

Government of Karnataka (Police Department)

No: CRM-2/3/2013 Enelf 3 Office of the Director General and Inspector General of Police,
Nrupathunga Road, Bengaluru.
Date: 0.26-2015

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CRIME SECTION CIRCULAR - 3/2015

Sub: Standard Operating Procedure to be adopted while Investigating Missing/Found child cases.

Ref: 1) Chief Office circular No. CRM-2/3/2013, dated 12-9-2013

 Chief Office circular No. CRM-2/3/2013, dated 02-12-2014

Any Child missing or separated from his family/ guardian or right full place of stay runs the risk of being deprived of its rights under the constitution, convention on rights of the child (CRC) the Juvenile Justice (Care & Protection of children) Act - 2000 etc., Based on the directions issued by the Hon'ble Supreme Court in Writ Petition 75/2012 (Bachapan Bachao Andolan Vs Union of India), Govt., of India (Ministry of Home Affairs) advisories and the draft standard operating procedure prepared by the Tata Institute of Social Science the following instructions are issued about missing child. Generally stating, missing children are children who are separated from the family/guardian

A Missing Child:

A missing child may be one who is lost (unintentionally separated form family), has left home on his/her own without a notice or has been abducted or kidnapped.

Receiving complaint of a 'missing child'

- 1.1 The complaint for a missing child can be made by anybody, even where the complainant is not a family member or related to the child. Equal importance must be given to the complaint and prescribed procedure for investigation must be initiated.
- 1.2 Given below is an indicative list of the individuals or organizations/institutions who may approach the police to complain about a missing child.

- a) A parent;
- b) A guardian;
- c) A relative;
- d) Child Welfare Committee
- e) Child line
- f) NGOs;
- g) Police;
- h) Public Servant;
- i) Any person concerned with the safety and well being of the child;
- j) Any person who has knowledge about the incident.

In all the above cases police should take appropriate action. On the case, as set out below.

Mode of Complaint for Missing Child:

- 2.1 A complaint for a missing child may be ordinarily lodged by the complainant at the local police station. However, complaints made through alternate means listed below should also be treated as valid complaints and appropriate action in such cases should be initiated at the earliest. These alternate means of complaint may include:
 - a) At the police station (by phone, email or SMS)
 - b) The PCR number: dial police helpline 100
 - c) Any other emergency helpline number of the State police;
 - d) Child line 24 hour emergency helpline number: dial 1098;
 - e) An individual/organization/institutions should also report about a missing child or any other category of missing child as mentioned above to the child Welfare Committee. The Committee can immediately direct the police to initiate the necessary enquiry.
- 2.2 In cases of complaint filed through SMS and/or email, the police should speak to the caller and confirm that he/she has sent the SMS and/or email before registering the FIR.

Registration of First Information Report (FIR)

- 3.1 Registration of FIR in cases of missing children is mandatory by virtue of The Judgement of the Hon'ble Supreme Court in Bachpan Bachao Andolan v. Union of India, W.P Civil) No.75 of 2012, (dated 10/05/2013).
- 3.2 Thus, any complaint of a missing child must be forth with registered as an

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- FIR (under Section 154 Code of Criminal Procedure), with the initial presumption of either abduction or trafficking of the child. (Unless, in the investigation, the same is proved otherwise).
- 3.3 All complaints received regarding a missing child, irrespective of the person complaining or the mode of complaint should be recorded by the police officer on duty and after due enquiry and/or preliminary verification, registered as an FIR.
- 3.4 All supervisory Officers (SDPO's) should invariably be informed about reports of missing children by the SHO's concerned so that such cases can be closely monitored.

Recording of information

- 4.1 When registering a case about a missing child, the police officer concerned shall, as far as possible, take as many details from the parents/guardians/relatives/custodial authority of the child, or the school/institution/agency from where the child was reported to be missing.
- 4.2 The enquiry should start with basic facts such as who, when, where and how, including description of victim and suspect. An indicative list of information to be obtained at the time of registration of the FIR is set out under Annexure 1.

