



RESEARCH PAPER

The Impact of Child Labour Laws in Pakistan

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ABSTRACT

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Child labour refers to the employment of children in any work that deprives children of their childhood, interferes with their ability to attend school regularly, and is dangerous mentally, physically, socially or morally is harmful. This process is considered exploitative by many international organizations. Legislation around the world prohibits child labour. These laws do not consider all child labour to be child labour. The research in hand deals with the new amendment in child labour Act and its impact on the minors in Pakistan. How the international organizations work for the betterment of children all over the world, including the work of UNICEF, ILO. UNICEF and ILO have differentiated between child work and child labour. According to them if a child helps in the house chores or family business but it doesn't affect his health or schooling it doesn't fall in the category of child labour but if it does affect a child's physical health, psychological health and schooling, it falls in the category of child labour.

Introduction

According to the report of international organizations, 33% of children in Pakistan are victims of child labour. Undoubtedly, these child labourers are a bitter aspect of our society. They are forced to do so while they are also physically exploited. Most of the victims of child labour are between the ages of 5 and 15 years. How painful it is that every tenth child in the world works for a living or to support his family while on the other hand in Pakistan about 22 million or 22 million underage children have been sacrificed for wages. If we look at the global context, the largest numbers of such affected children are found in Africa and Asia. Poverty, unemployment and inflation in Pakistan have pushed poor children away from schools so much that their education has become a dream. These children belong to poor families where education and adequate food facilities are not available. Mainly due to poverty, these children are forced to work hard. Forced child labour is not only illegal but also a great injustice. The main reason for this lawlessness and open oppression is poverty, hunger, poverty and huge increase in population. And when the population is growing so much, this is the reason for the increase in poverty and lack of facilities. One of the reasons is that there are some children who are not interested in reading, so parents usually tell them to learn a skill or do something that will benefit their parents and in the future. In the days of reading,

playing, jumping, reading and writing, innocent children like flowers are given tools instead of books in the hands of children. It is a sign of decline while child labour is not considered as a defect in our country. From soft and delicate child boot polishing work to hotels, tea houses, markets, factories, auto workshops, kilns, farms, They are seen working hard in many places, including cleaning car windows at homes, CNG and petrol pumps. To raise awareness about child labour, the International Labour Organization against Child Labour started celebrating International Day from June 12, 2002 all over the world, including Pakistan. The purpose of this day is to save children from child labour (ILO, Agencies, 2020).

ILO and UNICEF

The ILO (INTERNATIONAL LABOUR ORGANIZATION) says it is against international law to take work from children that deprives them of their childhood and abilities or is harmful to their physical and mental development. Since 2000, a program called the Millennium Development Goals 2001-2010 has been launched under the auspices of the United Nations Development Program (UNDP), focusing on human and social development in developing countries in the fields of health and education, especially children. Was and it was decided that these targets will be achieved in these 10 years but if that did not happen then the same program has been extended so that these targets can be achieved by 2030 while we have There is a slight increase in the tendency to take labour in Pakistan. In our country, especially in Punjab province, most of the laws are in place but unfortunately neither the people are aware of these laws nor are the law enforcement agencies strictly enforcing these laws. The Punjab Restriction on Employment of Children Act 2016 was passed in the year 2016 to prevent employment of children in Punjab. The majority of the people are probably unaware that under the said law, in case of hiring a child below 15 years of age, a case can be registered against the employer under section 3/11 and 6 months if found guilty. Imprisonment and a fine of Rs 50,000 may be imposed. Similarly, a child above 15 years of age and under 18 years of age, although employed, may not be employed, but may not be employed in a hazardous manner. The employer may be liable to the above mentioned punishment as well as for the offense of committing immoral act, forced labour on a child while on duty, as well as child labour in kilns and domestic labour and The Punjab Prohibition of Child Labour Act 2016 and Punjab Domestic Workers Act 2019 are in force in Punjab to prevent forced labour (unicef, 2021).

Inflation, Child Labour and Pakistani Laws

The unfortunate aspect is that we have anti-child labour laws, but the situation is practically in front of everyone with regard to the grip of the law. Undoubtedly, practical steps are urgently needed in this regard. In our country also Anti Child Labour Day is celebrated on 12th June every year. On this day there are seminars, awareness walks and big speeches against child labour which is only to show the world organizations. The scourge of child labour will never end or diminish. Who is responsible for this situation and what will be the prevention? In this regard, there are three parties in the society responsible for child labour. That who work with children and number three is the government machinery and administration.

