

Comparative Analysis of National and International Approaches and Acuties of Child Labour Within UK, USA, India and Pakistan

Fozia Fatima*

Faculty of Social Sciences, National University of Modern Languages, Islamabad, Pakistan

*Corresponding author: fatimafozia@yahoo.com

Abstract The work was an attempt to comparatively analyzed a national and international approaches and acuties of child labour within UK, USA, India and Pakistan because legislative authority or legislation helps to a significant range and fundamental raison prevent is convicted for the child labour problem. It was a qualitative study and through thematic analysis and purposive sampling technique, child labour was elaborated in this study. It was found in this study that the member states of the International Labour Organization signed International Child Labour Treaty on 16th June 1999 in Geneva and the United States Senate also ratified Child Labour Treaty and it came into force on 19th November 2000. In India, The New Deal programs focus on regulation that consists of child labour standards, maximum working hours, fair wages, etc. And in United Kingdom for the protection of children, ensuring them the basic rights in large number of laws and in dangerous labour prohibits the use and exploitation of children, while in Pakistan, after the 18th Amendment it has become the responsibility of Provincial Government that is empowered to make the legislation and executive jurisdiction over the matter of labour.

Keywords: *child labour, national and international approaches & acuties*

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1. Foundation of Study

The best stunning creation of Almighty Allah is children. The nature of child both inwardly and outwardly is pure and innocent. No doubt, they are the magnificence of this universe. In the formative age of children need to go to school as compare to do labour or hazardous work. But the great punitive reality of this time in Pakistan but due to economic problems most of kids cannot go to school. And that reason, which may lead them towards delinquent behavior and other short cut way of earning. They face many difficulties, hindrances and desperate conditions in their life. Due to these reasons, they kill or hide their aspirations, wishes and other dreams. In fact, most of the children in our society holdout and an active role in life responsibilities. That's why, these kids have not taste the pleasures of their babyhood. So by works at low cost most of child lost his childhood and that is known as Child Labour. During the 1990s, the idea of child labour grew much consideration in European countries. It is the historical prospect that has assiduously highlighted in the first Chapter to assert that child labour progress in different eras of life and passed different declarations against child labour. Still, it increases in our society and similarly it causes delinquent behavior among children due to the lack of societal protections for children, abandonment, and child abuse and neglect, poor home life,

and lack of educational opportunities. As human beings child has a universal identity. In this context, the Constitutional Guarantees in Pakistan of mankind to focus on their right to free from Slavery under Article 11. Moreover, discuss further on the service of children and to undertake evaluation of the provisions of the Constitution at this aspect while the reasonability and restriction factors those cause Child Labour like; prohibit the involvement of children in illicit activities, the hazardous employment and all practices of child slavery. Similarly, the socioeconomic status of parents is also another factor that determines the influx of child Labour. That is why Parliamentarians of Pakistan raised this issue in the Parliament. However, this issue is not only common in Pakistan because this issue firstly rose in the United Kingdom but latter on its spreader in all over the world. That's why this research work focused on the comparative child labour situation and protective measure of different states of the world and discussed the rights of children as enumerated in the national and international instruments and programs and project for the elimination of labour problem. In the process of enumeration has emphasized on eradication of child labour in this work. For this purpose, researcher followed following research methodology;

- Narration of child labour
- Thematic analysis was used.
- Documents related to child labour and constitutional documents of UK, USA, India and Pakistan

- Purposive sampling was used.

Clearly, the impulse is that the investment in the nascent generation is the investment for a better future. The obverse is not less obvious and predictable and it cannot lose sight. In due course, it was traced out a twin obligation of the state by ensuring the survival and development of children and protecting them against economic exploitation like a disease. The rights correlative to such obligations is the right to health, nutritive diet, education and the protection against exploitation. From different socioeconomic milieu, the problem of child labour may manifest itself in varying forms and intensities among countries because it is a global phenomenon and is not restricted to under developing nations. There are numerous factors which are responsible in the production of this problem because It is also an extremely complex problem and interlinked in cause and consequence to the economic, social, political and cultural systems which favours a few at the cost of others. In the developed industrial countries, the problems of child labour and deprived children are ignored. During unemployment and economic distress, the destitute people generally migrate to cities and towns because due to this there are hundreds of children working to maintain their families and themselves. The structural problems such as poverty and exploitations are so tenacious and chronic that landlessness and destitution could not be stopped and it becomes the single most important cause of the emergence of problem for the working children in rural and urban areas. It is again the children of the unfortunate migrants who constitute the largest segment of the urban working children. This problem and prospects of different countries about the problem of child labour was going to be discussed the situation and analyzed in this work.

2. Situation of UK

From the beginning of the 14th century, Child labour was prevailing in England because the children engage in part time activities in England since that time. The first Statute of 1388 laid down that any gender who were near about twelve years old which were used as labour at the plough or cart or other labour or service of husbandry is considered as the first statue which laid down in 1388 [6]. A lot of shocks came out after The Emory's Davies Report in 1972. This report contained following shocking news about child labour in England;

1. Three quarters of all children between 13 and 15 had some sort of part time employment.
2. Dr. Davis divided these jobs into two categories;

Category "A"	Category "B"
Manual works	Domestic works
Delivery rounds	Child care
Jobs in shops and on farms	Voluntary services and others jobs

3. Thirty-six names of 18 years old girls who had been cautioned or arrested for prostitution of whom ten were under 16 were reported [8].

