

In 2014, India made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government implemented its National Child Labor Project to assist child laborers through the provision of loans and alternative livelihoods, and several social protection programs to address the root causes of child labor. The Ministry of Home Affairs also launched an online human trafficking portal to coordinate efforts of state and national government agencies. However, children in India are engaged in child labor, including in agriculture and manufacturing. Basic legal protections for children remain weak. Legislation to prohibit work by all children under the age of 14 and to proscribe hazardous work for children under age 18 was approved by the Prime Minister's Cabinet in 2012, but it has yet to be passed by Parliament.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in India are engaged in child labor, including in agriculture and manufacturing. (1-6) The 2011 National Census data was released during the reporting period, and it shows that 4,353,247 children ages 5 to 14 work for 6 or more months during the year. (7, 8) The Census data also show that 3,875,234 children ages 5 to 14 work for 3 to 6 months during the year, while 1,900,182 children ages 5 to 14 work for less than 3 months during the year. (8) Table 1 provides key indicators on children's work and education in India.

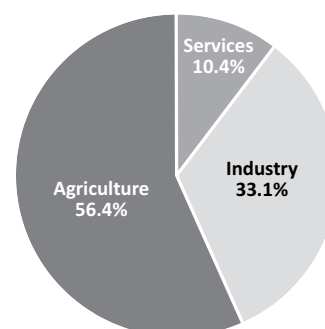
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	5-14 yrs.	1.4 (3,253,202)
Attending School (%)	5-14 yrs.	90.7
Combining Work and School (%)	7-14 yrs.	0.3
Primary Completion Rate (%)		96.5

Source for primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2015. (9)

Source for all other data: Understanding Children's Work Project's analysis of statistics from NSS Survey, 2011 – 2012. (10)

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



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

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

Sector/Industry	Activity
Agriculture	Farming, including producing rice and hybrid cottonseed, picking cotton, ginning cotton,† and harvesting sugarcane† (3, 11-18)
Industry	Manufacturing garments,† weaving silk fabric with a handloom,† production of raw silk thread (sericulture),† spinning cotton thread and yarn, embellishing textiles with silver and gold (zari),† embroidering textiles, and sewing beads and buttons to fabric (1, 6, 19-24)
	Manufacturing glass bangles,† locks† and brassware,† and polishing gemst (13, 25-29)
	Weaving carpets† (19, 30, 31)
	Rolling cigarettes (bidis),† and manufacturing incense sticks (agarbatti),† fireworks,† and matches† (32-36)
	Manufacturing footwear, producing leather goods/accessories,† and stitching soccer ballst (15, 20, 37-40)
	Producing bricks,† quarrying† and breaking stones,† and mining mica*† and coal*† (41-49)

India

MODERATE ADVANCEMENT

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

Sector/Industry	Activity
Services	Working in hotels,* food service,* and certain tourism-related occupations* (50, 51)
	Working on the street selling food*† and other goods,* repairing vehicles* and tires,*† and scavenging and sorting garbage*† (12, 15, 52)
	Construction,*† activities unknown (53, 54)
	Domestic work† (15, 55, 56)
Categorical Worst Forms of Child Labor‡	Forced labor in agriculture, including working in rice mills and producing cottonseed (hybrid) (3, 11, 19, 57)
	Forced labor in quarrying stones, producing bricks, and mining coal* (19, 46, 49, 56, 57)
	Forced labor in producing garments, embroidering silver and gold into textiles (<i>zari</i>), and spinning cotton thread and yarn* (6, 21, 22, 57)
	Forced labor in domestic work,* begging,* and weaving carpets* sometimes as a result of human trafficking* (5, 55, 56, 58)
	Commercial sexual exploitation sometimes as a result of human trafficking (15, 56, 59, 60)
	Used in armed conflict as a result of forced recruitment* (56, 61)

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

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

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

Children are forced to work as bonded laborers in brick kilns to pay off family debts owed to moneylenders and employers.(62) Children from India’s rural areas migrate for employment in industries, such as carpet making, spinning mills, and cottonseed production, where they are forced to work in hazardous environments for little or no pay.(3, 5, 6) Children are trafficked within India for commercial sexual exploitation and forced labor in domestic service.(19, 55, 63) Children from marginalized groups, such as low-caste Hindus, members of tribal communities, and religious minorities, are more likely to be victims of forced labor, human trafficking, and commercial sexual exploitation.(56)







Children are reportedly recruited to serve as soldiers in Maoist armed groups in the states of Bihar, Chhattisgarh, Jharkhand, and Odisha.(46, 64) Children are reportedly recruited, and in some cases kidnapped, to fight in armed liberation groups in the northeastern states of Assam and Manipur.(64) There are also reports that children from Jammu and Kashmir are forcibly recruited by insurgent separatists and terrorist groups to launch attacks against the Indian Government.(56, 64)