Risk Assessment

- 5.1 The Investigating Officer to fill the check list for risk assessment and based on the parameters indicated there, valuate the level of risk posed to the missing child. The copy of the Risk Assessment Form is enclosed as Annexure 2.
- 5.2 The Investigating Officer should use the filled checklist to determine factors like the likelihood of immediate danger to the child, or of the child being the victim of serious/grave crime and accordingly decide course of action, which will include amongst others:
 - ✓ The urgency of investigation
 - ✓ Areas of inquiry:
 - ✓ Types of specialist knowledge that might be needed
 - ✓ The supervision that may be required
 - ✓ Agencies who may be first alerted
- 5.3 Plan of action for investigation must be determined based on risk assessment. For example risk factors will be different for boy and girl child accordingly the mode of investigation and steps taken for tracing them may be varied for each case.
- 5.4 If preliminary inquiry indicates that there is a demand for ransom or case for involvement of serious crimes and/or trafficking, the case must be immediately handed over to AHTU or specialized crime branch unit within

the state police dealing with such crime, as the case maybe.

Dissemination of information

- 6.1 The Investigating Officer must at the earliest, initiate steps to facilitate tracing the whereabouts of the missing child by using linkages and partnerships with available databases and relevant authorities.
- 6.2 Upload the details of the missing child along with relevant photographs/forensic sketches (in Form M) on the website www.trackthemissingchild.gov.in
- 6.3 Flash Wireless messages with information about the missing child to all police stations within the state and to Police Control Rooms across all states in India;
- 6.4 Disseminate all available information regarding the missing child along with photograph to regulatory authorities like the CWC/ local centre of Child line PU/GRP/RPF/CISF/SJPU/AHTU/SCRB/NCRB/DCPU etc. to check if any information regarding the whereabouts of the missing child have been received by such agencies;
- 6.5 Fill up specific designed 'Missing Persons Information Form' and immediately send to MPS, DMPU,CRO,CBI etc. so as to initiate further appropriate action for searching the missing child;
- Assign the missing report to the Child Welfare Officer (SJPU) who should immediately inform the PCR and sound alert to the mobile and foot patrolling parties in the area, police check posts at borders (ITBP, BSF), railway stations(GRP,RPF), interstate bus terminals, hospitals, shelter homes, local taxi drivers associations, etc for tracing the missing child.
- 6.7 A copy of the FIR should be sent by post/email to the nearest legal Services

 Authority (Taluk/District/State Legal Services Authority) along with
 addresses and contact phone numbers of the parents of the missing child,
 after uploading the relevant information onto www.

 Trackthemissingchild.gov.in.
- 6.8 The details of missing children should be sent by special messengers to the DCRB of the neighbouring states as well as SHOs of the boarding police stations including I/Os of all police posts in their jurisdiction. This should be followed up by regular interaction with the concerned so that follow up action is ensured.
- 6.9 Prepare sufficient number of Hue & Cry notices containing photograph & physical description of the missing child to be sent to the CRO for publication in the police Gazette.

Community Initiatives for tracing the child

7.1 Wide publicity to be given in the surroundings of the area from where the child went missing, with permission of parents/guardian, through use of

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- loud hailers, distributing and affixing Hue & Cry notice at the prominent places like railway stations, ISBTs, airport, regional passport offices and other prominent places;
- 7.2 With the permission of parents/guardian, give wide publicity within 3 days of filing the FIR by publishing/telecasting the photographs and the description of the missing child in
 - ✓ Leading newspapers (one national and one regional daily)
 - ✓ TV/electronic media
 - ✓ Local cable TV network.
- 7.3 Take <u>permission</u> before publishing photographs, especially in case of a girl child. Parents/guardians/ complaint/s to be informed about the places where the child's photograph is going to be published and other publicity details. Their option should be taken into consideration.

Investigation by Police

- 8.1 After initial risk assessment, the IO must determine the course of action to be followed in investigation of the case. Based on the identified needs the steps to be followed in investigation of case may be different from the steps stated below.
- 8.2 Visit the place from where the child was reportedly missing and try to find out probable cause behind the disappearance;
- 8.3 Search the house or premises from where the child has gone missing / nearby buildings, particularly vacant ones, for clues;
- 8.4 Scrutinize the missing child's computer, cell phone, email accounts and diaries with <u>consent</u> of the family. Also ensure that the call Detail Records are scrutinized and analysed.
- 8.5 If available, scan the CCTV Cameras installed in the spot (or in its vicinity) from where the child is reported missing and in possible routes and transit/destination points like bus stands, railway stations etc.
 - 8.6 Cause investigation into all possibilities and angels of organised crime like abduction and/or trafficking including places of child labour, physical and sexual exploitation, organ trade/removal, forced marriage, pornography, etc.
 - 8.7 Conduct prompt investigation as per procedures and suggest those which are beyond the normal realm of investigation.
 - Assign one officer to go through the police station records to check if any similar incidents have been reported in the area or adjacent area. All such details should be made available to the 10 and suitable action must be taken immediately.
 - 8.9 Areas/spots of interest such as movie theatres, shopping malls,

