

India

MODERATE ADVANCEMENT

In 2013, India made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government continues to implement its National Child Labor Project, its project to assist bonded laborers through the provision of loans and alternative livelihoods, and several social protection schemes that address many of the root causes of child labor. In 2013, the Government passed the Criminal Law (Amendment) Act, which protects children from sexual offenses and children and adults from trafficking and forced labor and issued guidelines to each state on how to handle cases of child labor trafficking. The Government also launched the Crime and Criminal Tracking and Networking System, which connects all of India's 15,000 police stations. However, children in India continue to engage in child labor in agriculture and in the worst forms of child labor in the manufacturing of a number of products in the informal economy. Basic legal protections for children remain weak. Legislation to prohibit work by children under the age of 14 and to proscribe hazardous work for children under 18 was introduced in Parliament in 2012 but has yet to be passed.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in India are engaged in child labor, including in agriculture and in the worst forms of child labor in the manufacturing of a number of products in the informal economy.(1-4) Data from the Government's 2009–2010 National Sample Survey indicate that four-fifths of child workers reside in rural areas. Children who belong to scheduled castes or tribes are also more likely than other children to be engaged in child labor.(5, 6) Children engage in the manufacturing of goods, many in the informal economy and increasingly in home-based production.(6-9) Table 1 provides key indicators on children's work and education in India.

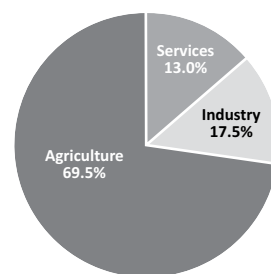
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	2.0 (4,371,604)
Attending School (%)	5-14 yrs.	88.8
Combining Work and School (%)	7-14 yrs.	0.8
Primary Completion Rate (%)		96.5

Source for primary completion rate: Data from 2008, published by UNESCO Institute for Statistics, 2014.(10)

Source for all other data: Understanding Children's Work Project's analysis of statistics from NSS Survey, 2009-2010.(11)

Figure 1. Working Children by Sector, Ages 5-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Farming, including producing rice and hybrid cottonseeds, picking cotton, and harvesting sugarcane† (1-3, 12-17)
Industry	Quarrying† and breaking stones† (4, 18-21)
	Manufacturing matches,† bricks,† locks,† glass bangles,† fireworks,† footwear, garments,† hand-loomed silk fabric,† silk thread,† leather,† embellished textiles,† and brassware† (7, 19, 22-31)

Table 2. Overview of Children's Work by Sector and Activity (cont)

Sector/Industry	Activity
Industry	Polishing gemst† (13, 32)
	Weaving carpets† (33-36)
	Rolling cigarettes (bidis)† and incense sticks (agarbatti)† (37-39)
	Spinning thread/yarn†, embroidering, sewing beads to fabric† (7, 35, 40)
	Stitching soccer balls† (17, 41-43)
	Mining mica*† (44-47)
Services	Working in hotels, food service, and certain tourism-related occupations (48, 49)
	Working on the street selling food† and other goods, repairing vehicles and tires,† scavenging,† and rag picking† (3, 17, 50)
	Construction, activities unknown† (51, 52)
	Domestic service† (17, 35, 53)
Categorical Worst Forms of Child Labor‡	Forced or bonded labor in gemstone cutting,* quarrying stones, brick kilns, rice mills and in the production of hybrid cottonseeds, garments, and embroidered textiles (zari) (4, 35, 53-55)
	Commercial sexual exploitation, sometimes as a result of human trafficking (35, 56)
	Forced labor in domestic service, agriculture, carpet weaving,* and begging (35, 53)
	Use of under-age children in armed conflict (35, 57)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.







‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a) – (c) of ILO C. 182.

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 brick making.(35, 53, 58) The majority of these children are Indians trafficked within the country.(35) There are also reports that children have been recruited to serve as soldiers by extralegal armed groups in zones where armed conflict is occurring.(35, 57, 59)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

India has ratified most key international conventions concerning child labor, including its worst forms (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	
 ILO C. 182, Worst Forms of Child Labor	
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work (National)	No		
(Rajasthan)	Yes	18	Standard Operating Procedure (SOP) for Identification, Rescue, Protection and Rehabilitation (13)
Minimum Age for Hazardous Work	Yes	14	Child Labor Prohibition and Regulation Act (60)
List of Hazardous Occupations Prohibited for Children	Yes		Child Labor Prohibition and Regulation Act; The Factories Act (60, 61)

Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Prohibition of Forced Labor	Yes		Bonded Labor System (Abolition) Act; Juvenile Justice (Care and Protection of Children) Act (62, 63)
Prohibition of Child Trafficking	Yes		Criminal Law (Amendment) Act (64)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Protection of Children from Sexual Offence Act; Information Technology (Amendment) Act of 2008 (65, 66)
Prohibition of Using Children in Illicit Activities	Yes		Narcotic Drugs and Psychotropic Substance Act No. 61 (67)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Combat: Yes	18	Military Regulations (57, 68, 69)
	Non-Combat: Yes	17	
Compulsory Education Age	Yes	14	The Right of Children to Free and Compulsory Education Act (70)
Free Public Education	Yes		The Right of Children to Free and Compulsory Education Act (70)

* No conscription or no standing military.

Indian law is not fully consistent with international standards regarding child labor. The lack of a national minimum age for employment increases the likelihood that very young children may engage in activities that jeopardize their health and safety.(71) The minimum age for hazardous work is also not consistent with international standards and may jeopardize the health and safety of young people ages 14 through 17. Additionally, children in the informal sector do not have the same legal protections those working in the formal sector.(60, 71) In 2013, a parliamentary committee reviewed proposed legislation to prohibit work for children under the age of 14 and to proscribe hazardous work for children under 18. The new legislation would also increase penalties for violations of the law related to child labor.(17, 72) The parliamentary committee released its report in December and recommended some changes to the proposed legislation, which has not been enacted.(17, 73) In addition to national legislation, State governments also have the authority to pass legislation establishing a minimum age for work. In 2012, the State of Rajasthan passed legislation establishing a legal minimum working age of 18 years.(13)

In April 2013, the Criminal Law (Amendment) Act amended the Indian Penal Code to protect children and adults from being trafficked into exploitative situations, including forced labor situations.(64) Penalties include fines and up to lifetime imprisonment.(64)

There is no compulsory military service in India. The voluntary military age is set by military regulations and varies depending on the branch of the military, starting at 17 years.(69) However, the Government states that the minimum age to serve in combat is 18 years.(57, 74, 75)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
National Commission for the Protection of Child Rights	Investigate cases that may involve a violation of a child's rights or a lack of proper implementation of laws relating to the protection and development of children, including those related to child labor.(17)
State-level labor inspectors	Enforce state and national labor laws.(17)
National Human Rights Commission	Monitor implementation of the Bonded Labor System (Abolition) Act. Monitor state level action against bonded labor through its review of quarterly reports by state governments on bonded labor and through exploratory and investigative missions.(76, 77)
Central Bureau of Investigation's anti-human trafficking unit	Conduct operations to arrest traffickers of women and children.(78)

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Anti-human Trafficking Units (AHTUs)	Investigate cases of human trafficking at the local level, including cases of child labor.(35)
State and local police	Enforce laws pertaining to human trafficking.(79)

Law enforcement agencies in India took actions to combat child labor, including its worst forms, during the reporting period.

Labor Law Enforcement

In 2013, children were rescued from hazardous work in Delhi, Rajasthan, Andhra Pradesh, Jharkhand, and Karnataka. (4, 52, 80-83) During the reporting period, labor inspectors conducted 110,821 inspections, which identified 6,877 identified child labor violations.(84)

Criminal Law Enforcement

In 2013, 920 prosecutions and 596 child labor law convictions took place.(84) Research was unable to uncover information regarding the number of prosecutions and convictions related to bonded labor, including child bonded labor. In previous years, despite rescue and rehabilitation of child laborers, prosecutions have not always taken place. (35, 85) In cases for which child labor prosecutions were launched, resolution has been unduly delayed because the judicial system is backlogged and overburdened.(35, 86) The Ministry of Home Affairs issued guidelines to all state governments on how to handle cases of child trafficking. These guidelines outline the specific steps that police and district officials must take when handling cases of child trafficking and forced child labor.(4, 87) In 2013, the state governments of Andhra Pradesh, Kolkata, Maharashtra, and Tamil Nadu provided anti-trafficking training to police officers.(75)

Complaints about hazardous child labor can be made through a toll-free helpline, Child Line. In 2013, Child Line expanded to 67 additional cities and now operates in a total of 269 cities across India.(88) After a complaint is received on Child Line, the complaint is given to the police to investigate and rescue children.(79)

In 2013, the Ministry of Home Affairs launched the Criminal Tracking and Networking System on a pilot basis.(79) This system connects all of India's 15,000 police stations and enables the police to monitor trends in serious crimes better, including trafficking.(79) It is not known whether the tracking system will disaggregate its data to include child trafficking victims, and India is not currently collecting or making public this data through other mechanisms.

