

SENATE OF PAKISTAN



REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

THE CHILDREN (PLEDGING OF LABOUR) (AMENDMENT) BILL, 2022
(Amendment of Sections 4, 5, 6 of the Children (Pledging of Labour) Act, 1933.
[Introduced by Senator Shahadat Awan on 17th January, 2022]

PRESENTED BY

SENATOR MOHSIN AZIZ
CHAIRMAN SSC ON INTERIOR

SENATE SECRETARIAT

Subject: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE CHILDREN (PLEDGING OF LABOUR) (AMENDMENT) BILL, 2022 (Amendment of Sections 4, 5, 6 of the Children (Pledging of Labour) Act, 1933.

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on the Children (Pledging of Labour) (Amendment) Bill, 2022 (Amendment of Sections 4, 5, 6 of the Children (Pledging of Labour) Act, 1933, introduced by Senator Shahadat Awan in the Senate on 17th January, 2022. Upon introduction, the Bill was referred to the SSC on Interior for consideration and report.

2. The composition of the Committee is as under: -

Senator Mohsin Aziz	Chairman
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Moula Bux Chandio	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Muhammad Talha Mehmood	Member
Senator Fawzia Arshad	Member
Senator Syed Faisal Ali Subzwari	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee considered the Bill in its meeting held on 4th February, 2022. The meeting was attended by the following:-

Senator Mohsin Aziz	Chairman
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Shahadat Awan	Member/Mover
Senator Muhammad Talha Mehmood	Member
Senator Fawzia Arshad	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
Minister for Interior	



4. The senior officers of the Ministry of Interior, Ministry of Law and Justice, District Attorney's office ICT and office of the Chief Commissioner ICT were also present in the meeting.

5. The Mover submitted his statement of objects and reasons of introduction of the Bill. The Member was of the view that in order to create deterrence in the society in pledging of child labour, there is an urgent need to enhance the punishment and penalties on pledging of child labour. The Member informed the Committee that the existing penalties are very minor which are unable to create a deterrence.

6. The District Attorney, Islamabad supported the Bill with the observation that the scheme of punishments prescribed in the Bill needs to be re-considered. The representatives of the Ministry of Interior and Ministry of Law & Justice also supported the Bill as introduced in the Senate with the suggestion to re-visit the punishments for the parents who pledges the labour of a child due to the low incomes of such families.

7. After detailed deliberations and discussion, the majority of the Members of the Committee were also of the view that the punishments proposed in the Bill are on much higher side which needs to be rationalized keeping in view the ground realities.

8. The Mover informed the Committee that the punishments and the penalties proposed by him in the Bill are in line with the recommendations of the Law and Justice Commission of Pakistan reported through their report No.55 on the subject Act. However, he very graciously agreed that the amendments as per the sense of the Committee may be incorporated in the Bill by the Secretary Committee in coordination with the Ministry of Law and Justice.

9. In the light of the discussion and recommendations of the Committee and the Ministry of Law and Justice, the Committee in principal unanimously voted in favor of the Bill and **recommended that the Bill as amended by the Committee may be passed. The Committee amended the Bill as under:**

Clause 2 of the Bill: 4. Penalty for parent or guardian making agreement to pledge the labour of a child.- Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punishable with fine which shall not be less than **five thousand rupees and may extend to twenty thousand rupees.**

Clause 3 of the Bill: 5. Penalty for making with the parent or guardian an agreement to pledge the labour of a child.- Whoever makes with the parent or guardian of a child an agreement whereby such parent or

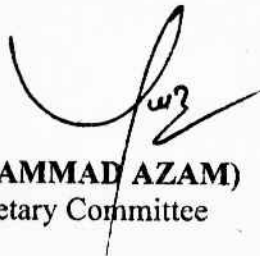


guardian pledges the labour of the child shall be punishable with imprisonment which may extend to six months or fine which shall not be less than twenty thousand rupees and may extend to fifty thousand rupees or both, and on every subsequent conviction, the imprisonment shall not be less than six months or fine which shall not be less than fifty thousand rupees or both.


