

# India

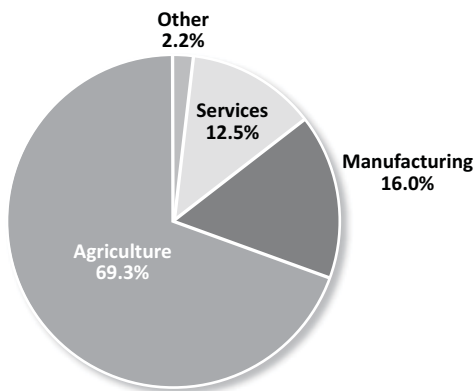
In 2011, India made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government created a new office to monitor bonded labor and child labor cases and established a new anti-trafficking unit responsible for arresting child traffickers. India also increased funding to the National Child Labor Project (NCLP) and provided access to health insurance for workers in the informal economy whose children are among the most vulnerable to exploitative child labor. However, basic legal protections remain weak. India lacks a minimum age for work and fails to shield young people ages 14 to 17 from hazardous work. The worst forms of child labor continue to exist in many sectors, particularly in dangerous activities in agriculture and the manufacturing of goods in the informal economy. Children may also be subject to bonded labor.



## Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	3.3 (7,530,614)
Attending School	5-14 yrs.	82.1
Combining Work and School	7-14 yrs.	0.6
Primary Completion Rate		95.7

## Working Children by Sector, ages 5-14



### Sources:

**Primary completion rate:** Data from 2008, published by UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from NSS Survey, 2004-2005.(2)

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in India are engaged in the worst forms of child labor. Most work in agriculture producing crops such as rice and hybrid seeds.(3-8) Children who work in agriculture may carry heavy loads and apply harmful pesticides. Children in India also work under dangerous conditions manufacturing a variety of products, quarrying sandstone and other materials, breaking stones and polishing gems.(6, 8-11)

Children in manufacturing make matches, bricks, carpets, locks, glass bangles, fireworks, cigarettes, incense sticks, footwear, garments, hand-loomed silk, leather, brassware and other metal goods.(6, 8, 12-25). Children spin thread/yarn, embroider, sew beads to fabric and stitch soccer balls for the domestic market.(14, 26) Many children manufacture goods in the informal economy, increasingly doing so in home-based product production.(6, 14, 27) In addition to working long hours in cramped spaces under poor lighting and inadequate ventilation, children in manufacturing may be exposed to harmful chemicals and dangerous machinery and tools. The risks for these children have caused joint pain, headaches, hearing loss, skin infections, respiratory problems and finger deformities.(17, 18)

Service industries that employ children include hotels, food service and tourism where they are vulnerable to physical violence, mental trauma and sexual abuse.(28, 29) Children work on the street selling food and other goods, repairing vehicles and tires, scavenging and rag picking.(28, 30) This may expose them to dangers including severe weather, criminal elements and traffic accidents. Children are also found working

in construction and domestic service.(31, 32) Many work very long hours and suffer abusive treatment.(31-33)

Forced child labor occurs in India. Children perform forced or indentured labor in domestic service, gemstone cutting and quarrying, as well as in brick kilns and rice mills. Children also work under forced conditions producing hybrid seeds, garments and embroidered textiles.(6, 8, 31, 34)

The federal police stated that an estimated 1.2 million children engage in prostitution.(35) Cases of child sex tourism continue to be reported in cities and towns with tourist attractions as well as locations known as religious pilgrim centers.(34)

India remains a source, transit and destination country for minors trafficked for commercial sexual exploitation and forced labor in domestic service, agriculture and activities such as begging and making bricks.(31, 34) The majority of these children are Indians trafficked within the country(34).

There are reports that children have been recruited to serve as soldiers by armed opposition groups in zones where armed conflict is occurring, such as by the Naxalites in Chhattisgarh.(36)

Education is free and compulsory through age 14, but barriers to accessing the education system still exist.(8) In remote areas, children have to travel long distances to reach school and transportation is limited. This, along with a lack of proper sanitation facilities, sometimes deters girls from attending school.(8)

## Laws and Regulations on the Worst Forms of Child Labor

According to the Child Labor Prohibition and Regulation Act, children of any age may be employed, provided employers adhere to restrictions, including a maximum 6-hour workday with a 1-hour rest period, at least 1 day off per week and no night or overtime work.(30, 37) The Child Labor Prohibition and Regulation Act bars children under age 14 from 18 hazardous occupations and 65 hazardous processes such as working in factories, mines and domestic service; handling pesticides, weaving carpets and breaking stone.(37, 38) Employing children under age 14 in a hazardous industry can lead to fines and imprisonment. Victims also receive compensation. Additionally, the Government must either compensate the family of the child or find employment for an adult member of the family.(30, 37)

