

India

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children 5-14 estimated as working in 2000:	4.1% ²⁰⁷⁵
Minimum age for admission to work:	14 in specified hazardous occupations and processes ²⁰⁷⁶
Age to which education is compulsory:	14 ²⁰⁷⁷
Free public education:	Yes* ²⁰⁷⁸
Gross primary enrollment rate in 2004:	116% ²⁰⁷⁹
Net primary enrollment rate in 2004:	90% ²⁰⁸⁰
Percent of children 5-14 attending school in 2000:	71.5% ²⁰⁸¹
As of 2003, percent of primary school entrants likely to reach grade 5:	79% ²⁰⁸²
Ratified Convention 138:	No ²⁰⁸³
Ratified Convention 182:	No ²⁰⁸⁴
ILO-IPEC participating country:	Yes ²⁰⁸⁵
*Implementing legislation has not been passed.	

Incidence and Nature of Child Labor

In 2000, approximately 4.1 percent of boys and 4.0 percent of girls ages 5 to 14 were working in India. The majority of working children were found in the agricultural sector (73.3 percent), followed by manufacturing (12.4 percent), services (11.5 percent) and other sectors (2.8 percent).²⁰⁸⁶ According to the Government of India, the largest number of working children

²⁰⁷⁵ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

²⁰⁷⁶ Government of India, *Child Labor- Prohibition and Regulation Act (as amended)*, (1986 and July 10, 2006), Articles 2, 3, Schedule; available from <http://labour.nic.in/cwl/ChildLabour.htm>. See also Government of India, *The Factories Act*, No. 63 of 1948, as amended by No. 20 of 1987, (1948), Article 67; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/32063/64873/E87IND01.htm>. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2005-2006*, New Delhi, September 21, 2006, 80; available from <http://www.labour.nic.in/annrep/annrep2005.htm>.

²⁰⁷⁷ U.S. Department of State, "India," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78871.htm>.

²⁰⁷⁸ Ibid.

²⁰⁷⁹ UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

²⁰⁸⁰ UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

²⁰⁸¹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

²⁰⁸² UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

²⁰⁸³ ILO, *Ratifications by Country*, accessed October 17, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

²⁰⁸⁴ Ibid.

²⁰⁸⁵ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2006*, Geneva, October 2006; available from http://www.ilo.org/iloroot/docstore/ipcc/prod/eng/20061013_implementationreport_eng.pdf.

²⁰⁸⁶ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

can be found in the State of Uttar Pradesh, followed by Andhra Pradesh, Rajasthan, and Bihar. The government also found that most working children are in rural areas working in agriculture and related activities such as livestock tending, forestry, and fishing.²⁰⁸⁷ Children work in hazardous conditions in numerous industries, including quarrying, gemstone polishing; *zari* (embroidery or sewing of beads and colored threads to fabric); hybrid seed production; and the manufacture of matches, bricks, carpets, locks, glassware, fireworks, leather goods, brassware and other metal goods, *bidis* (cigarettes), and sporting goods.²⁰⁸⁸ In addition, they are found in service industries such as hotels, restaurants, and tourism. Within all economic sectors, the highest number of child laborers can be found in the informal economy.²⁰⁸⁹ Activities in which children are working in the informal economy include vending food and other goods; repairing vehicles; construction; food preparation; scavenging; shoe-shining; car washing and repair; begging; and domestic service in private homes. The majority of child domestic workers are girls 12 to 17, but some are reportedly as young as 5 or 6 years, and many work very long hours and suffer abusive treatment.²⁰⁹⁰

Some reports indicate that large numbers of children work under forced or bonded labor conditions in India. Past reports have identified forced or indentured child labor in floriculture; quarrying including the production of quarried stones; and the production of brass goods, footwear, locks, and silk thread and cloth.²⁰⁹¹ More recent reports point to the existence of forced or indentured child labor in cottonseed production; other agricultural activities; circuses; rice mills; fishing; shops; domestic work; carpet weaving; salt making; and the manufacture of gemstones, fireworks, glassware, silver goods, matches, *bidis*, leather goods, and bricks.²⁰⁹² The vast majority of bonded laborers are from former scheduled castes and tribal groups.²⁰⁹³

The commercial sexual exploitation of children is a problem in India. Many are sold into commercial sexual exploitation by their impoverished families.²⁰⁹⁴ Child sex tourism has been reported in the State of Goa and other popular tourist destinations.²⁰⁹⁵ There is increasing

²⁰⁸⁷ Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 80.

