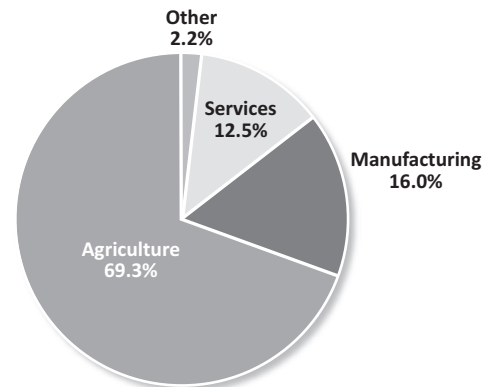


India

The Government of India combats the worst forms of child labor through its National Child Labor Projects. It has also designed a “Convergence Model” strategy which integrates a range of social protection schemes to help prevent and withdraw children from hazardous child labor. It has increased funding for and coordination of an extensive network of programs to address the worst forms of child labor. However, such child labor persists in India, particularly in agriculture and the informal economy. Forced child labor exists in domestic service, agriculture, and manufacturing. India lacks a minimum age for work and sets a low age for hazardous work, hindering efforts to address the problem.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	3.3%
Attending School	5-14 yrs.	82.1%
Combining Work and School	5-14 yrs.	0.6%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in India are exploited in the worst forms of child labor,²³⁴⁰ with the majority of working children employed in agriculture, including in the production of rice and hybrid seeds.²³⁴¹ Children who work in agriculture may carry heavy loads, and apply harmful pesticides.

A large number of children also work in the informal economy, with child labor increasingly found in home-based production rather than organized factory settings.²³⁴² Children are also found engaged in work on the street which may include vending food and other goods, repairing vehicles and tires, scavenging and rag picking, shoe shining, car washing, and begging.²³⁴³ Although research has not identified the specific work activities such children perform in India, children working on the streets are exposed

to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Children are also found working in construction and domestic service. Most children working in domestic service are girls age 12 to 17 but some are reportedly as young as age 5 or 6. Many work very long hours and suffer abusive treatment.²³⁴⁴ Waste picking is prevalent among children in castes and tribes that have traditionally suffered from societal discrimination.²³⁴⁵ Service industries that employ children include hotels, food service, and tourism.²³⁴⁶ Children also quarry sandstone and other materials, break stones, and polish gems. They are involved in manufacturing matches, bricks, carpets, locks, glass bangles, fireworks, *bidis* (cigarettes), footwear, garments, brassware, and other metal goods.²³⁴⁷ While children are involved in dangerous labor in the stitching of soccer balls, there have been reports of a reduction.²³⁴⁸ Children also embroider or sew beads to fabric.²³⁴⁹ Children

involved in manufacturing activities often work in cramped and poorly lit conditions, may be exposed to harmful chemicals, and may use potentially dangerous machinery and tools, risking joint pain, headaches, hearing loss, respiratory problems, and finger deformity.²³⁵⁰

There is little recent data on the extent and nature of child labor, particularly in the informal sector. The Supreme Court of India has directed the Ministry of Labor and Employment (MOLE) to complete a survey of children working in hazardous occupations.²³⁵¹ Forced child labor has been reported in India.²³⁵² Children perform forced or indentured labor in domestic service, gemstone cutting, quarrying, and at brick kilns and rice mills. Children also work under forced conditions producing hybrid seeds, garments, and embroidered textiles.²³⁵³ While there are no exact figures on the prevalence of bonded labor in India, the MOLE is funding a bonded labor survey in 23 districts of Madhya Pradesh.²³⁵⁴

The commercial sexual exploitation of children remains a problem. An estimated 1.2 million children engage in prostitution.²³⁵⁵ Cases of child sex tourism continue to be reported in India.²³⁵⁶






India is 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, driving cycle rickshaws, and hotel services.²³⁵⁷ The majority of such children are Indians trafficked within the country, often within the same state.²³⁵⁸ Nepali and Bangladeshi girls and Indian girls from rural areas are trafficked for commercial sexual exploitation in major urban centers such as Mumbai (Bombay), Kolkata (Calcutta), and New Delhi.²³⁵⁹

