

Towards Child Labour Free India



**Standard Operating Procedure for Enforcement of The Child and
Adolescent Labour (Prohibition and Regulation) Act, 1986**



Government of India
Ministry of Labour and Employment
September 2017



Intended Users:

- Law enforcement officers from central or state governments
- Parents/ guardians of Child or Adolescent Labourers
- Parents/ guardians of Child Artists
- Organisers of children's entertainment programmes
- Social workers/ community members
- Employers
- Outreach workers
- Labour inspectors
- District Administration
- District Nodal Officer at the Labour Department
- Trade Unions/Employers' Associations

.....

Towards Child Labour Free India



**Standard Operating Procedure for Enforcement of The Child and
Adolescent Labour (Prohibition and Regulation) Act, 1986**



Government of India
Ministry of Labour and Employment
September 2017

Contents

Section 1: Introduction		
1.1	Vision and Objectives	1
1.2	Need of standard operating procedure	2
Section 2: Understanding legal framework - who is child and adolescent labour?		
2.1	Who is a child labourer?	3
2.2	What are the exceptions to the legislation ?	4
2.3	What is prohibited employment for an adolescent labourer?	6
2.4	What are the conditions which apply if adolescent is permitted to be employed in non-hazardous occupations and processes?	6
Section 3- Prevention of child labour and adolescent labour in hazardous employment		
3.1	Creation of Awareness	9
3.2	Building Capacity of Institutions	10
3.3	Coordination and Convergence among Agencies	11
3.4	Knowledge Management	11
Section 4: Identification and Reporting of child labour and adolescent labour in hazardous employment		
4.1	How to identify a victim?	13
4.2	Who can report?	14
4.3	Where to report a complaint?	14
4.4	What should the complaint contain?	14
4.5	How to register a complaint ?	15
Section 5: Pre-Rescue		
5.1	Constitution of rescue teams	17

5.2	Preparation for rescue	18
Section 6: Rescue		
6.1	Steps to be taken for rescue	20
6.2	Age verification	20
6.3	Immediate aid to the victim	21
Section 7: Post - Rescue		
7.1	Protection of victim	23
7.2	Strengthening prosecution/ investigation	24
Section 8: Rehabilitation		
8.1	Social rehabilitation	26
8.2	Educational rehabilitation	27
8.3	Economic rehabilitation	27
Section 9 : Monitoring		
9.1	Monitoring mechanism of Ministry of Labour and Employment: PENCIL portal	29
9.2	Monitoring mechanisms at the district, state and central level	30
Section 10 : Roles and responsibilities of enforcing agencies and other stake holders at different stages.		
10.1	District Nodal Officer	32
10.2	Police/Special Juvenile Police Officer	34
10.3	District Magistrate	36
10.4	Project Directors of National Child Labour Project Society	38
10.5	State Resource Centre/ State Labour Department	39
10.6	State or District Legal Service Authority	40
10.7	Child Welfare Committee	41
10.8	Department of Education and Schools	42
Annexure: Path of Flow of Complaints on Child Labour and Action Taken on Pencil Portal		43
List of Abbreviation		44

संतोष कुमार गंगवार
SANTOSH KUMAR GANGWAR



श्रम एवं रोजगार राज्य मंत्री
(स्वतंत्र प्रभार)
भारत सरकार
श्रम शक्ति भवन, नई दिल्ली-110119
MINISTER OF STATE
LABOUR & EMPLOYMENT
(INDEPENDENT CHARGE)
GOVERNMENT OF INDIA
SHRAM SHAKTI BHAWAN
NEW DELHI - 110119

MESSAGE

We acknowledge that the children are the most valuable asset of the country and ensuring their proper education, health, safety and overall development is the utmost priority to realize the goal of New India. Fighting the menace of child labour is also related with this objective and Government has adopted multipronged strategy which includes both stringent legislative and project based approach. However, there is a need to further accentuate its initiatives in terms of providing an effective enforcement mechanism for proper implementation of the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 which now completely prohibits employment or work of children below 14 years in any occupation or process and moves a step ahead by prohibiting employment of adolescents (14 to 18 years) in hazardous occupations and processes. The momentum of the recent initiatives taken to eradicate child labour has to be maintained as elimination of child labour is also crucial for the attainment of Sustainable Development Goals by 2025. The commitment of the Government for eradication of child labour was re-affirmed by ratification of International Labour Organization Convention No 138 regarding Minimum age and Convention No 182 regarding Worst Forms of Child Labour.

I am glad that now legislative framework would be supplemented by a specific Standard Operating Procedure for facilitating enforcement of the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. I am confident that this Standard Operating Procedure will be useful to all particularly enforcing agencies and would play a vital role in actualizing the dream of child labour free society.


(Santosh Kumar Gangwar)

एम. सत्यवति, आई०ए०एस०
भारत सरकार के सचिव
M. SATHIYAVATHY, I.A.S.
Secretary to Govt. of India



MINISTRY OF LABOUR & EMPLOYMENT
SHRAM SHAKTI BHAVAN
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय
श्रम शक्ति भवन
नई दिल्ली-110001
Tele : 91-11-23 71 02 65
Fax : 91-11-23 35 56 79
E-mail :secy-labour@nic.in

PREFACE

There has been decline in the number of child labour during 2001 to 2011, as per Census data. However, there were some gaps which were required to be addressed in order to ensure protection of all children and their universal access to education. As a strong step to address the existing legislative gaps, the Government of India enacted the Child Labour (Prohibition and Regulation) Amendment Act, 2016 prohibiting employment of children below 14 years in all forms of work and regulating the work for adolescents (14 - 18 years) including prohibiting their employment in hazardous labour. The amended Act furthers the constitutional mandate by linking the age of child labour prohibition to the age of compulsory education under the RTE Act, 2009. The amendment also reflects strong commitment to achieve international goals such as the Sustainable Development Goals to achieve elimination of all forms of child labour by 2025. The legislative changes have further helped India commit to international regulations such as the ILO Convention 182 against Worst forms of Child Labour and ILO Convention 138 on Minimum Age.

The legislative changes have been accompanied by creation of additional institutional mechanisms at the district, state and national level for identification and rescue, along with revamping the rehabilitation scheme and a centralised database for case to case monitoring and accountability.

Despite the robust policy and institutional framework, the challenges posed by knowledge dispersion, implementation, and monitoring mechanisms at center, state and district level along with the age-old attitude towards child labour makes India susceptible for employment of children. This Standard Operating Procedure (SoP) is aimed at creating a ready reckoner for trainers, practitioners and monitoring agencies to ensure complete prohibition of child labour and protection of adolescents from hazardous labour ultimately leading to Child Labour Free India.


(M. Sathiyavathy)



Rajeev Arora, I.A.S.
Joint Secretary to Govt. of India
Tel: 011-23716835

श्रम एवं रोजगार मंत्रालय
भारत सरकार
श्रम शक्ति भवन, रफी मार्ग,
नई दिल्ली-110119
MINISTRY OF LABOUR & EMPLOYMENT
GOVERNMENT OF INDIA
SHRAM SHAKTI BHAWAN, RAFI MARG,
NEW DELHI-110119

ACKNOWLEDGEMENTS

I am thankful to all those people who have contributed towards the framing the Standard Operating Procedures on enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

The Standard Operating Procedure benefited immensely from the inputs received from expert members of the Committee constituted by Ministry of Labour & Employment comprising of representatives of related Central Ministries, Institutions, experts, representative of civil society and academicians contributing in the field of child labour. I would like to specially acknowledge the important contributions from the members of Bachpan Bachao Andolan, Save the Children and Prayas for their valuable contributions with their experience in working at grass root for curbing the menace of child labour and supporting the Ministry in preparing the Standard Operating Procedure.

I am also thankful to members of civil society and other organizations' that have provided their valuable suggestions/ comments on the draft Standard Operating Procedure. These suggestions were very important in improving the Standard Operating Procedure and making it more effective.

I hope that as envisaged, this Standard Operating Procedure would provide all the procedures, duties and responsibilities of relevant stakeholders in simplified manner so that it is an effective tool contributing to enforcement of the Legislative framework for eradication of child labour.


(Rajeev Arora)

Section 1: Introduction

Child Labour is the system of employing a child to provide labour or service by the child to any person, for any payment or benefit to the child, or any other person exercising control over the said child. . International Labour Organisation (ILO) uses the term 'child labour' to cover all economic activities carried out by persons less than fifteen years of age, regardless of their occupational status (wage earners, own- account workers, unpaid family workers etc) but not household work performed by them in their parents' home, except where such work can be assimilated to an economic activity as for example, when a child must devote his or her entire time to the work so that his or her parents can be employed outside the home, and is, therefore, deprived of the possibility of going to school.

Child labour includes children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and to their physical and mental development, sometimes separated from their families, frequently deprived of meaningful education and training opportunities that could open up for them a better future.