²⁰⁸⁸ U.S. Department of State, "Country Reports- 2006: India," Section 6c. See also Government of India, *Child Labor- Prohibition and Regulation Act (as amended)*, Schedule.

²⁰⁸⁹ ILO- Subregional Office for South Asia, *A Decade of ILO-India Partnerships*, New Delhi, 2004, 70-71; available from http://www.ilo.org/public/english/region/asro/newdelhi/download/misa_cl.pdf.

²⁰⁹⁰ Ibid. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," *Trade Union World* no. 6 (October 2004), 2.

²⁰⁹¹ U.S. Department of State, "Country Reports- 2006: India," Section 6c. See also Ravi Srivastava, *Bonded Labour in India: Its Incidence and Pattern*, ILO - Special Action Programme to Combat Forced Labour, Geneva, April 2005, 27; available from http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5071.

²⁰⁹² Srivastava, *Bonded Labour in India*, 5-9, 16, 24, 27-29, 31. See also National Commission for Women, *Public Hearing on the Condition of Bonded Labourers in Rice Mills of Red Hills, Thruvallur*, New Delhi, October 4, 2004, 1-3. See also U.S. Department of State, "Country Reports- 2006: India," Section 6c.

²⁰⁹³ Srivastava, *Bonded Labour in India*, 9. See also U.S. Department of State, "Country Reports- 2006: India," Section 6c.

²⁰⁹⁴ U.S. Department of State, "Country Reports- 2006: India," Section 5.

²⁰⁹⁵ ECPAT International and Aparna Bhat, *Report on Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in India*, Bangkok, November 2004, 9; available from http://www.ecpat.net/eng/Ecpat_inter/projects/promoting_law/india_report/Laws_Legal_Procedures_India_Nov2004.pdf. See also Equations, *A Situational Analysis of Child Sex Tourism in India (Kerala and Goa)*, Bangkok,

awareness of boys being exploited in prostitution and sex tourism.²⁰⁹⁶ The traditional practice of child marriage, although illegal, is sometimes used to coerce children into commercial sexual exploitation.²⁰⁹⁷ There are also reports of children forced to work as soldiers by armed opposition groups.²⁰⁹⁸

India is a source, transit, and destination country for minors trafficked for commercial sexual exploitation, domestic servitude, industrial and agricultural labor, and begging.²⁰⁹⁹ Bangladeshi, Nepali, 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. Indian girls are also trafficked to the Persian Gulf to work as domestics or for commercial sexual exploitation, and Bangladeshi girls are trafficked through India into prostitution in Pakistan.²¹⁰⁰ Boys as young as 4 from India, Afghanistan, Pakistan, and Bangladesh are trafficked through India to the Middle East and Gulf countries to work as camel jockeys, although the practice has greatly decreased.²¹⁰¹ The majority of children trafficked are Indians trafficked within the country and even within the same state. Children living in conflict areas, such as the northeastern states, are especially vulnerable to trafficking.²¹⁰²

Child Labor Laws and Enforcement

Indian law prohibits the employment of children under 14 years in any factory or in specified hazardous occupations and processes, such as work in slaughterhouses, carpet weaving, and trash picking.²¹⁰³ In October 2006, the government added domestic service as well as work in roadside eateries (*dhabas*), restaurants, hotels, motels, tea shops, and other recreational establishments to its official list of hazardous work outlawed for children; bringing the totals to

December 2003, 5; available from http://www.ecpat.net/eng/Ecpat_inter/projects/sex_tourism/India-Equations.Web.pdf.

²⁰⁹⁶ Sree Lakshmi Akula and Anil Raghuvanshi, *Situational Analysis Report on Prostitution of Boys in India (Hyderabad)*, Bangkok, June, 2006, 7; available from http://www.ecpat.net/eng/publications/Boy_Prostitution/PDF/India_Hyderabad.pdf. See also Equations, *Situational Analysis of Child Sex Tourism*.

²⁰⁹⁷ ECPAT International and Aparna Bhat, *Report on Laws and Legal Procedures*, 8. See also U.S. Embassy- New Delhi, *reporting*, March 21, 2005.