Although the primary education completion rate is high in India, many children in India still face barriers to accessing education, particularly due to high rates of teacher absenteeism, lack of schools in remote and rural locations, and lack of drinking water and functioning toilets.(46, 65) Children from marginalized groups are sometimes subject to discrimination and harassment by their teachers.(66) Some schools reportedly refuse admission to such children.(46)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

India has ratified most 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	✓

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

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	No		
Minimum Age for Hazardous Work	Yes	14	Section 3 of the Child Labor Prohibition and Regulation Act (67)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Parts A and B of the Schedule in the Child Labor Prohibition and Regulation Act; Section 67 of the Factories Act (67, 68)
Prohibition of Forced Labor	Yes		Section 4 of the Bonded Labor System (Abolition) Act; Section 26 of the Juvenile Justice (Care and Protection of Children) Act (69, 70)
Prohibition of Child Trafficking	Yes		Sections 366A, 372, 370 and 373 of the Indian Penal Code; Section 5 of the Immoral Traffic (Prevention) Act; Section 7 of Criminal Law (Amendment) Act (71-73)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Sections 366A, 366B, 370A, 372 and 373 of the Indian Penal Code; Sections 5 and 6 of the Immoral Traffic (Prevention) Act; Section 14 of the Protection of Children from Sexual Offense Act; Section 67B of the Information Technology (Amendment) Act of 2008 (72-75)
Prohibition of Using Children in Illicit Activities	Yes		Section 32B(c) of the Narcotic Drugs and Psychotropic Substance Act; Section 24 of the Juvenile Justice (Care and Protection of Children) Act (69, 76)
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Combat: Yes	18	Military Regulations (61, 77, 78)
	Non-Combat: Yes	17	
Compulsory Education Age	Yes	14	Section 3 of the Right of Children to Free and Compulsory Education Act (79)
Free Public Education	Yes		Section 3 of the Right of Children to Free and Compulsory Education Act (79)

* No conscription (80)

In addition to national legislation, state governments also have the authority to pass legislation on child labor, including establishing a minimum age for work. The Delhi and Rajasthan State governments have passed legislation that makes 18 the minimum age for child labor.(13) However, the lack of a national minimum age for employment may increase the likelihood that young children may engage in child labor. The minimum age for hazardous work is also not consistent with international standards and may jeopardize the health and safety of young people ages 14 through 17. Additionally, children working for household-based enterprises do not have the same legal protections as those working in the formal sector.(67)

In 2012, legislation was proposed to prohibit work for children under the age of 14, proscribe hazardous work for children under age 18, and increase penalties for violations of the law related to child labor.(15, 81) The proposed legislation is pending approval by the Parliament.

There is no compulsory military service in India. The voluntary military age is set by military regulations and varies depending on the branch of the military, starting at 17 years.(78) However, the Government states that the minimum age to serve in combat is 18 years.(61, 82, 83)

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

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

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
State Government Labor Inspectorates	Enforce state and national labor laws. Refer cases in violation of the law to state police.(15) Refer children to Child Welfare Committees for protection and rehabilitation services.(69)
State and Local Police	Enforce laws pertaining to child labor and human trafficking.(84) Submit information to District Magistrates to determine if a case should be prosecuted in District Court.(85) Refer children to Child Welfare Committees for protection and rehabilitation services.(69)
Anti-Human Trafficking Units (AHTUs)	Investigate cases of human trafficking. AHTUs have been established in 300 local police jurisdictions throughout India.(19) In 2014, the Karnataka State Police and International Justice Mission jointly published an AHTU training manual for law enforcement against bonded labor and human trafficking.
Vigilance Committees	Rescue, release, and rehabilitate bonded laborers and family members. Assembled at the district and sub-division levels by the District Magistrate.(70)
State Revenue Department	Issue release certificates to free bonded laborers and family members from debt.(86)
District Court Magistrates	Prosecute cases involving violations of child labor, forced labor, and human trafficking laws in District Courts.(85)
Child Welfare Committees (CWCs)	Refer children in need of care and protection to welfare service 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.(87) CWCs have been established in 619 of India's 660 districts.(88)
Ministry of Home Affairs (MHA)	Provide guidance and training to all state governments on how to handle cases of child trafficking by outlining the specific steps that state police and officials must take when handling cases of child trafficking and forced child labor.(89)
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 or concurrence of state governments.(90, 91)