India has always stood for constitutional, statutory and developmental measures that are required to eliminate child labour in India. Realising the multifaceted nature of this problem, Government has embarked on a holistic and multi-pronged approach to eliminate child labour from the country. On the one hand, it provides for legal action for enforcement purposes and on the other, focuses on general development programmes for the economic empowerment of the families of children as well as project based action in areas of high concentration of child labour.

1.1 Vision and Objectives

Vision: Complete elimination of child labour in all work and adolescent labour in hazardous work, and regulation of adolescent labour.

Objectives: The SOP is conceived as a working tool on law enforcement for practitioners and specialists of governmental, non-governmental and civil society organisations at different stages of intervention. To achieve the stated vision through the SOP, following objectives are laid down:

-
- (a) Develop effective action plan from the village to the national level for prevention of child labour and adolescent labour in hazardous work;
 - (b) Create mechanisms for identification, rescue and rehabilitation of child labour and adolescent labour in hazardous work;
 - (c) Establish mechanisms for regulation of children working in entertainment industries and sports activities;
 - (d) Ensure strong investigation of all cases of child labour and adolescent labour in hazardous work leading to strengthening the prosecution against offenders;
 - (e) Ensure coordinated and convergent action of stakeholders through clear definition of roles and responsibilities and thereby ensure standardisation of response to violation of child labour throughout the country;
 - (f) Develop monitoring and accountability mechanisms at the district, state and central level.

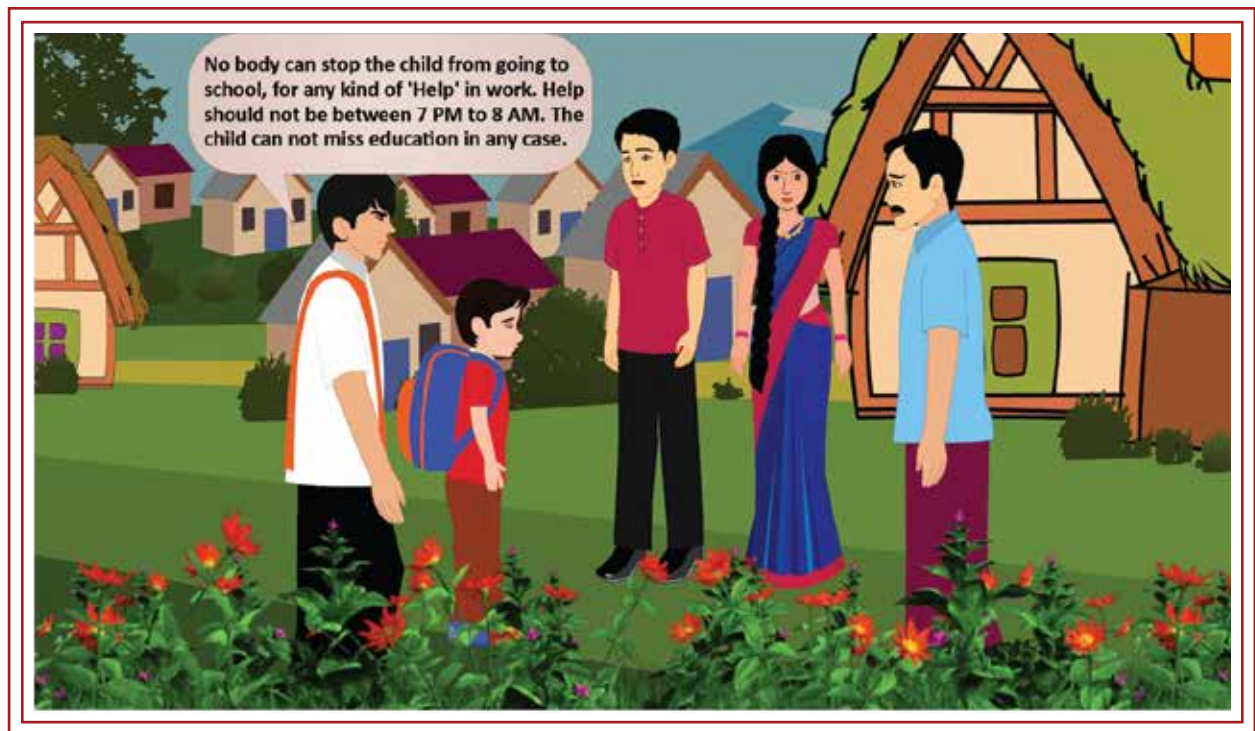
1.2 Need of Standard Operating Procedure

Effective enforcement and implementation of the provisions of the various legislations, convergence of resources of Government both horizontally and vertically, coordination between various stakeholders and active involvement of the community is the key to attaining the ambitious goal of a child labour free society. It has been observed that in spite of presence of plethora of protective legislations, the stakeholders are not very clear about the action to be taken when a child or adolescent labour is identified. Specific information is required on steps to be taken for rescue of the child/ adolescent and subsequent rehabilitative measures to be taken. Sometime the language of legislation is not understood by common people restricting the enforcement of the provisions. In this backdrop, it is necessary that a simple step by step SoP is provided to ensure enforcement of the provisions of the protective legislation.

Section 2: Understanding Legal Framework- Who is Child and Adolescent Labour?

2.1 WHO IS A CHILD LABOUR?

A child below 14 years if found employed or working in any occupation or processes is a child labour. Employment of children below 14 years in any form in any occupation and process is prohibited and attracts the penalty provisions under Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.



“Our Aim - Child Labour Free India”

2.2 What are the Exceptions to the Legislation?

Table of Exceptions			
	Situation	Definition of the situation	Subject to the following conditions
a.	Child helps his family or family enterprise	i. Family- child's - Mother - Father - Brother or Sister - Mother's biological brother or sister - Father's biological brother or sister <u>OR</u> ii. Family Enterprise – - Work - Profession - Manufacture or - Business <i>performed by members of the child's family</i> <u>AND</u>	i. The help done is not in a hazardous occupation or process listed in Part A or Part B of the Schedule of the Act ii. Shall not include any activity that is remunerative for the child or his family or the family enterprise iii. Shall not include any activity where he substitutes an adult or adolescent iv. Shall not be in contravention of any law for the time being in force <u>'Help' provided by the child, in addition to the above, shall be further subject to,</u>
		iii. Help means: Aid or Assist family only in such a manner <u>that is not incidental to</u> – - Any occupation, work, profession,	v. Child's Family must be the occupier of the family enterprise vi. Task must not be performed during school hours or between 7pm and 8 am

		manufacture or business - Or for any payment or benefit to the child or any person having control over the child - And which is not detrimental to the growth, education and overall development of the child	vii. Provided sufficient rest and shall not work continuously for more than 3 hours at a stretch viii. Shall not interfere or affect the child's - Right to education - School attendance - Education or related activities such as homework or extra-curricular activities
b.	Working as an artist in an audio- visual entertainment industry, including but not restricted to: - Advertisements - Films - Television - Serials - Any other such entertainment or sports activities	i. <u>Shall not include circuses or street performances for monetary gain</u> ii. Shall include other activities where child him/her self is participating in: - Sports competition or event or training for such competition or event - Cinema, documentary, shows on television such as quiz, reality show, talent show or radio program - Drama serials - Anchor of a show or event - Other artistic performances that the Central Government	i. Hours of work: 5 hours a day; not more than three hours without rest. ii. Permission in Form C: - Valid for 6 months from date of issue - Shall state provisions made available for ■ One responsible person per maximum of 5 children for each production ■ Education ■ Safety ■ Protection from sexual offence and mechanism for reporting any such offence against a child ■ Physical and mental health of the child ■ Nutritional diet ■ Safe, clean shelter ■ Child shall not consecutively work for more than 27 days. iii. 20% of the child's earning shall be deposited in a nationalised bank in the

		permits on individual case	name of the child and shall be credited on attaining majority
		iii. Producer of audio visual production house or manager of any commercial event including children must take permission from the District Magistrate in Form C provided with the Central Government Rules	iv. All audio-visual entertainment involving children shall issue a disclaimer at the beginning stating, 'that due permission was obtained for involvement of children, and their protection from abuse, neglect and exploitation was ensured in line with the laws of India'

Further, if a child receiving education in a school remains absent for thirty consecutive working days without intimation to the Principal or Head Master of such school, the Principal or Head Master shall report the same to the District Nodal Officer nominated for curbing child labour in the District.

2.3 What is Prohibited Employment for An Adolescent Labourer?

Any adolescent in the age group of 14 to 18 years is prohibited to work or employed in any occupation or process set forth in Part A of the Schedule of Hazardous Occupations and Processes in the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

2.4 What are the Conditions Which Apply if Adolescent is Permitted to be Employed in Non-hazardous Occupations and Processes?