²⁰⁹⁸ Coalition to Stop the Use of Child Soldiers, *Child Soldiers: Frequently Asked Questions*, [online] [cited January 31, 2007]; available from <http://www.child-soldiers.org/childsoldiers/questions-and-answers>. See also Human Rights Watch, "India," in *World Report 2006*, New York, January 18, 2006; available from <http://hrw.org/english/docs/2006/01/18/india12272.htm>.

²⁰⁹⁹ U.S. Department of State, "Country Reports- 2006: India," Section 5. See also Sankar Sen and P. M. Nair, *A Report on Trafficking in Women and Children in India 2002-2003*, National Human Rights Commission of India, Institute of Social Sciences, and UNIFEM, New Delhi, July 2004, 159.

²¹⁰⁰ U.S. Department of State, "Country Reports- 2006: India," Section 5.

²¹⁰¹ U.S. Department of State, "India (Tier 2 Watch List)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>. See also US Embassy- New Delhi official, E-mail communication to USDOL official, August 5, 2007.

²¹⁰² Sankar Sen and P.M. Nair, *A Report on Trafficking in Women and Children in India 2002-2003*, National Human Rights Commission of India, Institute of Social Sciences, and UNIFEM, New Delhi, July, 2004, 353. See also U.S. Department of State, "Country Reports- 2006: India," Section 5.

²¹⁰³ Government of India, *Child Labor- Prohibition and Regulation Act (as amended)*, Articles 2 and 3, Schedule. See also Government of India, *The Factories Act*, Article 67.

15 occupations and 57 processes.²¹⁰⁴ Children and adolescents 14 to 18 may work limited hours in factories during the daytime, if they have been granted a certificate of fitness.²¹⁰⁵ Children of any age may be employed in all other activities, if 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. Penalties include fines or imprisonment of 3 months to 1 year, or up to 2 years for repeat offenses.²¹⁰⁶

Bonded child labor is illegal in India. The law provides for district-level vigilance committees to investigate allegations of bonded labor; persons found using bonded labor may be fined and imprisoned for up to 3 years.²¹⁰⁷ The state of Tamil Nadu charged district-level officials with the responsibility of investigating cases of bonded labor and releasing anyone found in bondage. The state reports that 13,051 of the 35,884 identified have been released from bondage and rehabilitated at the cost of USD 4 million. As of 2006, 803 of the 884 employers against whom cases were filed had been convicted.²¹⁰⁸ The commercial sexual exploitation and trafficking of boys and girls are prohibited by law. Penalties include imprisonment of 7 to 14 years for procuring, inducing, or taking a minor 16 to 18 from one place to another for prostitution; the penalty can increase to a life sentence if the victim is under 16.²¹⁰⁹ It is illegal to cause any person to produce or deal in narcotic or psychotropic substances; punishment consists of fines and imprisonment of up to 20 years.²¹¹⁰ There is no compulsory conscription into the Indian military.²¹¹¹

The enforcement of child labor and bonded labor laws is primarily the responsibility of state and local governments, with the Ministry of Labor and Employment (MOLE) providing oversight and coordination.²¹¹² As of December 2006, state governments had identified 1,672 violations of the ban prohibiting children from engaging in hazardous work, based on the 23,166 inspections they had conducted.²¹¹³ In late 2006, Delhi police and NGOs raided several factories where children had been working under exploitive conditions and rescued more than 100 children.²¹¹⁴ Police forces in other states, including Assam and West Bengal, also conducted raids in 2006 to free children in trafficking situations. Raids were often carried out collaboratively with

²¹⁰⁴ U.S. Embassy- New Delhi, *reporting*, October 17, 2006. See also Government of India, *Child Labor-Prohibition and Regulation Act (as amended)*, Schedule.

²¹⁰⁵ Government of India, *The Factories Act*, Articles 2, 67, 68, 70, 71.

²¹⁰⁶ Government of India, *Child Labor-Prohibition and Regulation Act (as amended)*, Articles 7, 8, 14.

²¹⁰⁷ *Bonded Labour System (Abolition) Act*, Act No. 19 of 1976, (February 9, 1976), Articles 4, 13, 14, 18; available from <http://indiacode.nic.in/fullact1.asp?tfnm=197619>. See also Government of India, *Juvenile Justice (Care and Protection of Children) Act*, No. 56, (December 30, 2000), Article 26; available from <http://socialwelfare.delhigovt.nic.in/juvenilejustice1.htm>.

