

In 2016, India made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government adopted the Child Labor (Prohibition and Regulation) Amendment Act, which set the minimum age for work at 14 and raised the minimum age for hazardous work to 18, bringing India into compliance with the international standards. The Government also increased the financial assistance available under the Rehabilitation of Bonded Labor Scheme for children rescued from human trafficking and sexual exploitation. However, children in India are engaged in the worst forms of child labor, including in forced labor in the production of garments and quarrying stones. The hazardous work list attached to the new Child Labor Amendment Act is not comprehensive as it does not include areas of work where there is evidence that children work in unsafe and unhealthy environments for long periods of time. Also, while the Child Labor Act increases the penalties for employing children in prohibited child labor, these penalties are likely to be insufficient to deter violations. Additional gaps remain in the legal framework as 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 in the production of garments and quarrying stones.(1, 2) Table 1 provides key indicators on children’s work and education in India.

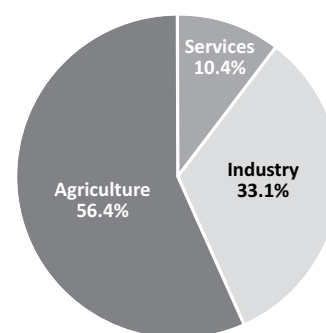
Table 1. Statistics on Children’s Work and Education

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 (%)		97.5

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2016.(3)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from National Sample Survey, 2011–2012.(4)

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 hybrid cottonseed and hybrid vegetable seeds, cultivating and ginning cotton, cultivating chili pepper and rice, and harvesting sugarcane, tobacco, and tea (5-18) Milling rice and processing cashew nuts and seafood (19-23)
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 (<i>zari</i>) (12, 24-32) Manufacturing glass bangles, † locks, and brassware, and polishing gems (33-40) Rolling cigarettes (<i>bidis</i>) and manufacturing incense sticks (<i>agarbatti</i>), † fireworks, † and matches † (41-45) Manufacturing footwear and bags, producing leather goods or accessories, † and stitching soccer balls (46-50) Producing bricks, quarrying and breaking stones, including sandstone and granite, and mining † and collecting mica and coal (2, 16, 51-64)

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

Sector/Industry	Activity
Services	Domestic work (65)
	Working in hotels, food service, and tourism services (66, 67)
	Street work, including selling food and other goods, and scavenging and sorting garbage (49, 68, 69)
	Construction work, and repairing automobiles and motorcycles (70, 71)
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 (6, 72-74)
	Forced labor in rice mills, quarrying stones, and producing bricks (2, 52, 74-80)
	Forced labor in producing garments, spinning cotton thread and yarn, embroidering silver and gold into textiles (<i>zari</i>), carpets, leather goods, plastic goods, bangles, footwear, and bags (1, 26-29, 81-91)
	Forced labor in domestic work and begging, both sometimes as a result of human trafficking (65, 74, 92, 93)
	Commercial sexual exploitation, sometimes as a result of human trafficking (74, 94, 95)
	Forced recruitment of children by non-state armed groups for use in armed conflict (74, 96, 97)
	Use in illicit activities, including the use of children to traffic children (98)

[†] 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 forced labor in domestic service.(12, 74, 95, 99) 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, 100) Children from India’s rural areas migrate or are trafficked for employment in industries, such as spinning mills and cottonseed production, where they are forced to work in hazardous environments for little or no pay.(6, 26) In addition, Maoist armed groups reportedly recruited children to serve as soldiers in the states of Bihar, Chhattisgarh, Jharkhand, Maharashtra, Odisha, and West Bengal.(74, 96, 97)

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.(74) Children from marginalized groups also face barriers to accessing education. These children are sometimes subject to discrimination and harassment from their teachers. One report notes that some of these children are refused admission into schools.(79, 101)

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	✓

In March 2017, the Government ratified both ILO Convention 182 and Convention 138.(102)

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in India’s legal framework to adequately protect children from child labor.

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 Labor (Prohibition and Regulation) Act (103)
Minimum Age for Hazardous Work	Yes	18	Section 3A of the Child Labor (Prohibition and Regulation) Act (103)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Schedule to the Child and Adolescent Labour (Prohibition and Regulation) Act (104)
Prohibition of Forced Labor	Yes		Section 4 of the Bonded Labor System (Abolition) Act; Sections 370 and 374 of the Penal Code; Section 79 of the Juvenile Justice (Care and Protection of Children) Act (105-107)
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 (106, 108)
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 (106, 108-110)
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 (107, 111)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		
State Voluntary	Yes	16	Military Regulations (112, 113)
Non-State Compulsory	No		
Compulsory Education Age	Yes	15	Section 3 of the Right of Children to Free and Compulsory Education Act (114)
Free Public Education	Yes		Section 3 of the Right of Children to Free and Compulsory Education Act (114)