In all occupations or processes other than those set forth in Part A of the Schedule of the Act, the following conditions shall apply:

Element of work	Conditions applicable
Hours of work	1. Cannot work for more hours than prescribed for that establishment or class of establishments 2. No period of work shall be fixed as stated in point 1 above but no adolescent shall work consecutively for over three hours; hence no adolescent shall work for more than 3 hours without rest 3. No period of work shall be more than six hours a day 4. Timing of work cannot be between 7 pm and 8 am 5. They cannot work overtime 6. Cannot work at an establishment on the same day as he has been working in another establishment
Weekly Holiday	1. Every Adolescent shall be allowed one whole day holiday every week 2. The specific day of such holiday shall be evidently displayed in the organisation 3. Such day shall not be altered more than once in every three months
Notice to Inspector	1. Every establishment employing an adolescent has to send the following information to labour inspector within local limits about their establishment: - Name and the situation of the establishment - Name of the persons in actual management of the establishment - Address to which related communication to be sent - Nature of the occupation or process carried on in the establishment 2. This should be sent within 30 days from the starting of the employment of the adolescent in the establishment

Regulation regarding age	1. During a labour inspection, the inspector shall in every instance where he is unsure if the employed person is a child below 14 years or an adolescent who is employed in a hazardous occupation shall ask for a certificate of age granted by the prescribed medical authority. 2. In case such record does not exist, the inspector may refer to prescribed medical authority for decision regarding age of concerned child or adolescent
Maintenance of Register	All establishments where adolescents are employed or permitted to work shall maintain a register as prescribed in the Rules.
Health and Safety	The health and safety of the adolescents shall be ensured with respect to points given in Section 13 sub-section (2) of the C & AL (P&R) Act.

Section 3- Prevention of Child Labour and Adolescent Labour in Hazardous Employment

The Child Labour (Prohibition & Regulation) Amendment Act, 2016 and the amended Central Rules look to prohibit child labour and adolescent labour in hazardous employment. An important aspect of such prohibition is prevention of child labour and adolescent labour in hazardous employment. This will require consistent and proactive investigation on the part of law enforcement agencies for early detection of crime and collection of evidence to stop child labour before the crime takes place or when the crime is detected in transit. The prevention strategy for an area has to be developed looking into the community resources, forming networks for intelligence collection, analysis of existing data and consistent collection of information of identified key vulnerability indicators.

Prevention activities to be undertaken may be categorized as follows:

3.1 Creation of Awareness: Specific action has been identified as necessary to create awareness among general public and vulnerable communities for prevention, and ensuring that children have access to free and compulsory education as per section 2A of the Rules . This includes:

- Launching of public awareness campaigns targeted to the general public, consumers, vulnerable communities, employers etc. using folk, traditional media, mass media such as television and / or radio etc.
- Awareness campaigns to encourage reporting by facilitating access to the number of the police, child line and local district nodal office in the labour department.
- Create and display in an easily understandable manner salient provisions of the Act and the Rules in public places.
- Empower and enable the public and community resources like Panchayat, Women's groups, children's groups, schools, teachers etc. to generate intelligence regarding any violation. Awareness among children and adolescents can be undertaken at the school – level or through mid-media activities such street plays, competitive activities and folklore activities etc.

- Aid and assist different training institutes for senior government officials, judicial training institutes, business schools, law schools etc to include information on legal implication of child and adolescent labour.
- Conduct sensitization programs for the employers/ officials of industries or institutions to generate legal awareness and their role in eliminating child labour by district administration.

3.2 Building Capacity of Institutions: Creating prescribed institutional mechanisms and building capacity of institutions to carry out tasks assigned to them is also one of the prerequisites to prevent child labour and adolescent labour in hazardous employment.

- Formation of a District Task Force (DTF) in every district with the District Magistrate as its chairperson, with members as prescribed under Rule 17 C (iii) of the Child and Adolescent Labour (Prohibition and Regulation) Rules, 1988. The task force shall meet once a month and shall identify areas in the district vulnerable to child labour (NCLP survey, survey as per the Bonded Labour Rehabilitation Scheme and/ or information from the local CWC etc maybe used). The task force shall coordinate such activities as necessary at the local level for awareness generation, monitoring and stopping child labour and adolescent labour in hazardous employment.
- The labour department/DM shall appoint a District Nodal Officer (DNO) who shall track the cases of child labour on PENCIL Portal and recommend necessary activities in the monthly DTF meetings for prevention of child labour and adolescent labour in hazardous employment.
- Consistent tracking of complaints of child labour and adolescent labour in hazardous employment through the online portal 'PENCIL'. The District Nodal Officer to fill and bring all the complaints from other sources to 'PENCIL'. Child Tracking System under PENCIL would ensure prevention through checking their re-entry into the labour market and their regularity in school.

3.3 Coordination and Convergence among Agencies: An important step towards prevention is coordination among various child protection agencies at the District, State and Center.

- Coordination with Ministry of Women and Child Development – sharing of information from child helpline, surveys or portals of Mo WCD for identification of child labour.
- Coordination with Department of School Education & Literacy- At the school level reporting of children who have been consistently absent from school for 30 days and ensuring enrolment and retention of all children; and at the State and Central level inclusion of information about child labour in the syllabus and education material is key in ensuring prevention of child labour.
- Consistent coordination and work with other agencies at the district level such as District Child Protection Unit (DCPU), Special Juvenile Police Unit (SJPU), Child Line, District Magistrate/ Sub-District Magistrate , Child Welfare Committee, National Child Labour Project, Village-level Child Protection Committee under ICPS, District-level Vigilance Committee under ITPA Act, 1986, Schools and Panchayat through the District Task Force (DTF).
- Coordination and convergence with local level skill development department can ensure skill training of young persons to protect them from being employed in hazardous labour.

3.4 Knowledge Management: Managing existing knowledge and ensuring availability of sufficient information for data driven planning to prevent child labour is key.

- Information from surveys such as the NCLP survey and the survey under the Central Sector Scheme for Rehabilitation of Bonded Labourers can ensure identification and mapping of vulnerability towards child labour and adolescent labour in hazardous employment.
- Ensuring the above stated information as well as information from CWCs is fed into 'PENCIL' and then analyzed to map vulnerable geographical areas, areas of employment etc to plan prevention programs as well as to identify new forms of hazardous labour for adolescents or hazardous work where children should not help also leads to prevention.

- Analysing information collected from the database of missing children.
- Information received from previously rescued survivors can also help to receive information about potential violations.
- Forming a strong network with stakeholders and law enforcement agencies engaged in transit points and destination areas will ensure data collection and prevention.

An illustrative list of places where awareness generation against child labour and provisions of Child and Adolescent labour (P&R) Act, 1986 may be undertaken. Note that this list is not exhaustive:

- i. Railway coaches and at railway stations
- ii. Major bus stations
- iii. Toll plazas
- iv. Ports and port authorities
- v. Airports
- vi. Public places including shopping centers, markets, cinema halls, hotels, hospitals
- vii. Panchayat offices, police stations, resident welfare association offices, industrial areas
- viii. Schools, educational institutions,
- ix. Court complexes, and offices of all authorities authorised under the Act

Section 4: Identification and Reporting of Child Labour and Adolescent Labour in Hazardous Employment

- Identification is the first step of a process that allows presumed child labour victims to access to proper and safe assistance and protection measures and eventually to be officially identified as victims of child labour.

4.1 How to Identify a Victim?

Information can be obtained from following sources for identification of child labour and adolescent labour employed in hazardous occupations and processes:

Survey	● National Child Labour Project ● Bonded Labour Scheme ● Out of School children- HRD ● Need Assessment of District Child Protection Units and State Child Protection Units
Proactive Investigation	● District Task Force ● Officials of District Labour Department ● District Magistrate ● District Nodal Officer ● Police
Institutional Complaint	● on PENCIL - www.pencil.gov.in ● on Childline- 1098 ● by NCLP Project Society ● by District Nodal Officer ● From NCPCR, SCPCR, NHRC,SHRC, NALSA, SLSA, DLSA, CWC
Complaint from Other Sources	● from employer associations and trade unions ● from NGO's ● from parents and relatives ● from teachers & Principal on absence of 30 days self reported by Victim ● Any person

4.2 Who Can Report?

Any person, member of civil society, institutions or organizations can report through PENCIL Portal of Ministry of Labour and Employment, phone, letter, written complaint, e-mail, helpline, in person, or any other means can report an incident of child labour, or, adolescent labour in hazardous employment.

4.3 Where to Report a Complaint?

Anyone having any information about a child labour, may contact the following agencies.