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

Labor Law Enforcement

The Indian Constitution gives state governments primary responsibility for the enforcement of labor laws.(92, 93) While some state governments do report labor law enforcement data to the national Government, data on the number of labor inspectors and labor inspections conducted and the number of child labor law violations and penalties issued were not available for the reporting period.(94) Between April 1, 2013, and March 31, 2014, 64,050 child workers were rescued from hazardous work conditions and rehabilitated by the National Child Labor Program.(94)

Criminal Law Enforcement

In 2014, the state governments of Tamil Nadu, Karnataka, and Maharashtra provided human trafficking and bonded labor training to law enforcement officials.(60) Research did not find information on the number of investigators responsible for enforcing the laws on the worst forms of child labor. The Indian Constitution gives state governments primary responsibility for the enforcement of criminal law, and the national Government does not systematically collect and make public data on investigators, trainings, and referrals across India's state and union territories.(93)

In 2013, the latest date for which data are available, the National Crime Records Bureau (NCRB) reported that there were 1,330 crimes reported, 805 charges filed, and 24 convictions involving the commercial sexual exploitation of minor girls that violated the Indian Penal Code. However, the NCRB did not provide disaggregated data for crimes reported, charges filed, and convictions for violations involving the Immoral Traffic Prevention Act, the Protection of Children from Sexual Offenses Act, and the Bonded Labor System (Abolition) Act.(95)

Despite the rescue and rehabilitation of child laborers, prosecutions have not always taken place. In cases for which child labor prosecutions were launched, resolution has been unduly delayed because the judicial system is backlogged and overburdened.(19) The penalties for employing children in violation of the Child Labor (Prohibition and Regulation) Act are imprisonment for 3 months to 1 year and/or fines ranging from \$160 to \$320. These penalties are insufficient to deter employers from employing children in the worst forms of child labor.(15)

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

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

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
Central Monitoring Committee	Supervise, monitor, and evaluate actions of the National Child Labor Projects (NCLPs) across India. Some state governments maintain State-Level Monitoring Committees to monitor the NCLPs in their states.(96, 97)
Core Group on Child Labor	Coordinate the integration of social protection programs to reduce child labor. Composed of members from the Ministries of Human Resource Development, Women and Child Development, Housing and Urban Poverty Alleviation, Rural Development, Social Justice and Empowerment, <i>Panchayati Raj</i> (community government), and Home Affairs and chaired by the Ministry of Labor and Employment (MOLE).(98)
MHA 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.(15, 84) In 2014, MHA launched an online human trafficking portal to coordinate efforts of state and national government agencies. Stakeholders can access anti-human trafficking trainings, meetings, statistics, laws, and shelter information on the portal.(60)
National Human Rights Commission (NHRC)	Monitor implementation of the Bonded Labor System (Abolition) Act. Monitor state government actions to identify, release, and rehabilitate bonded laborers through quarterly submissions and through exploratory and investigative missions.(92, 99)
National Commission for the Protection of Child Rights (NCPCR)	Ensure that all laws, policies, programs, and administrative mechanisms are in accordance with the Constitutional protections for children and the UN Convention on the Rights of the Child. Make inquiries into child rights violations and failure to properly implement laws relating to child protection.(15, 100) Commissions have been established in all 29 states and in 3 union territories, including Delhi.(100)

In 2014, the National Human Rights Commission issued notices to several state labor departments and District Magistrates to provide information on the status of rehabilitating rescued bonded laborers and their families in Telangana, Andhra Pradesh, Karnataka, Tamil Nadu, Uttar Pradesh, and Bihar.(101, 102)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