* No conscription (115)

In 2016, the Government approved the Child Labor (Prohibition and Regulation) Amendment Act, which establishes a minimum age for work at 14 and raised the minimum age for hazardous work to 18.(103) In 2017, the Government amended the Child Labor Act's hazardous work list to include a schedule of occupations where all children under 18 are prohibited from working and children under 14 are prohibited from helping, including family enterprises.(104) This hazardous work schedule is not comprehensive as children under 18 are not prohibited from working in spinning mills, garment production, carpet making, and domestic work, which are areas of work where there is evidence that children work in unsafe and unhealthy environments for long periods of time.(104) In addition, while the Act increases the penalties for violating the Child Labor Amendment Act, the penalties are likely insufficient to deter employers from employing children in prohibited child labor.(116) Penalties for violating the law include imprisonment for 6 months to 2 years and/or fines ranging from \$300 to \$700.(103)

During the reporting period, the Jharkhand State government also passed the Jharkhand Private Employment Agency and Domestic Employee Bill, which prohibits employment placement agencies from employing children under the age 18.(117)

Gaps remain in the legal framework as the recruitment of children under 18 by non-state armed groups is not criminally prohibited.(116)

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). However, gaps in labor law enforcement remain and some enforcement information is not available.

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.(49) Refer children to Child Welfare Committees for protection and rehabilitation services.(107)
State and Local Police	Enforce laws pertaining to child labor and human trafficking.(118) Submit information to District Magistrates to determine if a case should be prosecuted in District Court.(119) Refer children to Child Welfare Committees for protection and rehabilitation services.(107)
Anti-Human Trafficking Units	Investigate cases of human trafficking. Established in 226 local police jurisdictions throughout India.(120)
Vigilance Committees	Rescue, release, and rehabilitate bonded laborers and family members. Assembled at the district and subdivision levels by the District Magistrate.(105)
State Revenue Department	Issue release certificates to free bonded laborers and family members from debt.(121)
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.(107) Established in 619 of India's 660 districts.(122)
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.(123, 124)

Labor Law Enforcement

In 2016, labor law enforcement agencies in India took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	Unknown* (116)	Unknown* (116)
Number of Labor Inspectors	Unknown* (116)	Unknown* (116)
Inspectorate Authorized to Assess Penalties	Yes (125)	Yes (116)
Training for Labor Inspectors		
Initial Training for New Employees	Yes (116)	Yes (116)
Training on New Laws Related to Child Labor	N/A	Unknown (116)
Refresher Courses Provided	Yes (116)	Yes (116)
Number of Labor Inspections	146,595 (116)	Unknown (116)
Number Conducted at Worksite	Unknown (116)	Unknown (116)
Number Conducted by Desk Reviews	Unknown (116)	Unknown (116)
Number of Child Labor Violations Found	678 (116)	Unknown (116)
Number of Child Labor Violations for Which Penalties Were Imposed	Unknown* (116)	Unknown* (116)
Number of Penalties Imposed that Were Collected	Unknown* (116)	Unknown* (116)
Routine Inspections Conducted	Yes (116)	Yes (116)
Routine Inspections Targeted	Yes (116)	Yes (116)
Unannounced Inspections Permitted	Yes (116)	Yes (116)
Unannounced Inspections Conducted	Yes (116)	Yes (116)
Complaint Mechanism Exists	Yes (116)	Yes (116)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (116)	Yes (116)

* The Government does not publish this information.

The Constitution of India gives state governments primary responsibility for the enforcement of labor laws.(118, 126) While the central government seeks to collect data on child labor violations and prosecutions, this information for 2016 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.(127)

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in India took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	N/A	N/A
Refresher Courses Provided	Yes (128)	Unknown
Number of Investigations	5,188 (129)	Unknown
Number of Violations Found	2,166 (129)	Unknown
Number of Prosecutions Initiated	1,735 (129)	Unknown
Number of Convictions	72 (129)	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (107)	Yes (107)

The Constitution of India gives state governments primary responsibility for criminal law enforcement, including laws prohibiting the worst forms of child labor.(126) The National Crime Records Bureau (NCRB) collects data from state government on investigations, violations, prosecutions, and convictions involving criminal activities, but not all states report these data.(129) Data published is for the previous reporting period.(129)

According to the NCRB, during 2015 there were 136 investigations, 71 violations, 65 new prosecutions and 108 cases continuing prosecutions from 2014, and 1 conviction in cases involving the Bonded Labor System (Abolition) Act; however, these data were not disaggregated for adults and children.(129)

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 8).