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 in Chhattisgarh.²³⁶⁰

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 work

or overtime work.²³⁶¹ The lack of a minimum age for employment increases the risk of children falling into the worst forms of child labor. The minimum age for hazardous work is 14, which is not consistent with international standards and may jeopardize the health and safety of young persons. However, the Child Labor-Prohibition and Regulation Act does bar children under age 14 from 16 hazardous occupations and 66 hazardous processes, such as working in factories, mines, and domestic service, handling pesticides, weaving carpets, and grinding stone.²³⁶² Employing children under age 14 in a hazardous industry can lead to fines and imprisonment. Victims also receive compensation. The Government must either pay the family of the child approximately \$108 or find employment for an adult member of the family.²³⁶³ However, the labor law does not cover large swaths of the economy including family farms and other family businesses.²³⁶⁴

	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	None
	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 youth in bonded conditions or garnishing their wages.²³⁶⁵ Violators may be fined or imprisoned.²³⁶⁶

The Bonded Labor System (Abolition) Act outlaws bonded labor in India, and provides for district-level vigilance committees. These committees investigate allegations of bonded labor and release anyone found

in bondage. The Bonded Labor System (Abolition) Act also provides for rehabilitation assistance payments for released laborers. Persons found using bonded labor may be fined and face imprisonment.²³⁶⁷ The Immoral Traffic (Prevention) Act prohibits commercial sexual exploitation and trafficking of boys and girls. Penalties include imprisonment up to a life sentence if the victim is under age 16.²³⁶⁸ 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.²³⁶⁹

There is no compulsory military service in India. Voluntary military recruitment age in India is 17 years and 6 months. However, the minimum age to serve in operational areas is 18.²³⁷⁰

Institutional Mechanisms for Coordination and Enforcement

The National Authority for Elimination of Child Labor is a high-level government body, chaired by the Minister of Labor and Employment, which reviews, monitors, and coordinates policies and programs on child labor.²³⁷¹ The National Steering Committee on Child Labour, a tripartite committee with members representing government agencies, employers, and workers, guides and monitors child labor policy.²³⁷² 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.²³⁷³ The Ministry of Women and Child Development (MWCD) is charged with coordinating anti-trafficking policies and programs.²³⁷⁴ The Ministry of Home Affairs (MHA) Anti-Human Trafficking Cell is responsible for collecting and analyzing state level data on human trafficking, and monitoring state action to enforce the law. During the reporting period, MHA expanded the cell from 6 to 10 officials.²³⁷⁵

While MOLE provides oversight and coordination, state governments enforce labor laws and employ labor inspectors. Timely collection of data on the number of labor inspectors, child labor prosecutions, or convictions remains weak. However, MOLE reported that over 40,000 child laborers were rescued between

January 2009 and December 2009.²³⁷⁶ Children were rescued from hazardous work during raids in several states, including Jharkhand, and Delhi.²³⁷⁷

Six state governments have drafted State Action Plans for 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.²³⁷⁸ However inspectors do not investigate family businesses including farms because they do not fall within the scope of the law.²³⁷⁹ Complaints about hazardous child labor can be made through a toll-free helpline called Child Line which operates in 83 cities across India.²³⁸⁰

States also enforce the Bonded Labor System (Abolition) Act. From April 2008 to March 2009, the Government prosecuted 12,244 forced labor cases resulting in 566 convictions.²³⁸¹ This is a significant increase from the previous year's reported 20 convictions.²³⁸² Additionally, 364 bonded laborers were released and rehabilitated between April 2009 and March 2010 in Bihar and Uttar Pradesh.²³⁸³ The number of cases involving children is unknown as the Government does not disaggregate these data.

