

# India

## Incidence and Nature of Child Labor

An estimated 4.1 percent of children ages 5 to 14 were counted as working in India in 2000.

Approximately 4.1 percent of all boys 5 to 14 were working compared to 4.0 percent of girls in the same age group. The majority of working children were found in the agricultural sector (73.3 percent), followed by manufacturing (12.4 percent), services (11.5 percent) and other sectors (2.8 percent).<sup>2307</sup> Children work in hazardous conditions in numerous activities, including stone-quarrying and the production of glassware, *bidis* (cigarettes), fireworks, matches, locks, bricks, footwear, brassware, polished gem stones, leather goods, slaughterhouses, and sporting goods.<sup>2308</sup> They also work in a number of service sector jobs in hotels, catering establishments, small construction, food preparation, bicycle and car repair, and domestic service. Save the Children estimates that India may have as many as five million child domestic workers. Most child domestic workers are between 12 and 17 years of age, but some are reportedly as young as five or six. Working conditions in this sector are often characterized by very long hours and abusive treatment.<sup>2309</sup> Children are also found living and working on the streets of India doing odd jobs, such as trash picking, shoe shining, begging, and vending.<sup>2310</sup> Child labor is one of many problems associated with poverty. In 1999, the most recent year for which data are available, 35.3 percent of the population in India were living on less than USD 1 a day.<sup>2311</sup>

Bonded or forced child labor remains a problem in several sectors, although few reliable estimates exist on the practice. Estimates made by NGOs suggest that between 20 and 65 million people are working under conditions of bonded labor in India, including a large number of children. Past reports have identified the use of forced or indentured child labor in brassware, fireworks, footwear, hand-blown glass bangles, hand-made locks, hand-dipped matches, hand-broken stones, and bidi cigarettes. Recent reports point to forced child labor in agriculture, rice mills, brick kilns, hybrid cottonseed production, *zari* embroidery, domestic service, and silk weaving. The vast majority of bonded laborers are from the Scheduled Castes

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<sup>2307</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor in general are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

<sup>2308</sup> Because of the various hazards associated with these particular sectors, the work has been identified by the Indian government as being harmful to the physical, emotional, or moral well being of children. See ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, IND/01/P50/USA, Geneva, September 2001, 6-7. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: India*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41740.htm>. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," *Trade Union World* No. 6 (October 2004).

<sup>2309</sup> ILO - Subregional Office for South Asia, *A Decade of ILO-India Partnerships*, New Delhi, India, 2004, 70-71. See Amelie Gentleman, "Upwardly mobile India treads on the young," *International Herald Tribune*, November 3, 2005.

<sup>2310</sup> International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," 2. See also R. Helen Sekar, *Child Labour in Urban Informal Sector: A Study of Ragpickers in NOIDA*, National Resource Center on Child Labor, V.V. Giri National Labour Institute, New Delhi, 2004. See also ILO - Subregional Office for South Asia, *A Decade of ILO-India Partnerships*, 70.

<sup>2311</sup> World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

and Scheduled Tribes of India.<sup>2312</sup> In addition, human rights organizations estimate that many of the 100,000-300,000 children believed to be working in the carpet industry are doing so under conditions of bonded labor.<sup>2313</sup>

India is a source, destination, and transit country for the trafficking of children for the purposes of commercial sexual exploitation and other forms of exploitative labor.<sup>2314</sup> The commercial sexual exploitation of children occurs across India, as an estimated 15 to 40 percent of prostitutes in India are under 18 years of age.<sup>2315</sup> Most trafficking of children in India is internal, as children are trafficked mainly from rural to urban areas for sexual exploitation and forced or bonded labor.<sup>2316</sup> Children, mainly girls, are also trafficked into India from Bangladesh and Nepal for commercial sexual exploitation in urban centers, such as Mumbai (Bombay), Kolkata (Calcutta), and New Delhi. In addition, India serves as a transit point for child trafficking from Bangladesh into Pakistan and the Middle East. To a lesser extent, Indian children are trafficked to the Middle East to work in involuntary servitude as camel jockeys and beggars.<sup>2317</sup>