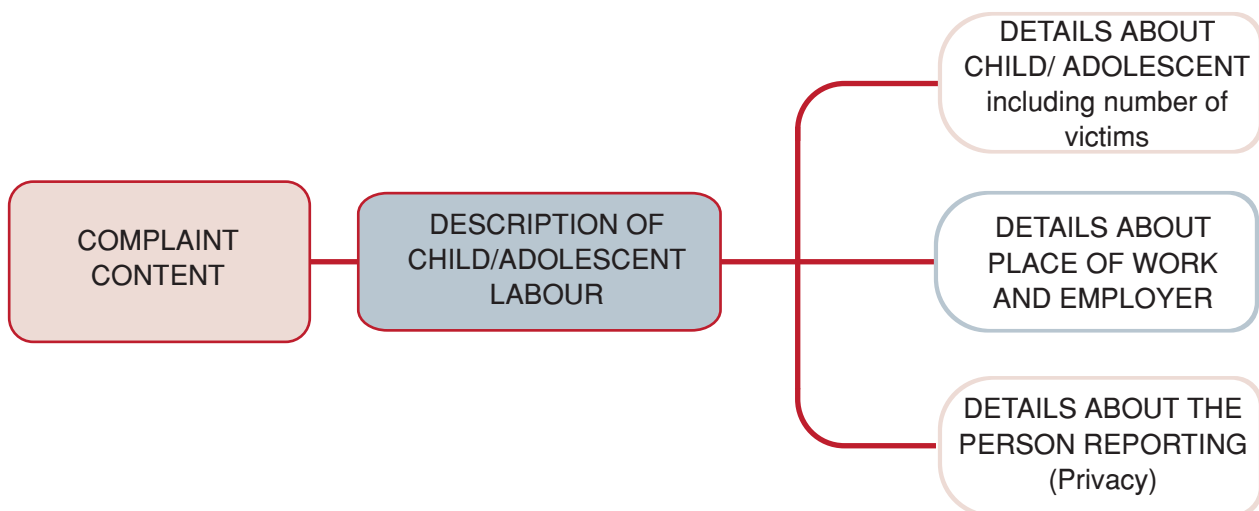
Reporting Agencies					
Complaint Corner at PENCIL Portal	Any Police Station/ SJPU	District Task Force under DM	State Labour Dept./ Labour Insp.	Child Line (1098)	District Nodal Officer

These agencies will verify the complaint, either through direct site visits or through resources identified by the District Task Force within 24 hours of the receipt of the complaint. If the complaint is found to be genuine, all agencies are to report the complaint to the police department who may begin the process for rescue.

The procedure to make a complaint on PENCIL is at Annexure. An updated list of District Nodal Officers along with contact numbers is available at PENCIL Portal

4.4 What Should the Complaint Contain?

The written complaint should contain a description about the place where the child/ adolescent is working, details of place and address of working place, name of employer, suspected child/ adolescent labour, probable age of child/ adolescent, if possible picture of the child/ adolescent.



4.5 How to Register a Complaint?

On receipt of the complaint the police proceeds to identify the relevant laws to include when a complaint is registered, including the following provisions of the Child and Adolescent Labour (Regulation and Prohibition) Act, 1986.

Section 14	Offence	Punishment
(1)	Employing a child or permitting a child to work	Imprisonment for a term that shall not be less than 6 months but which may extend to 2 years or with fine which shall not be less than Rs. 20,000 but which may extend to Rs. 50,000 or with both. <u>(Parents or guardians may not be punished under this section)</u>
(1A)	Employing an adolescent or permitting an adolescent to work in a hazardous occupation or process listed in Part A of the Schedule	Imprisonment for a term that shall not be less than 6 months but which may extend to 2 years or with fine which shall not be less than Rs. 20,000 but which may extend to Rs. 50,000 or with both. <u>(Parents or guardians may not be punished under this section)</u>
(2)	A repeat offence of the above stated sections	Imprisonment for a term which shall not be less than 1 year but which may extend to 3 years.

(2A)	Parents who commit a repeat offence	Fine which may extend to 10000 rupees.
(3)	Violations of any other section of the Act including conditions for adolescents to work	Imprisonment for a month or with fine of 10000 rupees or with both.

Provisions in other Legislations

For a case of child labour the following sections in various laws may also be considered for trafficking, crimes against a child during employment and bonded labour	IPC Sec 370, 370A, 342, 343, 344, 363A, 374
	JJ Act 2015 Sec 74-88, 80-85, 87, 42, 33-34 (in case of children)
	BLSA 1976 Sec 16-23 SC/ST ACT S. 3(h), 3(2)(v)
If there is a case of sexual exploitation then the following sections may also be considered	POCSO 2012 Sec 3-18 (in case of children) IPC 342, 343, 344, 346, 354A, 354B, 354C, 354D, 366A, 366B, 509

Section 5: Pre- Rescue

For every verified complaint:

- Assess the vulnerability of the situation.
- If there is a risk to life, liberty or safety of the child or if there is a risk of the child being moved conduct immediately; FIR can be filed simultaneously.
- The District Task Force may create a schedule every month for a stand by team of stakeholders who may be called upon for immediate rescue. These maybe shared with all stakeholders involved.

5.1 Constitution of Rescue Teams

A comprehensive rescue team consisting of a spectrum of stakeholders shall be constituted for the rescue of child labourer or adolescent labourer in hazardous employment. Given below is a suggestive list of law enforcement agencies, independent witnesses and other persons with valuable skill sets to be included in a rescue team.

- a) Police/ Special Juvenile Police Unit;
- b) District Nodal Officer or Labour Inspectors;
- c) District Magistrate or the Sub- Divisional Magistrate or Nominee of the DM (A case of child labour could also be a case of Bonded Labour);
- d) CWCs/ DCPO/ Members of village level child protection committees;
- e) Representative of District Legal Services Authority;
- f) Women police officer;
- g) NGOs, representative of child helpline services; and
- h) Translators, counsellors etc.



Remember: Safety of the victim is of primary importance, hence while the above stated list is a comprehensive list for a rescue team and maybe used by the DTF to develop and maintain a schedule for availability of above stated stakeholders, a rescue maybe conducted on emergency basis by the police personnel.

5.2 Preparation for Rescue:

- a) Logistical Support: The rescue team needs to ensure that adequate logistical support is available with them in terms of
 - food
 - water
 - clothes, blankets
 - Medical kit with first aid (provide for all basic toiletry needs such as sanitary napkins etc.)
 - translator, if required
 - Map the nearest hospital and availability of professional medical help in case of emergencies. Have an ambulance on stand by.
 - Inform nearest child care institution, or fit person, fit facility as approved by the district DCPU or CWC of the rescue for immediate shelter. Ensure that this information is at the disposal of DTF for immediate and planned rescue.
- b) Prepare for adequate number of vehicles to transport the all victims and accused separately. This can be supported by the ICPS, the police or the State Resource Center constituted under the NCLP scheme.
- c) Collection of Evidence: Ensure preparation for all evidence to be collected from the place of rescue. Coordinate with the rescue team to ensure that team assigned for evidence collection is aware of the structure of the place of rescue before the rescue. Arrange for a sensitive videographer/ photographer to support evidence collection
- d) Arranging for adequate medical support: Identify the nearest Government hospital and availability of professional medical help in case of emergencies. Have an ambulance on stand-by. Ensure the availability of an authorised medical practitioner to address the immediate as well as long term medical needs of the victim. Identify resources to provide psychological support to the victim of trafficking as soon as possible after rescue.

- e) **Victim Protection Mechanisms:** The members of the rescue team assigned to the victim should ensure that a plan is made for separating the victim from offender as soon as the rescue is conducted to protect the victim and safe guard evidence. If possible, arrange for the victim to be taken to a neutral place for her/ his statement. Care should also be taken that all relevant departments, officers of all relevant departments including police, SDM, Labour Inspector are present at the same time so as to ensure that the victim does not have to give her statement again and again.
- f) **Information to Place for Immediate Care and Protection:** The rescue team should notify the government, or NGO run Short Stay Home/ Child Care Institutions (CCIs), or any fit place, or fit institution, or fit person of the expected number of rescued persons and the expected time of arrival at such place. The Child Welfare Committee should also be duly notified.
- g) **Ensuring Confidentiality for Victim:** The rescue team should ensure confidentiality of the rescue operation and the persons rescued. The police officer shall ensure that the identity of the victim is protected from the public media, unless directed otherwise by a competent law enforcement authority.
- h) **Presence of Witnesses:** At least two witnesses should be present during rescue, at least one of whom is a woman.
- i) **Ensuring Access to Legal Aid:** Arrange for a lawyer/ paralegal assigned by the DLSA/ SLSA to accompany the rescue team and ensure that appropriate legal counsel is given in collecting evidence, registering sections of law for the FIR and immediate legal aid is provided for the victim and her/ his family.