The intention of the former was to enable the Government to give better protection to children doing

part-time work. The Davis Report was a major factor in promoting new legislation. The Employment of Children Act, 1973 gave the Government new powers to restrict the employment of persons under the upper limit of school leaving age. But after this restriction the child prostitution has increased dramatically in England due to the financial need. It is, therefore, suggested that some outlet for growing feelings of independence and should be recognized a desire or need to earn much. Otherwise, youngsters may more readily turn to prostitution or crime.

There were following initiatives took against child labour in England

1. Legislation for the employment of poor children in agriculture or other crafts between the ages 5 to 14 years in 1536 by the Government of England
2. The government enacted the statute of Apprentices, 1563; the Act of 1601; the Act of 1697.
3. The Health and Morals of Apprentices Act, 1802
4. Factories Acts, 1833,1844 & 1870
5. The Mines Regulation Act, 1842
6. Factories Act Extension Act and the Factories Act, 1874
7. Workshops Regulation Acts, 1867, The Act of 1876; The Factory and Workshops Act, 1878; Workshop and The Factory Act, 1871
8. Workshops Act, and The Factory 1901; Coal Mines Regulation Act
9. Factories act, 1937 & The Education Act of 1944 [3]

The increase in population in England compelled the parents to send their children to do some profitable work [3]. Different external threats in the forms of force, extortions, bullying, fraud, seizure, dishonesty or manipulation of supremacy effect on the decisions that came out from the Parliament, so parliament don't show any interest to bound the violations that were produced through carried out programs. In this perspective, "child" is defined as "a minor who is at the obligatory school age approximately up to age sixteen" [23]. There are following general rules about child labour;

1. A minor who has fourteen and fifteen years old may not employed even for light work.
2. During school hours, the specific timing of work that was carried out by children was may be before seven's clock at morning or after seven's clock at evening. During the schools day, there must be two hours for work and rest of time must be related to school. Similarly total twelve hours of work in a week is enough for children [7].

The government of England, according to above enactments indicates that was serious about prohibiting the employment of children.

3. Situation of USA

Kids in the USA who were neglected and destitute were facing following problems;

1. Children placed in private homes as domestic workers
2. Boys at the age of eighteen or twenty-one and girls at the age of eighteen years old were used in trade and occupation in the name of training those skills.
3. Children move from place to place and pick crops, so they get less schooling.

4. Children were malnourished and inadequately clothed and carried out menial tasks.
5. Education was a secondary importance of supplementing the family income for parents and children [15].

A lot of initiatives has been carried out and try to pass laws for the protection of children from labour. For this purpose, the states of US play active role in this situation and there were twenty eight states passed laws for the elimination of child labour and that provide protection to the children in 1899. Two laws under a constitutional amendment prohibiting child labour, but its ratification not taken by the states in 1924 and Congress proposed it; then again another act has been passed through Congress and named as the "Fair Labour Standards Act" in 1938. This act was against child labour. The main focus of this act was to fix working hours for children during school hours as well as to define the range of age for work such as sixteen years old children can working during school timing, fourteen years old children can work after the school and eighteen years old can be employed at industrial level for dangerous work [9]. Today, the worst evils of children working in factories have cured by these laws and do not regulate some kinds of works.

The nature of work which effect on the child's emotional, social, somatic, intellectual, and honorable improvement denote to the term child labour in the United States. So, the main work carried out by teenager termed as child labour in the United States [6]. Moreover, Labour in occupations deemed hazardous for children under sixteen was then considered by the children's Bureau to be oppressive and about 8, 50,000 children in employment. According to FLSA Law only 6% of them were in jobs that protected them less than sixteen years of age [9].

There was no practical implementation about the oppressive child labour, that has been studied through various researches about this problem in U.S. There were many reasons, which are responsible for child labour in the U.S., and that was predominantly widespread in the unindustrialized subdivision because Children in the non-agricultural sector are subject to health and safety hazards as well as illegal employment. Children involved in labour because they try to fulfill the basic requirement of their families or also provide a financial assistance to their families. Due to the above reasons, they were work at two jobs. There were some other reasons which were became the causes of child labour and these findings came out through a recent study about child labour. Children were involved in works;

- (a) For entertaining
- (b) To inhabit phase
- (c) To preserve themselves from trouble;
- (d) To support people [3].

It was estimated from a 1997 longitudinal study that indicates about United States and most of the worker hired in agricultural area that was estimates by the United Farm Workers Union [3]. The Current Population Survey (CPS) excludes this data from its estimates because it is difficult to track child labour with any accuracy and due to this reason, in the U.S., the Bureau of Labour Statistics (BLS) collects data on persons who are fifteen year olds but these estimates are not used in official government figures. There were some laws which are in the favour of child

work such as in United States child labour laws allow children less than fifteen years of age to work within a family owned farms and businesses as well as in other selected jobs, including as news carriers [15]. In agricultural fields, Law made for children who work are poorly enforced in the United States. One case about child labour was highlighted in the Department of Labour vs. Elderkin (USA 2001 SC 162) a ten year old boy was working near a dangerous machine. He met with an accident. The court held that "for employing children in a dangerous occupation and hazardous work the farm owner was guilty."

Young agricultural labourers, proposing a variety of safety measures and on tobacco farms an outright ban on children working was addressed during President Obama's first term about the Labour Department. But after a deceptive and a furious lobbying campaign by farm conglomerates in 2012, at the request of the White House the Labour Constituent part cancelled all of its projected procedures and smooth guaranteed not to reconsider the subject for the rest of Obama's second term, because of these reversal Public health advocates, which stunned [22]. By Representative Lucille Roybal-Allard introduced The Children is Act for Responsible Employment [22]. The Obama administration, which, to its shame, such measures face stiff industry opposition and has proved unwilling to defy the exploitation of children.