The 1949 Constitution established a goal of providing compulsory and free education for all children until the age of 14 years.<sup>2318</sup> The 1986 National Policy on Education and the 1992 Program of Action reemphasized that goal.<sup>2319</sup> In December 2002, the Indian Parliament passed legislation making education for all children between 6 and 14 a constitutionally guaranteed right, but legislation has not yet been introduced to implement this constitutional right.<sup>2320</sup> In practice, education is neither free nor universal in India, as the U.S. Department of State reports that a large share of the population is unable to afford tuition, books, and uniforms.<sup>2321</sup>

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<sup>2312</sup> U.S. Department of State, *Country Reports- 2004: India*, Section 6c and 6d. See also Ravi Srivastava, *Bonded Labour in India: Its Incidence and Pattern*, ILO - Special Action Programme to Combat Forced Labour, Geneva, April 2005. See also ILO, *A Global Alliance Against Forced Labour*, Geneva, June, 2005. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour," 7. See also U.S. Embassy- New Delhi, *reporting*, September 14, 2005. See also National Commission for Women of India, *Public Hearing on the Condition of Bonded Labourers in Rice Mills of Red Hills, Thruvallur*, New Delhi, 2004. See also Human Rights Watch, *Small Change: Bonded Child Labor in India's Silk Industry*, Volume 15, No. 2 (C), January 2003. See also "Child Labour Keeps This Industry Thriving," *The Hindu* (New Delhi), September 9 2005; available from <http://www.thehindu.com/2005/04/09/stories/2005040902180300.htm>.

<sup>2313</sup> U.S. Department of State, *Country Reports- 2004: India*, Section 6d. See also International Confederation of Free Trade Unions, "India: Economic Boom Masks Widespread Child Labour."

<sup>2314</sup> U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>.

<sup>2315</sup> See U.S. Department of State, *Country Reports- 2004: India*, Section 5. See also National Human Rights Commission of India, *A Report on Trafficking in Women and Children in India 2002-2003*, New Delhi, August, 2004. See also ECPAT International, *Report on Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in India*, Bangkok, November, 2004.

<sup>2316</sup> National Human Rights Commission of India, *A Report on Trafficking in Women and Children in India*, 159, 353. Major raids in Mumbai and Delhi during the year highlighted the existence of rural to urban trafficking of children into forced labor in *zari* embroidery, shoe-making, bag-making, and buffing sweatshops. See Prachy Pinglay, "Child Labourers in Mumbai Begin Their Journey Home," *The Hindu* (Chennai), July 8 2005; available from <http://www.hindu.com/2005/07/08/stories/2005070800751400.htm>. See also Global March against Child Labour, *Children Rescued from Bondage*, 2005 [cited July 11, 2005]; available from <http://www.globalmarch.org/news/zariraid.php3>. See also U.S. Department of State, *Country Reports- 2004: India*, Section 5.

<sup>2317</sup> U.S. Department of State, *Trafficking in Persons Report*. See also National Human Rights Commission of India, *A Report on Trafficking in Women and Children in India*, 353. See also U.S. Department of State, *Country Reports- 2004: India*, Section 5.

<sup>2318</sup> *The Constitution of India*, (November 26, 1949).

<sup>2319</sup> U.N. Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Initial Reports of States Parties Due in 1995*, Addendum, U.N. Committee on the Rights of the Child, July 7 1997.

<sup>2320</sup> U.S. Embassy- New Delhi, *reporting*, September 14, 2005. See also U.S. Department of State, *Country Reports- 2004: India*, Section 5.

<sup>2321</sup> U.S. Embassy- New Delhi, *reporting*, September 14, 2005.

In 2002, the gross primary enrollment rate was 108 percent, and the net primary enrollment rate was 88 percent.<sup>2322</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2000, 71.5 percent of children ages 5 to 14 were attending school.<sup>2323</sup> As of 2001, 84 percent of children who started primary school were likely to reach grade 5.<sup>2324</sup> While enrollment rates have improved in recent years, UNICEF reports that the educational system still suffers from a shortage of resources, schools, classrooms, and teachers.<sup>2325</sup> Inadequacies also remain related to teacher training, the quality of the curriculum, the efficacy of school management, and high teacher truancy rates, particularly in rural areas.<sup>2326</sup>