Section 6: Rescue

6.1. Steps to be Taken for Rescue:

★ Remember: Each rescue should be dealt with on a case to case basis. The rescue team should be alert and each action must be guided towards rescuing all victims, ensuring protection of the victims and collecting evidence for investigation.

1. Make a General Diary Entry when leaving the police station that ensures that the information with respect to source/ victim/ location is not compromised.
2. Ensure thorough search of the place so that no child or adolescent is left behind. Look for false doors, roof, hiding out areas etc. Protecting the anonymity of the victim has to be ensured.
3. Explain the situation to the child. Use the help of the translator and the NGO representative or the representative of the DLSA for the same. Remember to use child friendly language.
4. Collect evidence of work done by the victim, food bills, tickets, documents of vehicles/ property owned, computers, phones, any other electronic items, records/ identity cards of each victim, identity cards of the accused etc. Make a seizure memo.
5. Make a site map of the area. Denote what was recovered from which place, where was the accused, where was the victim etc. Take photos/ videos to support this.
6. Develop a disclosure memo.
7. Sec 74 of the JJ Act, 2015, mandates ensuring the anonymity of a rescued child (here a child means a person below the age of 18 years). Contravention of this provision is punishable with imprisonment of 6 months. Ensure anonymity of the rescued child and adolescent.
8. Seal the premises.

6.2 Age Verification

Age Verification in case of dispute between the employer and Labour Inspector regarding age of the child/ children: In case of conflict regarding the age of the victim, the following procedure may be followed for age determination by seeking evidence by obtaining :

- i. the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned Examination Board, Aadhaar card, if available; and in the absence thereof;
- ii. the birth certificate given by a corporation or a municipal authority or a panchayat;
- iii. and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Court.

6.3 Immediate Aid to the Victim

As soon as a victim of child labour is rescued, the following needs should be met:

1. Separate the victims from the offender and if possible, move the victims to another location.
2. Provide food, water and necessary clothing.
3. Make available the access to a bathroom/ toilet facilities.
4. Immediate medical aid using the previously accessed medical kit. If needed move the victim to the identified place for further medical attention.
5. If needed ensure that a translator is made available.
6. Explain to the victim in a sensitive and child friendly manner about the situation at hand and what to expect in the immediate future. This can be done best with the aid of the social worker or psychologist.
7. Assess if the victim has any immediate medical (physical or psychological) needs and provide for if necessary.
8. Provide for legal counseling and legal aid to explain the situation to the victim in a sensitive manner.
9. Make a list of services that need to be immediately made available to the victim and ensure their availability.

- 10 Rescued children should be placed in Child Care Institutions or with fit person or fit facility as per the instruction of Child Welfare Committee. Or in cases where the complaint is given by the parent, the child's custody can be given to the parent after production in front of the CWC.

★ Remember: Children rescued have to be produced in front of the CWC or where that is not possible in front of one member within 24 hours from the time of rescue, excluding the time of travel.



“Our Aim - Child Labour Free India”

Section 7: Post Rescue

7.1 Protection of Victim

- The basic needs of the rescued child must be met immediately after rescue and the child should be provided with sufficient information regarding the situation and reassured of her/ his safety, It is the first and one of the most important steps in building trust with the child and adolescent labour.

★ **Remember:** A victim should never be treated as an offender, kept in a lock up or made to interact with the offender. All interaction with the victim should be in child friendly language. Attention should be paid to ensure that the victim does not meet the accused or her/his representative.

- i. **Registration of FIR:** The police should ensure that FIR is registered including relevant provisions of all laws. Additional to child labour or adolescent labour in hazardous employment, the child could also be a victim of trafficking, crimes against the child, kidnapping, sexual exploitation etc. Refer to 4.5 of the SOP for relevant sections. In case of trafficking also remember to include economic offences under Maharashtra Control of Organized Crime Act, 1999 and Prevention of Money Laundering Act, 2002.
- ii. **Production in front of the CWC:** All children must be produced in front of the CWC who shall then order inquiry which may include medical examination, determination of age, intermediary care and protection, tracing parents or if the CWC deems fit sending the child with parents, home verification etc. The social investigation report to be filed within 15 days. At this stage or the end of the inquiry, CWC may recommend inclusion of additional sections in the FIR through the Juvenile Justice Board as per the JJ Act, 2015.
- iii. **Counseling of victim:** Counseling should be provided to victims by trained counselor, community social worker or NGOs or DLSA so that the victim is well informed. An assessment of mental trauma caused to the victim and support required should be determined and such information provided to the CWC so that they may pass suitable orders for the same. All information s/he possess is obtained for the investigation and her/ his needs are heard at all stages of prosecution and rehabilitation.
- iv. **Legal Aid:** Legal aid is to be provided to the victim at the police station and at the place of safety wherever necessary by empanelled lawyers of the DLSA/ SLSA and NGOs. Legal Counseling and advice to the parents of the child must be provided.

- v. Recording of Statement of Victim: Victim statement should be recorded as per Section 164 Cr.PC by metropolitan/judicial magistrate only after due psycho social counseling but within a 14 days. The period maybe extended only after such permission is issued from the CWC or Court for reasons recorded in writing.
- vi. Victim- Witness Protection: All victims and /or witnesses are entitled to protection on submitting a request to the police or to the concerned Court by himself/herself or parent/ guardian. This protection can be extended to any other person with custody of the child. The police on its own or the Court on its own motion at any stage may decide to extend this assistance.
- vii. Orders: All orders and proceedings relating to victim/ witness protection should be maintained with utmost secrecy and in perpetuity.
- viii. Victim-Witness Deposition: The local District Legal Services Authority must consistently follow up on witness depositions to ensure that the witness is able to safely depose. Ensure that the victim/ witness has sufficient travel allowance and safe shelter. Use in camera trial and video conferencing where ever applicable and deemed necessary.

7.2 Strengthening Prosecution/ Investigation:

- i. Rescued children are granted access to justice and fair treatment through the support of the competent authorities and assisting stakeholders. The victim has a right to receive compensation for the physical and psychological harm suffered and wages lost through criminal proceedings, civil action and administrative systems. The District Nodal Officer has the responsibility to prepare a Status report on legal action taken and upload on the PENCIL Portal. The police must finish investigation as diligently as possible in a time bound manner. As per section 173 (1A) of CrPC the same must be completed in 3 months and trial must be completed in a year wherever possible in a case where an offence under POCSO is registered. Charge sheet must be filed as soon as possible and public prosecutor briefed to the full extent.
- ii. Assessment of Appropriate Sections of Law: All relevant sections as per the facts of the case must be mentioned in the FIR and in the charge sheet based on the evidence collected during investigation. The police may avail the services of the public prosecutor, the empanelled lawyer from DLSA or with the aid of the paralegal designated to the police station for the same.

- iii. Medical Examination of the Accused: Medical examination of the accused may be done as required under Section. 53, 53 A and 54 of Cr. PC.
- iv. Speedy Trial:
 - As far as possible trial must be completed in a time -bound manner.
 - Summary Trial wherever applicable: Provision of summary trial as per BLSA. Victim friendly court procedures to be followed at all times.
 - Monitor Status of bail: Denial or cancellation of bail for the accused is possible and maybe applied for where further investigation is required or there is evidence for that the accused on bail will hamper with the investigation.
 - Victim Friendly time bound trial: The trial should be conducted in a victim friendly manner and all efforts should be made to ensure that it is time bound.

Section 8: Rehabilitation

Rehabilitation of all child labourers and adolescent labourers who have been rescued may be done through coordinated and convergent action by a series of stakeholders. The District Nodal Officer has the responsibility to prepare an Index card and decide on rehabilitative method.

8.1 Social Rehabilitation:

Home Verification and Repatriation:

All persons below 18 years who have been rescued have to be produced in front of the CWC. The CWC must conduct an inquiry which includes a home verification process and a social investigation report. Based on the same the CWC may pass orders for:

- If home verification is approved: the victim should be sent back to her/his community/home and the CWC may pass an order for repatriation. The CWC can order and provide for the necessary monetary support required for repatriation. For safe repatriation within the state and between States the CWC will inform the concerned authorities in the receiving area, such as the local CWC. The CWC may also order an NGO or the SJPU to accompany the child.
- If home verification is not approved: arrangement should be made for the victim in long term rehabilitation a child in need of institutional support may be send by the CWC to,
 - Children's home
 - Fit facility
 - Fit person
 - Foster Care

till he/she attains 18 years of age, with periodic monitoring of the CWC through the individual care plan.

- The CWC will issue rehabilitation card for each child to monitor the progress made on their individual care plan. CWC to make an individual care plan (with information on health and nutrition needs, special needs, educational, training, emotional, psychological, restoration, follow up, social mainstreaming, life skills, protection from all kinds of exploitation and abuse). This has to be reviewed after three months and modified as per progress.