4. Situation of India

A well-recognized issue of labour is child labour in India because the cultural values and the society are different, there are inter-regional variations such as illiteracy, maternal scarcity, communal and monetary situations; absence of consciousness; nonexistence of right of entry to elementary and evocative superiority in education and expertise; high degrees of grownup redundancy and underemployment that produce precarious child labour in its different societies. It is found in a study that the population of working children is composed of few millions of girls as compare to millions of boys. In addition, this population of working children is divided into two main categories which are following;

- Marginal workers which were mostly girls.
- Main workers which were mostly boys.

All those risk taking works which directly and indirectly effect on the emotions, physical, or moral well-being of children were the first demand from the children that's why they engaged themselves in various types of work [9]. The problem of child labour was undertaken through a preemptive policy in India. There are different developers who were always stood for constitutional measures that play important role in the elimination of child labour and all such type of developers constituted in India. Six International Labour Organization conventions related to child labour have been indorsed and three of them as early as the first quarter of the 20th century. A compulsory and universal elementary education as well as labour protection for children was two main issues within the Indian Constitution. The proper development and well-being of children are the main component of the provisions of the Fundamental Rights and Directive

Principles of State Policy which is related to the children. The Constitution empowers the state under Article 15 (3) that gives special attention towards the betterment of children and women. It says, "A state cannot be stay and developed until its provisions of policies are not related to the development of children and women". Similarly, within Indian constitution, the Article 24 states "all those children who are under the fourteen years old cannot have permission in involving or employing in industries, factories and mines that amount in worst form of Child labour" [11]

An Act about the problem of child labour that was about the regulation rather than proscription of children works and known as Prohibition and Regulation Act of 1986. According to this Act, children were bound to employ in factory or industrial work and this legislation allowed to cross the threshold the labour potency at any age [7]. Another main area of discussion in this Act was the areas of working for children in which they were legally employed and free to work; those areas were following;

- Small workshops
- Rag picking (assortment of crumbs of iron, glass, paper and rags)

Sometimes those children who were involved in the rag picking, they suffered with tetanus and skin diseases due to often pick up bits of food. All these non-hazardous professions, a violation of articles 24, 39 and 45 of the Indian constitution regard for age and the legislation of child labours which ban on this problem and call for compulsory schooling. Parenthetically, in the Unnikrishnam and others Vs the State of Andhra Pradesh (AIR 1993 SC 328) case, the Supreme Court has contended that a compulsory and free education must be the fundamental right of the children. Another important point of this Act was that all those children who involved in working must be registered on the regular basis and this point was highlighted within section 11 of the 1986 legislation. In the case of implementation, proper well trained inspectors worked and check the implementation of this law. But there was a dark picture of Indian society that near about seventy percent children was employed on a casual basis and there was not any official record about such children (Kumar, 2004). Another major issue related to this Act was that it cannot include girls into child labour because according to this act that there must be an identifiable employee and employer while girls are those labour who mostly confined to the domestic sphere and it was not easy to registered them because this was normally invisible. Similarly, those children who involved in the family labour do not come under the Prohibition and Regulation Act [19].

5. Comparative Analysis with Pakistan

Children start their working at the age of five in most countries especially in Pakistan and India. In the last decade, two labour laws were passed by the Pakistan National Assembly and their main focus was to curb such practices from the society. These two laws were following;

- The Employment of Children Act of 1991 (prohibited the usage of children in dangerous environments & occupations.)
- The Bonded Labour Act of 1992 (eradicated & indentured servitude.)

These laws were progressive in nature but unfortunately in the way of implementation and enforcement, the government failed to provide the practical application of these laws. The indentured servants are million in number who were not free or released from their debts and due to this reason they were connected to child labour and they are neglected to inform higher and relevant law making authorities. These are often included in domestic labourers. The employment enrolment rate is higher of boys than of girls shown in many countries like in the United Kingdom England, [24]. This is because before going into domestic work, children are inclined to complete primary school. Since in the rural areas, there are few secondary school opportunities, with the hope to go to secondary school, many children go to towns to enter domestic work. In addition, in India there were two main Acts related to the problem of child labour such as Contract Labour (1970) and Bounded Labour of Children (1976) and through these two Acts, it was abolished that a child who was below the age of fourteen will not participate any risky work and it also regulated the nature and timing of employment for children respectively. There were some others areas of labour on which different Acts were passed by different countries such as;

- An Act that was related to certain specific sectors of industry was known as "The Atomic Energy Act" that prohibits the working of children who were below the age of fourteen and fifteen years old [16].
- The Employment of Children Act (Prevention and Guideline about the employment)
- The Factories Act (it cannot be described as a kind of general law on the subject of child labour) [16]
- "The Plantations Labour Act, the Mines Act, the Merchant Shipping Act, the Motor Transport Workers Act, the Atomic Energy Act and the Beedi and Cigar Workers that were related to the conditions of Employment" [16].

Thus, no 'general' law regulating child labour is to be found in the Indian statute book and not to frame policy and take action against the problem of child labour [6]. Similarly, in Pakistan the provision of Article 23 of the Indian Constitution and Article 11 of the Pakistan Constitution are almost similar but differently organized. The word "beggar" along with the words "traffic in human beings" and "force labours" were used in the Article 23 of the Indian Constitution for child labour and the latter two terms are also used in Article 11 of the Pakistan Constitution. Article 23 does not mention slavery in express terms as in the Thirteenth Amendment to the U.S Constitution, which reads: Within the United States shall exist, neither slavery nor involuntary servitude, nor any place subject to their jurisdiction, except as a punishment for a crime [12]. Though the word "slavery" has not been used in Article 23, the very expression "traffic in human beings" has a wide connotation to cover "slavery" within it used in this Article.