## Child Labor Laws and Enforcement

The Child Labor (Prohibition and Regulation) Act of 1986 prohibits the employment of children under the age of 14 in 13 occupations and 57 processes considered to be hazardous, such as work in slaughterhouses, carpet-weaving, and trash picking.<sup>2327</sup> Children of any age may be employed in all other activities, provided employers adhere to legal restrictions, including a maximum 6 hour work day with a 1 hour rest period and at least one day off per week. Penalties under the Act range from 3 months to 1 year imprisonment and a fine of between 10,000 and 20,000 rupees (USD 224 and 448).<sup>2328</sup> In 1996, India's Supreme Court issued a judgment that directed the government to identify all children employed in hazardous activities, withdraw them from work, and provide them with quality education.<sup>2329</sup>

The worst forms of child labor may be prosecuted under different statutes in India. There is no military conscription in India. Although the legislation governing recruitment into the armed forces does not stipulate a minimum age, Indian officials told the UN Committee on the Rights of the Child in 2003 that 16 year-old recruits undergo two and a half years of basic training before being inducted into regular service.<sup>2330</sup>

Bonded child labor is prohibited under the Bonded Labor System (Abolition) Act of 1976. Under the Act, allegations of bonded labor and child bonded labor are to be investigated by district-level Vigilance Committees. Extracting bonded labor carries a penalty of up to 3 years in prison and a 2,000 rupees (USD

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<sup>2322</sup> UNESCO Institute for Statistics, *Gross and Net Enrolment Ratios, Primary*; accessed December 2005; available from <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51>. See World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

<sup>2323</sup> UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

<sup>2324</sup> UNESCO Institute for Statistics, *School life expectancy, % of repeaters, survival rates*; accessed December 2005; available from <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55>.

<sup>2325</sup> UNICEF, *Mapping India's Children: UNICEF in Action*, New Delhi, 2004. See also U.S. Embassy- New Delhi, *reporting*, September 14, 2005.

<sup>2326</sup> A 2004 study revealed that, on any given day, 25 percent of teachers in rural areas in 20 states in India did not show up to work. See U.S. Embassy- New Delhi, *reporting*, September 14, 2005. See also UNICEF, *Mapping India's Children: UNICEF in Action*.

<sup>2327</sup> The list of prohibited occupations and activities is based on recommendations of an advisory board on child labor, which is composed of officials from the Ministries of Labor, Education, and Rural Development, as well as medical experts and social activists. There have been no changes to the Act since 1999. See U.S. Embassy- New Delhi, *reporting*, September 14, 2005. See also V.V. Giri National Labour Institute, *Child Labour: Challenge and Response*, New Delhi, 2003, 10-11.

<sup>2328</sup> Government of India, *Child Labor- Prohibition and Regulation Act 1986*; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/27803/64848/E86IND01.htm#p4>. For currency conversion, see FX Converter, [cited October 12, 2005]; available from <http://www.oanda.com/convert/classic>.

<sup>2329</sup> ILO-IPEC, *Child Labour and Responses: Overview Note - India*, Geneva, 2004, 2; available from <http://www.ilo.org/public/english/region/asro/newdelhi/ipec/download/india.pdf>.

<sup>2330</sup> No information was available on the number of recruits under the age of 18 serving in the armed forces. See Coalition to Stop the Use of Child Soldiers, *Global Report 2004 - India*.

45) fine.<sup>2331</sup> In August 2004, the most recent date for which such figures are available, the government reported 4,859 prosecutions under the Act, but figures regarding convictions were unavailable. Of the 285,379 bonded laborers identified by the government as of April 2004, 265,417 had received rehabilitation assistance.<sup>2332</sup> The Penal Code and the Immoral Trafficking (Prevention) Act of 1956 prohibit the trafficking and commercial exploitation of children, including sexual exploitation. The penalty for the commercial sexual exploitation of a minor girl in the Penal Code is a fine and imprisonment of up to 10 years.<sup>2333</sup>

The enforcement of child labor laws is primarily the responsibility of state and local governments, with the Ministry of Labor and Employment providing oversight and coordination.<sup>2334</sup> From 1999 through November 2004, state governments uncovered 21,246 violations of the Child Labor Act, leading to 12,348 prosecutions and 6,305 convictions.<sup>2335</sup> The U.S. Department of State reports that enforcement of child labor laws is inadequate, however, due to insufficient resources, poorly trained inspectors, social acceptance of child labor, and the lack of universal primary education.<sup>2336</sup> Enforcement regarding bonded child labor is further hampered by the many competing duties and insufficient training of district magistrates charged with enforcing the law and the inexistence or inactivity of legally mandated local vigilance committees.<sup>2337</sup> Organized crime, police corruption, and complicated procedures reportedly weaken the enforcement of laws related to human trafficking and the commercial sexual exploitation of children.<sup>2338</sup>

