

**CIRCULAR No. 19/2012**

**Sub: - Monitoring of Prevention of Child Labour by Police- Instructions Issued.**

Doubts are being raised regarding the legal validity of the manner in which police are monitoring the prevention of Child Labour in the State.

2. It is also pointed out by Government that complaints of various organizations are there that, despite the fact that the Child Labour Act 1986 does not prohibit employment of children who are above 14 years of age, State Police is taking legal action on the presumption that children cannot be employed before attaining the age of 18. It is also pointed out that interference by police is beyond the ambit of Child Labour Act in the case of employed children above 14 years of age.

3. The matter has been examined in detail. It is found that while Police monitor Child Labour, the provisions of the Juvenile Justice (Care and Protection of Children) Act are also simultaneously enforced. This has resulted in such allegations.

4. The Child Labour (Prohibition and Regulation) Act, prohibiting the employment of children defines 'Child' as a person who has not completed 14 years of age. As per the Act a child who has completed 14 years of age cannot employed or be permitted to work in any of the occupations set forth in part A of the schedule or in any workshop wherein any process set forth in part B of the schedule is carried on.

5. Hence, as per the Child Labour (Prohibition and Regulation) Act, giving employment to children above 14 years of age is unlawful, where certain provisions relating to the nature of employment are violated.

6. The Juvenile Justice (Care and Protection of Children) Act relates to children in need of care and protection and children in conflict with law. The said Act is intended to take care of all persons below 18 years of age, but whenever the question is merely of child labour, the Child Labour (Prohibition and Regulation) Act is prima facie applicable. At the same time if questions of care or protection of the child are involved in relation to the condition of the child, then appropriate Juvenile Justice Act provisions can be invoked.

7. It is therefore instructed that all officers should be duly aware of the above divergence while enforcing the above two Acts and pay proper attention.



**STATE POLICE CHIEF**

To

All Officers in **List 'B'**

Copy to: CAs to all Officers in PHQ.

All Ss in PHQ for information.

Stock File/Circular Book/Office Copy/OPs Cell, Police Information Centre, Records.