The member nations of the International Labour Organization signed International Child Labour Treaty on 16th June 1999 in Geneva and the United States Senate also ratified Child Labour Treaty and it came into force on 19th November 2000. Children still work in dangerous industries in the United States, though there is a Child Labour Treaty. Children work in horrible conditions due to which they sometimes get injured and even die. United States fails to protect its children from hazardous works. The New Deal programs focus on regulation that consists of child labour standards, maximum working hours, fair wages, etc. However, on New Deal Legislation racism and discrimination have led to many restrictions. The 1966 Amendment of Fair Labour of Standards Act, 1938 (FLSA) prevented children from working on farms consisting of hazardous occupation and the 1947 amendment prevented children under 12 years from working on any farm. However, there is labour law and legislation since 60 years, child labourers of the agricultural industry are not protected from perilous conditions. According to the survey done by the department of labour in foreign countries, children work for long hours without rest. They exposed to toxic chemicals that cause lung, skin, respiratory, permanent physical handicaps and cancer.

The Child Labour Treaty under Article 4 (1), each signatory state can have its own interpretations of the word 'hazardous work'. Under Article 3 (1) of the Child Labour Treaty, Children should not do hazardous work and it prohibits work in farms. Nevertheless, family farms are not under this category [26]. Any employer could stand in the place of a parent and employ children due to the exemption of the family farm. Thus, the law is full of drawbacks and extends no resistance to child labour in U.S.A. Therefore, in developed and developing countries the role of children differs. There are a large number of laws that protects children and their fundamental rights as well as to prohibit the dangerous areas of working for children within the United Kingdom. In England and Wales, sixteen years of age is for joining the armed forces through Children and Young Persons Act 1920 [12]. The trafficking offences all have extra-territorial application, under Asylum and Immigration Act 2004 [9]. Great Britain in 19th-century, without a breadwinner was one-third of poor families, from a young age because of death, obliging many children to do the work. Karl Marx was financed the United State capital by the "capitalized blood of children" in Coal mines [9]. There is some impact of legislation at the margin on behavior, however, they have little effect on the age limit and domestic violence. In addition, these laws had written around 1900. Some alternative opportunities for the European Union provided and funded the project contributed to the Government of Pakistan.

No doubt a lot of legislative works have been carried out in the world but unfortunately a lack of uniformity has been observed and it was consider as the major criticisms on the legislation about child labour. One of the basic fault in all the Acts was that all Acts the term of "child" and "minimum age for work" defined in their own ways. It means from state to state, Act to Act and industry to industry, the concept of minimum age for working is different. This problem is not related to the term of child and the minimum age for working, there are some other

factors which were not properly handled and defined by all legislation about it. All those factors were following;

- Hours of working
- Periods of Rest
- Working at Night etc.

Another major problem related to law making authorities that there was no practical implementation at the employers level who were the main responsible factors related to the implementation of laws at ground level or in case of employment of children.

6. National and International Approaches and Acuties

Most vulnerable problem of basic human rights is Child labour. Both national and international level, which is well entrenched in the obligations of the state to provide opportunities for growth and development of children implying their human right to live with dignity. So envisages its responsibility to ensure that to protect the children from those forces who push them to walk into the trap of indignity and servility. As the interest of the society cannot separate from its own children by any logic because the survival of the society, itself seeks anxious consideration.

7. International Approaches and Acuties Regarding Child Labour in Pakistan

Pakistan is an active partner in a world-community. Moreover, elimination of Child Labour has signed the declarations and reform agenda at international level. Similarly, national strategies are connected and designed as internationally adopted reform agenda and development goals. In the perspective of international obligations arising thereof, nationwide policies have been formulated to attain the objectives of developed agenda that visualized by the policymakers and planners. So there is a serious national implementation has been required by each member states at universal level, then observations on progress easily achieved.

Ratified ILO Conventions: In international conventions stipulations embodied and parameters have appropriate strategies, statutes, programs and plans of states. About 36 Conventions of ILO related to the protection of young workers and the rights of kids have ratified by Pakistan. Article 32 of the Convention on the Rights of the Child is toeing the line with Article 3 and 38 (a) of the Constitution of Pakistan regarding the eradication of all practices of manipulation and fundamental values about labour, and it has also endorsed Pakistan. The backbone of Core Conventions of ILO is the Convention 138 along with Convention 182. Various age categories of children provide for distinct forms of services or labour under this Convention and decide minimum 15 years of age for employment of child [2]. But, in Pakistan minimum 14 year of age decided under certain situation in 2006 and 18 years is the age limit for hazardous types of work. Pakistan has ratified Child Labour through following conventions such as; ILO

Conventions, (C29) Forced Labour Convention (1930), Minimum Age (Industry) Convention (Revised), 1937 (C59), Labour Inspection Convention, 1947 (C81), Convention of Abolition of Forced Labour, 1957 (C105), Convention of WFCL in 1999, CRC in 1989 and (C138) ILO Convention on Minimum Age for Workers in 1973.