During the reporting period, the Government established 100 new anti-human trafficking units across India to bring the total number of Anti-human Trafficking Units (AHTUs) to 300.(35)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Child Labor Technical Advisory Committee	Recommend new occupations and processes to be added to the list of hazardous occupations and processes under the Child Labor (Prohibition & Regulation) Act, 1986.(89)
Central Advisory Board on Child Labor	Review, monitor, and suggest amendments to child labor policy and legislation.(89, 90)
Central Monitoring Committee	Supervise, monitor and evaluate actions of the National Child Labor Projects across India. Some State governments maintain State-Level Monitoring Committees to monitor the National Child Labor Projects in their states.(89, 91)
Core Group on Child Labor	Coordinate the convergence of social protection schemes to reduce child labor. Composed of members from the Ministries of Human Resource Development, Women and Child Development, Housing and Urban Poverty Alleviation, Rural Development, Social Justice and Empowerment, Panchayati Raj and Home Affairs and chaired by the Ministry of Labor and Employment (MOLE).(92)

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor (cont)

Coordinating Body	Role & Description
Ministry of Women and Child Development (MWCD)	Coordinate all anti-trafficking policies and programs for women and children.(88)
Ministry of Home Affairs Anti-Human Trafficking Cell	Implement the Government's nationwide plan to combat human trafficking by coordinating with states to establish AHTUs and training thousands of officials to combat human trafficking.(79)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of India has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
National Policy on Child Labor	Describes concrete actions for combating hazardous child labor for children under age 14, including implementing legislation and providing direct assistance to children.(93)
State Action Plans on Child Labor in Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Maharashtra, Orissa, and Tamil Nadu	Details how a State government should work to eliminate child labor from hazardous industries. (94-98) Calls 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. Resulted in the creation of task forces at the state, district, and village levels.(97)
National Skills Development Policy	Includes provisions for child laborers, including short-term skills training for children removed from the worst forms of child labor.(99)
National Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children	Aims to rehabilitate and reintegrate victims of trafficking into society.(100)
Twelfth 5-Year Plan (2012–2017)	Details how the Government should implement its vast array of social protection schemes, including provisions for education, health, and increased livelihood support.(101)

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of India participated in and funded programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description and Objectives
National Child Labor Project (NCLP) Scheme*‡	MOLE scheme that operates at the district level to identify working children under age 14, withdraws them from hazardous work, and provides them with education and vocational training.(77) Sets up and administers NCLP schools, mainstreams children into formal education and provides them with stipends, meals, and health checkups.(77) In 2013, a task force was set up to review the program and has submitted suggested improvements to the government.(77) Between April 1, 2012 and March 31, 2013, 72,976 children were rescued, rehabilitated and mainstreamed into NCLP schools in 266 districts across India.(17)
Convergence Model Project	\$6.85 million USDOL-funded, 5-year project that supported the Government's efforts to combat hazardous child labor by linking children to the NCLP scheme and increasing their families' access to the Government's various social protection and welfare programs, including the National Rural Employment Guarantee Scheme (NREGS), the Rashtriya Swasthya Bima Yojna Health Insurance Scheme, Education for All Scheme, and the Skills Development Initiative Scheme. Concluded in June 2013. Referred 22,916 children to education services and 4,437 families to social protection schemes.(17, 102)
Bonded Labor Scheme*‡	MOLE scheme that rescues and rehabilitates child and adult bonded laborers. Each rescued bonded laborer is provided with 20,000 rupees (\$325) and offered assistance through additional social protection schemes.(77) Supports the funding of a survey at the district level every 3 years on the prevalence of bonded labor as part of this scheme. Rehabilitates bonded laborers identified through the survey.(77)
Food Security Scheme*‡†	Ministry of Agriculture scheme that provides 5 kg of food grains at subsidized prices every month to families living under the poverty line every month.(103-105)
Midday Meal Program*‡	Ministry of Human Resource Development (MHRD) scheme that provides free lunch to children in government primary and upper primary schools as well as to NCLP students.(106)
National Rural Employment Guarantee Scheme (NREGS)*‡	Ministry of Rural Development (MRD) scheme that provides 100 days of employment to every rural adult living under the poverty line.(17, 107) Research has shown that this program can lead to a reduction in child labor.(107)

Table 8. Social Programs to Address Child Labor (cont)