- amusement parks, games parlors should also be searched, the police has also search the places where large number of children gather or frequent to do small/menial jobs or roam around, etc.(e.g. Religious places, tourist sports)
- 8.10 Inquiries should be made from neighbouring police stations under Govt. Railway police, RPF posts, hospitals (including government and private hospitals), clinics, and local healthy volunteers in the area about any unidentified dead bodies found, unidentified injured persons admitted or information about missing children admitted in the hospitals.
- 8.11 In case of unidentified dead bodies being discovered, DNA fingerprinting should inevitably be done and further investigation should be conducted thereon.
- 8.12 Find any uncovered pits or drain manholes/septic tanks/unused bore wells, etc., in nearby places surrounding the area from where the child is reported missing. Search those pits/manholes/wells for any accidental fall.
- 8.13 Check with shelter Homes, Children's Homes and other institutions under the Juvenile Justice Act, Rain Baseras, Nari Niketans, mortuaries in hospitals, placement agencies, NGOs, Child Welfare Committees, Anganawadi and Asha workers and other local outreach workers, etc. Records and databases of such institutions should also be checked.
- 8.14 Cross-check the list of persons rescued from brothels and other places of exploitation from anywhere in India.
- 8.15 Follow up at regular intervals to match the missing person's record with the data being fed on ZIP NET/ www.trackthemissingchild.gov.in regarding missing persons and unidentified dead persons by other authorities.
- 8.16 Maintain close liaison with the complainant/victim's family to ascertain further clues, including information of abduction or any ransom demands made by the kidnapper, any further follow up action and to apprise the family of any developments in the case.
- 8.17 In appropriate cases, a declaration of reward for furnishing clue about the missing child should be announced immediately. [Mandatory within a month]
- 8.18. Follow up on the case till a logical conclusion is arrived at. Constitute special teams to go into the root of the issue and ensure rescue/return/recovery of the missing person, where required.

Maintaining Case File

- 9.1 The IO should maintain a separate file in respect of <u>each</u> of missing child containing, the following:
 - ✓ A photograph of the missing child :
 - ✓ A copy of the FIR,
 - ✓ other papers relevant to the case,
 - ✓ brief note/ daily entries on day efforts made by the IO for locating the child.

Prosecution of Missing Children Cases

10.1 All cases relating to missing children should be scrutinized by the Chief Public Prosecutor of the District.

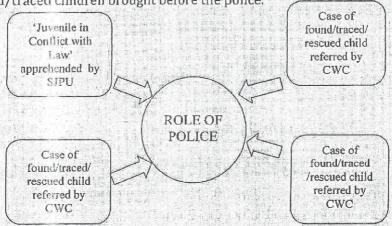
Investigation Probability of 'Organised Crime'/ Trafficking.

- 11.1 Network with NGOs, Helplines, Childline, Special investigation Teams etc. to examine possible involvement of organized crime groups in the case of a missing child.
- 11.2 Upon suspicion of the child being victim of an organized crime, the probable destinations where the child could be taken should be investigated and local police of such destinations must be informed.
- 11.3 Cross-check details of missing children with various specialized police agencies and NGOs who are working in the area of recovery/rescue of victims from organized crime cartels like trafficking, abductions etc.
- Where a child has gone missing and has not been recovered or found for a period of 2 months or more, the case must be analysed from the perspective of involvement of any organized crime gang and transferred to the appropriate investigating agency for further investigations.
- In case of likelihood of involvement of human trafficking, the case must be handed over to AHTU for investigations as trafficking or organized crime is involved.
- 11.6 If any other element of organized crime is suspected and the state has constituted an STF for dealing with such organized crimes, all cases of missing children likely to be linked to such crime should be handed over to them.
- 11.7 In all other cases, where an organized crime is suspected (but no special team has been created, a specialized team, headed by the SHO should be instituted investigating the case.
- 11.8 The AHTU/STF/specialized team, mentioned above will submit a status report after every three months from the date of FIR to the concerned Legal Services Authority to keep updated [Monitor]
- B. Found/Traced Child: A Found/traced child will be a child who is traced by the police on the basis of a missing child report or is found on the streets/in a market place/at railway platforms/bus stops/in trains/on a bus or other public transport/in a hospital/any public place and/or is brought before the police or the CWC by any individual or NGO.

