

In 2017, India made a significant advancement in efforts to eliminate the worst forms of child labor. The government ratified both ILO Convention 182 and Convention 138 and amended the Child Labor Act to prohibit children under age 18 from working in hazardous occupations and processes. The government also launched the Platform for Effective Enforcement for No Child Labor to more effectively enforce child labor laws and implement the National Child Labor Program. In addition, the government released a new National Plan of Action for Children that implements the National Policy for Children, which includes a focus on child laborers, trafficked children, and other vulnerable children. However, children in India engage in the worst forms of child labor, including in forced labor producing garments and quarrying stones. Children also perform dangerous tasks producing bricks. The Child Labor Act's hazardous work prohibitions do not include all occupations in which children work in unsafe and unhealthy environments for long periods of time. Penalties for employing children are insufficient to deter violations, and the recruitment of children by non-state armed groups is not criminally prohibited.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in India engage in the worst forms of child labor, including in forced labor producing garments and quarrying stones. Children also perform dangerous tasks in producing bricks. (1; 2; 3; 4) 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 to 14	1.4 (3,253,202)
Attending School (%)	5 to 14	90.7
Combining Work and School (%)	7 to 14	0.3
Primary Completion Rate (%)		96.3

Source for primary completion rate: Data from 2016, published by UNESCO Institute for Statistics, 2018. (5)

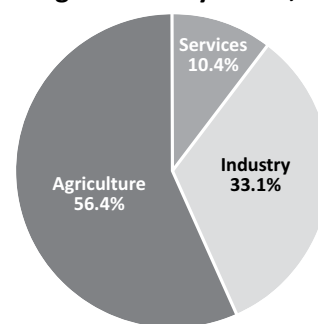
Source for all other data: Understanding Children's Work Project's analysis of statistics from National Sample Survey Round 68 (NSS-R68), 2011–2012. (6)

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 hybrid cottonseed and hybrid vegetable seeds, cultivating cotton, cultivating chili pepper and rice, and harvesting sugarcane, tobacco, and tea (7; 8; 9; 10; 11; 12; 13; 14; 15) (16; 17; 18) Processing cashew nuts† and seafood (19; 20; 21; 22)
Industry	Manufacturing garments, weaving silk fabric and carpets, producing raw silk thread (sericulture),‡ spinning cotton thread and yarn, and embellishing textiles with silver and gold (zari)† (23; 24; 25; 26; 27; 28; 29; 30; 31; 32) Manufacturing glass bangles,‡ locks‡, and brassware,‡ and polishing gems‡ (33; 34; 35; 36; 37; 38; 39; 40) Rolling cigarettes (bidis)† and manufacturing incense sticks (agarbatti),‡ fireworks,‡ and matches‡ (41; 42; 43; 44) Manufacturing footwear and bags, producing leather goods or accessories,‡ and stitching soccer balls (45; 46; 47; 48; 49; 50)

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



India

SIGNIFICANT ADVANCEMENT

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

Sector/Industry	Activity
Industry	Producing bricks,† quarrying and breaking sandstone† and granite,† and mining and collecting mica† and coal† (3; 4; 2; 16; 51; 52; 53) (54; 55; 56; 57; 58; 59; 60; 61)
Services	Domestic work (62; 63)
	Working in hotels,† food service, and tourism services (64; 65; 66; 67; 68)
	Street work, including selling food and other goods, and scavenging and sorting garbage (69; 70; 71)
	Construction† (72)
Categorical Worst Forms of Child Labor‡	Forced labor in agriculture, including producing hybrid cottonseed and harvesting sugarcane, both sometimes as a result of human trafficking (73; 74; 75)
	Forced labor in rice mills, quarrying stones, and producing bricks (2; 3; 76; 77; 78; 79; 80; 81)
	Forced labor in producing garments, spinning cotton thread and yarn, and embroidering silver and gold into textiles (<i>zari</i>), (1; 30; 25; 82; 83; 26)
	Forced labor in producing carpets, bangles, leather goods, plastic goods, footwear, and bags (84; 85; 86; 87; 38; 88; 89; 49; 90; 91) (92)
	Forced labor in domestic work and begging, both sometimes as a result of human trafficking (62; 93; 94; 63; 75; 95)
	Commercial sexual exploitation, sometimes as a result of human trafficking (96; 97; 75)
	Forced recruitment of children by non-state armed groups for use in armed conflict (98; 75; 99)
	Use in illicit activities, including the use of children to traffic children (100)

† 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.




