

LEGAL PROVISIONS IN CHILD LABOUR TRAFFICKING

Sl. No.	Situation of the child	Statute	Offence (Provision)	Section	Classification	Punishment
1.	Children are lied to and enticed to be brought for work	Indian Penal Code (IPC) 1860	a) Cheating	Section 417 and related	Bailable and non cognizable	Up to 1 year or fine
			b) Abduction			
			i) Abduction for wrongful confinement	Section 365, 367 and related	Non bailable and cognizable	Up to 7 years and fine
			ii) Abduction for slavery	Section 367	Non bailable and cognizable	Upto 10 years or fine
			c) Kidnapping through enticement	Section 363	Cognizable and Bailable (Non-Bailable in Delhi)	Upto 7 years and fine
		JJ Act	Procurement	Section	Cognizable and	Upto 3 years

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		2000	t of a child for hazardous employment	26	Bailable (Non-Bailable in Delhi)	and fine
2.	By paying some money to the parents as consideration or as advance	a) Indian Penal Code, 1860	Buying of a person as a slave	Section 370	Bailable and non-Cognizable	Upto 7 years and fine
		b) The Bonded Labour System (Abolition) Act, 1976	Punishment for advancement for bonded labour	Section 17	Bailable and Cognizable	Upto 3 years and fine
3.	Giving away the procured (Trafficked child) to the employer for monetary consideration for the purpose of employment.	a) Indian Penal Code 1860	Selling a minor for the purposes of Prostitution.	Section 372	Non Bailable and Cognizable	Upto 10 years and fine
4.	Employin	a) Child Labour	Employing the child in	Section	Non-Cognizable	Upto 1 year. Repeat offence

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	wage	b) Indian Penal Code		Section 373	Bailable and cognizable	Upto 10 years and fine
				Section 374	Bailable and Cognizable	Upto max. 1 year and fine

In all of the above Situations it may also be noted that Section 370 of the Indian Penal Code shall be applied in situations where an Act, Means and End (i.e., a form of exploitation) exists as elaborated below:

Statute	Section	Act	Means	End (Exploitation)
Indian Penal Code	370 Whoever for the purpose of exploitation,	Recruits	Using threat	Physical Exploitation
		Transports	Using force or any other form of coercion	Sexual Exploitation
		Harbours	Abduction	Slavery
		Transfers	Practicing fraud, or deception	Practices similar to slavery
		Receives	Abuse of power	Servitude
			Inducement	Forced Removal of Organs

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	g the child	(Prohibition and Regulation Act, 1986	prohibited occupations and processes	3/14	and Bailable	upto 2 years and fine upto 20,000 (Min. 10,000 and max. 20,000 as per Supreme Court Guidelines
		b) JJ Act, 2000	Procuring child/juvenile for hazardous employment	Section 26	Cognizable and Bailable (Non-Bailable in Delhi)	Upto 3 years and fine
5.	a) Not allowing the child to move freely, return home as per his/her will	Indian Penal Code, 1860	Wrongful confinement of a kidnapped or abducted person/child	Section 368	Cognizable and non Bailable	Upto 10 years and fine
	b) Not paying wages or paying less than the minimum	a) The Bonded Labour System (Abolition) Act, 1860	Enforcing forced or bonded labour	Section 16	Bailable and Cognizable	Upto 3 years and fine