In Sindh province over 21.5 percent of children run through the child labour which is a matter of seriousness. Children from age 5-14 involved in bearing the burden of their families because of poverty or some other reasons they have to work alongside by their parents. Overall 11 million children are the beast of the burden of their families. Most of them are busy in domestic and agriculture. Some others bounded to work in brick industry. Although parliament has launched Abolition Act 1992 Bonded Labour System, but still child labour is enforced on the children. Since 2018 law enforcement agencies are working hard to fill the gap to abolish this labourious work of children. According to this law if any of the Pakistani citizens is involved in such acts will be punished imprisoned for minimum 2 years and maximum 5 years along with the fine of 50000 PKR (Ahmed, 2021).

If parents of working children are asked why they force their children to work, most parents are seen crying out for poverty and inflation, forcing their children to work due to lack of financial resources, leading to an increase in child labour happens. On the other hand, those who work with children in their industries, factories, kilns, farms, workshops, hotels, shops and homes are really called the oppressors. These people take extra work from children and pay less. Children are often willing to work for lower wages in order to learn, so most of the children are hired from child labour. Beneficiaries include doctors, lawyers, judges, businessmen and our big politicians whose little workers in their homes, factories and fields are shedding their blood and serving their sentences for being poor. If we now talk about the third and last party government machinery and administration then they are really responsible for the increase in child labour. It is sad to say that no government in Pakistan has taken this issue seriously. The real culprits are our past and present rulers whose childish policies have led to a steady rise in child labour. They seem to be doing it.

The government machinery responsible for child labour itself advertises against child labour in the media on Child Labour Day, also conducts seminars and awareness walks, but all these measures do not reflect the government's seriousness in eliminating child labour. Others, especially the government, must acknowledge that advertisements, seminars, rallies and a few raids will not work to eradicate the scourge of child labour unless the government tackles inflation, unemployment and poverty. Only if the economic conditions of the poor are improved will it be possible to end the scourge of child labour. Furthermore, it is important for any country to ensure that its children get an education and move on. If we develop, then our country will also develop (UKessays, 2018).

Child Labour in the Rest of the World

All through records, child hard work has existed to various extents. During the 19th and early 20th centuries, many kids between a long time of 5 and 14 from poor households still laboured within the numerous colonies of Europe, America and European powers. These youngsters laboured by and large in agriculture, domestic-based assembly work, factories, mining, and offerings which include newsboys. Some paintings lasted 12 hours in night shifts. With the growth in household income, the supply of schools and the passage of child hard work laws; the prevalence of toddler exertions has reduced. The exercise of child hard work, or the usage of youngsters as servants and apprentices, has been found in the course of tons of human history, but reached greatness all through the industrial Revolution. Terrible

operating conditions, which includes congested and unclean factories, loss of protection codes or rules, and long hours. Importantly, children can be paid much less, much less in all likelihood to be organized in unions, and their shorter stature enabled them to complete their work in factories or mines, which would be a venture for adults. Operating children had been not able to move to high school - developing a generation of poverty that turned into tough to interrupt. Nineteenth-century reformists and exertions regulators sought to limit toddler exertions and improve running conditions for the development of the humans, however suffered severe depression at a time whilst Americans have been desperate for employment. Puritan work Ethics the 13 colonies and their founders valued difficult paintings on unemployment, and this ethic carried out to youngsters as well. Within the first half of the 1800's, toddler labour becomes an indispensable part of the agricultural and handicraft financial system of the USA. The kids worked as servants for the own family farms and for others. The boys started their careers between a long time often and fourteen to learn the change. The Industrial Revolution saw an increase in factories to meet the needs of the workers. Children were ideal employees because they could be paid less, often shorter so they could participate in more work and their parasitic work conditions. Prior to the Civil War, women and children played a key role in American preparation, although it was still a relatively small part of the economy. Advances in post-war manufacturing techniques increased the number of jobs; and therefore child labour. In 1900, 18% of all American workers were under 16 years of age (Imran, 2020).

Educational reformists in the mid-nineteenth century sought to convince the public that primary school education was a necessity if the nation was to move forward. Many states set minimum wages for established labour and school attendance requirements - although many of these laws were full of inventions that were easily exploited by hungry cheap labour employers. Among the world's poorest countries, about 1 in 4 children engage in child labour, with the largest number (29%) living in sub-Saharan Africa. In 2017, four African countries (Mali, Benin, Chad and Guinea-Bissau) observed more than 50% of working children aged 5-14 years. The largest employer of child labour is agriculture worldwide. The majority of child labour is found in rural settings and the informal urban economy. Children are primarily employed by their parents rather than in factories. Poverty and lack of schools are considered to be the main causes of child labour (Anand, 2020).