However, gaps remain in legal protection for working children. The lack of a minimum age for employment increases the likelihood that very young children may engage in activities

that jeopardize their health and safety. The minimum age for hazardous work is not consistent with international standards and may likewise jeopardize the health and safety of young people ages 14 through 17. Additionally, the labor law does not cover large segments of the economy, including family farms and other family businesses.(27)

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	No
	Minimum Age for Hazardous Work	14
	Compulsory Education Age	14
	Free Public Education	Yes

The Juvenile Justice (Care and Protection of Children) Act prohibits exploiting juvenile employees under age 18 by such practices as keeping them in bonded conditions or garnishing their wages. Violators may be fined or imprisoned.(39)

The Bonded Labor System (Abolition) Act outlaws bonded labor in India and provides for district-level vigilance committees to investigate allegations of bonded labor and release anyone found in bondage. The Act also provides for rehabilitation assistance payments for released bonded laborers. Persons found using bonded labor may be fined and face imprisonment.(40) The Immoral Traffic (Prevention) Act prohibits commercial sexual exploitation and trafficking of children. Penalties include up to life imprisonment if the victim is under age 16.(41) The Information Technology (Amendment) Act of 2008 includes penalties of fines and imprisonment for any person who publishes, collects, seeks or downloads child pornography in electronic form.(42) The Narcotic Drugs and Psychotropic Substance Act No. 61 makes it illegal to cause any person to produce or deal in narcotic or psychotropic substances; punishment consists of fines and imprisonment.(43)

There is no compulsory military service. The voluntary military recruitment age is 17 years and 6 months. However, the minimum age to serve in combat is 18 years.(44)

The Right of Children to Free and Compulsory Education Act (RTE) lays out the country's commitments to protect children from hazardous child labor and to provide universal access to primary education with a focus on children from disadvantaged social groups.(45) The RTE provides for free and compulsory education to all children ages 6 to 14. The Act prohibits denying admission to children who lack a birth certificate, allows children to transfer schools, requires local authorities to identify out-of-school children, forbids discrimination against disadvantaged groups and prescribes quality education standards.(45)

## **Institutional Mechanisms for Coordination and Enforcement**

The National Authority for Elimination of Child Labor is a high-level, government body, chaired by the Ministry of Labor and Employment (MOLE), which reviews, monitors and coordinates policies and programs on child labor.(46) The National Steering Committee on Child Labor is a tripartite committee with members representing government agencies, employers and workers, which guides and monitors child labor policy.(47) The Secretary of Labor and Employment chairs the Central Monitoring Committee, which is responsible for reviewing the prevalence of child labor as well as monitoring actions taken to eliminate child labor.(48) The Core Group on Child Labor is composed of eight ministries and chaired by MOLE to coordinate the convergence of social protection schemes to reduce child labor.(49)

The National Human Rights Commission (NHRC) is charged with monitoring implementation of the Bonded Labor System (Abolition) Act. The NHRC monitors state level action against bonded labor through its review of quarterly reports by state governments on bonded labor and through exploratory and investigative missions.(38, 50) In 2011, the NHRC established an office to monitor the progress of cases involving bonded labor and child labor that are pending with authorities throughout the country.(51) Between 2010 and August 2011, 865 bonded laborers were released and rehabilitated in the states of Chhattisgarh, West Bengal and Uttar Pradesh.(52) Despite the rescue and rehabilitation of bonded laborers, prosecutions did not always take place.(53)

The Ministry of Women and Child Development (MWCD) is charged with coordinating anti-trafficking policies and programs. The Ministry of Home Affairs (MHA) Anti-Human Trafficking Cell is responsible for implementing the

Government's \$12 million nationwide plan to combat human trafficking over 3 years by coordinating with states to establish anti-human trafficking units (AHTUs) and training thousands of officials in human trafficking.(34, 54) Additionally, in 2011 the Central Bureau of Investigation established an anti-human trafficking unit with a mandate to conduct operations to arrest traffickers of women and children.(55)

The National Commission for Protection of Child Rights (NCPCR) investigates cases that may involve a violation of child rights or a lack of proper implementation of laws relating to the protection and development of children, including those related to child labor.(30)

