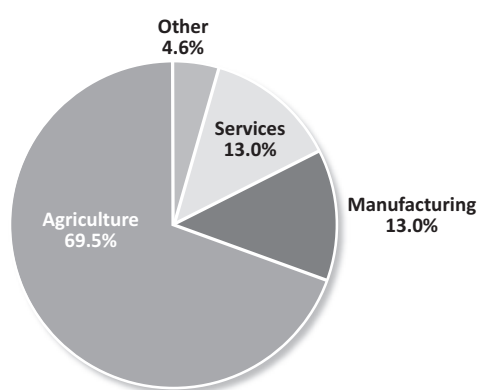


In 2012, India made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed new legislation to protect children from sexual offenses and children and adults from trafficking and forced labor. The Government also established a new anti-trafficking unit responsible for arresting child traffickers; expanded its Right to Education Act to include children with disabilities; and continued funding its National Child Labor Project (NCLP). However, basic legal protections for children remain weak. Legislation to prohibit work for children under the age of 14 and to proscribe hazardous work for children under 18 has been introduced in Parliament but has yet to be passed. 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 are also trafficked and perform forced or indentured labor.

#### Statistics on Working Children and Education

Children	Age	Percent
Working	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		95.7

#### Working Children by Sector, Ages 5-14



#### Sources:

**Primary completion rate:** Data from 2008, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from NSS Survey, 2009-2010.(2)



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

Children in India are engaged in the worst forms of child labor. Children work in agriculture, producing crops such as rice and hybrid seeds and picking cotton.(3-9) Children who work in agriculture may use dangerous tools, carry heavy loads, and apply harmful pesticides. Children in India also work under hazardous conditions manufacturing a variety of products, quarrying stone and other materials, breaking stones, and polishing gems.(3, 8, 10-15)

Children in manufacturing make matches, bricks, carpets, locks, glass bangles, fireworks, cigarettes, incense sticks, footwear, garments, hand-loomed silk fabric, leather, and brassware.(3, 11, 12, 14, 16-29) Children spin thread/yarn, embroider, sew beads to fabric and stitch soccer balls.(16, 30-32) Many children manufacture goods in the informal economy, increasingly doing so in home-based production.(3, 16, 33, 34) In addition to working long hours in cramped spaces with poor lighting and inadequate ventilation, children in manufacturing may be exposed to harmful chemicals and dangerous machinery and tools. Such occupational hazards are known to cause joint pain, headaches, hearing loss, skin infections, respiratory problems, and finger deformities.(20, 21)

Service industries that employ children include hotels, food service, and certain tourism-related occupations. In these sectors, children are vulnerable to physical violence, mental trauma, and sexual abuse.(35) Children work on the street

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selling food and other goods, repairing vehicles and tires, scavenging and rag picking.(36, 37) Children are also found working in construction and domestic service.(38-40) In 2012, a Government official estimated that 4 million children work in domestic service across India.(41) Many work very long hours and suffer abusive treatment.(38-40, 42)

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 embellished textiles.(3, 8, 12, 38, 40, 43)

The federal police stated that an estimated 1.2 million children are victims of commercial sexual exploitation.(36) Cases of child sex tourism continue to be reported in cities and towns with tourist attractions, as well as in locations known as religious pilgrim centers.(43)

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.(38, 40, 43) The majority of these children are Indians trafficked within the country.(43)

There are reports that children have been recruited to serve as soldiers by extra-legal armed groups in zones where armed conflict is occurring, such as by the Naxalites in Chhattisgarh.(12, 37, 43)

There are significant barriers to accessing the education system in India including underprivileged children being denied entry to school.(12) In addition, some schools lack proper sanitation facilities, particularly for girls, which deter children from attending school. More than eight million children between the ages of 8 and 14 were not in school during the reporting period.(12)

## 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.(44, 45) The Child Labor Prohibition and Regulation Act bars children under age 14 from 18 hazardous occupations and 65 hazardous processes, such as handling pesticides, weaving carpets, breaking stones, working in mines, and domestic service.(44, 46) The Factories Act

bars children under age 14 from working in factories.(46, 47) Employing children under age 14 in a hazardous occupation or process can lead to fines and imprisonment. Additionally, the Government must either compensate the family of the child or find employment for an adult member of the family.(44, 45) 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.(41)

## International Conventions and Selected Laws on Child Labor and Education

	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

However, gaps remain in legal protections for working children. 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.(34) 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 businesses.(34) In 2012, the Cabinet worked to address legal gaps by proposing legislation to Parliament 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.(48) The legislation has not yet been passed by Parliament, and therefore, has not gone into effect.(49)