Table 8. Key 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. Led by MOLE; some state governments maintain State-Level Monitoring Committees to monitor the NCLPs in their states.(130)
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; Home Affairs; and community government (<i>Panchayati Raj</i>). Chaired by the Ministry of Labor and Employment (MOLE).(131)
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.(49, 118)
National Human Rights Commission	Monitor implementation of the Bonded Labor System (Abolition) Act. Monitor state government actions to identify, release, and rehabilitate bonded laborers through quarterly submissions and exploratory and investigative missions.(132, 133)
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.(49, 134) Established in all 30 states and in 3 territories, including Delhi.(135)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor[‡]

Policy	Description
National Policy on Child Labor	Describes actions for combating hazardous child labor for children, including implementing legislation and providing direct assistance to children.(136) During the reporting period, the policy was implemented through programs operated by MOLE and Ministry of Women and Child Development (MWCD).(137, 138)
State Action Plans on Child Labor	Details state governments' activities and programs to eliminate child labor from hazardous industries. Only 10 of 29 state governments have child labor action plans: Andhra Pradesh, Bihar, Gujarat, Jharkhand, Karnataka, Maharashtra, Meghalaya, Orissa, Tamil Nadu, and Telangana.(139-144)
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.(145) During the reporting period, the policy was implemented through programs operated by MOLE and MWCD.(133, 138)

[‡] The Government had other policies which may have addressed child labor issues or had an impact on child labor.(146, 147)

In 2016, the Ministry of Women and Child Development issued Standard Operating Procedures for investigating cases of missing children, including cases of bonded labor, exploitative child labor, child trafficking.(148, 149)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

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.(137) Comprises 2,860 NCLP special training centers that accommodate approximately 130,000 children. Through the Grants-in-Aid Scheme, MOLE funds NGOs to set up rehabilitation projects in districts that do not have an NCLP Scheme.(137) Between April 1, 2015, and March 31, 2016, rehabilitated 54,335 child workers who were rescued from hazardous work conditions.(116)
Rehabilitation of Bonded Labor Scheme [†]	MOLE program that rescues and rehabilitates adult and child bonded laborers. Provides rescued bonded laborers with financial assistance and social protection services.(150) 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.(151) As of September 30, 2015, more than \$14 million was provided to state governments for the rehabilitation of 282,429 bonded laborers.(150) In 2016, the Government increased the financial assistance from approximately \$312 to \$1,700 for adult males, \$3,300 for adult females and children, and \$5,000 for females and children rescued from human trafficking and sexual exploitation, disabled persons, and transgender people.(152)
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 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.(135) Through the Welfare of Working Children in Need of Care and Protection program, ICPS provides non-formal education and vocational training to street children and working children living in urban areas not covered by MOLE schemes.(153)
Anti-Human Trafficking Activities [†]	MWCD-operated anti-human trafficking activities, in collaboration with NGOs and state governments.(138) Supports projects to help reintegrate, rehabilitate, and repatriate human trafficking victims, including children, through the <i>Ujjawala</i> scheme. Also provides short-term housing and rehabilitation services, including vocational training for women and adolescent girls, through the <i>Swadhar Greh</i> scheme.(138)
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.(138) In 2015–2016, \$9.5 million was granted to fund Childline services in 366 cities.(138)
TrackChild [†]	MWCD-implemented online portal that tracks missing children and facilitates information sharing about missing and vulnerable children among stakeholders, including child protection units, police stations, and Child Welfare Committees.(138, 154) Established the <i>Khoya-Paya</i> (Lost and Found) website to allow parents and the general public to report and search for missing children.(155)

[†] 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, including its worst forms.(156-159)

In 2016, state governments, such as Odisha and Maharashtra, continued to conduct Operation *Muskaan* campaigns to rescue and rehabilitate missing children, including many involved in the worst forms of child labor.(160, 161) During the reporting period, the Chief Minister of Bihar State announced that children rescued from child labor will receive approximately \$370 from the Chief Minister's Relief Fund.(162)

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.(91, 163)

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 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the types of hazardous work prohibited for children under 18 are comprehensive.	2016
	Ensure that the law criminally prohibits the recruitment of children under age 18 by non-state armed groups.	2016
	Increase the penalties for employing children in prohibited child labor.	2014 – 2016
Enforcement	Collect and publish national-level data on labor law enforcement, including the number of labor inspectors and the number of penalties issued and collected for child labor law violations.	2014 – 2016
	Collect and publish national-level data from all state governments on the number of criminal investigations, violations, prosecutions, and convictions for all crimes involving the worst forms of child labor.	2009 – 2016
Government Policies	Work with all state governments to develop State Action Plans for the elimination of child labor where they do not currently exist.	2011 – 2016
Social Programs	Reduce barriers to education by promoting equal access to education for children from marginalized communities.	2014 – 2016
	Make data and findings from district-level bonded labor surveys publicly available.	2009 – 2016

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