While MOLE provides oversight and coordination regarding the country's labor laws, state governments employ labor inspectors to enforce these laws. The national Government does not receive timely data from the states on the number of labor inspectors, inspections conducted, child labor violations found and penalties assessed throughout the country.(30) Between January and August 2011, the Ministry of Labor reported that over 32,000 children were removed from hazardous work.(8) During the reporting period, children were rescued from hazardous work during raids in several states, including Delhi, Pune, Karnataka, Kerala, West Bengal and Sikkim.(56-58) From January to October 2011, 409 child laborers were rescued in Delhi resulting in fines totaling \$66,000 which was used for the rehabilitation of 166 children.(59) In Karnataka, there have been 446 cases of child labor registered in the last 25 years and only 1 case of prosecution.(60) While state labor inspectors reportedly conduct inspections for domestic child labor in the home and have reported violations, there have been very few prosecutions.(8) When child labor prosecutions are launched, it may take years before a case is resolved in the judiciary system.(61)

Seven state governments have drafted state action plans for the elimination of child labor, which may lead to stepped up enforcement. For example, the Gujarat Action Plan calls for two raids every month in all 24 districts.(30, 62-64) Complaints about hazardous child labor can be made through a toll-free helpline, Child Line, which operates in 103 cities across India. In 2011, Child Line expanded to 20 additional cities.(65)

Under India's federal structure, state and local police are also responsible for enforcing laws, including those pertaining to human trafficking. Between April 2010 and February 2011, the Government invested \$1.9 million in anti-human trafficking units (AHTUs) to facilitate their expansion.(66) The Government has also invested more than \$400 million to establish the Crime and Criminal Tracking and Networking

System to connect all of India's 14,000 linguistically diverse police stations. This system is set to become operational in 2012 and will enable police to better monitor trends in serious crimes, including trafficking.(67) It is not known whether the tracking system will disaggregate its data to include child trafficking victims. In partnership with the United Office on Drugs and Crime, several state governments trained 13,670 police officials on trafficking issues in 2011.(54)

## Government Policies on the Worst Forms of Child Labor

During 2011, the Government continued to implement the National Policy on Child Labor, which lays out concrete actions for combating hazardous child labor for children under age 14, including implementing legislative reforms and providing direct assistance to children.(38) As noted above, seven states continued to implement Action Plans to eliminate child labor from hazardous industries: Andhra Pradesh, Maharashtra, Tamil Nadu, Karnataka, Gujarat, Bihar and Orissa.(30, 62-64) These action plans have resulted in the creation of task forces at the state, district and village levels. These plans also call for the coordination of social protection programs and services provided by government and civil society organizations to support the livelihood of households vulnerable to child labor.(64) The MOLE's National Skills Development Policy includes provisions for child laborers, including short-term skills training for children removed from the worst forms of child labor.(68)

The Government's 11<sup>th</sup> 5-Year Plan (2007-2012) lays out its strategy to promote inclusive and rapid growth. This Plan lays out how the Government will implement its vast array of social protection schemes, which include provisions for education, health and increased livelihood support.(69)

The Government also has a National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children, which aims to rehabilitate and reintegrate victims of trafficking into society.(70)

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of India's National Policy on Child Labor includes direct assistance projects, which are collectively known as NCLPs. The MOLE coordinates the NCLPs, which operate at the district level, to identify working children under age 14, withdraw them from hazardous work, and provide them with education and vocational training.(38) In 2011, the MOLE more than doubled the salaries of the NCLP implementing staff members to improve the retention of qualified teachers in

NCLP schools. This increase came as a result of findings from the 2010 evaluation of the NCLP according to which NCLP staff salaries were substandard and resulted in problems in retaining high-quality staff.(71, 72) The projects set up NCLP schools; mainstreamed children into formal education; and provided them with stipends, meals and health checkups. As of 2011, approximately 339,000 former child laborers were enrolled in the NCLP schools, and there were more than 8,700 schools in 266 districts across India.(38) The process of forming NCLP schools and identifying their students begins with a survey conducted at the district level.(73)

The NCLP scheme is linked to the Ministry of Human Resource Development's (MHRD's) Education for All) Program to ensure children's smooth transition from NCLP schools into the formal education system. During 2011, the MHRD continued to extend its mid-day meal program to NCLP students.(74) With support from UNICEF, the MOLE is developing a national communication strategy on child labor and pilots a national tracking system to monitor children in NCLP schools in the states of Karnataka, Andhra Pradesh, Uttar Pradesh and West Bengal.(71)

The Government is currently participating in a USDOL-funded, \$6.85 million Convergence Model Project, begun in 2008 and scheduled to conclude in 2013, which targets 9,700 children for withdrawal and 9,300 children for prevention from work in hazardous labor in 10 districts in the states of Bihar, Jharkhand, Gujarat, Madhya Pradesh and Orissa.(28) The project is designed to strengthen the Government's efforts to combat hazardous child labor by combining its various social protection and welfare programs, including the National Rural Employment Guarantee Scheme (NREGS), the National Child Labor Project, the *Swablamby Swasthya Yojana* Health Insurance Scheme, *Sarva Shiksha Abhiyan* and the Skills Development Initiative Scheme. In 2012, the Government gave workers in the informal economy access to the *Rashtriya Swasthya Bima Yojana* Health Insurance Scheme.(75) The question of whether these social protection schemes have an impact on child labor does not appear to have been studied.