Within India, children are trafficked for commercial sexual exploitation and for forced labor in domestic service. (97; 95; 75) Children are also forced to work as bonded laborers in brick kilns and stone quarries to pay off family debts owed to moneylenders and employers. (2; 101) Children from India’s rural areas migrate or are trafficked for employment in industries, such as spinning mills and cottonseed production, in which they are forced to work in hazardous environments for little or no pay. (73; 25) In addition, armed Maoist groups reportedly recruited children to serve as soldiers in the states of Bihar, Chhattisgarh, Jharkhand, Maharashtra, Odisha, and West Bengal. (99; 75)

Child victims of commercial sexual exploitation, forced labor, and human trafficking are more likely to be children from marginalized groups, such as low-caste Hindus, members of tribal communities, and religious minorities. (75) Children from marginalized groups also face barriers to accessing education. These children are sometimes subjected to discrimination and harassment from their teachers. (102; 103; 104)

II. LEGAL FRAMEWORK FOR CHILD LABOR

India has ratified all key international conventions concerning child labor (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	✓

In March 2017, the government ratified both ILO Convention 182 and Convention 138. (105)

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in India's legal framework to adequately protect children from child labor, including the prohibition of recruitment of children by state and non-state armed groups.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	14	Section 3(1) of the Child Labour (Prohibition and Regulation) Act (106)
Minimum Age for Hazardous Work	Yes	18	Section 3A of the Child Labour (Prohibition and Regulation) Act (106)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Schedule to the Child and Adolescent Labour (Prohibition and Regulation) Act (107)
Prohibition of Forced Labor	Yes		Section 4 of the Bonded Labour System (Abolition) Act; Sections 370 and 374 of the Penal Code; Section 79 of the Juvenile Justice (Care and Protection of Children) Act (108; 109; 110)
Prohibition of Child Trafficking	Yes		Sections 366A, 366B, 370, 372 and 373 of the Indian Penal Code; Section 5 of the Immoral Traffic (Prevention) Act (109; 111)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 366A, 366B, 370A, 372 and 373 of the Indian Penal Code; Sections 4–7 of the Immoral Traffic (Prevention) Act; Sections 13–15 of the Protection of Children from Sexual Offense Act; Section 67B of the Information Technology Act (109; 111; 112; 113)
Prohibition of Using Children in Illicit Activities	Yes		Sections 76 and 78 of the Juvenile Justice (Care and Protection of Children) Act; Section 32B(c) of the Narcotic Drugs and Psychotropic Substance Act (110; 114)
Prohibition of Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	16	
Non-State	No		
Compulsory Education Age	Yes	15	Section 3 of the Right of Children to Free and Compulsory Education Act (115)
Free Public Education	Yes		Section 3 of the Right of Children to Free and Compulsory Education Act (115)

* No conscription (116)

In 2017, the government amended the Child and Adolescent Labour Act's hazardous work list to include a schedule of occupations and processes in which children under age 18 are prohibited to work along with a further list of occupations and processes in which children under age 14 are prohibited from working in family enterprises. (107; 106) The government also developed Standard Operating Procedures for Enforcement of the Act. (117)

However, despite evidence that children work in unsafe and unhealthy environments for long periods of time in spinning mills, garment production, carpet making, and domestic work, not all children under age 18 are prohibited from working in occupations related to these sectors. (107; 28; 23; 32; 62)