State and local police are responsible for enforcing human trafficking laws. The Government has established forty-seven state level Anti-Human Trafficking Units (AHTUs) in Andhra Pradesh, West Bengal, Bihar, Maharashtra, and Goa.²³⁸⁴ It is also investing over \$440 million to establish a tracking system to connect all of India's 14,000 linguistically diverse police stations. This new system will allow police to better monitor trends in serious crimes including trafficking.²³⁸⁵ In 2008, the Government sponsored child migration and trafficking training for 22 state and federal officials.²³⁸⁶ In partnership with UNODC, several state governments trained 5,419 police officials on trafficking issues.²³⁸⁷

From April 2008 to February 2009, more than 4,000 men, women, and children were rescued from human trafficking.²³⁸⁸

Government Policies on the Worst Forms of Child Labor

In 1988, the Government of India developed the National Policy on Child Labor which lays out concrete actions for combating hazardous child labor,

including legislative reforms and direct assistance to children.²³⁸⁹ A growing number of states, including Andhra Pradesh, Bihar, Maharashtra, Tamil Nadu, Karnataka, Gujarat, and Orissa are implementing action plans to eliminate child labor from hazardous industries.²³⁹⁰ These action plans may create task forces at the state, district, and village level and coordinate social protection schemes and services provided by government and civil society organizations.²³⁹¹ The Ministry of Labor'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.²³⁹²

The 2009 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.²³⁹³ The RTE provides for free and compulsory education to all children age 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.²³⁹⁴

India has made policy commitments to combat human trafficking, including child trafficking. The Government's 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.²³⁹⁵

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 the National Child Labor Projects (NCLPs). The NCLPs operate at the district level to identify working children, withdraw them from hazardous work, and provide education and vocational training. The projects set up NCLP schools, mainstream children into formal education and provide them with stipends, meals and health checkups.²³⁹⁶ The process of forming NCLP schools and identifying their students begins with a survey conducted at the district level. A school is established for approximately every 50 students identified.²³⁹⁷ Because the identification of NCLP students is survey

based, child laborers identified after a survey has been conducted may not be able to enroll in NCLP schools. As of July 2009, the Government was providing services to 507,450 former child laborers through NCLPs.²³⁹⁸ The Government increased the budget for NCLPs by 35 percent, to \$26.5 million, for 2010-2011.²³⁹⁹ Since the NCLPs inception in 1988, their scope has expanded from operating schools in 12 districts to operating 9,000 schools in 250 districts in 21 of India's 28 states.²⁴⁰⁰ The Government plans to extend the NCLP program to all 602 districts in the country by 2012.²⁴⁰¹ While the NCLP scheme serves many former child laborers, it excludes children working in agriculture, family enterprises, and other informal sectors not covered by Indian law. The NCLP scheme is linked to the Ministry of Human Resource Development's *Sarva Shiksha Abhiyan* (Education for All) program to ensure children's smooth transition from NCLP schools into the formal education system.²⁴⁰² With support from UNICEF, MOLE is piloting a National Tracking System of children in NCLP schools in the states of Karnataka, Andhra Pradesh, Uttar Pradesh, and West Bengal.²⁴⁰³ The Government of India and USDOL jointly funded and collaborated on the 8-year, \$40 million INDUS project, which withdrew more than 100,000 children from hazardous work. The project was designed to complement the NCLP program and the Government's primary education initiatives.²⁴⁰⁴

The Government is currently participating in a USDOL-funded, \$6.85 million Convergence Model Project, 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 (2008-2013). The project is designed to strengthen the Government's efforts to combat hazardous child labor by combining its various social protection schemes, including the National Rural Employment Guarantee Scheme, National Child Labor Project, *Swablamby Swasthya Yojana* (SSY) Health Insurance Scheme, *Sarva Shiksha Abhiyan*, and the Skills Development Initiative Scheme.²⁴⁰⁵ With support from the Government of Italy, the state government of Karnataka participated in a \$3.75 million project to combat exploitation of child and adolescent workers in the sericulture (silk farming) industry, which ended August 2010.²⁴⁰⁶ The Government of India and its state governments are collaborating on a program to rescue and rehabilitate child and adult bonded laborers.

