

India

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

In 1987, the Government of India adopted a National Policy on Child Labor, under which National Child Labor Projects were initiated in 12 states with a high proportion of working children.¹²³⁸ The main components of the projects include non-formal education, health, nutrition and poverty alleviation.¹²³⁹ Projects are implemented by NGOs, and the government provides up to 75 percent of project costs.¹²⁴⁰ Under these, some 1,800 non-formal schools have opened, and approximately 105,000 children have been enrolled.¹²⁴¹

In 1992, India became one of the six original countries to participate in ILO-IPEC. The program has created broad-ranging and multi-sectoral efforts to rescue, remove and rehabilitate children from child labor. The ILO-IPEC program, which has reached more than 90,000 children in India since its inception, was renewed for a further two years in January 2000.¹²⁴² In 2001, USDOL collaborated with the Government of India to fund a USD 40 million ILO-IPEC project to eliminate child labor in 10 hazardous sectors in the states of Madhya Pradesh, Maharashtra, Tamil Nadu and Uttar Pradesh.¹²⁴³ The Government of India is also planning to conduct a national child labor survey in 2004 with technical assistance from ILO-IPEC's SIMPOC.¹²⁴⁴

¹²³⁸ Child Labor and India, Embassy of India, Washington, D.C., at http://www.indianembassy.org/policy/Child_Labor/childlabor.htm on January 2, 2002. According to the government, 94 child labor projects were established by February 2001, as stated in "Social Sectors—Labour and Employment," *Economic Survey 2000-2001* (India: Ministry of Finance, February 2001), at <http://www.indiabudget.nic.in/es2000-01/social.htm>.

¹²³⁹ National Policy on Child Labor, 1987, Embassy of India, Washington, D.C., at http://www.indianembassy.org/policy/Child_Labor/childlabor.htm on January 2, 2002.

¹²⁴⁰ Embassy of India written submission for 5th International Child Labour Study by the Bureau of International Affairs, USDOL, Embassy of India (Washington, D.C., February 25, 1998) [hereinafter 5th International Child Labour Study], at 9, 10.

¹²⁴¹ Lakshmidhar Mishra, *Child Labour in India* (London: Oxfam University Press, April 2000), 200.

¹²⁴² U.S. Embassy—New Delhi, unclassified telegram no. 4282, June 2000 [hereinafter unclassified telegram 4282].

¹²⁴³ In August 2000, the Indian Ministry of Labor and USDOL signed a Joint Statement agreeing to collaborate on an ILO-IPEC project to prevent and eliminate child labor in 10 hazardous sectors: bidis (a type of small, hand-rolled cigarette), brassware, bricks, fireworks, footwear, glass bangles, locks, matches, quarrying, and silk. Each government is contributing USD 20 million to the project, which will target 80,000 children. Project activities are expected to begin in early 2002. Child labor prevention and withdrawal activities will be implemented through the government's National Child Labor Program. See ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document (Geneva, 2001) [on file].

¹²⁴⁴ ILO-IPEC official, E-mail correspondence to USDOL official, January 18, 2001 [on file]. See also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on January 29, 2002.

The Ministry of Human Resource Development operates programs that target pre-school aged children in nine states with low education statistics, facilitate universal primary education focusing on improving the quality, and provide non-formal education programs for children with special needs, including working children.¹²⁴⁵ The Ministry of Education manages the Sarva Shiksha Abhiyan (SSA) Program, which aims to achieve universal elementary education for all children between the ages of 6 and 14 by 2010.¹²⁴⁶

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 12.5 percent of the children between the ages of 10 and 14 in India were working.¹²⁴⁷ There are reports of bonded child labor in the carpet manufacturing industry,¹²⁴⁸ in agriculture (particularly in small-scale, rural operations),¹²⁴⁹ and in the construction industry.¹²⁵⁰ Children are reported to work in hazardous conditions in numerous industries: glass

¹²⁴⁵ UN Committee on the Rights of the Child, *Country Report—India* (New Delhi: Ministry of Human Resource Development's Department of Women and Child Development, February 1997), Sections 8.5-8.8, at <http://wcd.nic.in/CRCFEbmr.htm>.

¹²⁴⁶ The Ministry of Education is collaborating with the Indian Ministry of Labor on the USDOL-funded ILO-IPEC project and will provide educational services to working children in the 10 targeted hazardous sectors through its SSA Program. See ILO, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors* (Geneva, 2001) [hereinafter *Preventing and Eliminating Child Labor*], 47, [on file].