The recruitment of children under age 18 by non-state armed groups is not criminally prohibited. (118) In addition, though sources report that the minimum age for voluntary recruitment into India's Armed Forces is 16 and that individuals must be 18 to be deployed, research did not uncover a copy of the pertinent legislation. (119)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps exist within the operations of the State Government Labor Inspectorates that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
State Government Labor Inspectorates	Enforce state and national labor laws. Refer cases in violation of the law to state police. (69) Refer children to Child Welfare Committees for protection and rehabilitation services. (110)
State and Local Police	Enforce laws pertaining to child labor and human trafficking. (120) Submit information to District Magistrates to determine if a case should be prosecuted in District Court. (121) Refer children to Child Welfare Committees for protection and rehabilitation services. (110)
Anti-Human Trafficking Units	Investigate cases of human trafficking. Established in 264 local police jurisdictions throughout India. (122; 120)
Vigilance Committees	Rescue, release, and rehabilitate bonded laborers and family members. Assembled at the district and subdivision levels by the District Magistrate. (108)
State Revenue Department	Issue release certificates to free bonded laborers and family members from debt. (123)
Child Welfare Committees	Refer children in need of care and protection to welfare services providers under the Integrated Child Protection Scheme, including children involved in hazardous work, begging, and human trafficking, as well as those living on the streets. (110) Established 710 committees across the 660 districts in India. (124)
Central Bureau of Investigation's Anti-Human Trafficking Unit	Investigate and prosecute cases involving the kidnapping and trafficking of women and children by professional gangs operating across multiple states. Take on cases by request of, or in agreement with, state governments. (125)

Labor Law Enforcement

In 2017, labor law enforcement agencies in India took actions to combat child labor (Table 6). However, gaps exist within the operations of the State Government Labor Inspectorates that may hinder adequate labor law enforcement, including that the central government does not collect data on state government and territory funding and employment of labor inspectors.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown* (118)	Unknown* (126)
Number of Labor Inspectors	Unknown* (118)	Unknown* (126)
Inspectorate Authorized to Assess Penalties	Yes (118)	Yes (126)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (118)	Yes (126)
Training on New Laws Related to Child Labor	Unknown (118)	Yes (127)
Refresher Courses Provided	Yes (118)	Yes (126)
Number of Labor Inspections Conducted	173,471 (126)	Unknown (126)
Number Conducted at Worksites	Unknown (118)	Unknown (126)
Number of Child Labor Violations Found	1,594 (126)	Unknown (126)
Number of Child Labor Violations for which Penalties were Imposed	Unknown* (118)	Unknown* (126)
Number of Child Labor Penalties Imposed that were Collected	Unknown* (118)	Unknown* (126)
Routine Inspections Conducted	Yes (118)	Yes (126)
Routine Inspections Targeted	Yes (118)	Yes (126)
Unannounced Inspections Permitted	Yes (118)	Yes (126)
Unannounced Inspections Conducted	Yes (118)	Yes (126)
Complaint Mechanism Exists	Yes (118)	Yes (126)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (118)	Yes (126)

* The government does not publish this information. (126)

The Constitution of India gives state governments primary responsibility for the enforcement of labor laws. (128; 129) While the central government seeks to collect data on child labor violations and prosecutions, this information for 2017 was not yet released during the reporting period. The central government also does not collect data on state government and territory funding and employment of labor inspectors. (130; 126; 127)

The penalties for violating the Child Labour (Prohibition and Regulation) Act are likely insufficient to deter employers from hiring children. (118) Penalties include imprisonment for 6 months to 2 years and/or fines ranging from \$300 to \$700. (106)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in India took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including that not all states report the number of investigations, violations found, prosecutions initiated, and convictions.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown	Yes (127)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	Yes (127)
Refresher Courses Provided	Unknown	Yes (127)
Number of Investigations	Unknown	Unknown
Number of Violations Found	Unknown	Unknown
Number of Prosecutions Initiated	Unknown	Unknown
Number of Convictions	Unknown	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (110)	Yes (126)

The Constitution of India gives state governments primary responsibility for criminal law enforcement, including laws on child labor. (128; 126) In 2017, the Anti-Human Trafficking Cell of the Rajasthan Police launched Operation *Milap*, during which it rescued over 500 child laborers. (132; 133) State police in Andhra Pradesh, Odisha, and Telangana conducted Operation *Muskan* campaigns to rescue and rehabilitate missing children through referral to other government agencies, including many involved in the worst forms of child labor. (134; 135; 136)