Programme of Asian Decent Work Agenda: In the world, social and economic indicator came through Asia [2]. A programme of abolition of the WFCL (2008-2016) and its time frame is under the supervision of the Asian Decent Work Decade in the Pakistan and all efforts to reduce poverty, and supportable progress is fundamental. [5]. Decent work promoted by ILO through its effort on rights at work place, standards, fundamental principles, social dialogue, and social protection and this Plan also linked with Asian Decent Work Decade. Furthermore, the abolition of CL done by reducing family poverty, increasing education, and execution of laws, mainly sinking WFCL is the aimed of the largest ILO programme (IPEC).

Millennium Development Goals (MDGs): In 2000, the worldwide commitment about the child labour has the emergence of the MDGs and 189 UN members bring together in New York [5]. MDGs have endorsed by Pakistan and in different sectors have introduced a number of strategies, plans and heightened programmes to accomplish multiple goals [5]. MDGs Conference held in 2014 at national level for achieving seven indicators as its mention targets. In Pakistan progress on MDGs Report 2013, Planning and Development describe as;

- Even though, current trends in primary enrolment are upward, the goal of universal primary education is not meet the country during the period of 2011 to 2013.
- Still need to take many initiatives to improve the Gender parity. The country due to slow progress will not be capable to come across the MDG objective.
- During the period, 1990-2013 country is not meeting the MDG target, which is still lagging behind the set target. Slow progress in reducing increase child mortality rate. By nearly half-maternal death has reduced because of unsatisfactory measures.
- Effective preventive measures have been taken in consideration, because the growth of TB cases increased, design the vilest progressing indicator; however, the cases of HIV are declining steadily in the country. The population prevalence of malaria remains under control [2].

Millennium Acceleration Framework (MAF): Over 50 developing countries are now adopting the MAF to speed up a movement that was selected by MDGs action and monitoring plan entrenched with advancement. That action plan developed by a systematic way, which based on prevailing strategies of the MDG Acceleration Framework (MAF) and processes to pursue their MDG priorities for countries. For obtaining success on an off track goals is an immediate and focused effort [2]. It useful for governments to concentrate on the inequalities, disparities and important matter of facts. For achieving the MDGs target on a fix period to make an unbendable effort by each state. In Pakistan, a progress of the MAF on education needs to make awareness, experiences, policy and planning processes over it.

Programme of Education for All (EFA): The Education for All conference held in 1990, and it has mainly targeting global primary education and to the abolition of illiteracy in worldwide. It has marked a new beginning. A composed six main targets and 12 plans of EFA by Dakar Framework for Action in 2000. The basic purpose of this programme has to expand and improve education, training and healthcare activities for children [14]. The Chapter Principles of Policy of Constitution 1973 of Pakistan stated that it is the state responsibility to eliminate illiteracy and deliver free and compulsory secondary education. The great drawback of this EFA program is that it has not focused CL/WFCL and nor on these strategies and action plan formulated by the Pakistan government.

National Approaches and Acuties regarding Child Labour in Pakistan: National action plan and policies have taken many initiatives for the eradication of child labour in Pakistan. As few legislation and national action plans point out child labour are as follows;

- **Pakistan Constitution, 1973:** In Article 11 of Pakistan Constitution advocates bans on the service of kids (under age of 14) in any factory, mine and any dangerous work. Similarly strongly prohibiting slavery, force labour and eradicate all form of manipulation (Sohal, 2013).
- **The Factories Act, 1934** In Section 27 of Factories Act, 1934 strongly disallows the service of child under age of 12 years in factories. Like other enactments such as Mines Act, 1923 forbids the employment of people's adjacent mines and in underground mines less than Eighteen years. In Shops & Establishments Ordinance, 1969 disallows service of children less than age of 14 years in any workshops and marketable enterprises, and in Road Transport Workers Ordinance disallows work of child under age of 18 years. No child would be engaged in any vehicle related labour as drivers under age of 21 [3].
- **Employment of Children Act, 1991:** The legislation who mainly targeting the services of kids in different fields or profession is the Employment of Children Act. The term Child was properly define in this Act, as an individual under the age of 14 years is a child and allow those services to kids which are harmless types of work and these works were not amounted in hazardous employment [18]. The basic rights related to employments as rest breaks, operational hours, health care facilities, wages and other rights ensured under this law in Section 3 Part II.
- **The Bonded Labour System (Abolition) Act, 1992:** In this Act strongly disallow bonded and force labour and liberating thousands of bonded laborers. In the history of Pakistan, due to poor economic condition thousands of people engaged in manipulative labour. In Bonded labour system Act not authorized to file a suit for the regaining of debt and all commitments regarding payment of bonded dues have cancelled in favour of the bonded labour. The main purpose of this legislation is that to completely abolish bonded labour system and no any person works as a bonded labourer in the society and if any bonded laborer exists then she/he would be free from any compulsion [15].