8.2 Educational Rehabilitation:

Children who are rescued from labour or adolescents who are rescued from hazardous employment shall be linked to suitable education facilities by National Child Labour Project (NCLP) in following steps:

- If the child is between 5- 8 years she/ he will be directly linked to the Sarva Shiksha Abhiyan to access their Right to Education.
- A child between 9- 14 years will attend two year bridge education in the NCLP Special Training Centers and then will be mainstreamed to the schools under Sarva Shiksha Abhiyan program.
- To ensure quality of educational rehabilitation, the index card prepared under PENCIL portal of Ministry of Labour and Employment would be updated regularly by the District Project Society under NCLP.
- An adolescent between 14 – 18 years will be linked to a skill development program run by the Government of India or the particular State Government.
- The data of rescued adolescents would be shared with Ministry of Skill Development through PENCIL Portal.

8.3 Economic Rehabilitation:

- Back wages: All rescued child labourer and adolescent labourers in hazardous employment shall be paid back wages at a rate not less than minimum wages for their period of employment.
- Immediate financial assistance of Rs 20000 under the Central Sector Scheme for Rehabilitation of Bonded Labourer 2016 if the child/ adolescent are a bonded labour. Additional compensation up to Rs. 3,00,000 is available on issuing of release certificate by the District Magistrate.

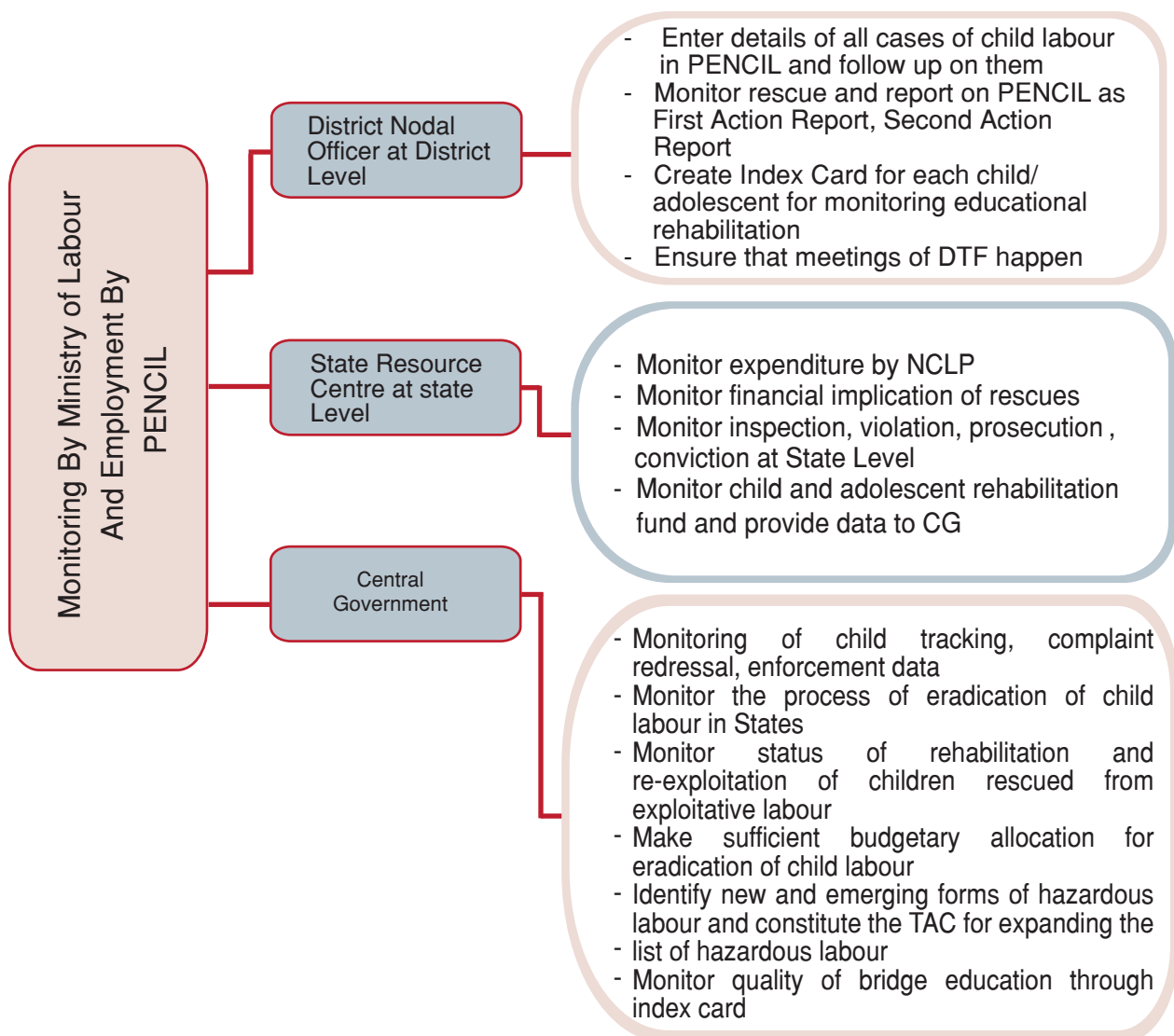
- As per CrPC Section 357A victim compensation scheme, whenever a recommendation is made by the Court for compensation, the District Legal Services Authority (DLSA) or State Legal Services Authority (SLSA) as the case may be shall decide the quantum of compensation to be awarded under this scheme.
- Economic Compensation: As per MC Mehta vs. State of Tamil Nadu and Ors. AIR 1997 SCC 699 judgment-
 - Rs 20000 per child are to be paid by the employer to a “Child Labour Rehabilitation-cum-Welfare Fund” to be used only for the benefit of that child.
 - In addition, the Government is to provide employment to an adult family member of the child or contribute Rs 5000 per child to this fund.
- As per Section 14(B) of C&AL (P&R) Act 1986, a Child and Adolescent Labour Rehabilitation Fund is to be formed by appropriate government in every district or for two or more districts. The amount of Fine and an additional amount of Rs 15000 is to be credited by the Government for each child or adolescent in such fund. The amount deposited and income accrued shall be given to the child as per Child and Adolescent Labour (Prohibition and Regulation) Central Rules.



Section 9: Monitoring

Enforcement of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 and Rules made therein are to be monitored both by an elaborate monitoring mechanism within the Ministry of Labour and Employment as well as by external independent agencies, thereby assuring robust enforcement of the law.

9.1. Monitoring Mechanism of Ministry of Labour and Employment: PENCIL Portal



9.2. Monitoring Mechanisms at the District, State and Central Level:

Commissions formed at the center, state and district level have the mandate to monitor the implementation of child labour

- National Human Rights Commission along with its counterpart at the state are to look into any violation of human rights not addressed, including child labour and adolescent labour in hazardous industries.
- The National Commission for Protection of Child Rights and its counterpart at the State levels as well as those at the District Child Protection Unit at the district level have a mandate to monitor the protection systems for children all over the country. While the NCPCR and SCPCR reviews policy implementation, the DCPU regulates and monitors institutions on the field such as the children's homes, community level monitoring committees etc.
- NALSA, SLSA and DLSA have the mandate to monitor coordination among agencies, and convergent implementation of laws and schemes for the eradication of child labour. They also have the mandate to monitor access to justice of every child.



Section 10: Roles and Responsibilities of Enforcing Agencies and Other Stakeholders at different Stages



“Our Aim - Child Labour Free India”

A. District Nodal Officer

S.No:	Action
PREVENTION	
1.	Ensure monthly meeting of the District Task Force (DTF)
2.	Present progress of prevention activities in the district for monthly meeting
3.	Share details of prevention activities in the district with State Resource Centre through PENCIL
IDENTIFICATION	
1.	Upload all complaints received by other means to the PENCIL portal immediately (e.g: Through telephone calls, emails, child line, from schools on drop outs etc.)
2.	Conduct regular inspections as per Rule 17 D of the Child and Adolescent Labour (Prohibition and Regulation) Rules
3.	Monitor adherence to norms stated in the Act and Rules and reiterated in this SoP for employment of adolescents on non - hazardous work
4.	Verify complaints received through various resources and identify if - child is employed or, - adolescent is employed in hazardous work or, - regulation for employment of adolescent is not met
5.	Register verified complaint of child labour, or adolescent labour in hazardous employment with local police station/ SJPU
6.	Take action and upload First Action Report (FAR) on the PENCIL within 48 hours of receipt of all complaint
7.	Coordinate with various agencies through DTF for survey and identification of child labourers in the district and to develop action plans accordingly
8.	Upload action plan and minutes of the DTF meeting to State Resource Centre
PREPARATION BEFORE RESCUE	
1.	Ensure FIR is filed in all complaints registered with the police. If there is a threat to life or liberty of the victim, ensure their immediate rescue in coordination with the police
2.	Facilitate resources needed for each rescue of child labourers are made available including logistical resource, transportation, members of the rescue team, information to children's home etc as per this SoP