The Juvenile Justice (Care and Protection of Children) Act prohibits employers from exploiting juvenile employees under age 18, through practices such as keeping them in bonded conditions or garnishing their wages. Violators may be fined or imprisoned.(50)

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.(51) The Act also provides for rehabilitation assistance payments for released bonded laborers. Persons found using bonded labor may be fined and face imprisonment.(51) In April 2013, the Criminal Law (Amendment) Act was passed, which amended the Indian penal code to protect children and adults from being trafficked into exploitative situations, including forced labor situations.(52) Penalties include fines and up to lifetime imprisonment.(52) In 2012, the Government passed the Protection of Children from Sexual Offence Act.(53) The law protects children from sexual assault, sexual harassment and pornography and establishes Special Courts for trials of these crimes. The amendment includes penalties for those who employ children or adults who have been trafficked. Penalties include fines and up to lifetime imprisonment.(53) 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.(54) The Narcotic Drugs and Psychotropic Substance Act No. 61 makes it illegal to cause any person, including children, to produce or deal in narcotic or psychotropic substances; punishment consists of fines and imprisonment.(55)

There is no compulsory military service in India. The voluntary military recruitment age is 17 years and 6 months. However, the minimum age to serve in combat is 18 years.(50)

Education is free and compulsory to age 14.(8) The Right of Children to Free and Compulsory Education Act (RTE) lays out the country's commitment to provide universal access to primary education with a focus on children from disadvantaged social groups.(56) 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.(56) In 2012, the RTE was amended to include children with disabilities.(57) Research has shown that disabled children who face barriers to education may be at greater risk of working in hazardous occupations.(58)

## 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). It reviews, monitors, and coordinates policies and programs on child labor.(59) The National Steering Committee on Child Labor is a tripartite committee that guides and monitors child labor policy, with members representing government agencies, employers, and workers.(60) The Secretary of Labor and Employment chairs the Central Monitoring Committee, which is responsible for reviewing the prevalence of child labor and monitoring actions taken to eliminate child labor.(61) The Core Group on Child Labor, which is composed of eight ministries and chaired by MOLE, coordinates the convergence of social protection schemes to reduce child labor.(62)

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.(46, 63) The NHRC maintains an office to monitor the progress of cases involving bonded labor and child labor that are pending with authorities throughout the country.(64) Despite the rescue and rehabilitation of bonded laborers, prosecutions have not always taken place.(65)

The Ministry of Women and Child Development (MWCD) is charged with coordinating anti-trafficking policies and programs for women and children. The Ministry of Home Affairs (MHA) Anti-Human Trafficking Cell continues to implement the Government's nationwide plan to combat human trafficking by coordinating with states to establish anti-human trafficking units (AHTUs) and training thousands of officials to combat human trafficking.(43, 66, 67) During the reporting period, 194 AHTUs have been established and the MHA provided an additional \$1.5 million to establish 110 more AHTUs.(66) In January 2012, the Central Bureau of Investigation established an anti-human trafficking unit with a mandate to conduct operations to arrest traffickers of women and children.(43, 68)

The National Commission for the Protection of Child Rights (NCPCR) investigates 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.(45)

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While MOLE provides oversight and coordination regarding the country's labor laws, state governments employ labor inspectors to enforce these laws. Between January and August 2012, the Ministry of Labor reported that 25,040 child labor inspections took place. During this same period, there were 589 prosecutions and 167 convictions.(62) During the reporting period, children were rescued from hazardous work during raids in several areas, including Delhi, Gujarat, and Karnataka.(69-71) When child labor prosecutions are launched, it may take years before a case is resolved because the judicial system is backlogged and overburdened.(72)

Eight state governments adopted state action plans for the elimination of child labor. In 2012, the Jharkhand State Action Plan became the latest of these. The Jharkhand plan calls for stronger enforcement mechanisms as well as the rescue and rehabilitation of children.(45, 73-76) Complaints about hazardous child labor can be made through a toll-free helpline, Child Line, which operates in 193 cities across India. In 2012, Child Line expanded to 68 additional cities.(67) Complaints are then given to the police to investigate and rescue children.(67)

Under India's federal structure, state and local police are also responsible for enforcing laws pertaining to human trafficking.(77) The Government of India has invested more than \$400 million to establish the Crime and Criminal Tracking and Networking System to connect all of India's 15,000 police stations.(66, 78) This will enable police to better monitor trends in serious crimes, including trafficking. As of 2012, this system was still in the process of being completed.(66, 78) It is not known whether the tracking system will disaggregate its data to include child trafficking victims, and this data is not currently being collected or made public through other mechanisms.