- **Program of Punjab Education Sector Reforms:** any reforms and national action plan originated by the Government of Pakistan as Education Sector Reforms (ESR). It is an addressing issue as a whole of low enrolment in schooling, lack of access to schooling and educational inequalities of gender and location. In Comprehensive Literacy and Poverty Reduction Programme mainly targeting elimination of poverty and value of education, so it included under this program. Against child labour universal education will be an effective deterrent (Jamshad, 2001).
- **Educational Voucher Scheme Programme:** In 1991, Punjab Education Foundation (PEF) as an independent statutory body exercises their function in the private sector. The main purpose to promote quality of education through public private collaboration and provide support to private sector through financial, technical and required assistance. These foundations also take new steps for introducing educational opportunities at reasonable cost and its work on nonprofit basis [18].
- **Programme of Child Labour Education:** In 1992 for the eradication of child labour (CL) and promotion of education in Sindh, Sindh Education Foundation (SEF) programme has been working especially in the under privileged areas. Basically Child Labour would result in a greater loss of income for concerned families because of perpetuate greater poverty. According to this foundation need to make some initiative for controlling those factors caused Child Labour problem in Pakistan as self-development chances for employment, reformation and education programme for street children (Jafri SMY, 1997).
- **Supported Programme of Bait-UL-Mal:** By Pakistan Bait ul Mal have started rehabilitation programme for the betterment of kids who are functioning in the hazardous environment. This programme for combating WFCL contains of 2 split approach, primarily to eradicate poverty level in the society and furthermore for the child labourers addressing the needs of quality-education and their reintegration into formal education system [14].
- **Child Protection and Welfare Bureau Programme:** In Punjab with the support of Home Department have been developed a Child Protection and Welfare Bureau (CPWB) since 2004. Under this programme, deprived and neglected children to provide care, education, rehabilitation and training. As in the case of child trafficking and street children provided protection to children from criminals' activities. For conveniences of children different institutes are running in many cities like Faisalabad, Rahim-yar Khan and Rawalpindi etc. Under the (CPWB) coverage. Child's rescued from United Arab Emirates of child camel riders. The CPWB rehabilitation and reintegration services have provided benefit is more than 3,500 children [24].
- **Special Programmes and Projects for elimination of WFCL:** Government of Punjab introduces many special programs and projects for the reduction of CL/WFCL, like 'Non Formal Education Programs

Districts Govt. Similarly, Federal government of Pakistan take steps to the communal development level of targeting the CL/WFCL, for working children make a program of 'Establishing Sustainable Education Program' by the Department of Education [24]. By the Sialkot Chamber of Commerce and Industry (SCCI), UNICEF and (ILO) signed at the soccer ball, the industrial Atlanta Agreement for the eradication of CL/WFCL. The Pakistan Carpet Manufactures Exporter Association (PCMEA) is a partnership agreement with the ILO-IPEC for reducing the all activities of the CL/WFCL in the carpet industry. And another large project for the elimination of CL/WFCL started in Pakistan, named National Centers for the Rehabilitation of Child labour (NCRCL) [17]. So in all initiative are taking against CL/WFCL must be considered subsidized of education as an effective tool.

8. Social Development: Post 18th Amendment

In the National Assembly on 8 April 2010 passed the 18th Constitutional Amendment of Pakistan in which ensure provincial autonomy and transfer of responsibilities in 17 areas of the provinces such as the transfer of authority related to Labour Ministry, Education Ministry at provincial level. Under the 18th Amendment to the Constitution; social development mandate regarding labour issue and policies is the matter of provincial now and removes gap of awareness and proficiency with respect to the Labour Policies [14]. Moreover, simultaneous many ministries have decentralization without a prior addressable of the province. Due to this reasoned many problems arise like to accentuate the old time executive and procedural capability vacuum to carry out agendas, plans and conciliations and lack of implementation capacities in the provinces [13]. In the political landscape of Pakistan, it is a new development. Moreover, it continues to face teething problems with regard to social and economic subjects in significant legalities, prerogatives and regional constitutional rights and accountabilities. In the provinces completely devolved were the ministries of health, education, environment, social welfare and labour [14]. As like child labour issue, it is essential for the provincial law making authorities to pay an attention in fast-tracking the pace in accomplishing dedicated objectives.

9. Mal practice in Pakistan

Across the Pakistan the Child Rights Movement (CRM) organization working for the safeguard of child rights. The sequential governments at the federal level realize this great drawback of the parliament that the matter of child mostly neglected and made less legislation over it. That is why not protective measure still made in counter to the abuse of child privileges. Moreover, the malpractice of CL continuously increased in our society. In 2003- 2009 the Periodic Reports of Pakistan have focused and suggested important recommendation to enact anticipating legislation

related to child rights [2]. In much legislation strongly prohibited the services of children. In the Child Labour (Prohibition and Regulation) Act, 1986 emphasizes the parameter rather than exclusion of CL [15]. In small workshops, children easily legally employ and freely to work in numerous fields, without considering it may be hazardous. For instance, many poor children in the society doing rag picking services, they collect scraps of plastic materials, iron, papers and even the bits of foodstuff to eat. But still this job not categorized as hazardous. And the legislation on so called non-hazardous services without respect to the age of children is an infringement of Articles 11, 25 (a) and 37 of the Constitution 1973, that emphasis on the call for compulsory schooling and ban child labour. Legislation in Pakistan on child rights issues has not received due consideration and commitment by policy makers still [5]. For the rights of children the absence of a national commission (NCRC) is one of the biggest reasons for this disparity across the country, its need to ensure intensive care and putting into practice of the least adolescent rights principles and act as an independent body for the rights of children [14]. In child rights, violation cases NCRC would respond effectively in a timely manner. But on the NRC legislation still has been awaiting since 2001.

Child Rights Movement Punjab (CRMP) started in Pakistan and it counseled the provincial government about the issue of domestic child labour and recommend that under the Employment of Children (Amendment) Act 2011 include the domestic labour of children in the list of banned employments [2]. According to CRMP report, across the country more than 10.2 million children are engaged in child labour and 20.5 million children out of school where they are abused, tortured, exploited and killed. In Pakistan, the Global Slavery Index 2013 reveals millions of modern slave children. Unfortunately, against children are increasing rapidly crimes. The reported cases in 2009, 2010, 2011 and 2012 of child sexual abuse were 2112, 2495, 2403 and 2798 respectively [2]. At people's home the incident of violence against children has increased because child domestic workers work behind closed doors. Greatly increases the misuse of kids due to the lack of visibility. As ratified by the government of the Pakistan different convention and reforms on the domestic labour of children that are actually the existing practice of slavery and an infringement of UNCRC, ILO conventions [18]. And therefore, the mal practice of child labour continues in our society and it caused delinquent behavior of children that may lead them in criminal activities.

