACT OF SECTIONS 3 AND 15.—On appointment every occupier shall provide to the adolescent a copy of the notice in Urdu language containing an abstract of sections 3 and 15.

13. OCCUPATIONAL HEALTH AND SAFETY.—(1) The Government shall, by notification in the Official Gazette, make rules for the health and safety of the adolescent 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 desired safety measures including the following, namely:

- I. Cleanliness in the place of work;
- II. Disposal of wastes and effluents;
- III. Ventilation and temperature;
- IV. Lighting;
- V. Drinking water;
- VI. Latrine and urinals;
- VII. Spittoons;
- VIII. Fencing of machinery;
- IX. Employment of adolescent on dangerous machines;
- X. Instructions, training and supervision in relation to employment of adolescent on dangerous machines;
- XI. Device for switching off the power.
- XII. Floor, stairs and means of access for emergency exit;
- XIII. Pits, sumps, openings in floors, etc.;
- XIV. Protection of eyes;
- XV. Fire extinguisher;
- XVI. Maintenance, safety of buildings and machinery.

PART-IV**MISCELLANEOUS**

14. APPLICATION OF CERTAIN LAWS.—(1) All other laws shall be applicable to the adolescent workers to the extent as prescribed.

(2) The Government may, by notification in the official Gazette, extend provision of any other laws, for the time being in force, to the adolescent workers under this part.

15. PENALTIES.—(1) Whoever employs any child in contravention of the provisions of section 3 (1) shall be punishable with imprisonment for a term which may extend to fifteen days but not less than seven days or with a fine which may extend to thirty thousand rupees but not less than 15 thousand or with both.

(2) Whoever employs any child or adolescent in any hazardous work, any form of slavery or practice similar to slavery, such as the debt bondage and forced or compulsory labour shall be punishable with the imprisonment which may extend to one month but not less than fifteen days and with the fine which may extend to forty thousand rupees, but not less than twenty thousand or both.

(3) Whoever, employs any child or adolescent in—

- I. The use, procuring or offering of a child or adolescent for prostitution, for the production of pornography or for pornographic performance
- II. The use, procuring or offering of a child or adolescent for illicit activities, in particular for production and trafficking of drugs or compulsory recruitment of children or adolescent for use in armed conflicts.

Shall be prosecuted as per the prevailing laws.

(4) Whoever, having been convicted of an offence under section 3, commits alike offence afterwards, he shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year.

(5) **Whoever**

- I. Fails to give notice as required by section 9; or
- II. Fails to maintain a register as required by section 11 or makes any false entry in any such register, or

- III. Fails to display a notice; or
- IV. 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 seven days or with a fine which may extend to twenty thousand rupees or with both.

16. ABETMENT TO AN OFFENCE.—Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

Explanation;—For the purpose of this section “abetment” has the same meaning as is assigned to it in the Pakistan Penal Code (XLV of 1860)

17. 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 laws.

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

- I. The Mines Act 1923 (iv of 1923);
- II. The Factories Act 1934 (xxv of 1934);
- III. The Gilgit-Baltistan Shops and Establishments Act.

18. PROCEDURE RELATING TO OFFENCES.—(1) Inspector may file a complaint of the commission of an offence under this Act to Labour Magistrate.

(2) No court inferior to that of a Labour Magistrate shall try any offence under this Act.

19. APPOINTMENT OF INSPECTORS.—The Government may notify Inspectors from the officials of the Directorate of Labour 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.

20. INTERFERENCE IN DUTY.—(1) Whoever interferes in duty of Appellate Authority, Chief Inspector, Deputy Chief Inspector or Labour Inspector, under this act or rules made thereunder or while performing duties/functions in fulfillment of the mandate given to the department, is committing a cognizable offence.

(2) On conviction the offender is liable to a fine which may extend to fifty thousand rupees or imprisonment which may extend to one month but not less than 7 days or both.

21. POWER TO MAKE RULES.—The 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.

22. CERTAIN OTHER PROVISIONS OF LAW NOT BARRED.—(1) Subject to the provisions contained in section 15 and 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 (IV of 1923); the Factories Act, 1934 (xxv of 1934); the Shops and Establishments Act.

(2) The definitions 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 for the purpose of employment and other matters related thereto.

23. POWER TO REMOVE DIFFICULTIES.—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 two years from the date of commencement of this Act.

24. SUMMARY TRIAL.—Child labour cases shall be tried through summary trial in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

25. COURTS COMPETENT TO TAKE COGNIZANCE.—All offence cases punishable under this Act and rules made thereunder shall be adjudicated and trials shall be conducted exclusively by a Labour Magistrate.

26. MAGISTERIAL POWERS TO OFFICERS.—(1) Government may empower labor department Officer not below the rank of a Deputy Chief Inspector to perform functions and powers of a Labour Magistrate under this Act.

(2) The Labour Officer appointed as Labour Magistrate shall be vested with powers needed for the effective and efficient implementation/exercise of the provisions of this Act.

27. **BAR OF JURISDICTION.**—No Civil Court shall exercise jurisdiction over any of the matters relating to the implementation of this Act or rules made thereunder.