¹²⁴⁷ *World Development Indicators 2001* (Washington, D.C., World Bank, 2001) [CD-ROM]. Estimates of the number of working children in India vary greatly. India's 1991 national census found that of the country's 210 million children between ages 5 and 14, 11.3 million children worked. Because half of all children ages 5 to 14 are reportedly not enrolled in school (105 million children), many NGOs and international organizations place the number of working children at 44 million to 55 million. See U.S. Embassy - New Delhi, unclassified telegram no. 1401, February 1998. See also D.P. Chaudhri, "A Dynamic Profile of Child Labour in India," cited in "Child Labour in India," press release, UNICEF Information Service (New Delhi, 1996), 1, 2. Some NGOs, like the Bangalore Centre for Concern for Working Children, developed estimates that take into account the official number of children out of school, as stated in S. Sinha, "Collection and Dissemination of Data on Child Labour in Asia," ILO-IPEC (Bangkok, 1998), Table 1, 107 [draft on file]. For example, in 2000, the Chamber of Commerce and Industry (CCI) estimated child labour in the organized and unorganized and household sectors to be over 100 million. See S. Mahendra Dev, "Editorial: Eradicating Child Labour," *The Hindu*, World Reporter, August 15, 2000.

¹²⁴⁸ *Country Reports on Human Rights Practices for 2000—India* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6c, at <http://www.state.gov/g/drl/rls/hrrpt/2000/sa/717.htm>. See also USDOL, *By the Sweat and Toil of Children* [hereinafter *Sweat and Toil of Children*], vol. II, 85-94, and vol. IV, 19-22.

¹²⁴⁹ *Sweat and Toil of Children*, vol. V, at 21.

¹²⁵⁰ Isabel Austin, State Representative for UNICEF for Tamil Nadu and Kerala, interview by USDOL official, May 5, 1998 [hereinafter Austin interview]. A 1996 Human Rights Watch report found bonded child labor in the silk industry; in the production of bidis, carpets, silver, synthetic gemstones, and leather products; and in agriculture. See Human Rights Watch, *The Small Hands of Slavery: Bonded Child Labor in India* (United States, September 1996), at <http://www.hrw.org/hrw/reports/1996/India3.htm>.

manufacturing, leather tanning,¹²⁵¹ footwear,¹²⁵² hand-knotted carpet,¹²⁵³ stone quarries,¹²⁵⁴ construction,¹²⁵⁵ gemstones,¹²⁵⁶ and fireworks.¹²⁵⁷ Children also work as domestic servants.¹²⁵⁸

The commercial sexual exploitation of children is widespread in India.¹²⁵⁹ Children reportedly engage in prostitution in major commercial centers where they can be bought and sold at brothels or at wholesale clandestine markets, known as *mandi*.¹²⁶⁰ There are also reports of sexual exploitation among indigenous populations, by young girls who are sold to temples, and in

¹²⁵¹ “Children in Hazardous Work,” fact sheet from *Abolishing Extreme Forms of Child Labour* (Geneva: ILO, 1998) [hereinafter “Children in Hazardous Work” fact sheet]. See also *By the Sweat and Toil of Children: Consumer Labels and Child Labor*, vol. 4 (Washington, D.C.: U.S. Department of Labor, 1995), 70-73 [hereinafter *By the Sweat and Toil of Children*, vol. 4].

¹²⁵² Abhinay Prasad, Secretary, AADHAR (Welfare Society), and R.K. Pandey, Regional Director, Council for Leather Exports, interview by USDOL official, May 17, 1998. Children are reportedly not employed by companies producing shoes directly for the export market, although it is unclear whether shoes and shoe parts produced under subcontracting arrangements in the cottage industry are destined for the domestic or export market. Agra is located in the state of Uttar Pradesh, south of New Delhi. See also *Preventing and Eliminating Child Labor*, 6, 7.

¹²⁵³ *Sweat and Toil of Children*, vol. II at 85-94 and vol. IV at 19-22.

¹²⁵⁴ S.P. Gnanamoni, Secretary of the Quarry Workers Development Society, Dindigal, interview by USDOL official, May 7, 1998. See *Preventing and Eliminating Child Labor* at 6. See also “Children in Hazardous Work,” fact sheet from *Abolishing Extreme Forms of Child Labour* (Geneva: ILO, 1998).

¹²⁵⁵ Austin interview.

¹²⁵⁶ ILO and the Universal Alliance of Diamond Workers, *Precious Lives: Child Labour and Other Labour Rights Violations in the Diamond and Gemstone Industry* (Geneva, last updated June 16, 1998), at <http://www.ilo.org/public/english/dialogue/actrav/child/proj/childdiam.htm>, within the fact sheet “Child Labour in the Diamond Industry.” India is a large producer of processed diamonds, which are typically mined in other countries and exported to India for processing. See also Amar Nath, Director of Inter Gold (India) Limited, et al., interview by USDOL official, May 12, 1998, and notes on eyewitness accounts of conditions in the gemstone workshops from the site visit by USDOL officials to Jaipur, May 15, 1998.

¹²⁵⁷ Jill McGivering, “A Festival of Lights Without Fireworks,” *BBC News*, at <http://news6.thdo.bbc.co.uk/hi/english/world/south%5FAsia/newsid%5F990000/990606.stm> on 10/25/00. See also *Preventing and Eliminating Child Labor* at 6, 7.