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

The Ministry of Labor and Employment oversees the implementation of National Child Labor Projects (NCLPs), which have been established in districts with a high incidence of hazardous labor to rehabilitate children withdrawn from work. The NCLP model includes the establishment of special schools that provide non-formal education, vocational training, stipends, and nutrition supplements for children withdrawn from hazardous work.<sup>2339</sup> NCLPs are present in 150 districts across 20 states, and the government's 2002-2007 Tenth Development Plan includes provisions to increase the overall number of NCLP districts to 250. The Ministry's budgetary allocation for the 5-year plan is 6.02 billion rupees (USD 134 million), up from the 2.05 billion rupees (USD

Selected Child Labor Measures Adopted by Governments	
Ratified ILO Convention 138	
Ratified ILO Convention 182	
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	
Sector Action Plan (Trafficking)	✓

<sup>2331</sup> Government of India, *Bonded Labour System (Abolition) Act*, Act No. 19 of 1976, (February 9, 1976); available from <http://indiacode.nic.in/fullact1.asp?tfnm=197619>.

<sup>2332</sup> See ILO, *A Global Alliance Against Forced Labour*, 20. For currency conversion, see FX Converter, *FX Converter*.

<sup>2333</sup> ECPAT International, *Report on Laws and Legal Procedures*, 20, 21.

<sup>2334</sup> Ministry of Labour and Employment, *Efforts to Eliminate Child Labour*, [cited May 17, 2005]; available from [http://pib.nic.in/release/rel\\_print\\_page1.asp?relid=5985](http://pib.nic.in/release/rel_print_page1.asp?relid=5985). See also Human Rights Watch, *Small Change*, 54. See also U.S. Department of State, *Country Reports- 2004: India*, Section 6d.

<sup>2335</sup> U.S. Embassy- New Delhi, *reporting*, September 14, 2005.

<sup>2336</sup> U.S. Department of State, *Country Reports- 2004: India*, Section 6d. See also U.S. Embassy- New Delhi, *reporting*, September 14, 2005.

<sup>2337</sup> U.S. Department of State, *Trafficking in Persons Report*. See also Human Rights Watch, *Small Change*, 47.

<sup>2338</sup> U.S. Department of State, *Trafficking in Persons Report*. See also ECPAT International, *Report on Laws and Legal Procedures*. See U.S. Department of State, *Country Reports- 2004: India*, Section 5.

<sup>2339</sup> Ministry of Labour and Employment, *Efforts to Eliminate Child Labour*. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour 2004-2005*, New Delhi, 2005; available from <http://www.labour.nic.in/annrep/annrep2004.htm>.

46 million) allocated in the previous 5-year plan.<sup>2340</sup> More than 320,000 children have been withdrawn from hazardous work and placed in NCLP schools across the country.<sup>2341</sup>

The NCLP program is complemented by the Labor Ministry's Grants in Aid Scheme program, which is being implemented in a number of districts that do not have operative NCLP schools. The program funds 87 NGOs to implement projects aimed at providing working children with education and vocational training opportunities.<sup>2342</sup> As part of the Indian government's Tenth Plan, child labor eradication efforts are being more closely linked with initiatives to alleviate poverty and to promote universal elementary education.<sup>2343</sup>

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, brassware, bricks, fireworks, footwear, glass bangles, locks, matches, quarrying, and silk. With funding from USDOL and the Government of India, ILO-IPEC is implementing a USD 40 million multi-year project to complement and strengthen the NCLP program and government initiatives to promote universal education. The project targets child labor in 10 hazardous sectors in the states of Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh, and the National Capital Territory of Delhi. The project adds new elements to the NCLP program in selected districts to increase its effectiveness, and it also increases NCLP coordination with educational initiatives to ensure children withdrawn from hazardous work remain in school.<sup>2344</sup> ILO-IPEC implements a separate child labor elimination program in the state of Andhra Pradesh, while UNICEF has worked in conjunction with the government to support programs to withdraw and rehabilitate child laborers.<sup>2345</sup>