Procedures for working with a Found/Traced Child.

- 12.1 A found/traced child may be brought before the Police by any individual, NGO or institution.
 - ✓ Upon receiving information about a found/traced child either through their own inquiry or a third party, Investigating Officer concerned should forthwith share such information with:
 - ✓ Send wireless messages to the PCR and across all the police station within the state.
 - ✓ Local Child line office within their jurisdiction.
 - ✓ CWC in their jurisdiction.
 - ✓ Upload relevant information www.trakthemissingchild.gov.in

12.2 Subsequent course of action should be determined based on the category of the child brought before the police. Figure below the broad categories of found/traced children brought before the police.



Action to be taken for child found/traced reported missing in FIR.

- 13.1 Conduct appropriate inquiries, record the statement of the child and exercise due diligence to determine the reason and circumstances of the child going missing and verifying the relationship between the child and the informant
- 13.2 Examine the current emotional and physical state of the child to eliminate if the child was, abused, exploited or if the child been victim of any crime (like trafficking, child labour, abduction, child sexual abuse etc).
- 13.3 Subject to such inquiry, the child should be ordinarily restored or handed over to the parents/ guardian/ children's institution as the case maybe. However, if the child does not want to go home such child should not be handed over to the informant and should be produced before the CWC at the earliest within maximum 24 hours. The reasons for delay should be recorded.
- 13.4 If the CWC is not in sitting, admit the child in a CCI, shelter home and other place of safety as per provisions of the J.J. Act produce the child at next sitting of the CWC.
- 13.5 In no case should a child be made to stay in a police stations or a jail even for a temporary period. The child should not have any ill treatment.
- 13.6 Initiate criminal proceedings if the child has been victim of any crime or abuse (like trafficking, child labour, abduction, child sexual abuse etc.)

Action taken for 'Juvenile in Conflict with Law' apprehended.

- 14.1 If preliminary inquiries in relation to a child being apprehended as a Juvenile in Conflict with Law, indicate the possibility of such child being a missing child, then the JJB must be informed of the same.
- 14.2 Procedure for tracing the family in accordance with provisions of the J.J. Act must be initiated immediately.

Action in all other cases of found/traced children.

- a) This category will include, amongst other, children being found/traced/rescued;
 - b) by the police either on their own or on information of any third party;
 - by the police during investigation pursuant to an FIR filed by any third party such as school authorities, social workers, local leaders, passersby, NGOs, Child line, etc (excluding parents/guardians or children's institutions as explained in 13 above);
 - d) by the police during rescue and raid operations conducted against organised crime groups like traffickers, child labour cartels, kidnappers etc.
 - e) when the child himself/herself reaches the police station.
- 15.2 All children falling under this category brought to the police will fall under the purview of child in need of care and protection' (Annexure 3) and should be produced before CWC within 24 hours (excluding the travel hours) along with copy of the Station Diary and FIR, where applicable.
- 15.3 In case of exceptional circumstances like the child being unwell or hospitalised etc., relaxation of this timeline may be sought from CWC.
- 15.4 If the CWC is not in sitting, admit the child in a CCI, shelter home and other place of safety as per provisions of the J.J. Act produce the child at next sitting of the CWC.
- 15.5 Initiate criminal proceedings if the child has been victim of any crime or abuse (lice trafficking, child labour, abduction, child sexual abuse etc.)

Action in cases of found/traced child is referred by CWC.

- 16.1 CWC may refer matter to police further investigation in the following circumstances:
 - a) Where the child was found/traced/ rescued by the police but has provided additional information (not disclosed to police earlier) before the CWC which necessitates further investigation/ action; and
 - b) Cases of children found/traced/ rescued by third parties (NGO, Hospitals or Public) and brought directly before the CWC.
- 16.2 In both the above cases, the police shall comply with the orders of the CWC which may include amongst others family tracing, age verification, submission of relevant reports to CWC/JJB and /or criminal investigation against adult perpetrators. As per the orders of CWC/JJB the police may also be required to escort the child and hand him/her over family/guardian.