3.	Coordinate with various stakeholders for rescue
RESCUE	
1.	Ensure that rescue is conducted on all verified complaints or as per DTF action plan
2.	Ensure that during the rescue protection is given to the victims including transportation facilities, separation from accused, translator, counselling, medical attention etc.
3.	Collect details of the company, factory etc such as registration, licence number etc for further action
4.	Ensure that no victim is left behind
POST RESCUE	
1.	If FIR was not registered before rescue, ensure registration of FIR
2.	Produce rescued child or adolescent before the CWC within 24 hours of rescue
3.	Arrange for shelter home, immediate medical care etc wherever necessary
REHABILITATION	
1.	Facilitate repatriation of the child or adolescent victim as per the order of the CWC, in coordination with the DTF where ever required
2.	Create a bank account for each child and adolescent and ensure transfer of interest accrued on the amount collected in the name of the child to such bank account once in every six months. Further ensure transfer of principle amount to such bank account when such child or adolescent reaches 18 years
3.	Ensure issuing of index card and inclusion of the child or adolescent victim to the child tracking system
4.	Coordinate with the CWC, SSA,NCLP project, DM's office, Department of Social Justice and Empowerment, District Legal Services Authority etc for social, educational and economic compensation for the victim as elaborated in Section 8 of the SoP
5.	Upload the Second Action Report (SAR) on the PENCIL portal within 21 days of receipt of first complaint including details of rescue, rehabilitation and issuing of index card
FOLLOW-UP	
1.	Ensure that all children rescued as re-integrated to school or skill development program
2.	Follow up with individual child on receipt of declared compensations, social rehabilitation schemes etc.
3.	Follow up on the progress of each trial
4.	Upload the Legal Action Report on the PENCIL portal including status of prosecution

B. Police/ Special Juvenile Police Officer

S.No:	Action
PREVENTION	
1.	Special Juvenile Police Unit to attend the monthly meeting of a District Task Force
2.	SJPU to participate in prevention of child labour activities in your district along with the labour department and DTF
IDENTIFICATION	
1.	Conduct proactive investigation to collect intelligence on cases of child labour, and adolescent labour in hazardous work or violation of any other child protection laws in your area
2.	To identify potential crimes related to child labour, create a database on Traffickers, Pimps, agents, Informants etc.
3.	Analyse information collected from the database of missing children
4.	Forming a strong network with stakeholders and law enforcement agencies engaged in trans points and destination areas
5.	Form action plan along with other members of DTF for elimination of child labour in your district. Monitor the monthly progress of the action plan in coordination with the DNO
6.	Register complaints received from the DNO, Child line and other sources
PRE - RESCUE PLANNING	
1.	Ensure registration of FIR for the complaints related to child labour. <u>If there is a threat to life or liberty of the victim, ensure their immediate rescue in coordination with the DNO</u>
2.	Constitute a comprehensive rescue team, under coordination with DNO.
3.	Ensure resources to overcome language barrier of the victims (reach out to DNO, DCPU or DLSA for a translator), immediate food, clothing, toilet, first aid kit, fire extinguisher, vehicles etc. in coordination with DNO.
4.	Ensure preparation for all evidence to be collected from the place of rescue and engage photographer/videographer.
5.	Ensure secrecy of the rescue operation
RESCUE	
1.	Ensure presence of the owner/manager responsible for running the place
2.	Ensured that the victim is not arrested and that the victim and accused are immediately separated
3.	Ensure thorough search of the place so that no child or adolescent is left behind

4.	Collect evidences with proper documentation
5.	Identify the relevant laws to include and ensure that an FIR is lodged immediately
POST RESCUE	
1.	Explain the situation to the victim
2.	Ensure that the Legal Services Authority and the paralegal volunteers are immediately involved.
3.	Ensure that the victim's statement is recorded as per provisions of Cr.PC after due psychosocial counselling.
4.	Produce the child before the CWC within 24 hours and if required, before the DM for ascertaining a case under BLSA, 1976
5.	Ensure that the rescued children or adolescents are placed in a CCI or with fit person or fit institution as per the instruction of CWC
6.	Provide required protection to the victim(s) and witnesses.
INVESTIGATION	
1.	Register an FIR and apply sections for continuing offences wherever relevant.
2.	Ensure protection for all victims and/or witnesses
3.	Ensure that the investigation is carried out in a time-bound manner and charge sheet is filed as soon as possible.
4.	Brief and aid the public prosecutor or representing lawyer

C. District Magistrate

S.No:	Action
PREVENTION	
1.	Ensure formation and monthly meeting of the District Task Force (DTF). Coordinate with the DNO for the same
2.	Develop a plan for prevention activities in the district and track its progress in monthly DTF meeting
3.	Authorise child artists and children working in other entertainment. Such permission to have validity only for 6 months and to be authorised based on section 2.2 b of this SoP and other guidelines issued by the Central Government on the same from time to time
4.	Ensure that 20% of the earnings of the child artist is transferred into a bank account in the name of the child, accessible to the child only after s/he turns 18 years
IDENTIFICATION	
1.	Ensure coordination with various agencies through DTF for survey and identification of child labourers, and adolescent labour in hazardous employment in the district
2.	Based on the identification ensure that the DTF develops action plan for elimination of child labour
PREPARATION BEFORE RESCUE	
1.	If there is a threat to life or liberty of the victim as per complaint, ensure their immediate rescue in coordination with the police and DNO
2.	Ensure resources needed for each rescue of child labourers are made available including logistical resource, transportation, members of the rescue team, information to children's home etc as per this SoP
RESCUE	
1.	Ensure that rescue is conducted on all verified complaints or as per DTF action plan
2.	Ensure that during the rescue protection is given to the victims and no victim is left behind

POST RESCUE

1. Monitor registration of FIR for all cases of child labour, or adolescent labour in hazardous employment under all relevant child protection laws
2. Ensure that all rescued child or adolescent before the CWC within 24 hours of rescue
3. Monitor and ensure all cases for -
 - Immediate medical care etc wherever necessary
 - Immediate separation of the victim and accused
 - No child or adolescent is kept in the police station overnight
 - Shelter home, fit person or fit facility is available for immediate care as well as long term care and rehabilitation of children
 - Children who require long term medical care – (both physical and psychological) is provided the same
4. Conduct timely summary trial as well as issue release certificate to access other forms of compensation under the BLSA, 1976
5. Monitor progress of investigation of all cases of child and adolescent labour in hazardous employment through DTF
6. Ensure coordination with labour inspectors for compounding of offences

REHABILITATION

1. Facilitate repatriation of the child or adolescent victim as per the order of the CWC, in coordination with the DTF wherever required
2. Monitor receipt of rehabilitation services with respect to social, educational and economic compensation for the victim including those elaborated Section 8 of the SoP

D. Project Director– National Child Labour Project Society

S.No:	Action
PREVENTION	
1.	Coordinate with the DNO for the progress of the work of the DTF
2.	Develop a plan for child labour and adolescent labour in hazardous employment prevention activities in the district
3.	Conduct capacity building for key community level stakeholders such as teachers, PRIs etc for elimination of child labour and adolescent labour in hazardous employment
IDENTIFICATION	
1.	Conduct NCLP Survey in a timely manner for identification of child labourers
2.	Based on the identification ensure that the DTF develops action plan for elimination of child labour
3.	Register complaint, where complaint has not been registered, with the police for child labourers or adolescent labourers in hazardous employment enlisted in the NCLP program
ASSISTANCE IN RESCUE	
	Provide requisite support to DNO, police to conduct rescue of child labourers or adolescent labourers in hazardous employment
REHABILITATION	
1.	Facilitate repatriation of the child or adolescent victim as per the order of the CWC, in coordination with the DTF where ever required.
2.	Prepare index card for child enrolled in the NCLP bridge schools if it is not prepared by the DNO.
3.	Facilitate enrolment of rescued child victims into the NCLP program or the adolescent victims in the skill development program
4.	Monitor receipt of rehabilitation services with respect to social, educational and economic compensation for the victim including those elaborated Section 8 of the SoP
FOLLOW-UP	
1.	Monitor progress rescued child victims in NCLP program for the following year on the index card
2.	Monitor the receipt of various economic, social and educational national and state level schemes and compensations through the index card