Clause 4 of the Bill: **6. Penalty for employing a child whose labour has been pledged.-** Whoever, knowing or having reasons 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 punishable with imprisonment which may extend to six months or fine which shall not be less than twenty thousand rupees and may extend to fifty thousand rupees or both, and on every subsequent conviction, the imprisonment shall not be less than six months or fine which shall not be less than fifty thousand rupees or both.

[The Bill as introduced in the House is at annexure A. The Bill as reported by the Committee is at Annexure B.]

10. In view of the above recommendation, the Committee also gave approval for presentation of report to the House. Hence, this report is presented to the House.



(MUHAMMAD AZAM)
Secretary Committee



(SENATOR MOHSIN AZIZ)
Chairman Committee

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INTRODUCED ON 17-01-2022

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[TO BE INTRODUCED IN THE SENATE]

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BILL

further to amend the Children (Pledging of Labour) Act, 1933

WHEREAS it is expedient further to amend the Children (Pledging of Labour) Act, 1933 (II of 1933) in its application to the extent of Islamabad Capital Territory, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and commencement.** - (1) This Act may be called the Children (Pledging of Labour) (Amendment) Act, 2022.

(2) It shall come into force at once.

2. **Substitution of section 4, Act II of 1933.**- In the Children (Pledging of Labour) Act, 1933 (II of 1933), hereinafter referred to as the said Act, for section 4, the following shall be substituted, namely:-

"4. Penalty for parent or guardian making agreement to pledge the labour of a child.- Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, shall be punishable with fine which shall not be less than twenty thousand rupees and may extend to fifty thousand rupees."

3. **Substitution of section 5, Act II of 1933.**- In the said Act, for section 5, the following shall be substituted, namely:-

"5. Penalty for making with a parent or guardian an agreement to pledge the labour of a child.- 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 punishable either with fine which shall not be less than one hundred thousand rupees and may extend to five hundred thousand rupees or with imprisonment which shall not be less than one month and may extend to three months, or with both, and in case of second or subsequent conviction, either with fine which shall not be less than five hundred thousand rupees and may extend to one million rupees or with imprisonment which shall not be less than six months and may extend to two years, or with both."

4. **Substitution of section 6, Act II of 1933.-** In the said Act, for section 6, the following shall be substituted, namely:-

"6. 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 punishable either with fine which shall not be less than one hundred thousand rupees and may extend to five hundred thousand rupees or with imprisonment which shall not be less than three months and may extend to six months, or with both, and in case of second or subsequent conviction, either with fine which shall not be less than five hundred thousand rupees and may extend to one million rupees or with imprisonment which shall not be less than one year and may extend to two years, or with both."

STATEMENT OF OBJECTIVES AND REASONS

The deterrence provided in the existing law to restrain and get rid of the social evil of child labour has unfortunately failed to control it effectively. In order to have better oversight mechanism, the penalties in the law are required to be enhanced for effective control of child labour.

2. This Bill is designed to achieve the above objectives.

**SENATOR SHAHADAT AWAN
MEMBER-IN-CHARGE**

[AS REPORTED BY THE COMMITTEE]

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BILL

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4. Penalty for parent or guardian making agreement to pledge the labour of a child.- Whoever, being the parent or guardian of a child, makes an agreement to pledge the labour of that child, **shall be punishable with fine which shall not be less than five thousand rupees and may extend to twenty thousand rupees.**

3. **Substitution of section 5, Act II of 1933.**- In the said Act, for section 5, the following shall be substituted, namely:-

5. Penalty for making with the parent or guardian an agreement to pledge the labour of a child.- 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 punishable with imprisonment which may extend to six months or fine which shall not be less than twenty thousand rupees and may extend to fifty thousand rupees or both, and on every subsequent conviction, the imprisonment shall not be less than six months or fine which shall not be less than fifty thousand rupees or both.**

4. **Substitution of section 6, Act II of 1933.-** In the said Act, for section 6, the following shall be substituted, namely:-

6. Penalty for employing a child whose labour has been pledged.- Whoever, knowing or having reasons 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 punishable with imprisonment which may extend to six months or fine which shall not be less than twenty thousand rupees and may extend to fifty thousand rupees or both, and on every subsequent conviction, the imprisonment shall not be less than six months or fine which shall not be less than fifty thousand rupees or both.

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