

# India

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

The Government of India has been a member of ILO-IPEC since 1992,<sup>1799</sup> when it was the first country to sign an MOU with the organization.<sup>1800</sup> In 1987, the Government of India adopted a National Policy on Child Labor. Approximately 100 National Child Labor Projects (NCLP) presently operate in 13 states and reach approximately 213,000 children.<sup>1801</sup> NCLPs establish special schools that provide rehabilitation, non-formal education and vocational training, health care, stipends, and nutrition supplements for the children withdrawn from the workplace.<sup>1802</sup> In 2001, the Government of India entered into a technical cooperation project agreement with USDOL 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. This project represents USDOL's largest commitment to a child labor elimination initiative, and the Government of India's 20 million contribution is the single largest counterpart contribution to such an initiative.<sup>1803</sup>

The government has taken a number of steps to improve education and achieve universal enrollment in line with the goals of the National Policy on Education (NPE). The Department of Women and Child Development operates a program that targets pre-school aged children in nine states where systems of education are weak, facilitates universal primary education by improving quality and provides non-formal education programs for children with special needs, including working

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<sup>1799</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 8, 2002]; available from [http://www.ilo.org/public/english/standards/ipec/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm).

<sup>1800</sup> ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, IND/01/P50/USA, Geneva, September 2001, 9.

<sup>1801</sup> Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 67 No. 150, September 5, 2002, 3. According to an Economic Survey conducted by the Ministry of Finance, 94 child labor projects covering 180,000 children had been established by 2001. See Ministry of Finance of the Government of India, *Economic Survey 2000-2001*, 2001, 192 [cited January 2, 2003]; available from <http://www.indiabudget.nic.in/es2000-01/social.htm>.

<sup>1802</sup> Ministry of Finance of the Government of India, *Economic Survey 2000-2001*, 192. Also see Embassy of India, letter, September 5, 2002, 3.

<sup>1803</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* (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. Child labor prevention and withdrawal activities will complement the government's National Child Labor Policy. ILO-IPEC, *Preventing and Eliminating Child Labor: project document*, cover, 3, 6-7, and 11. ILO-IPEC, *Preventing and Eliminating Child Labor: project document*, 9. India asserts that it has the world's largest child labor elimination program. See Embassy of India, *Child Labor and India*, [online] [cited September 5, 2002], [cited January 2, 2003]; available from [http://www.indianembassy.org/policy/Child\\_Labor/childlabor.htm](http://www.indianembassy.org/policy/Child_Labor/childlabor.htm).

children.<sup>1804</sup> The government's Sarva Shiksha Abhiyan Program aims to achieve universal elementary education for all children ages 6 to 14 by 2010.<sup>1805</sup> The World Bank has supported the government's efforts by undertaking a number of projects to improve and increase access to primary education through teacher training, constructing classrooms, conducting research, addressing issues of gender and scheduled castes inequality,<sup>1806</sup> reducing dropout rates, and building local and state capacity.<sup>1807</sup>

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<sup>1804</sup> UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, CRC/C/28/Add.10, prepared by the Government of India, pursuant to Article 44 of the Convention on the Rights of the Child, July 7, 1997, paras. 221 and 23-26 [cited January 2, 2003]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.28.Add.10.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.28.Add.10.En?OpenDocument).

<sup>1805</sup> The Ministry of Education and the Ministry of Labour are collaborating on the USDOL-funded ILO-IPEC project, which will provide educational services to working children in the 10 targeted hazardous sectors through its SSA Program. ILO-IPEC, *Preventing and Eliminating Child Labor: project document*, 47. See also *Sarva Shiksha Abhiyan: Programme for Universal Elementary Education in India*, [online] [cited September 5, 2002]; available from <http://www.arunmehta.freeyellow.com/page119.html>.

<sup>1806</sup> *Scheduled castes* refers to the lowest classes of Indian society, groups commonly known as "untouchables."

<sup>1807</sup> For one example, see World Bank, *India-Rajasthan District Primary Education Project*, [online] 1999 [cited September 5, 2002]; available from [http://www-wds.worldbank.org/servlet/WDServlet?pcont=details&eid=000094946\\_99052608145965](http://www-wds.worldbank.org/servlet/WDServlet?pcont=details&eid=000094946_99052608145965).