The Government of India continues to take steps to improve education and achieve universal enrollment. The Ministry of Education's *Sarva Shiksha Abhiyan* (SSA) initiative is implementing a range of efforts to achieve universal elementary education for all children in India ages 6 to 14 by 2010.<sup>2346</sup> The Ministry's Education Guarantee Scheme and Alternative and Innovative Education Program is providing non-formal education to the nation's out of school children, including child laborers.<sup>2347</sup> Through its National Program of Nutritional Support to Primary Education, the government also provides mid-day lunches to children to increase enrollment and attendance and help improve the nutritional status of children.<sup>2348</sup> The midday meal program was made mandatory in all states by a January 2005 Supreme Court ruling. In March 2005,

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<sup>2340</sup> Ministry of Labour and Employment, *Efforts to Eliminate Child Labour*. See also Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 70 No. 141, October 4, 2005. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 81-83. For current conversion, see FX Converter, *FX Converter*.

<sup>2341</sup> Embassy of India, letter, October 4, 2005.

<sup>2342</sup> Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 84. See also V.V. Giri National Labour Institute, *Child Labour: Challenge and Response*, 19.

<sup>2343</sup> Embassy of India, letter, October 4, 2005. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*, 82.

<sup>2344</sup> See Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*. See also Ministry of Labour and Employment, *Annual Report of the Ministry of Labour*. See also ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*.

<sup>2345</sup> ILO-IPEC, *Child Labour and Responses: Overview Note - India*.

<sup>2346</sup> The SSA program addresses the appointment of teachers, teacher training, qualitative improvement of elementary education, provision of teaching materials, establishment of resource centers for academic support, construction of classrooms and school buildings, establishment of education guarantee centers, and distance education initiatives. It gives particular attention to the needs of girls and vulnerable children. The program takes a community-based approach and works through local groups such as Village Education Committees, Panchayati Raj institutions, and women's groups. See Ministry of Education, *Sarva Shiksha Abhiyan: A Programme for Universal Elementary Education*, [online] [cited July 7, 2005]; available from [http://education.nic.in/htmlweb/ssa/ssa\\_1.htm](http://education.nic.in/htmlweb/ssa/ssa_1.htm).

<sup>2347</sup> Ministry of Education, *Education Guarantee Scheme and Alternative and Innovative Education*, [online] [cited July 11, 2005]; available from [http://www.education.nic.in/htmlweb/edu\\_guarantee\\_sch/edu\\_guarantee\\_back.htm](http://www.education.nic.in/htmlweb/edu_guarantee_sch/edu_guarantee_back.htm).

<sup>2348</sup> Ministry of Education, *National Programme of Nutritional Support to Primary Education*, [cited July 11, 2005]; available from <http://www.education.nic.in/htmlweb/middaymeal1.htm>.

India's Finance Minister raised the budget for the midday meal program from USD 38 million to USD 67 million for 110 million elementary school children.<sup>2349</sup>

The World Bank has supported the government's efforts to improve basic education for girls, working children, and children from disadvantaged backgrounds. Projects have focused on expanding access to education, improving classroom instruction, increasing community participation, and strengthening local and state capacity.<sup>2350</sup> The World Bank has approved a USD 500 million credit to India through 2007 to support the SSA program in providing universal elementary education. The credit will fund a number of activities, including the construction of new schools and facilities for girls, along with the provision of free textbooks to girls and children from scheduled castes and tribes, teacher training, grants to support students with disabilities, and the building of resource centers for teachers, parents and students. Of the total USD 3.5 billion cost for the program, the Government of India will contribute 45 percent, donors 30 percent, and state governments 25 percent.<sup>2351</sup>

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<sup>2349</sup> Rama Lakshimi, "A Meal and a Chance to Learn," *The Washington Post* (Washington, DC), April 28, 2005; available from <http://www.washingtonpost.com/wp-dyn/content/article/2005/06/29/AR2005062902587.html>.

<sup>2350</sup> World Bank, *World Bank Support for Education in India*, [online] [cited September 7, 2004]; available from <http://wbln1018.worldbank.org/sar/sa.nsf/a22044d0c4877a3e852567de0052e0fa/3436a2c8a70b8463852567ef0066a42e?OpenDocument>.

<sup>2351</sup> World Bank, *India: World Bank to Support India's Goal of Achieving Elementary Education*, [online] April 20, 2004 [cited July 11, 2005]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20193977~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.