10. Criticism

The Judicial punishment for a wrongdoer is inadequate and minimal in CL related laws. Because there is few number of cases in which taking employers to court for ignoring the number of conditions [4]. Therefore, legislation related to CL does not effectively control the practices of these evils in the society. In addition, that non-serious attitude of Government leads them delinquent behaviour amongst the children. Due to social and economic pressure, children engaged in delinquent behaviour activities. The delinquent behaviour of children was not

simply cause by the worst form of child labour, but also created by the cultural attitudes towards work, the family, institutions and their incorporation. It forces them to earn money in either source like in case of drug trafficking, beggar, prostitution, etc. However, in the Pakistan Penal Code provision related to the evil of prostitution found and still conquers. This problem can be eliminated when the executive authority takes severe action against all stumbling individuals. It is not only a social but also a socioeconomic problem.

Likewise, the governmental machinery is inadequate to implement these laws. Due to lack of awareness most of the individual misused in the society. Each state ratified conventions on national and international level on the rights of children and their freedom but still the Court has not applied the provisions enshrined therein of the convention. In case of policy formulation and policy design and its application complications caused by the earlier policy preparation progress. Citing Bardach (1997), he contends that in the subsequent implementation process conflict in policy formulation often continue as well as lack of attention among the coalition partners passing the law can lead to implementation failures [14]. Despite the fact that 2013 acknowledged as the year of the child rights, but there are no significant steps have been taken during the year for safeguard of child privileges at the policy and legislation level by Government on Universal Children's Day [20]. So now, the Child Right Movement in Pakistan has decided to launch a campaign to accomplish the pendent legislation related to rights and freedom of children and increase awareness about the rights of child in the society.

11. Leading Cases

Slavery and Trafficking: In a landmark judgment in *Mst. Gulzaran vs. Amir Bakhsh & 6 Others* (P L D 1997 Karachi 309) Justice Ali Muhammad Baloch of Karachi High Court have held that "prohibited slavery and trafficking in human being making their dignity inviolable under Articles 11 & 14 of the Constitution of Pakistan." Petitioner a woman apprehended her sale by her father for a consideration of Rs. 1, 00,000. Her father was indebted to a Zamindar. She married to a minor wanted to approach the Family Court for getting her unlawful marriage dissolved. By her father in collusion with the influential persons of the area, Petitioner apprehended here abduction. That is why she approached the High Court for protection seeking necessary restraint orders regarding slavery and trafficking in human being making their dignity inviolable. Every human being by God had bestowed upon dignity and liberty. Islamic way of life by induction of Article 2A in the Constitution had charged to adopt all the organs of the State [4].

In case *Rantsev vs. Cyprus and Russia*, and *M. and Others vs. Italy and Bulgaria* (UK 2012 ECHR, 281,151), it was held that "The persons worked under poor condition due to bad economic condition are mostly the victim of human trafficking and attached the right of ownership in that trafficking for the purpose of maltreatment. The victim of human trafficking treated as thing or commodities that can be sold and purchase,

especially in the sex industry. The States need to make strictly action regarding the prohibition of human trafficking and restrict all these types of activities or movements". In a democratic society, human trafficking incident is actually the threatens the human dignity and fundamental rights (Devid, 2012). As regards traffic in female children, it was held in *Shama Bai vs. U.P.* (AIR. 1997 SC 598) that under Constitution provided that "children (under age of 14) strongly prohibited working in hazardous places like works in factory and mine. A mere glance of section 3 -10 and 18, Suppression of punishable under those sections were acts which resulted in traffic in Human beings." Consequently, in *Vishal Jeet vs Union of India* (AIR 1990 SC 1412) was held that "Executive authorities have duty to take action against child prostitution like evil." Similarly, the matter of rehabilitation of victim have also considered in the eye of Courts as in *Gavrav Jain vs Union of India* (AIR 1997 SC 3021) observed that "the rehabilitation of matter of victim in case of human trafficking considered through public interest litigation under Article 32" [4]. Several directions issued by the Court relating to the rehabilitation of the human trafficking and formation of children firms for them and the children of the prostitutes.

Nonpayment of Salary; Citizens of Pakistan have a Fundamental Right not to compel to work without wages. In case of *Metropolitan Corporation Lahore vs. Imtiaz Hussain Kazmi* (P L D 1996 Lahore 499), Justice Muhammad Aqil Mirza of Lahore High Court has held that "salaries are the rightful dues, which the employees must get from the employers without delay." The respondents are performing their duties as school teachers for the last several years in pursuance of letters of appointment duly issued by the competent Authority that has not denied on behalf of the Metropolitan Corporation Lahore. It is not permitted to suppress remuneration of any workers, when a worker performs his duties and responsibilities honestly and properly. Labour and dignity right of man contravened when an employee/servant denied his right to receive his salary/wages of him guarantees in Constitution under Article 9, 11 and 14. In Article 14 ensured the right of self-esteem of individual and the secrecy of family as subject to law. The fruit of the labour man who denied and work done by him is bound to live in a manner, which will deprive him of his dignity. Such a person will have to steal, beg or borrow, when he saves himself from starvation and keep himself alive. A person must suffer indignity when someone forced him to do any such things. Likewise, a person must enjoy the facilities and amenities of the life of modest level according to his station in life, so to keep his dignity intact, hence fundamental rights stand denied to them as a guaranteed under Articles 9 and 11, 14 of the Constitution (Haq, 1999).