## Incidence and Nature of Child Labor

In 2000, the ILO estimated that 12.1 percent of children ages 10 to 14 years in India were working.<sup>1808</sup> Bonded or forced child labor, including child prostitution, is extensive.<sup>1809</sup> Bonded labor exists in a number of industries, including the carpet manufacturing industry,<sup>1810</sup> the silk

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<sup>1808</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. Estimates of the number of working children in India vary greatly, and as a result there is some debate over the accuracy of figures. The Government of India maintains that the only reliable statistics on child labor are those of the national censuses. India's 1991 national census found that 11.28 million of the country's children were working. The 2001 statistics on child labor have not yet been released, but the 55<sup>th</sup> National Sample Survey conducted in 1999-2000 estimated that the number had declined to 10.4 million. See Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 66 No. 186, October 25, 2001. These official figures notwithstanding, a discrepancy regarding "nowhere children" remains. About half of all children ages 5 to 14 are not enrolled in school (approximately 105 million children), yet do not appear in the official child labor force statistics. These children are called "nowhere children." Due to the high correlation that nowhere children have with child labor, many analysts and relief workers believe that 44-55 million working children is a more accurate figure. U.S. Embassy- New Delhi, *unclassified telegram 1401*, February 1998. See also Somesh K. Mathur, *Child Labour: Some Issues, Correlates and Cures*, Center for International Development at Harvard University, [online] 1998 [cited September 6, 2002]; available from <http://www.cid.harvard.edu/cidtrade/Papers/MathurLabor.pdf>. Also see D.P. Chaudhuri, "A Dynamic Profile of Child Labour in India," (ILO: 1996) as cited in UNICEF, *Child Labour in India: Press Release*, New Delhi, 1996. In 2000, the Chamber of Commerce and Industry (CCI) estimated child labor in the organized, unorganized and household sectors to be over 100 million. See S. Mahendra Dev, "Eradicating Child Labour," *The Hindu*, August 15, 2000. Finally, see South Asian Coalition on Child Servitude, *Child Labour in India*, [online] [cited September 16, 2002]; available from <http://www.saccsweb.org/cli.htm>.

<sup>1809</sup> Bonded or forced child labor is a complex problem in India, to which there is no easy solution. Despite a number of measures taken by the government, the reports of bonded or forced labor are many and the successes few. Bonded or forced child labor in India has been well documented. For an overview, see U.S. Department of State, *Country Reports on Human Rights Practices- 2001: India*, Washington, D.C., March 4, 2002, 2449-58, Sections 6c, 6d, and 6f [cited December 23, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/sa/8230.htm>. For additional sources, see U.S. Department of State, *Trafficking in Persons Report- 2002: India*, Washington, D.C., June 5, 2002, 60 [cited December 23, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/>. See also UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: India*, CRC/C/15/Add.115, Geneva, February 23, 2000, paras. 65-66 and 74-77 [cited January 2, 2003]; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.115.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.115.En?OpenDocument). For a few more accounts, see South Asian Coalition on Child Servitude, *Child Labour in India*. See also "Future in Chains," *Pioneer* (New Delhi), December 31, 1999, [cited January 2, 2002]; available from <http://www.globalmarch.org/cl-around-the-world/future-in-chains.php3>. See also "Child Prostitution is Increasing," *Indian Express* (New Delhi), August 16, 1999, [cited January 2, 2003]; available from <http://www.globalmarch.org/cl-around-the-world/cp-is-increasing.php3>. See also "Child Prostitution on Rise: Report," *Assam Tribune* (Gauhati), August 15, 1999, [cited January 2, 2003]; available from <http://www.globalmarch.org/cl-around-the-world/cp-on-rise-report.php3>. See also "Child Prostitution Rampant at G.B. Road. Police Helpless," *Asian Age* (New Delhi), August 18, 1999, [cited January 2, 2003]; available from <http://www.globalmarch.org/cl-around-the-world/cp-rampant-at-gb.php3>.

<sup>1810</sup> Isabel Austin, State Representative for UNICEF, Tamil Nadu, interview with USDOL official, May 5, 1998. Isabel Austin was the state representative for UNICEF for Tamil Nadu and Kerala at the time of the interview. The U.S. Department of State reported in 2001 that bonded labor is widespread. For a complete list of the industries, see U.S. Department of State, *Country Reports- 2001: India*, 2449-58, Section 6c. See also U.S. Department of Labor, *Consumer Labels and Child Labor*, vol. IV, *By the Sweat and Toil of Children* (Washington, D.C.: U.S. Department of Labor, 1997).

industry,<sup>1811</sup> agriculture, and the services sector.<sup>1812</sup> India is a source, destination and transit country for trafficking of children. Children are reported to be trafficked from India to the Middle East and the West, into India from Bangladesh and Nepal, and through the country on the way to Pakistan and the Middle East.<sup>1813</sup> Children are also trafficked within India for sexual exploitation and forced and bonded labor.<sup>1814</sup> Children work in hazardous conditions in a number of sectors, including fireworks; stone quarrying; match, silk, lock, and brick manufacturing; and footwear and brassware production.<sup>1815</sup> Children also work as domestic servants.<sup>1816</sup>

The Constitution established a goal of providing compulsory and free education for all children until they reach 14 years of age.<sup>1817</sup> The NPE of 1986 and the Programme of Action of 1992 reemphasize that goal.<sup>1818</sup> Legislation at the state and/or provincial level established compulsory primary education in 14 of the 24 states and four Union territories.<sup>1819</sup> Approximately 85 percent of children ages 5 to 14 have attended school.<sup>1820</sup>

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<sup>1811</sup> U.S. Department of State, *Country Reports- 2001: India*, Section 6c.