The National Crime Records Bureau (NCRB) collects law enforcement data from state governments regarding cases involving the Child Labor Act, Indian Penal Code articles related to human trafficking and the commercial sexual exploitation of children, and the Immoral Trafficking Act. (131) However, NCRB data does not provide comprehensive national totals for bonded labor or child labor offenses because not all states report these data. (131) In 2016, the most recent year for which NCRB published statistical data, state governments investigated 402 cases (including pending cases from the previous year) under the Child Labor Act, filed charges in and sent 139 cases to trial, and achieved convictions in 8 cases. (131) For crimes involving human trafficking offenses under the Indian Penal Code, state governments investigated 429 cases, filed charges in and sent 202 cases to trial, and achieved convictions in 4 cases. In addition, there were 5,248 cases investigated, 2,003 cases charged and sent for prosecution, and 37 cases convicted for crimes involving the commercial sexual exploitation of children under the India Penal Codes and the Immoral Trafficking Act. (131) However, NCRB data does not indicate whether offenders were investigated, charged, prosecuted, and convicted for multiple criminal offenses, preventing aggregate numbers from being provided in Table 7. (131) While the NCRB did not publish data on the punishments prescribed or enforced in 2016 for child labor-related convictions, NGO and news sources indicate that punishments were carried out in 2016 and 2017. (137; 65)

In addition, in 2016, there were 187 cases investigated, 103 cases charged and sent to trial, and 3 cases convicted involving the Bonded Labor System (Abolition) Act in 2016; however, these data were not disaggregated between adults and children and the punishments for offenders are unknown. (131) The Government of India also identified and removed 2,950 children from forced labor, 236 from commercial sexual exploitation, and 115 from domestic servitude in 2016. (138)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and Description
Central Monitoring Committee	Supervise, monitor, and evaluate actions of the National Child Labor Projects (NCLPs) across India. Led by the Ministry of Labor and Employment (MOLE); some state governments maintain state-level Monitoring Committees to monitor the NCLPs in their states. (139)

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor (cont)

Coordinating Body	Role and Description
Core Group on Child Labor	Coordinate the integration of social protection programs to reduce child labor. Comprises members from the Ministries of Human Resource Development; Women and Child Development; Housing and Urban Poverty Alleviation; Rural Development; Social Justice and Empowerment; Home Affairs; and community governments (<i>Panchayati Raj</i>). Chaired by MOLE. (140)
Ministry of Home Affairs' Anti-Human Trafficking Cell	Implement the government's nationwide plan to combat human trafficking by coordinating with states to establish Anti-Human Trafficking Units and train thousands of officials to combat human trafficking. Requires states to submit quarterly reports to this coordinating body. (69; 120)
National Human Rights Commission	Monitor implementation of the Bonded Labor System (Abolition) Act. Monitor state governments' actions to identify, release, and rehabilitate bonded laborers through quarterly submissions and exploratory and investigative missions. (141; 142)
National Commission for the Protection of Child Rights	Ensure that all laws, policies, programs, and administrative mechanisms are in accordance with the constitutional protections for children and the UN CRC. Inquire about child rights violations and failures to properly implement laws relating to child protection. (69; 143) Established in all 30 states and in 3 territories, including Delhi. (144)

Research was unable to determine whether the coordinating bodies were active during the reporting period.

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including lack of State Action Plans for the elimination of child labor for all state governments.

Table 9. Key Policies Related to Child Labor‡

Policy	Description
National Policy on Child Labor	Describes actions for combating hazardous labor for children, including implementing legislation and providing direct assistance to children. (145) During the reporting period, the policy was implemented through programs operated by MOLE and the Ministry of Women and Child Development (MWCD) with the rescue of 30,979 children from labor through the National Child Labor Project Scheme. (146; 147; 127)
State Action Plans on Child Labor	Details state governments' activities and programs to eliminate child labor from hazardous industries. Child labor action plans in place in 10 state governments: Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Maharashtra, Meghalaya, Orissa, and Tamil Nadu. (148; 149; 150; 151; 152; 153) In 2017, Telangana state approved a State Action Plan for Elimination of Child and Adolescent Labor. (154)
National Policy for Children	Seeks to guide laws, policies, plans, and programs affecting children. Sets out the policy that state governments should take all necessary measures to track, rescue, and rehabilitate child laborers, trafficked children, and other vulnerable children, and to ensure that out-of-school children can access education. (155) During the reporting period, the policy released a National Plan of Action for Children (NPAC) that focuses on four key areas: survival, health, and nutrition; education and development; protection; and participation. (146; 147; 127; 156)

‡ The Government had other policies which may have addressed child labor issues or had an impact on child labor. (157; 158)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including barriers to education encountered by marginalized communities.