General Guidelines for dealing with found/traced children

17.1 A child victim should be separated from his oppressor and care must be

- taken to ensure that the child does not feel uncomfortable or intimidated by the presence of any third person.
- 17.2 Anonymity of the child victim should be ensured and his/her right to privacy must be respected.
- 17.3 Female victims should be interviewed by Women Police Officers. If Women police Officers are not available, involve women NGO's or counselors during interview
- 17.4 Adequate support must be provided to the victim and counseling where possible must be given to the victim.
- 17.5 Conduct the interview at a place where he/she is comfortable. It should be a place of her choice.
- 17.6 Keep the ambience child friendly.
- 17.7 Do associate the person whom he/she is comfortable with. A 'child minder', a counselor etc. would be appropriate
- 17.8 Avoid onlookers, interventions and interruptions during interview
- 17.9 Include psychiatrists and forensic experts, as and when required.
- 17.10 Avoid repeated interviews, unless essential
- 17.11 Senior officers and supervisory officers should ensure that they participate in the interview along with the IO.
- 17.12 Repeated interviews are avoided so that the victim does not have to relive the trauma.
- 17.13 Effort should be made to help the victim come out of trauma so that she is able to recall events properly, logically and fully.
- 17.14 Support the victim. Validate the harm done to him/her, He/she should be made to feel and realize that she is a victim that he/she has been harmed and that he/she is never at fault.
- 17.15 Listen to the victim carefully and empathetically. Do understand him/her from him/her perspective. A child victim may not know the adult language and terminology 10 has to go to her level of understanding.
- 17.16 Avoid making value judgments, comments and criticisms.
- 17.17 Remember that the victim is the best witness to speak about all aspects of the turn of events during the course of Missing. Therefore him/her statement should be logical and be detail.
- 17.18 Interviewing of victims must be carried out with care and caution. See that the investigative processes do not traumatize him/her any further. It is essential to adopt sensitive techniques (i.e., cognitive interviewing) to help the victim recall all the facts which are of evidentiary value. The victim may not know about the significance of these facts, whereas the police officers ought to know. The interview processes should be done keeping in mind him/her best interest and not anybody else's:
- 17.19 With the <u>victim's informed consent</u>, electronic documentation (e.g. videography) of the recording of the statement can be arranged which can be eventually used in the court of law.
- 17.20 Facilitate the victim to ask questions and raise doubts. It will open up the conversation.
- 17.21 Record statement in the victim's language. Translation can be done later.

 Do not forget to include the emotional content and body language as displayed during the interview.

- 17.20 The police officer recording statement should sign and record his full name, designation and address.
- 17.21 There should be no publicity of the victim and him/her statements.
- 17.22 If re-examination is required do seek him/her consent and convenience.

Role of Child welfare Committee (CWC) and its powers.

- 18.1 The CWC being the statutory body for safe guarding the rights and needs of children should exercise its power for welfare of all such found/traced children who need care and protection. It can issue necessary directions to the Police/NGOs/Parents/Teacher/Doctor/Neighbor/Employer etc., for their appearance. Reports are care/welfare of the child.
- 18.2 CWC can issue summons or warrants (Bailable & Non Bailable) and direct police for their service/execution as per the prescribed procedure under the law.
- 19 It is instructed that all the Unit officers should mandatorily see that Investigating Officers in their respective jurisdictions implement the above mentioned directions while dealing with Missing Children Cases.

For Director General and Inspector General of Police.

To:

- 1) The Commissioners of Police, Bengaluru City/Mysuru City/ Hubballi-Dharwada City/Mangaluru City/Belagavi City.
- 2) All Inspectors General of Police, in charge of ranges.
- 3) All Superintendents of Police, in charge of Districts, (Including KGF and Railways, SCRB, Bengaluru)

Copy for information:

- The Principal Secretary to Govt. (PCAS), Home Department, Vidhana soudha, Bengaluru.
- 2) The Principal Secretary to Govt., Department of Women & Child Development.
- 3) The President, Karnataka State Legal Services Authority, Bengaluru.
- 4) The Director General of Police, CID, Economic Offences & Special Units, Bengaluru.
- 5) The Director General of Police, Training, Bengaluru.
- 6) The Addl. Director General of Police, Police Computer Wing, Bengaluru.