This includes conducting surveys to identify bonded laborers, and providing each of them with stipends of 20,000 rupees (\$408), training and education, and organizing awareness-raising activities.²⁴⁰⁷

MOLE's Grants-in-Aid scheme funds over 100 NGOs to provide rehabilitation services to working children.²⁴⁰⁸ MOLE's Skill Development Initiative Scheme offers vocational training programs and gives priority to children withdrawn from child labor and to the parents of child laborers.²⁴⁰⁹ Since 1996, a toll-free helpline called Child Line has provided counseling to over 3 million children in need and referral to rehabilitation services in 83 cities across India.²⁴¹⁰

In 2009, MWCD launched a new scheme which seeks to protect children, including working children. The Integrated Child Protection Scheme (ICPS) will improve access to protection services, create public awareness, increase accountability on child protection, enhance service delivery, and set up a monitoring and evaluation system.²⁴¹¹ The Government has increased the budget for ICPS to \$59 million for the 2010-2011 budget, a six-fold increase from the previous year.²⁴¹² In addition, MWCD's scheme for the Welfare of Working Children in Need of Care and Protection and its Integrated Scheme for Street Children provide nutrition, health services, and education to street children and working children.²⁴¹³

MOLE achieved success on a \$400,000 pilot project in Tamil Nadu to reduce bonded labor in brick kilns and rice mills.²⁴¹⁴ Based on this pilot project, MOLE has launched its holistic, convergence-based approach to overcome bonded labor in Andhra Pradesh, Haryana, and Orissa.²⁴¹⁵ The approach integrates existing government programs to target vulnerable workers. The Government also provided \$78,000 between April 2009 to March 2010 to rehabilitate bonded laborers in Bihar and Uttar Pradesh.²⁴¹⁶

MWCD coordinates a wide range of anti-trafficking activities, in collaboration with NGOs and state governments, including raising awareness, rescuing victims, and providing shelter homes, counseling, legal aid, medical care, repatriation, and rehabilitative services.²⁴¹⁷ These efforts include MWCD's *Ujjawala* scheme, which supports the reintegration and repatriation of trafficking victims. Since August 2008, MWCD has provided more than \$952,000 in funding to 96 projects in 10 states to help reintegrate and repatriate 1,700 trafficking victims.²⁴¹⁸ MWCD is providing more than \$1 million in support to 200 shelters. The states of Andhra Pradesh, Goa, West Bengal, Maharashtra, and Bihar operate Anti-Human Trafficking Units.²⁴¹⁹

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

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Child Labor (Prohibition and Regulation) Act, 1986 to:
 - Establish a minimum age for employment (e.g., 14 years) in non-hazardous occupations to prevent very young children from engaging in work which is harmful to their health or development.
 - Increase the minimum age for employment in hazardous occupations from age 14 to meet international standards (age 18, with possible exceptions for 16 and 17 year olds with necessary health and safety precautions).
 - Expand the scope of the act to cover children working in family enterprises.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Improve information on the extent of the worst forms of child labor and enforcement by:
 - Conducting a national survey on the worst forms of child labor, including those children working in the informal sector.
 - Conducting a national survey of bonded labor (disaggregating data on children).
 - Creating a database of labor inspections to better consolidate and inform policy at the national level.
 - Including child trafficking violations in the Ministry of Home Affairs new \$440 million dollar Crime and Criminal Tracking and Networking System.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to converge with other Government social protection schemes by:
 - Prioritizing families of children performing hazardous labor for assistance.
 - Providing a platform for districts to share convergence models and best practices.
 - Strengthening linkages between NCLPs and other major social protection schemes of the government.
 - Financially supporting state level convergence coordination mechanisms.