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

Table 7. Policies Related to Child Labor

Policy	Description
National Policy on Child Labor	Describes actions for combating hazardous child labor for children under age 14, including implementing legislation and providing direct assistance to children.(103)
State Action Plans on Child Labor	Details state governments' activities and programs to eliminate child labor from hazardous industries. Only 9 of 29 state governments have child labor action plans, including Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Maharashtra, Orissa, Tamil Nadu, and Telangana.(104-108)
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, as well as ensure that out-of-school children can access education.(109)
National Skills Development Policy	Includes provisions for alternative education and skill development for child laborers and children removed from the worst forms of child labor.(110)
Twelfth 5-Year Plan (2012 – 2017)	Details how the Government should implement its social protection schemes, including provisions for education, health, and increased livelihood support.(111)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2014, the Government of India funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms. The Government has other programs that may have an impact on child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description and Objectives
National Child Labor Project (NCLP) Scheme‡	MOLE scheme that operates at the district level to identify working children under age 14, 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.(92)
Rehabilitation of Bonded Labor Scheme‡	MOLE program that rescues and rehabilitates child and adult bonded laborers. Provides rescued bonded laborer with approximately \$312 and offers assistance through additional social protection schemes.(92) Supports the funding of surveys at the district level on the prevalence of bonded labor and the rehabilitation of bonded laborers identified through the surveys.(112)
Grants-in-Aid Scheme‡	MOLE scheme that funds NGOs to provide rehabilitation services to working children.(92)
Skill Development Initiative Scheme‡	MOLE scheme that provides vocational training programs and gives priority to children withdrawn from child labor.(113)
<i>Rashtriya Swasthya Bima Yojna</i> (RSBY) Health Insurance Scheme*‡	Government of India health insurance scheme for families below the poverty line. RSBY beneficiaries receive up to approximately \$470 to cover the cost of hospitalization.(15, 114)
Integrated Child Protection Scheme (ICPS)‡	Ministry of Women and Child Development (MWCD) scheme that provides children who have been withdrawn from hazardous work, forced labor, and human trafficking with food and shelter in children's homes, shelter homes, and open shelters, as well as non-institutional care in foster homes and adoptive families. Provides rehabilitation and reintegration services to rescued children.(87)
Welfare of Working Children in Need of Care and Protection‡	MWCD scheme that provides non-formal education and vocational training to street children and working children living in urban areas not covered by MOLE schemes.(115) The number of projects funded by this scheme was reduced from 105 to 89, as this scheme is being phased out because ICPS provides similar services under its open shelter component.(87)
Anti-Trafficking Activities‡	Anti-trafficking activities operated by MWCD in collaboration with NGOs and state governments.(87) The <i>Ujjawala</i> scheme supports projects to help reintegrate, rehabilitate, and repatriate trafficking victims, including children. The <i>Swadhar Greh</i> scheme provides short-term housing and rehabilitation services, including vocational training for women and adolescent girls.(87)
Childline	MWCD-funded 24-hour toll-free emergency telephone service for children in distress. Childline India Foundation operates the telephone service in 278 cities across India and connects children in need of assistance with hospitals, child welfare committees, shelter homes, and police.(87)
Education for All Scheme (<i>Sarva Shiksha Abhiyan</i>)‡	Ministry of Human Resource Development (MHRD) scheme that ensures the achievement of universal elementary education and addresses the education needs of 192 million children, including the provision of appropriate schooling facilities and qualified teachers.(116) Linked to NCLP scheme to ensure children's smooth transition from NCLP schools into the formal education system.(92)
Midday Meal Program‡	MHRD scheme that provides free lunch to more than 100 million children in more than 1 million government-run primary and upper primary schools, and provides lunch to NCLP students.(117)
National Rural Employment Guarantee Scheme‡	Ministry of Rural Development (MRD) scheme that provides 100 days of employment to every rural adult living under the poverty line. Research has shown that this program can lead to a reduction in child labor and increased household expenditures on children's education.(118, 119)
National Rural Livelihoods Mission (NRLM)*‡	MRD scheme that enables poor households to access gainful self-employment and skilled wage employment opportunities through social mobilization, institutional building, financial inclusion, and livelihood promotion.(120) Under the NRLM, projects in 10 districts in 5 states identify and rehabilitate bonded laborers through the provision of loans and the promotion of alternative livelihoods.(121)

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

‡ Program is funded by the Government of India.

While state governments continued to conduct district-level surveys on bonded labor under the Bonded Labor Scheme, data were not received on the number of victims of bonded labor, including children, in surveyed districts.(92)

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

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

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

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ratify ILO C. 182.	2014
	Establish a minimum age for employment at both national and state levels, consistent with international standards.	2009 – 2014
	Increase the minimum age for employment in hazardous occupations at both Federal and state levels, to meet international standards.	2009 – 2014
	Ensure that relevant child labor laws and regulations apply equally to children working in formal businesses as well as family-owned and household-based enterprises.	2009 – 2014
Enforcement	Collect and publish national-level data on the number of labor inspectors and the number of penalties issued for child labor law violations. Collect and publish national-level data on the number and training of investigators responsible for enforcing the worst forms of child labor.	2014
	Publish disaggregated data on the investigations and prosecutions involving violations for all the laws dealing with the worst forms of child labor.	2009 – 2014
	Prosecute cases involving the worst forms of child labor in a shorter time frame.	2012 – 2014
	Increase the penalties for employing children in the worst forms of child labor.	2014
Government Policies	Work with state governments to develop State Action Plans for the elimination of child labor where they do not currently exist.	2011 – 2014
Social Programs	Reduce barriers to education access through programs to address teacher absenteeism, improve school facilities and sanitation, and promote equal access to education for children from marginalized communities.	2014
	Assess the impact that existing programs may have on child labor.	2010 – 2014
	Make data and findings from district-level bonded labor surveys publicly available.	2009 – 2014

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