International Organizations

Migration to the United States has created a brand new source of exertions and baby exertions. While the Irish potato famine hit inside the 1840's, Irish immigrants moved to a lower-stage manufacturing unit to fill jobs. Within the Eighties, organizations from southern and Japanese Europe arrived, offering a brand new pool for toddler employees. Efforts to perpetuate or cast off toddler hard work have emerged as critical to social reform. The country wide infant exertions Committee, convened in 1904, and the state infant hard work Committees led this responsibility. These organizations gradually used flexible techniques as they progressed. He initiated techniques, which includes investigations with the aid of professionals, which use photography to initiate resentment over the negative operating conditions of youngsters at paintings and grievous lobbying efforts. He used written pamphlets, pamphlets and mass mailing to reach out to the general public. From 1902 to 1915, baby labour committees called for reform through nation

legislators. As part of the modern reform motion of this period, many laws had been passed banning infant labour. However many southern states resisted, leading to the choice to paintings for federal child labour regulation. While Congress surpassed such laws in 1916 and 1918, the Supreme Court declared them unconstitutional. Combatants of toddler hard work sought a constitutional modification authorizing federal toddler labour regulation and it became surpassed in 1924, despite the fact that states have been reluctant to ratify the conservative political weather of the Twenties (ILO, 2020).

Opposition to farm and church organizations, as well as the fear of increasing federal power over children acted as a barrier. Left without jobs, and underwent major reforms under Franklin Delano Roosevelt's new deal that increased federal supervision of the workplace and focused on working adults to work outside. Find a powerful way to get children out of the workforce. Almost all of the codes developed under the National Industrial Recovery Act have helped reduce child labour. The Fair Labour Standards Act of 1938, for the first time in international trade, set a national minimum wage and a maximum hour for workers - and also restricted child labour. In fact, the employment of children under the age of sixteen was prohibited in manufacturing and mining. Changing attitudes toward work and social reform were not the only factors reducing the invention of machinery to improve child labour, before which numerous repetitive tasks assigned to children were mechanized to there was a lack of children in the force. Semi-complex adults took their place for more complex tasks. Education was also reformed. Many states have increased the number of school years requiring certain jobs, lengthened the academic year, and introduced more stringent enforcement of reputation laws. In 1949, Congress amended the Child Labour Act to exclude businesses that were involved in 1938, such as commercial agriculture, transportation, communications, and public services. Although child labour has been significantly curtailed in the United States, it stands in some sectors of the economy, such as agriculture, where it is more difficult to control economically poor migrant workers. Employers in the garment industry have turned to the children of illegal immigrants in an effort to counter imports from low-wage countries. Despite the fact that the number of working hours for children and adolescents who are attending school is limited, the rising cost of education means that many continue to work long hours to achieve this goal. State-to-state enforcement of child labour laws differs to this day. Child labour is the scourge of our society that is losing its moral values. Despite the fact that 20% of the youth population, child labour is not surprising (Zaidi, 2009).

Worst Form of Child Labour

Worst form of child labour is trafficking for various purposes as for prostitution, force labour, sexual movement and many more. Debt bondage is enforced type of labour where if a poor family couldn't pay off their debts they have to pay off in the form of giving their children for slavery. Serfdom is a kind of labour where children are forced to live somewhere at the land and work there without pay or a little amount. Forced labour is happened when children are involved into petty works or against their will for example: they are forced to cook, to become porters or messengers. Involving children in illicit activities like trafficking of drugs for personal profit is a crime. Some criminals kidnap children and then involve them to trafficking of drugs, robbery, and many other criminal activities. Nearly 160 million children worldwide are forced to work hard away from school, copy and pen due to poverty.