E. State Resource Centre – State Labour Department

S.No:	Action
PREVENTION	
1.	Implement prevention activities at the state level
2.	Monitor prevention activities in each district and utilisation of allocated funds for prevention allocated to NCLP Society and DNO
3.	Upload information of prevention on the PENCIL portal
4.	Build capacity of NCLP staff, labour inspectors and other district level implementation officers for the implementation of this SoP
IDENTIFICATION	
1.	Monitor timely action by DNO on complaints received (DNO to take action within 48 hours of receipt of complaint) and take appropriate action
2.	Monitor child labour survey in the State
3.	Create plan for, and monitor implementation of inspections by labour inspectors on the issue
4.	Monitor Second Action Report (SAR) by DNO
ASSISTANCE IN RESCUE	
	Provide requisite support to DNO, police to conduct rescue of child labourers or adolescent labourers in hazardous employment in the form of funds for logistic support, vehicles etc
REHABILITATION	
1.	Monitor Second Action Report (SAR) by DNO
2.	Ensure creation of Child and Adolescent Labour Fund in every district or a group of districts
3.	Report on the Child and Adolescent Labour Fund formed on the PENCIL portal
FOLLOW-UP	
1.	Monitor progress rescued child victims in NCLP program
2.	Monitor the receipt of various economic, social and educational national and state level schemes and compensations provided under labour laws as well as other applicable central and state laws and schemes
3.	Suggest changes to Central Government towards elimination of child labour based on the data collected at the State level

F. STATE OR DISTRICT LEGAL SERVICES AUTHORITY

S.No:	Action
PREVENTION	
1.	Participate in the monthly DTF meetings and inform other stakeholders of challenges for prosecution of offenders
2.	Aid prevention activities through spreading legal awareness on protection of children as a part of prevention activities
3.	Aid State Resource Centre and NCLP in conducting legal awareness on protection of children as a part of the capacity building initiative including stakeholders of the DTF
ASSISTANCE IN RESCUE	
1.	Ensure that a lawyer or paralegal is a part of the rescue team in all cases of child labour and adolescent labour in hazardous employment
2.	Assist in filing of FIR in cases of child labour and adolescent labour in hazardous employment
3.	Provide legal aid and legal counsel to cases of child labour and adolescent labour in hazardous employment
PROSECUTION	
1.	Provide legal representation to cases of child labour and adolescent labour in hazardous employment
2.	Aid DNO to prepare Legal Action Report (LAR) on progress of the trial

G. Child Welfare Committee

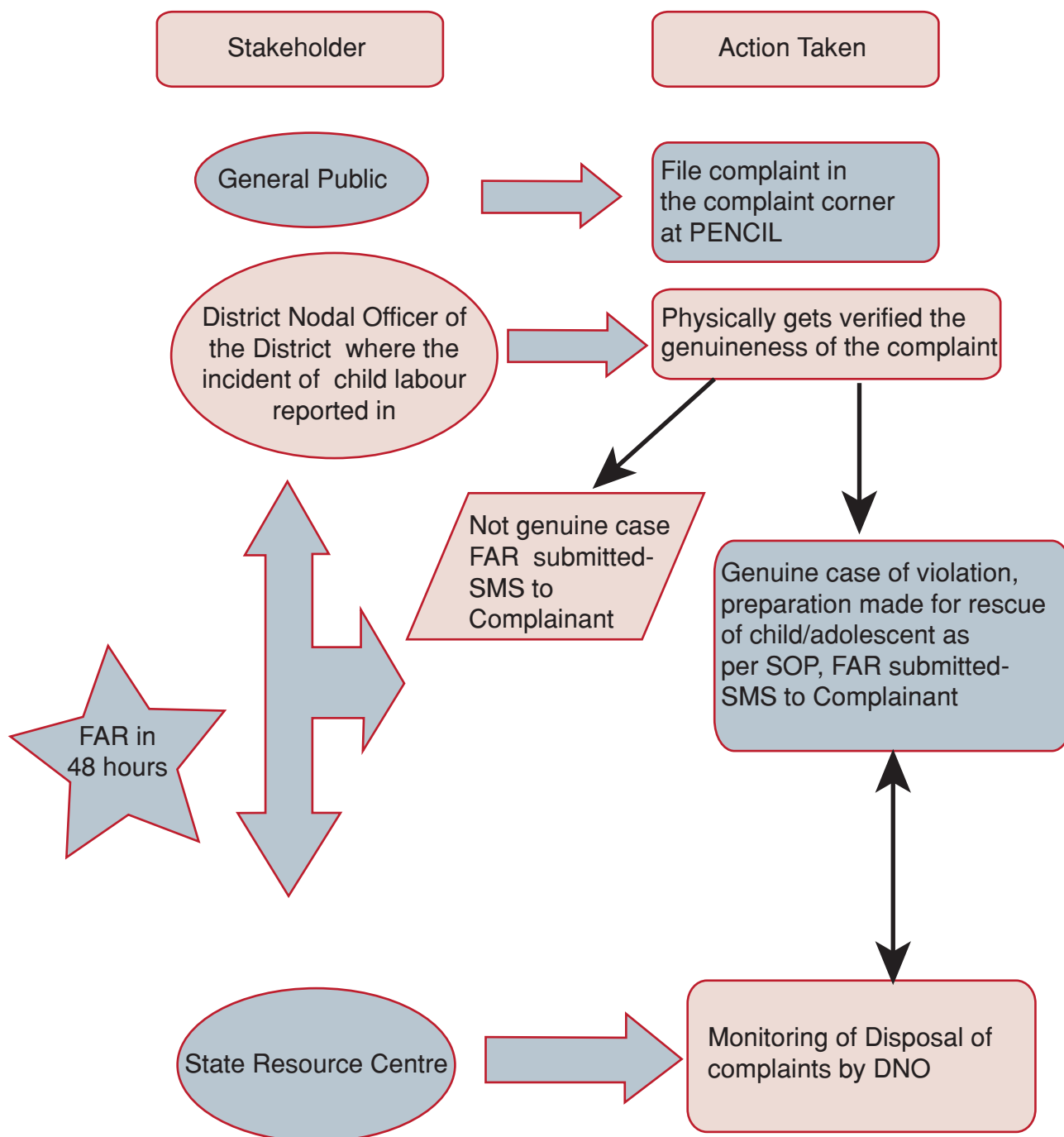
S.No:	Action
RESCUE	
1.	Participate in monthly DTF meetings and aid in implementation of the action plan developed to eliminate child labour and adolescent labour in hazardous employment
2.	Ensure that one member joins the rescue team for child labour and adolescent labour in hazardous employment
3.	Ensure immediate care for child labour and adolescent labour in hazardous employment is produced in front of the committee within 24 hours as per Juvenile Justice (Care and Protection) Act, 2015
REHABILITATION	
	Share information with DNO on rehabilitation provided to all victims of child labour and adolescent labour in hazardous employment

H. Department of Education and Schools

S.No:	Action
PREVENTION	
1.	Ensure 100% enrolment of all children in schools
2.	Include information about child labour and child rights in school curriculum
3.	Train teachers to understand the issue of child labour, adolescent labour and create awareness regarding Child and Adolescent Labour Act and Rules and institutional mechanism for child protection
4.	District Education Officer to participate in monthly DTF meetings and contribute to implementation of action plan against child labour
IDENTIFICATION	
	Teacher to report drop out of children for consecutive 30 days and child artists who are being employed without notifying district administration
REHABILITATION	
	Ensure enrolment or reintegration of child labourers into Sarva Shiksha Abhiyan

Annexure

Path of the flow of Complaint on child Labour and action taken on PENCIL Portal



List of Abbreviations

1. BLSA- The Bonded Labour System (Abolition) Act, 1976
2. C&AL(P&R) Act- Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
3. CCI- Child Care Institutions
4. CWC- Child Welfare Committee
5. DCPO- District Child Protection Officer
6. DCPU- District Child Protection Unit
7. DM – District Magistrate
8. DTF- District Task Force
9. DLSA – District Legal Services Authority
10. IPC- Indian Penal Code
11. ICPS- The Integrated Child Protection Scheme
12. ILO- International Labour Organization
13. ITPA - Immoral Traffic (Prevention) Act
14. JJ Act- Juvenile Justice Act, 2015
15. MOWCD- Ministry of Women and Child Development
16. NALSA- National Legal Services Authority
17. NCLP- National Child Labour Project
18. NCPCR- The National Commission for Protection of Child Rights
19. NGO- Non Governmental Organization,
20. NHRC- National Human Rights Commission
21. POCSO- The Protection of Children from Sexual Offences Act
22. SCPCR- State Commission for Protection of Child Rights
23. SDG- Sustainable Development Goals
24. SHRC- State Human Rights Commission
25. SJPU- Special Juvenile Police Unit
26. SLSA- State Legal Services Authority
27. SMC- School Management Committee
28. TAC- Technical Advisory Committee



“Our Aim - Child Labour Free India”



सत्यमेव जयते

Ministry of Labour and Employment Government of India

“Our Aim - Child Labour Free India”

Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001, India

Website: www.labour.gov.in

Facebook: <https://facebook.com/LabourMinistry>

Twitter: <https://twitter.com/labourministry>