²¹⁰⁸ US Embassy- New Delhi official, E-mail communication, August 5, 2007.

²¹⁰⁹ Government of India, *Immoral Traffic (Prevention) Act*, (1956), Articles 2 and 5; available from <http://www.helplineinlaw.com/bareact/index.php?dsp=immoral-traffic>.

²¹¹⁰ Government of India, *The Narcotic Drugs and Psychotropic Substances Act*, No. 61, (1985), Articles 8, 15-32; available from http://www.unodc.org/unodc/legal_library/in/legal_library_1987-06-05_1985-33.html.

²¹¹¹ Coalition to Stop the Use of Child Soldiers, "India," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=851.

²¹¹² Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 67, 80. See also Human Rights Watch, *Small Change: Bonded Child Labor in India's Silk Industry*, January, 2003, 54; available from <http://www.hrw.org/reports/2003/india/>.

²¹¹³ US Embassy- New Delhi official, E-mail communication, August 5, 2007.

²¹¹⁴ U.S Embassy- New Delhi, *reporting*, January 11, 2007.

NGOs.²¹¹⁵ However, the U.S. Department of State reports that overall enforcement of child labor laws is inadequate, because of insufficient resources, poorly trained inspectors, low inspector salaries, and social acceptance of child labor.²¹¹⁶ Law enforcement against bonded labor is similarly inadequate. According to Human Rights Watch, there is a lack of meaningful action by vigilance committees, and the U.S. Department of State reports that penalties are too light to serve as an effective deterrent.²¹¹⁷

In September 2006, the government established a “nodal cell” responsible for central oversight of anti-trafficking law enforcement efforts. For the most part, however, trafficking crimes are investigated and prosecuted at the state level. Officials continued to arrest and convict persons involved in trafficking, but the U.S. Department of State reports that enforcement is inadequate relative to the scope of the problem.²¹¹⁸ According to the U.S. Department of State, enforcement efforts are hampered by police corruption, and a study by ECPAT points to lack of training as a problem. ECPAT also states that complicated procedures thwart efforts to prosecute crimes related to the commercial sexual exploitation of children.²¹¹⁹ During the reporting period, however, three state governments established, with substantial U.S. Government and UNODC assistance, the first state-level anti-trafficking police units in the country, which has led to an increase in rescues of sex trafficking victims and arrests of traffickers.²¹²⁰

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

India’s National Charter for Children (2003) enshrines the country’s commitments to protect children from hazardous child labor and to provide universal access to primary education with a focus on children with special needs.²¹²¹ The MOLE oversees the National Policy on Child Labor (1987), which lays out concrete actions for combating child labor, including legislative reforms and projects to provide direct assistance to children.²¹²² These direct assistance projects, collectively known as the National Child Labor Projects (NCLP) Scheme, operate in districts with a high incidence of hazardous labor to identify working children, withdraw them from hazardous work, and provide non-formal education, vocational training, mainstreaming into formal education, stipends, and nutrition supplements. NCLP Societies have been established in 250 districts, in more than 3,700 schools.²¹²³ The MOLE began public campaigns to raise

²¹¹⁵ U.S. Department of State, "Country Reports- 2006: India," Section 5.

²¹¹⁶ US Embassy- New Delhi, *reporting*, December 15, 2006.

²¹¹⁷ U.S. Department of State, "Trafficking in Persons Report- 2006: India." See also Human Rights Watch, *Small Change*, 47.

²¹¹⁸ *Ibid.*

²¹¹⁹ U.S. Department of State, "Trafficking in Persons Report- 2006: India." See also ECPAT International and Aparna Bhat, *Report on Laws and Legal Procedures*, 1, 32.

²¹²⁰ US Embassy- New Delhi official, E-mail communication, August 5, 2007.

²¹²¹ Ministry of Women and Child Development, *National Charter for Children*, New Delhi, February 9, 2004, Articles 7 and 8b; available from <http://wcd.nic.in/nationalcharter2003.doc>.

²¹²² Ministry of Labour and Employment, *National Policy on Child Labour*, [online] [cited October 16, 2006]; available from <http://labour.nic.in/cwl/CIPolicy.htm>.