In Pakistan alone, about 20 million children are out of education and 10 million children are suffering from the scourge of child labour. Why are children deprived of their basic right to education and forced to work? Who is responsible for this and what will be the prevention. There are three parties in the society who are responsible for child labour. The first thing to be talked about is why parents are forced to work hard for their children. At the hands of poor parents, they force their children to work so that they can support them. The fact is that he will never put his children in the mill of hard work. Whenever child labour is found, the children of the poor will be found. Today, in this age of inflation, education is more than the poor. It is far away because if there is a person earning in a family of 5 to 7 people whose monthly salary is ten, twelve thousand or four hundred five hundred daily incomes, then the bread of this house is barely running. The poor do not know how the person who is spending day and night cannot provide enough food for the children, so where will he get the education? He will be forced to take a wrong step to avoid starvation by running the house system, whether he becomes a criminal of the nation and engages in looting, or becomes the enemy of the future of his little flowers and puts them on hard labour. On the other hand, let's talk about the people who work with children in their industries, factories, kilns, farms, hotels and homes. These are the people who take full advantage of the compulsion of the poor. They take full work from the children and pay a small wage. These people are paying wages to the children and if any small mistake is made they are subjected to violence. Such incidents are increasing day by day. The labourer is compelled, sir, to go to work even after being beaten and tortured by these children. Beneficiaries of child labour include doctors, lawyers, judges and our great politicians. In their homes, cars, industries and fields these little labourers are shedding their blood and sweat. If we talk about the third and last party government then it is most responsible for the increase in child labour. It is sad to say that no dictatorial or democratic government in Pakistan has taken this issue seriously. Floods and poor policies of the government of the day have robbed the common man of his right to live. Adorn them with education. In fact, the increase in poverty due to the failed economic policies of our governments is the main cause of child labour. On the other hand, every year on June 12, Child Labour Day is celebrated at the official level. The government advertises in the media against child labour and organizes seminars. This day, which is celebrated at the official level, the government is waiting for the time and seriousness of the incoming government will not work. It is said that these rallies and seminars are organized to create awareness among the people that raising awareness among the people will ever reduce child labour. They will burn stoves twice a day and will also provide good education and training to the children. Even if we continue to celebrate such days for hundreds of years or make strict laws, the scourge of child labour will not end. This canker will be eradicated only when the inflation and poverty rate in the country will be reduced and the workers will be economically strong (IPEC, 2020)

UNICEF, ILO and World Bank

Globally, between 1960 and 2003, the incidence of child labour dropped from 25 percent to 10 percent, according to the World Bank. Nevertheless, the total number of child labourers is high, with UNICEF and the ILO acknowledging that an estimated 168 million children between the ages of 5 and 17 worldwide were involved in child labour in 2013. The hardships of those who do not reach a certain age, during the Industrial Revolution, girls were subjected to severe exploitation as well as labour, but legislation to protect it was soon introduced. Under Japan's labour standards law,

child labour under the age of 15 is prohibited under one rule, for those under the age of 18, the age of the user is proof of age, overtime and leave work. Restrictions (instability hours are prohibited), midnight business; effective work, etc. prohibition of employment. Labour Related Items Labour Standards Act. During the Industrial Revolution, children working in factories were subjected to severe exploitation along with female workers, but since the introduction of Factory Act, they have gradually been spared legislation. Japan's Labour Standards Act currently prohibits the use of persons under the age of 15 as labourers in principle. However, as an exception, the minimum wage in non-industrial projects is not detrimental to the health and well-being of children, only if they obtain permission from the authorized Labour Standards Inspection Office, for more than 12 years. Children under the age of 12 will be allowed to work in overtime. I agree that in movies and dramas, children under the age of 12 are allowed to use (Fasih, 2012).

Child Labour and its Consequences

Children are like the flowers on the twig of a plant that sway with the cool morning breeze and smell very good. This fragrance of theirs creates a charm in the whole environment. It is a matter of good nature, but the existence of society is with all of us. The protection of these flowers is the responsibility of all of us realizing this responsibility. The International Labour Organization has started celebrating Child Labour Day on June 12, 2002. Every year, June 12 is celebrated around the world as a day against child labour. It is to be discouraged by tightening the laws related to child labour. Expressing solidarity with the International Labour Organization on June 12, this day is celebrated in many countries of the world including Pakistan. Every year on this day child labour seminars are held, rallies are held but it is only an exhibition show because there is no attainment of these things. Celebrating days, holding seminars and rallies in this way cannot eradicate or curse the scourge of child labour. Proof of this is that the number of child labourers is increasing all over the world (Edmonds, 2007).

Pakistani Laws for Child Labour

NGOs and countless organizations are working for child labourers in Pakistan. One of the first things to think about is how the lives of millions of young labourers have improved. This means that all these efforts have not resulted in any improvement, only the stomachs of governmental and non-governmental organizations are filled for some time so that they can write their performance stories in their files. Dressed in old clothes, these children catchers had a strange seriousness of Eid work, even on a happy day, a layer of hunger and poverty was visible on their faces.