²³⁴⁰ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on working children are from 2004-2005. Data on school attendance are from 2006. Data on children combining working and school are from 1999-2000. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²³⁴¹ Government of India, *Written Communication*, submitted in response to U.S. Department of Labor Federal Register Notice (December 19, 2008) "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor." Washington, January 23, 2009. See also Davuluri Venkateswarlu, *Child Bondage Continues in Indian Cotton Supply Chain*, OECD Watch, Deutsche Welthungerhilfe, India Committee of the Netherlands, Eine Welt Netz NRW, and International Labor Rights Forum, September 2007, 7; available from <http://www.indianet.nl/pdf/childbondagecotton.pdf>. See also Neera Burra, *Children migrating for work from Dungarpur district, Rajasthan, to Gujarat: A Report*, February 2008, 2, 13; available from http://www.ncpcr.gov.in/Reports/Children_Migrating_for_work_from_Dungarpur_District_to_Gujarat_by_Neera_Burra.pdf. See also International Confederation of Free Trade Unions, *India: Economic Boom Masks Widespread Child Labour*, October 2004; available from <http://www.icftu.org/www/PDF/LMSDossier6-04IndiaEN.pdf>.

²³⁴² ILO, *A Decade of ILO-India Partnerships*, New Delhi, 2004, 70-71; available from <http://www.ilo.org/public/english/region/asro/newdelhi/download/publ/childlabour/indpubl04engl.pdf>. See also Neera Burra, *Child Labour in Rural Areas with a Special Focus on Migration, Agriculture, Mining and Brick kilns*, 2007, 1; available from http://www.ncpcr.gov.in/Reports/Child_Labour_in_Rural_areas_with_special_focus_on_Migration_Agriculture_%20Mining_by_Neera_Burra.pdf. See also National Commission for Protection of Child Rights, *Abolition of Child Labour and Making Education a Reality for Every Child as a Right*, 2008, 6.

²³⁴³ ILO, *A Decade of ILO-India Partnerships*, 70. See also U.S. Embassy- New Delhi, *reporting*, November 2, 2007, para 7. See also ILO-IPEC, *Converging Against Child Labour: Support for India's Model*, Project Document, Geneva, September 2008, 12.

²³⁴⁴ ILO, *A Decade of ILO-India Partnerships*, 70. See also U.S. Embassy- New Delhi, *reporting*, November 2, 2007, para 7. See also ILO-IPEC, *Convergence Project: Project Document*, 12. See also Neera Burra, *Child Labour in Rural Areas with a Special Focus on Migration, Agriculture, Mining and Brick kilns*, 3.

²³⁴⁵ ILO-IPEC, *Addressing the Exploitation of Children in Scavenging (Waste Picking): A Thematic Evaluation of Action on Child Labour*, Geneva, October 2004, 18; available from http://www.ilo.org/iloroot/docstore/ipecc/prod/eng/2004_eval_scavenging_en.pdf.

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²³⁴⁷ U.S. Department of State, "India," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136087.htm>. See also P. and Sanjay Raj Madhavan, *Budhupura "Ground Zero" Sandstone Quarrying in India*, India Committee of the Netherlands, Utrecht, December 2005, 18-19; available from <http://www.indianet.nl/budhpura.pdf>. See also Macro International, *In-Country Research and Data Collection on Forced Labor and Child Labor in the Production of Goods in India*, 2008, 1, 3, 5. See also ILO-IPEC, *Convergence Project: Project Document*, 12. See also U.S. Embassy- New Delhi, *reporting*, March 4, 2009, para E. See also Rick Westhead, "Modernizing India on the Backs of Children," *The Star*, March 6, 2010; available from www.thestar.com/printarticle/775934.

²³⁴⁸ U.S. Department of State official, E-mail communication to USDOL official, November 12, 2010.

²³⁴⁹ U.S. Department of State, "Country Reports- 2009: India," section 7d. See also U.S. Embassy- New Delhi, *reporting*, May 30, 2008, para 1, 6, 8. See also Macro International, *In-Country Research: India*, 14. See also Bachpan Bachao Andolan, *Child Labour in Football Stitching Activity in India*, New Delhi, October 6, 2008; available from <http://www.laborrights.org/files/FOOTBALLREPORT2008.pdf>. See also ILO-IPEC, *Convergence Project: Project Document*, 8. See also U.S. Embassy- New Delhi, *reporting*, May 21, 2007, para 4. See also Neera Burra, *Child Labour in Rural Areas with a Special Focus on Migration, Agriculture, Mining and Brick kilns*, 27.

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