²¹²³ Ministry of Labour and Employment, *Efforts to Eliminate Child Labour*, [online] December 23, 2004 [cited January 30, 2007]; available from http://pib.nic.in/release/re1_print_page1.asp?relid=5985. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 81-82. See also U.S. Department of State, "Country Reports- 2006: India," Section 6d.

awareness on child labor, and conducted videoconferences with states to coordinate efforts.²¹²⁴ The MOLE's Grants in Aid Scheme operates in a number of districts that do not have NCLP Societies. The program funds projects to provide working children with education and vocational training opportunities, health care, and nutrition.²¹²⁵ The MOLE also supports a program to train factory inspectors on child labor laws and regulations and sensitize them to the issue of child labor.²¹²⁶ The States of Karnataka, Maharashtra, and Tamil Nadu are implementing state-level action plans to eliminate child labor.²¹²⁷

The Government of India and USDOL jointly fund and collaborate on the USD 40 million INDUS project, which targets 80,000 children for withdrawal from work in 10 hazardous sectors: *bidis*, brassware, bricks, fireworks, footwear, glass bangles, locks, matches, quarrying, and silk. The project, implemented by ILO-IPEC, is designed to complement the NCLP program and government primary education initiatives. Target areas are 21 districts in the States of Madhya Pradesh, Maharashtra, Tamil Nadu, and Uttar Pradesh, as well as the National Capital Territory of Delhi. The project is scheduled to continue through September 2008.²¹²⁸

The national and state governments collaborate on a program to rescue and rehabilitate bonded laborers, which includes surveys to identify bonded laborers, stipends of 20,000 rupees (USD 441), as well as training and education for each rescued bonded laborer; and awareness-raising activities. The National Human Rights Commission, an independent body established by the government, works with the MOLE to provide training for district magistrates charged with implementing these identification and rehabilitation programs.²¹²⁹

The government's Plan of Action to Combat Trafficking and Commercial Sexual Exploitation of Women and Children commits both the national and state governments to legal and regulatory reform, law enforcement, public awareness programs, and rescue, rehabilitation, and reintegration of victims.²¹³⁰ The Ministry of Women and Child Development coordinates a wide range of anti-trafficking activities in collaboration with NGOs and state governments, including awareness-raising programs; victim rescue; and the provision of counseling, legal aid, medical care, repatriation, and rehabilitative services.²¹³¹ In 2006, the Home Ministry partnered with UNODC to hold a conference to raise awareness about trafficking and announce resource commitments aimed at addressing the problem.²¹³² In August 2006, the government ratified the

²¹²⁴ US Embassy- New Delhi official, E-mail communication, August 5, 2007.

²¹²⁵ Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 6, 82 and 84.

²¹²⁶ U.S. Embassy- New Delhi, *reporting*, September 14, 2005.

²¹²⁷ U.S. Embassy- New Delhi official, E-mail communication to USDOL official, February 2, 2007.

²¹²⁸ ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, Geneva, September, 2001, 3, 6-7, 18-19. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 85. See also ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, technical progress report, Geneva, September 13, 2006.

²¹²⁹ Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 67-68. See also U.S. Department of State, "Trafficking in Persons Report- 2006: India." For currency conversion, see OANDA, *FX Converter - Currency Converter for 164 Currencies*, [online] [cited October 17, 2006]; available from <http://www.oanda.com/convert/classic>.

²¹³⁰ Ambassador Robert D. Blackwill, "Dealing With Trafficking in Persons: Another Dimension of US-India Transformation" (Mumbai, February 18, 2003); available from <http://www.state.gov/p/sca/rls/rm/17900.htm>.

²¹³¹ U.S. Department of State, "Country Reports- 2006: India," Section 5.

²¹³² *Ibid.*

UN Convention on the Rights of the Child Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.²¹³³

The Department of Education's Education Guarantee Scheme and Alternative and Innovative Education Program provides non-formal education to out-of-school children, including child laborers.²¹³⁴

²¹³³ U.S. Embassy New Delhi, *reporting*, March 1, 2007.

²¹³⁴ Ministry of Human Resource Development- Department of Education, *Education Guarantee Scheme and Alternative and Innovative Education*, [online] [cited October 17, 2006]; available from http://www.education.nic.in/htmlweb/edu_guarantee_sch/edu_guarantee_back.htm.