Program	Description and Objectives
Rashtriya Swasthya Bima Yojna (RSBY) Health Insurance Scheme*‡	MOLE health insurance scheme for families below the poverty line. RSBY beneficiaries receive up to \$485 to cover the cost of hospitalization.(17, 108)
Education for All Scheme (Sarva Shiksha Abhiyan)‡	MHRD scheme that ensures the achievement of universal elementary education and addresses the education needs of 192 million children, including the provision of appropriate schooling facilities and qualified teachers. (109) Linked to NCLP scheme to ensure children's smooth transition from NCLP schools into the formal education system.(77)
Integrated Child Protection Scheme (ICPS)*‡	MWCD scheme that improves children's access to protection services, creates public awareness, increases accountability on child protection, enhances service delivery, and sets up a monitoring and evaluation system. Government expanded its investment in the scheme by allocating more than \$41 million to implement ICPS from January 2012 to March 2013.(88)
Welfare of Working Children in Need of Care‡	MWCD scheme that provides non-formal education and vocational training to street children and working children living in urban areas not covered by other MOLE schemes. Received \$1.35 million from January 2012 to March 2013, which the MWCD used to fund 104 projects that supported 10,400 beneficiaries.(88)
National Rural Livelihoods Mission*‡	MRD scheme that enables poor households to access gainful self-employment and skilled wage employment opportunities through social mobilization, institutional building, financial inclusion, and livelihoods promotion.(110)
Grants-in-Aid Scheme‡	MOLE scheme that funds more than 20 NGOs in order for them to provide rehabilitation services to working children.(77)
Skill Development Initiative Scheme‡	MOLE scheme that provides vocational training programs and gives priority to children withdrawn from child labor and to the parents of child laborers.(111)
Reducing Vulnerability to bondage in India through the Promotion of Decent Work Project ‡	MOLE project, in cooperation with the ILO, to reduce bonded labor in brick kilns and rice mills in Tamil Nadu. Project integrates existing government social and welfare programs to target vulnerable workers.(112) MOLE expanded this project to address bonded labor in the states of Andhra Pradesh, Haryana and Orissa based on this pilot project.(77)
Ujjawala Scheme‡	MWCD scheme that funded 52 new projects in 2013 and continues to support another 207 projects to help reintegrate, rehabilitate, and repatriate trafficking victims, including children.(88)
Anti-trafficking activities‡	MWCD operates these activities in collaboration with NGOs and state governments. Anti-trafficking activities include raising awareness, maintaining assistance hotlines, rescuing victims and providing shelter homes, counseling, legal aid, medical care, repatriation, and rehabilitative services.(88)

* The impact of this program on child labor does not appear to have been studied.

† Program was launched during the reporting period.

‡ Program is funded by the Government of India.

In 2013, the Government passed the Food Security Act, which provides up to 5 kg of food grains every month at subsidized prices to families living under the poverty line.(103-105) The Food Security Scheme, established by this Act, is projected to reach 67 percent of the population and will cost an estimated \$4 billion annually to implement. (103-105) In 2013, the Ministry of Rural Development announced a new pilot project under the National Rural Livelihoods Mission scheme to address bonded labor. The project will work in 10 districts in 5 states to identify and rehabilitate bonded laborers through the provision of loans and the promotion of alternative livelihoods.(113, 114) During the reporting period, state governments continued to conduct surveys on bonded labor under the Bonded Labor Scheme. Although these surveys are conducted, data on the prevalence of bonded labor in India's 28 states were unavailable. Additionally, the data that have been collected are not disaggregated to capture the number of children who are victims of bonded labor.(77)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in India (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Ratify ILO C. 182.	2013
	Establish a minimum age for employment in non-hazardous occupations, consistent with international standards.	2009 – 2013
	Increase the minimum age for employment in hazardous occupations to meet international standards.	2009 – 2013
	Ensure that relevant child labor laws and regulations apply equally to children working in the formal and informal sectors.	2009 – 2013
Enforcement	Report the number of prosecutions and convictions of violators of the Bonded Labor System Act.	2013
	Timely prosecute child labor cases against violators of the Child Labor Prohibition and Regulation Act and the Bonded Labor System Act.	2012 – 2013
	Disaggregate the data in the Ministry of Home Affairs Crime and Criminal Tracking and Networking System to include child trafficking violations.	2009 – 2013
Government Policies	Develop state action plans for the elimination of child labor where they do not currently exist.	2011 – 2013
	Conduct both a qualitative and a quantitative national survey of bonded labor (disaggregating data on children).	2009 – 2013
Social Programs	Assess the impact that existing programs may have on child labor.	2010 – 2013

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