Annexure 1

INFORMATION TO BE TAKEN FOR MISSING CHILD

- a) Description of the child, including current clothing, name, parentage, sex, age, height, built, complexion, unique identification marks etc; special attention to be given to the age of the child as this will determine the pattern of enquiry. For instance, there is a lesser likelihood there is lesser chance of child below 6 years of age of running away from home as against a much older child, the risk factors associated would be different for younger children who may get kidnapped as compared to older children who face the risk of getting trafficked for exploitation
- b) Date and probable time the child went missing;
- c) A recent photograph of the missing child. If the photograph of the missing child is not available then a photograph of the closest family relative bearing resemblance to the child must be obtained used by police to digitally and/or forensically generate image and/or sketch of the missing child;
- d) Status of the child i.e. whether child was in care of his/her family or an institution, whether street child or child labour, whether in conflict with law released on buil, whether suffering from any physical or mental health condition etc;
- e) Name address and phone number of parents/family members/ guardians/ employers/ custodians/ friends and/or associates under whose care and supervision the child may have been immediately before he/she went missing;
- 'f) Child's mobile number (if any);
- g) Money available with the missing child;
- h) Details of places frequented by the child;
- i) Details of school, child's class and contact number of the school principal and the class teacher.
- Information as to when the child was last seen, activities of the child when last seen, and with whom and probable circumstances of disappearance of the child;
- k) Witness accounts (if any);
- I) Information regarding any previous history of the child going missing and/or any history of earlier disappearance.

- n) Details of prior incidents of abuse, violence, fights etc., if any, in the child's environment (family/custodial institutions/workplace/school), which may have caused or influenced the child's disappearance.
- n) Any suspicion of foul play;
- o) List of persons who may have anything against the missing child or his parents/guardians, like animosity, hate, anger, etc. or any person who may have threatened the person or his guardians of any such likely incident;
- p) Information about any persons suspected by the parents/ guardians of the child, whether known or unknown to the child;
- q) Demand of ransom if any;
- r) Information of any vehicle involved;
- s) Any relevant information from other residents in the neighbourhood or the community;
- t) Other critical risk factors
- Details of any previous similar incidents within the area that were reported to the police (earlier missing reports attempted abductions, suspicious persons). For obtaining this information one officer should be assigned to go through the police station records so that any similar incidents have been reported in the area or adjacent area. All such details should be made available to the LO.

ANNEXURE2: RISK ASSESMENT FORM

No.	INVESTIGATIVE DETAILS AND PROPERTY PERSONS CIVING PHA CONSIDERATIONS CIRCUMSTANCES INFORMATION =
1.	If the child is under the age of 14 years
2	If the missing person is a gul ** child
3.	If the child comes from the Economically Weaker Section (EWS)
;4,1; ;	If the missing child has been a subject of prior missing persons
	reports; or previously disappeared and suffered or was exposed to the ham: whilst missing
3.3	If the inissing child has previously been a victim/witness imany criminal investigation
6	If the missing child suffers from a mental or physical impairment or serious illness; or requires essential medication or treatment
73	not readily available to them If the child is known to associate with adults or children who

No.	Investigativit Considerations	DETAILS AND PERSONS CIVINGLEUAL CIRCUMSTANCES INFORMATION
8	If the child has been associated with any known criminals	
9.	If the child lias been interacting with adults on the internet	
10.	If the child is subject to drugs and alcohol dependency	
11.	If the complainants have reason to believe that the missing child has been abducted or kidnapped for ransom	
12.	If there are suspicions of suicide or self-harm	
13.	If the child was involved in violent incidents prior to crime	
.: 1 4.	If the child has had a history of abuse at home	and the second of the second o
15.	If the child is being compelled/manipulated into a situation of bonded or exploitative child labour with or without knowledge of the parent/guardian;	
-16.	If there is a high likelihood that the child may get lured into	

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CIRCUMSTANCES:

PERSONS GIVING THAT INFORMATION

- 17. If the child is being threatened by related or non-related adults to take up inappropriate work;
- 18. If there is a likelihood that the child may get 'sold' by related or not related persons.
- Inclement weather conditions
 where exposure would seriously
 increase the risk to health