<sup>1812</sup> *Ibid.*, 2449-58, Section 6c. See also Human Rights Watch, *The Small Hands of Slavery: Bonded Child Labor*, [online] 1996 [cited September 6, 2002]; available from <http://www.hrw.org/reports/1996/India3.htm>. This discussion cites bonded child labor in the following sectors: agriculture, carpet, silk production, bidi, silver jewelry, synthetic gemstone, leather production, and precious stone.

<sup>1813</sup> U.S. Department of State, *Trafficking in Persons Report: India*, 60.

<sup>1814</sup> *Ibid.*

<sup>1815</sup> ILO-IPEC, *Preventing and Eliminating Child Labor: project document*, 6-7.

<sup>1816</sup> U.S. Department of State, *Country Reports- 2001: India*, 2449-58, Section 6d.

<sup>1817</sup> UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, para. 220. See also Embassy of India, letter, September 5, 2002.

<sup>1818</sup> UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1995*, para. 221. Despite these goals, the government has been unsuccessful at providing universal, compulsory and free education. U.S. Department of State, *Country Reports- 2001: India*, 2439-49, Section 5.

<sup>1819</sup> These states and union territories are Assam, Andhra Pradesh, Bihar, 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 Embassy of India, written submission to USDOL official for the Fifth International Child Labour Study of the Bureau of International Affairs, U.S. Department of Labor, February 25, 1998, 11. In December 2001, the lower house of the Indian Parliament passed a bill making the right to education a basic fundamental right for all children between ages 6 and 14. The bill was scheduled to go before the upper house in 2002 for passage. U.S. Embassy- New Delhi, facsimile communication to USDOL official, December 19, 2001.

<sup>1820</sup> This figure estimates 80 percent of the children in rural areas and 92 percent of the children in urban areas have attended school. See India Department of Women and Child Development, *Multiple Indicator Survey- 2000 (MICS-2000)*, UNICEF, November 2001, [cited November 12, 2002]; available from <http://www.childinfo.org/MICS2/newreports/india/india.pdf>.

## Child Labor Laws and Enforcement

The Child Labour-Prohibition and Regulation Act of 1986 defines a child as a person who has not reached 14 years of age.<sup>1821</sup> The Act prohibits the employment of children under the age of 14 in 13 occupations and 51 processes.<sup>1822</sup> The law further restricts children's work by establishing a limit of a six-hour workday for children, including a one-hour mandatory rest interval after three hours of labor. Moreover, it is unlawful to work a child overtime or between the hours of 7 p.m. and 8 a.m. Every child must be given one full day off per week.<sup>1823</sup> In 1996, India's Supreme Court established a penalty 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.<sup>1824</sup> The Penal Code and the Immoral Traffic (Prevention) Act of 1956 prohibit the trafficking and commercial exploitation of children, including sexual exploitation. The penalty for the commercial sexual exploitation of a child is imprisonment for seven years to life.<sup>1825</sup>

The enforcement of child labor laws, which falls under the jurisdiction of state governments, is inadequate for a number of reasons, including a lack of sufficient government resources, traditional attitudes toward child labor and the government's inability to provide universal primary education. Nonetheless, some 6,000 cases of legal action against employers are reportedly underway.<sup>1826</sup>

The Government of India has not ratified ILO Convention 138 or ILO Convention 182.<sup>1827</sup>

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<sup>1821</sup> Government of India, *Child Labour- Prohibition and Regulation Act 1986*, Part I, 2 [cited January 2, 2003]; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>.

<sup>1822</sup> *Ibid.*, Part II and The Schedule, Parts A and B. Embassy of India, letter, September 5, 2002, 2.

<sup>1823</sup> *Child Labour- Prohibition and Regulation Act*, Part III, 7 and 8.

<sup>1824</sup> Embassy of India, letter, September 5, 2002, 4.

<sup>1825</sup> *Ibid.*, 6-7.

<sup>1826</sup> U.S. Department of State, *Country Reports- 2001: India*, 2449-58, Section 6d.

<sup>1827</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 15, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.