28. **POWER TO TRY OFFENCES SUMMARILY AND AS SPECIAL CASES.**—(1) Offences under this Act or rules made thereunder which can be tried summarily in accordance with the provisions of the Code of Criminal Procedure, 1898 (V of 1898) shall be tried summarily.

(2) A Court taking cognizance of an offence under this Act or rules made thereunder, may direct a labor department Officer of the area to serve summons on the accused person to appear before the Court on a given date. In case of refusal or non-compliance by the accused, the Court shall direct the police of the concerned police station to serve a warrant on the accused and produce him before the Court on the given date.

(3) All labour related offence cases shall be treated as Special Cases and their trial done accordingly.

29. **APPEALS FROM ORDERS OF MAGISTRATES.**—A convicted person or the Department aggrieved by an acquittal order or sentence passed by the Labour Magistrate under this Act or the rules made thereunder may, within fifteen days of communication of such acquittal order or sentence, can file an appeal to the Secretary Labour Gilgit-Baltistan, who will decide the appeal within one month from the date of submission/institution of the appeal,

(2) The appeal against the decision of the Secretary Labour shall lie with the Chief Court of Gilgit-Baltistan having jurisdiction and final appeal shall be made before the Supreme Appellate Court of Gilgit-Baltistan.

30. **DUTIES OF OTHER GOVERNMENT DEPARTMENTS AND FUNCTIONARIES.**—Other Government Departments and Functionaries of Government of Gilgit-Baltistan including Police, Administration & Revenue Department and any other department shall assist the Labour Department in implementation and enforcement of this Act or rules made thereunder and any policies, orders, notifications and measures meant for achieving mandate of the Labour Department.

31. **OBLIGATION OF OTHER GOVERNMENT DEPARTMENTS AND FUNCTIONARIES.**—(1) It is the obligation of all Government Departments and Functionaries of Government of Gilgit-Baltistan as mentioned in Section 30 to provide any assistance when asked for by a Labour Department.

(2) The Police Department, Administration and other law enforcing agencies as the case may be, of the concerned district is bound to abide by and comply with the orders of Labour Magistrate in the proceedings and disposal of child labour offence cases and in implementation of this Act.

(3) In case of non-compliance or non-cooperation, the Deputy Chief Inspector shall report the matter to the high-ups of the concerned departments for initiation of disciplinary proceedings against such defaulting officials.

32. **LODGING OF COMPLAINTS.**—All complaints about child labour offences are to be lodged in the prescribed manners.

33. **LIABILITY TO INFORM.**—(1) Every citizen of Gilgit-Baltistan or a functionary of any Government department is bound to and liable to inform Labour Department or near police station about the child labour or child offence happening or likely to happen and truthful and bonafide informer shall be fully protected by the Government.

(2) Government shall keep confidential the identity of informer under sub-section (1).

34. **COMPETENT COURT.**—All complaints and suits about the child labor offences are to be instituted in the court of Labour Magistrate.

35. **HEALTH INSURANCE.**—Every occupier in relation to an establishment in which adolescents are employed shall provide health insurance to adolescents and their families (only Parents).

FIDA MUHAMMAD NASHAD,
Speaker
Gilgit-Baltistan Assembly.

RAJA JALAL MAQPOON,
Governor
Gilgit-Baltistan.

THE SCHEDULE

{See sub-Section (1) and (2) of Section 3}

Hazardous Work

Any occupation or Work connected with

1. Transport of passengers, goods or mails;
2. A port authority within the limits of any port.
3. Hotels
4. Brick Klin
5. Work inside underground mines and above ground quarries including blasting and assisting in blasting.
6. Work with power driven cutting machinery like saws, shears, guillotines and agricultural machines, thrashers, fodder cutting machines.
7. Work with live electrical wires over 50 volts.
8. All operations related to leather tanning process *e.g.*, soaking, de-hairing, liming, chrome tanning, de-liming, pickling, defleshing, ink application.
9. Mixing and manufacture of pesticides and insecticides; and fumigation.
10. Sandblasting and other work involving exposure to free silica.
11. 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.
12. Work with exposure to cement dust in cement industry.
13. Work with exposure to coal dust.
14. Manufacture and sale of fireworks and explosives.
15. Work at oil & gas fields including rigs.
16. Work at the sites where liquid petroleum gas (LPG) and compressed natural gas (CNG) is filled in cylinders.

17. Work on glass and metal furnaces; and glass bangles manufacturing.
18. Work in the cloth weaving, printing, dyeing and finishing sections.
19. Work inside sewer pipelines, pits and storage tanks.
20. Stone crushing.
21. Lifting and carrying of heavy weight (15kg and above) specially in transport industry.
22. Carpet weaving.
23. Working two meters or more above the floor.
24. All scavenging including hospital waste.
25. Tobacco processing and manufacturing including niswar and bidi making.
26. Commercial fishing and processing of fish and seafood.
27. Sheep casing and wool industry
28. Surgical instruments manufacturing specially in vendors' workshops.
29. Spice grinding.
30. Work in boiler house.
31. Work in cinemas, mini cinemas and cyber clubs.
32. Mica-cutting and splitting.
33. Shellac manufacturing.
34. Soap manufacture.
35. Wool cleaning.
36. Building and construction industry.
37. Manufacture of pencils including packing.
38. Manufacture of products from agate.