## Government Policies on the Worst Forms of Child Labor

During 2012, 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 legislation and providing direct assistance to children.(46) As noted above, eight states implemented action plans to eliminate child labor from hazardous industries during the reporting period: Andhra Pradesh, Maharashtra, Tamil Nadu, Jharkhand, Karnataka, Gujarat, Bihar, and Orissa.(45, 73-76) 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.(76) 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.(79)

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.(80)

Several of the specific initiatives above are supported by and can draw on the Government's 11<sup>th</sup> 5-Year Plan (2007–2012). The Plan details how the Government would implement its vast array of social protection schemes, including provisions for education, health and increased livelihood support.(81)

## 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 NCLPs scheme.(46, 49, 82) 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.(46) The projects set up NCLP schools, mainstream children into formal education and provide them with stipends, meals, and health checkups. Between April 1, 2011 and March 31, 2012, the Government reported the rescue, rehabilitation and mainstreaming of 125,716 children into NCLP schools in 266 districts across India.(49, 62)

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 2012, the MHRD continued to offer its midday meal program to NCLP students.(83) With support from UNICEF, the MOLE is developing a national communication strategy on child labor and piloting a national tracking system to monitor children in NCLP schools in the states of Karnataka, Andhra Pradesh, Uttar Pradesh and West Bengal.(46)

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 19,000 children for withdrawal or prevention from work in hazardous labor in 10 districts in the states of Bihar, Jharkhand, Gujarat, Madhya Pradesh and Orissa.(35) As of March 2013, the project had linked over 19,740 children to education services.(84) The project is designed to strengthen

the Government's efforts to combat hazardous child labor by linking children to the National Child Labor Project 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. In 2012, the Government gave workers in the informal economy access to the National Health Insurance Program.<sup>(85)</sup> Research has not been conducted on the effects of these social protection schemes on reducing child labor.

The MOLE's Grants-in-Aid scheme funds over 20 NGOs to provide rehabilitation services to working children.<sup>(46)</sup> Its Skill Development Initiative Scheme offers vocational training programs and gives priority to children withdrawn from child labor and the parents of child laborers.<sup>(86)</sup>

The Government of India and state governments are collaborating on a program to rescue and rehabilitate child and adult bonded laborers.<sup>(87)</sup> 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.<sup>(87)</sup> Although surveys are conducted, data on the prevalence of bonded labor in India's 28 states were unavailable and the data that have been collected are not disaggregated to capture the number of children who are victims of bonded labor.<sup>(46)</sup>

In 2012, the MOLE continued to expand its pilot project in Tamil Nadu to reduce bonded labor in brick kilns and rice mills.<sup>(88)</sup> 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.<sup>(46)</sup>

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).<sup>(67)</sup> 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. From January 2011 to January 2012, the Government expanded its investment in ICPS, allocated more than \$27.5 million, and signed MOUs with 16 additional states (33 states and union territories in total) to implement the ICPS.<sup>(67)</sup> 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 January 2011 to January 2012, this scheme received \$1.85 million, which was used to fund 91 projects that supported 9,100 beneficiaries.<sup>(67)</sup>

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 funded 19 new projects in 2012 and continues to support another 147 projects to help reintegrate, rehabilitate and repatriate trafficking victims, including children.<sup>(67)</sup>

### 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	Pass legislation to strengthen protections related to child labor to <ul style="list-style-type: none"> <li>Establish a minimum age for employment in non-hazardous occupations consistent with international standards.</li> <li>Increase the minimum age for employment in hazardous occupations to meet international standards.</li> <li>Expand the scope of the Child Labor Prohibition and Regulation Act to cover children working in family enterprises.</li> </ul>	2009, 2010, 2011, 2012 2009, 2010, 2011, 2012 2009, 2010, 2011, 2012

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Prosecute violators of the Bonded Labor System Act.	2012
	Expedite the adjudication of child labor cases.	2010, 2011, 2012
	Disaggregate the data in the Ministry of Home Affairs Crime and Criminal Tracking and Networking System to include child trafficking violations.	2009, 2010, 2011, 2012
Policies	Encourage development of action plans for the elimination of child labor in states that do not have plans.	2011, 2012
	Conduct both a qualitative and quantitative national survey of bonded labor (disaggregating data on children).	2009, 2010, 2011, 2012
Social Programs	Conduct an assessment of the impact that India's major social protection schemes have had on reducing child labor.	2010, 2011, 2012

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