Before parting with this case, it observed that salary is no longer a bounty of the State. The English theory of the bounty of the State was exploded long ago by our Supreme Court in Pakistan, as in *General Manager, P.W.R., Lahore vs. Mrs. A.V. Lasses* (PLD 1970 SC 415) was held that "Salaries/wages are the rightful dues, which the employees/servants must get from the employers without delay" [15]. This subject has beautifully been

discussed in the case of *Sharif Hussain Bokhari, Judge in Mst. Zaibun Nisa vs. Government of Punjab* (1995 C L C 1288) as it was held that, "the petitioner has been performing duties as a teacher in the schools maintained and controlled by the respondents. Therefore, she is with all the admissible allowances entitled to full emoluments in her grade and pay scale as there is no provisions and neither the concept of service without salary under the relevant law". Under these circumstances the performance of duties, amount to be force labour that is not allowed in under Article 11 of Constitution [12]. In European Court of Human Rights also observed the judgment regarding forced labour as in *Van der Musselle vs. Belgium* (UK 2012 ECHR 34), was held that "when any service or labour performed in the undertaking without any coercion a negotiated contract, then that service or labour would not be considered and fall in the category of forced or compulsory labour merely on this ground" [18].

Economic necessity; Exploitation: In several cases the Supreme Court has taking at tension on the matter of service of children as public interest litigation. It was held in *Bandhu Mukti Morcha vs. Union of India* (AIR 1997 SC 2218) that "State has responsibility to prevent children for exploitation because of vagary or deprivation and deliver financial opportunities and facilities as enjoyed. The employment either by force or without coercion caused by the bad economic environment of the society. In particular, the social equality, unity, communal permanency and reliability of the state are unfavorable due to poor sections of the society." That is why delinquent behavior amongst children is caused by child labour because due to poverty and exploitation of their childhood, they try to earn in the short cut way as thieves, drug trafficking and bagging activities etc (J.Froude, 2001).

Normal civil obligations: In the European Convention Prohibition of Slavery and Force Labour under Article 3(d) and 4 eliminates any form of employment in normal civil obligations that is amounted within the range of forced or compulsory labour. The Commission and the Court was held in *Karlheinz Schmidt vs. Germany* (UK 2012 ECHR) that "No work is prohibited that exercised within a normal civil obligations range". Like comprises obligatory bench service and monetary involvement which is owed in lieu of service etc [18].

Public standards or Public morals; The decision of the Supreme Court in *Shivajirao Nilengaker Patil vs. Mahesh Madhav Gosavi* ((87) A.S.C. 294, (1984) S.C.R. 458) is important for two reasons. "One of that is, in certain situations, litigation begun as a private litigation and the Court must treat it as such manner. Secondly, that the Court will take judicial notice of the fact that things happening now certainly not estimated afore and there were evident examples in which men in authority and position misuse of their power". So the substance of which he was to repeat in *R.S. Das vs. Union* ((87) A.S.C. 593 at p. 598) Mukharjee Judge was held that, "Any incident that caused a steady deterioration of public standards or morals then Court can never be ignore this matter" [11]. As above case in any state is required to cleanse public and moral life. Because the toxic waste in our standards and ethics is an equally serious dangerous. Where such circumstances carries out, the Court cannot be mute and dumb [21].

12. Future Obligation as to International Prospects/ Suggestion

Action against child labour issue by the State authorities would be intermittent with the transnational appliances, so states are following positive obligations regarding it.

1. A legislative and administrative framework put in place by member States in order to comply with this obligation and to prohibit and punish such acts in Pakistan, as the European Court of justice has observed that the adequate national legislation must be ensure effective protection to sufferers of trafficking and hazardous labour like practices (Brown K., 2005). Andit was held in Rantsev vs. Cyprus and Russia (USA, 2012, ECHR, 287) that "For law enforcement and immigration official required to arranged relevant training by States."
2. The state obligations that are considered as functioning actions and it do not impose an inconsistent burden or encumbrance on the authorities' bodies.
3. To take surprise visits or checks the activities and control or penalize malpractice at factories or industries.
4. All sincere and commendable efforts have carried out by the combined efforts of national and international organizations against child labour.
5. Labour welfare occupied by the central legislations and fixing substantial responsibility on the state governments for their implementation and for this purpose, it is constitutional obligations to secure human rights.

13. Conclusion

This research reveals that proper legal framework (national and international), education and elimination of poverty are substantial for elimination of child labour as well as these sole guarantees cannot secure the desired objective of elimination of child labour. This study reveals national and international obligation or enactment regarding it, and expresses that, these guarantees can be interfered by the not only legislature but also executive in one way or another. This study also finds out that the legal framework is not only the solution of CL. Therefore, in the developing society the awareness regarding it and rendering constitutional guarantees are ineffective in this case of child labour. That is why these areas need serious attention for protection from child labour and its impact of

delinquent behaviour amongst children in the society. Delinquent behaviour activities are an area forwarding ways for further findings. For example, policies that address poverty has a great impact in reducing child labour in the society. Legislation on trafficking in persons and tenancy labour and the adoption of a child labours policy like enactment are therefore eagerly waiting.

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