In Pakistan, children are being subjected to forced labour in violation of the Babang Dahl of the Child Labour Act, but still not all political parties and social organizations are struggling against this important issue.

The fact is that landlords, usurers and capitalists force these children to work. More than 50% of the population of our country is at the mercy of conditions and no plan is being made for their improvement. Most of the labour that is being employed in agricultural factories, workshops, hotels, brick kilns, carpets, weaving, fishing, mining and houses, they are not able to get education and are permanently

able to do any other work. They do not live, nor do they get opportunities for development in the society. In this way, their proper development, education and training are stopped. This oppression of children will continue until all work together against forced labour (Rodriguez, 2017).

On August 6, 2020, there was an amendment in Children Act 1991 which prohibited domestic child work because of children at work suffering from trauma, child abuse etc. The new law was passed and implemented because an 8 years old child Zohra Shah was brutally beaten and resulted in death. Since then the domestic work was banned. At that time Zohra Shah was not only case of child abuse but the case was highlighted. Another victim Uzma Bibi a 14 years old minor was also beaten brutally, a 10 years old Tayyaba Quein was brutally beaten and then sent to the Child Protection Centre (Imran, 2020).

According to Article 11 of constitution regarding Child Labour Act 1991, child labour is strictly prohibited in Pakistan. In addition to it Article# 3, state will ensure the principles and implementation of the secure work and according to ability of the child. Article# 25 (A) the State should provide necessary education from age 5 to 16 in any case. Article# 37 (e) The Government should provide all the workers a comfortable environment according to their age, sex and needs (Toor, 2001).

According to the 18th Amendment to the constitution developed labour along with 46 other subjects, in April 2010 to the provincial level. This was a major change in the condition of labour policies in Pakistan. The goal of 18th Amendment was to decrease power and grant greater autonomy to the provinces that would filter down to districts leading to more equitable development (Bhatti, 2017).

Conclusion

Innocent children all over the world, who had to go to school according to their age, are carrying bricks in the construction of buildings in many places in modern times, some are working in puncture shops, and some are hotels. The researcher has seen many innocents in every area, washing dishes and sweeping the floor. Behind this is poverty and economic hardship of the family, distance from the family and at the moment it is hard work with a desire that when these children go home or their place of residence in the evening, they should hand over their earnings to their mother and support their mother. Become or provide for your own daily needs. On such occasions, labour department officials, in the light of very few laws, carry out their duties and take legal action against employers by encouraging the child to return home; adding to the seriousness of the issue remains the same. According to the researcher the announcement of amendment in Child Act 1991 by the Federal Minister of HR has marked a difference now and a little bit change the life of minors but still in some remote areas of province Sindh, Punjab still the minors are working because of debts and some other reasons, but still it will be a great step towards children's rights and an example for other countries. According to ILO and UNICEF the work that doesn't affect the health and schooling of children is not considered as child Labour but the work that is not decent enough to leave children in traumatic situation is considered as crime.

References

- ILO, Agencies (2020). *Findings on The Worst Form of child Labour*, International Labour Organization.
- Ahmad, R. (2021, October 19). Pakistan, Inflation and Child Labour, *Pakistan Today*
- Anand, C. (2020). World's worst countries for child labour: Guess where India stands?
- Bhatti H.S., Yang .S. (2017). The Impacts of International Organization on Pakistan Labour Laws. *International Journal of Research in Social Sciences*. 7 December Page No: 580-591.
- Edmonds, (2007). Child Labour. *Handbook of Development Economics*. Volume 4 pg: 3607-3709.
- Fasih, (2012). *Analyzing The Impact Of Legislation On Child labour In Pakistan*. E- Book World Bank
- ILO, (2020). Child Labour In Pakistan, IPEC.
- Imran, Myra (2020, August 06). Child domestic labour prohibited under Child Employment Act 1991, *News*
- Rodriguez, Maria (2017). *Ending Child Labour In Pakistan*, The Borgen Project
- Toor, S. (2001). Child Labour In Pakistan: Coming of Age In The New World Order. *The Annals of American Academy of Political and Social Sciences*. 575(1), 194-224
- UK Essays, (2018). *Child Labour in Pakistan Essay*, UK Essays.
- Unicef, (2021). *Child Protection Strategies*, UNICEF.ORG.
- Zaidi, A. (2009) Child Protection, UNICEF.ORG.