In 2011, results were reported from the 2009-2010 National Sample Survey Organization (NSSO) survey on the child labor situation across the country. The results demonstrated a 45 percent decrease in child labor compared with the findings from the previous 2004-2005 NSSO survey.(76, 77) Because India's child labor laws do not consider children working in the informal economy as being engaged in exploitative child labor, these children may have been excluded from the survey.

The MOLE's Grants-in-Aid scheme funds over 65 NGOs to provide rehabilitation services to working children.(71) Its

Skill Development Initiative Scheme offers vocational training programs and gives priority to the children withdrawn from child labor and to the parents of child laborers.(78)

The Government of India and state governments are collaborating on a program to rescue and rehabilitate child and adult bonded laborers.(79) As part of this scheme, the MOLE supports the funding of a survey at the district level every 3 years on the prevalence of bonded labor. Bonded laborers identified through the survey are rehabilitated.(79) Although surveys are conducted, data on the incidence of bonded labor in India's 28 states were unavailable and the data that has been collected is not disaggregated to include children who are victims of bonded labor.(38)

In 2011, the MOLE continued to expand on its pilot project in Tamil Nadu to reduce bonded labor in brick kilns and rice mills. Based on this pilot project, the MOLE implements a holistic, convergence-based approach to address bonded labor in the states of Andhra Pradesh, Haryana and Orissa, which integrates existing government social and welfare programs to target vulnerable workers.(71)

The MWCD provides a package of services for vulnerable children, including those most likely to be exploited in

the worst forms of child labor. It seeks to protect children, including working children, through its Integrated Child Protection Scheme (ICPS).(65) The ICPS aims to improve access to protection services, create public awareness, increase accountability on child protection, enhance service delivery, and set up a monitoring and evaluation system. In 2010 and 2011, the Government allocated more than \$17 million and signed MOUs with 16 additional states (33 states and union territories in total) to implement the ICPS.(65) The MWCD has another scheme, the Welfare of Working Children in Need of Care, which provides nonformal education and vocational training to street children and working children living in urban areas not covered by other MOLE schemes. From 2010 to 2011, this scheme received \$2.3 million in funding.(65)

The MWCD also coordinates a wide range of anti-trafficking activities, in collaboration with NGOs and state governments, including raising awareness, maintaining assistance hotlines, rescuing victims and providing shelter homes, counseling, legal aid, medical care, repatriation and rehabilitative services. These efforts include the MWCD's *Ujjawala* scheme, which funds 147 projects to help reintegrate, rehabilitate and repatriate trafficking victims, including children.(65)

## Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in India:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Amend the Child Labor (Prohibition and Regulation) Act of 1986 to:	
	<ul style="list-style-type: none"> <li>Establish a minimum age for employment in non-hazardous occupations consistent with international standards.</li> </ul>	2009, 2010, 2011
	<ul style="list-style-type: none"> <li>Increase the minimum age for employment in hazardous occupations to meet international standards.</li> </ul>	2009, 2010, 2011
Coordination and Enforcement	<ul style="list-style-type: none"> <li>Expand the scope of the Act to cover children working in family enterprises</li> </ul>	2009, 2010, 2011
	Create a database of labor inspections to better consolidate and inform policy at the national level and make data publicly available.	2009, 2010, 2011
	Disaggregate the data in the Ministry of Home Affairs Crime and Criminal Tracking and Networking System to include child trafficking violations.	2009, 2010, 2011
	Disaggregate data on the number of children who are victims of bonded labor.	2010, 2011
	Expedite the adjudication of child labor cases.	2010, 2011
Policies	Establish effective mechanisms to protect child domestic workers.	2010, 2011
	Encourage development of action plans for the elimination of child labor in states that do not have plans.	2011

Area	Suggested Actions	Year(s) Action Recommended
Social Programs	Conduct both a qualitative and quantitative national survey of bonded labor (disaggregating data on children).	2009, 2010, 2011
	Conduct an assessment of the impact that India's major social protection schemes have had on reducing child labor.	2010, 2011

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