¹²⁵⁸ “Future in Chains,” *Pioneer*, New Delhi, at <http://www.globalmarch.org/cl-around-the-world/index.html> on 12/31/99. A study in Tamil Nadu showed that 26.5 percent of child domestic workers are employed by government staff. See Ramya Kannan, “India: Study Shows Lack of Follow-up Action,” *The Hindu*, Source: World Reporter (TM) - Asia Intelligence Wire, September 20, 2000.

¹²⁵⁹ Swedish International Development Agency, *Looking Back, Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August, 1996* (Bangkok, Thailand, 2000) [hereinafter *Looking Back, Thinking Forward*], 91.

¹²⁶⁰ *Ibid.* at 92. See also “Human Rights Reports: India,” The Protection Project Database, at <http://www.protectionproject.org>.

relation to the tradition of tawiffs, or dancing girls, in certain regions of the country.¹²⁶¹ Children are trafficked to countries in Asia, the Middle East and the West, and into India from neighboring Nepal or Bangladesh, often for the purposes of sexual exploitation.¹²⁶²

Primary education is not compulsory in India and the national government does not provide free or universal primary education. Legislation at the state and/or provincial level establishes compulsory primary education in 14 of the 24 states and 4 Union territories.¹²⁶³ Approximately 59 percent of children between the ages of 5 and 14 attend school.¹²⁶⁴ In 1997, the gross primary enrollment rate was 90.3 percent, while the net primary enrollment rate was 71.1 percent.¹²⁶⁵

Child Labor Laws and Enforcement

The Child Labor (Prohibition and Regulation) Act prohibits the employment of children under 14 years old in 13 occupations and 51 processes,¹²⁶⁶ and bars children from working in hazardous processes or dangerous operations, as identified by the Child Labor Act or by Section 67 of the Factories Act of 1948.¹²⁶⁷ In 1996, India's Supreme Court established a penalty of 20,000 rupees (USD 415) for persons employing children in hazardous industries and directed national and state governments to identify and withdraw children from hazardous work and provide them with education.¹²⁶⁸ The enforcement of child labor laws falls under the jurisdiction of state-level labor ministries.

¹²⁶¹ *Looking Back, Thinking Forward* at 92.

¹²⁶² *Ibid.* See also *Trafficking in Persons Report for 2000: India* (Washington, D.C.: U.S. Department of State, 2001).

¹²⁶³ These states and union territories are Assam, Andhra Pradesh, Bihar, Delhi, Gujarat, Haryana, Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Kerala, West Bengal, Chandigarh, Pondicherry, and the Andaman and Nicobar Islands. See 5th International Child Labour Study, 11. In December 2001, the lower house of Indian Parliament passed a bill making the right to education a basic fundamental right for all children between ages 6 and 14. The bill will go to the upper house in 2002 for passage. See also U.S. Department of State official, U.S. Embassy New Delhi, India, electronic correspondence to Sudha Haley, USDOL official, December 19, 2001.

¹²⁶⁴ *Country Reports 2000* at Section 5.

¹²⁶⁵ UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

¹²⁶⁶ Unclassified telegram 4282. The occupations and processes where children cannot work were expanded from 7 to 13 and 18 to 51, respectively. The Act was passed in 1986 and amended in 1999.

¹²⁶⁷ *Sweat and Toil of Children, vol. V*, at 177, 178.

¹²⁶⁸ "Child Labor in India," IPEC India briefing note, 2, 3 [on file]. The 1996 Supreme Court decision established a fund to be created from the proceeds of this fine to provide supplemental income to parents and guardians of child workers on the condition that the children would be sent to school. The Court also ordered that a survey of the child labor situation in the country be conducted. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/25/02.

The Bonded Labor Abolition Act of 1986 has only draft regulations and the Child Labor Abolition Act of 1984 has no implementing regulations.¹²⁶⁹ The Prevention of Immoral Trafficking Act of 1986 is the principle law applied to trafficking in children and prostitution. India has not ratified ILO Convention 138 or ILO Convention 182.¹²⁷⁰

¹²⁶⁹ Garimella Subramaniam, "India: Recent Social Laws an 'Eyewash,'" *The Hindu*, Source: World Reporter (TM) - Asia Intelligence Wire, October 30, 2000. In 2000, the Labor Department proposed legislation to ban child labor totally to remove the difficulties of enforcing laws regulating child labor on account of partial permission for employment of children in some trades. The Law Department returned the proposed legislation with several questions, including whether it would be constitutional to ban child labor entirely. See Roy Mathew, "India: Total Ban on Child Labour Likely," *The Hindu*, Source: World Reporter (TM)—Asia Intelligence Wire, October 6, 2000.

¹²⁷⁰ ILO, Table of Ratifications and Information Concerning the Fundamental Conventions of the ILO, at http://www.ilo.org/public/french/standards/norm/sources/rats_pri.htm.

NOTE: Hard copies of all Web citations are on file.