Table 10. Key Social Programs to Address Child Labor‡

Program	Description
National Child Labor Project (NCLP) Scheme†	MOLE scheme that operates at the district level to identify working children, withdraw them from hazardous work, and provide them with education and vocational training. Sets up and administers NCLP schools, mainstreams children into formal education, and provides them with stipends, meals, and health checkups. (146) Comprises approximately 3,000 NCLP special training centers that accommodate approximately 120,000 children. Through the Grants-in-Aid Scheme, MOLE funds NGOs to set up rehabilitation projects in districts that do not have an NCLP Scheme. (146) In 2017, the government launched PENCIL (Platform for Effective Enforcement of No Child Labor), an online portal that allows government officials, NGOs, and law enforcement to share information and coordinate on child labor cases at the national, state, and local levels in an attempt to improve enforcement of child labor laws and the implementation of the NCLP scheme. (159; 160)

Table 10. Key Social Programs to Address Child Labor‡

Program	Description
Integrated Child Protection Scheme (ICPS)†	MWCD scheme that provides children in need of protection—including children withdrawn from hazardous work, forced labor, and human trafficking—with food and accommodation in government-run shelters, as well as non-institutional care in foster homes and adoptive families. Provides rehabilitation and reintegration services to rescued children. (147) Through the Welfare of Working Children in Need of Care and Protection program, provides non-formal education and vocational training to street children and working children living in urban areas not covered by NCLP schemes. (147) In 2017, revised to increase allocations. (161)
Childline†	MWCD-funded 24-hour toll-free emergency telephone service for children in distress. Includes Childline India Foundation-operated telephone service in cities across India, which connects children in need of assistance with hospitals, child welfare committees, shelter homes, and police. (147) In 2016–2017, \$6.4 million was granted to fund Childline services in 413 locations. (162)
TrackChild†	MWCD-implemented online portal tracks missing children and facilitates information sharing about missing and vulnerable children among stakeholders, including child protection units, police stations, and Child Welfare Committees. (147; 163) In 2017, established the <i>Khoya-Paya</i> (Lost and Found) website to allow parents and the general public to report and search for missing children. (164; 147)
Central Sector Scheme for Rehabilitation of Bonded Labourers, 2017†	MOLE program, rescues and rehabilitates adult and child bonded laborers. Provides rescued bonded laborers with financial assistance and social protection services. (146) Supports funding of surveys at the district level on the prevalence of bonded labor and the rehabilitation of bonded laborers identified through the surveys. (165; 166) As of September 30, 2017, more than \$14 million provided to state governments for the rehabilitation of 289,222 bonded laborers. (166)
Anti-Human Trafficking Activities‡	MWCD-operated anti-human trafficking activities, in collaboration with NGOs and state governments. (147) Supports projects to help reintegrate, rehabilitate, and repatriate human trafficking victims, including children, through the Ujjawala scheme. Also provides short-term housing and rehabilitation services, including vocational training for women and adolescent girls, through the <i>Swadhar Greh</i> scheme. (147)

† Program is funded by the Government of India.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (167; 168; 169; 170)

State governments conduct district-level surveys on bonded labor under the Rehabilitation of Bonded Labor Scheme. However, in surveyed districts, data were not available on the number of victims of bonded labor, including children. (171; 172)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in India (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the types of hazardous work prohibited for children under age 18 are comprehensive, especially in the sectors in which children work in unsafe and unhealthy conditions for long periods of time such as in spinning mills, garment production, carpet making and domestic work.	2016 – 2017
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016 – 2017
Enforcement	Collect and publish national-level data on labor law enforcement, including funding, the number of labor inspectors, the number of labor inspections and those conducted at workplaces, the number of violations found and the penalties imposed and collected for child labor law violations.	2014 – 2017
	Create meaningful penalties for employment of children in prohibited child labor to ensure that they effectively deter violations.	2014 – 2017
	Collect and publish national-level data from all state governments on the number of criminal investigations, violations, prosecutions, convictions, and punishments for all crimes involving the worst forms of child labor. Clarify in existing data whether cases reported involve multiple offenders.	2009 – 2017
Coordination	Publish information on activities undertaken by coordinating bodies.	2017
Government Policies	Work with state governments that do not currently have State Action Plans for the elimination of child labor to establish such plans.	2011 – 2017
Social Programs	Penalize education officials who engage in discrimination and harassment of children and reduce barriers to education, in particular those from marginalized communities.	2014 – 2017
	Make data and findings from district-level bonded labor surveys publicly available.	2009 – 2017

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