



ODISHA POLICE  
CRIME BRANCH

CRIMINAL INVESTIGATION DEPARTMENT

Date. 19 .12 .2017

No. 416247 / CID-IAHTU

**Standard Operating Procedure**

To

All district SsP including SsRP, Rourkela & Cuttack / DCsP, Cuttack/ Bhubaneswar/  
SP CID, CB/ STF/EOW.

Sub:

**Standard Operating Procedure for checking and prevention of Child Labour.**

In the present scenario, it is being noticed that there has been a rising trend of employing children as labourers at various commercial ventures, workplaces and at homes. Children are amongst the most vulnerable section in the society and fall prey to the greed of such employers. At times, due to abject poverty and helplessness, the parents allow their children to work outside even before they have attained maturity to survive and grow in this fast paced world. Also, with the rapid improvement in the means of communication and transportation such kind of employments have not remain localised to village farms only and have taken regional and national dimensions. In this perspective there is an urgent need to understand the whole gamut of this issue and take suitable measures to effectively check this growing trend.

**Legal Provisions:**

**The Child and Adolescent Labour (Prohibition and Regulation) Act 1986** is the primary legal tool to check this illegal and unethical practice of using children as labourers. As defined in the Act

- 'Child' means a person who has not completed his fourteenth year of age or such age as may be specified in the Rights of Children to Free and Compulsory Education Act 2009 whichever is more.
- 'Adolescent' means a person who has completed his fourteenth year of age but has not completed his eighteenth year.

The guiding sections of this Act are as below:-

**Section-3:-** Prohibition of employment of children in any occupation and process: No child shall be employed or permitted to work in any occupation or process.

Provided that nothing in this section shall apply.

- (a) Where the child helps his family or family enterprise, which is other than any hazardous occupations and processes set forth in schedule after his school hours or during vacations.
- (b) Works as an artist in an audio visual entertainment industry including advertisements, films, television serials or sports activities except circus.

**Section-3-A**:- Prohibition of employment of adolescents in certain hazardous occupations and processes:

**Section-14**:- Penalties:- Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years or with fine which shall not be less than twenty thousand rupees but which may extend to fifty thousand rupees or with both.

**Section-14 A**:- Any offences committed by an employer and punishable under section 3 or section 3-A shall be cognizable.

**Section-16**:- Procedure relating to offences

Besides this the relevant sections of other acts which may be applicable are as follows:

**Section 370 IPC**:-Trafficking of a person

**Section 370 A IPC**:-Exploitation of trafficked person

**Section 374 IPC**:- Unlawful Compulsory Labour

Relevant Provisions of Juvenile Justice (Care and Protection of Children) Act, 2015 and The Bonded Labour System (Abolition) Act, 1976 and any other consequential offence.

**Steps to be taken by a Police Officer upon receipt of information regarding Child Labour in contravention to the acts and prevailing rules:**

1. To file an FIR/prosecution report of commission of an offence under the relevant sections of the Acts as mentioned above.
2. To produce the rescued child before the Child Welfare Committee (CWC) for restoration with parents/guardian following due process. Counselling of the child shall be done by a trained counsellor/social worker in presence of persons in whom the child reposes trust and confidence.

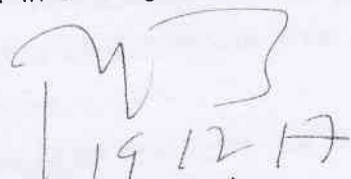
3. To seek assistance of the concerned DLO-cum-Member convenor of the District Level Task Force and District Child Line for coordination.
4. To put up the child at children's home (shelter home) or with the legal guardian, if available as per the order of CWC for the purpose of rehabilitation and necessary care.
5. To provide adequate security to the child specially while investigating cases of organized trafficking.

**Proactive Approach:**

1. To keep a keen watch over the individuals/agents/groups engaged in such activities in their respective jurisdictions, and seeking cooperation from NGOs working in the field, Social groups, people's representatives and others to effectively curb this practice.
2. To initiate necessary legal action against private labour recruiters and placement agencies operating without any valid license or registration with the designated Government authorities.
3. The District IAHTU shall be activated to collect advance intelligence about labour trafficking and to investigate such cases in a time bound manner.
4. To discuss this issue in the monthly Ama Police Samiti Meeting held at PSs, educating the members about its gravity and seeking their assistance in spreading awareness and effectively check this practice.

This Circular shall be circulated to all the field functionaries, who may further be sensitized regarding this important issue and must take appropriate legal action whenever any case of Child Labour is reported or comes to their knowledge.

An affirmative and timely action of a police officer in this regard can help save a childhood.

  
(Dr. R.P. Sharma)  
D.G & I.G of Police  
Odisha, Cuttack