

## 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>2170</sup> when it became the first country to sign an MOU with the organization.<sup>2171</sup> In 1987, the Government of India adopted a National Policy on Child Labor. As part of this policy, approximately 100 National Child Labor Projects (NCLP) operate in 13 states.<sup>2172</sup> A major activity of the NCLPs has been the establishment of special schools that provide rehabilitation, non-formal education and vocational training, health care, stipends, and nutrition supplements for children withdrawn from hazardous work.<sup>2173</sup>

In 2001, the Government of India and USDOL initiated a USD 40 million ILO-IPEC project aimed at eliminating child labor in 10 hazardous sectors in the states of Madhya Pradesh, Maharashtra, Tamil Nadu, and Uttar Pradesh. The project will support and strengthen the government's existing national child labor and basic education policies and programs with the aim of withdrawing and preventing thousands of children from engaging in hazardous work. The Government of India will contribute a total of USD 20 million toward the project.<sup>2174</sup> The government's annual budget in 2002 and 2003 for child labor was Rs. 730 million rupees (approximately USD \$16 million).<sup>2175</sup> Under the Grants in Aid Scheme program, the Ministry of Labor provides funding for 54 NGOs to implement projects aimed at providing working children with education and vocational training opportunities.<sup>2176</sup> The government has supported the M.Venkatarangaiya Foundation, an established NGO working on child labor issues in rural India.<sup>2177</sup>

<sup>2170</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 19, 2003]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm).

<sup>2171</sup> ILO-IPEC, *Preventing and Eliminating Child Labor in Identified Hazardous Sectors*, project document, IND/01/P50/USA, Geneva, September 2001, 9.

<sup>2172</sup> Embassy of India, letter to USDOL official in response to USG Federal Register Notice:Volume 67 No. 150, September 5, 2002, 3. See also Ministry of Labor of the Government of India, *Child Labor*, [online] [cited June 17, 2003].

<sup>2173</sup> Ministry of Finance of the Government of India, *Economic Survey 2002-2003*; available from <http://www.indiabudget.nic.in/es2002-03/chapt2003/chap106.pdf>. See also Embassy of India, letter, September 5, 2002, 3. An evaluation of the NCLPs found that the schools were successful in terms of enrollment, attendance, nutrition, teacher training and health care, however were deemed unsatisfactory in the areas of providing stipends, mainstreaming, parent teacher interaction, awareness raising, vocational training and school infrastructure. See R. Helen Sekar, *National Child Labor Project Evaluation*, National Resource Center on Child Labor, V.V. Giri National Labor Institute, 3.

<sup>2174</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. The project is working with the Ministry of Labor's NCLPs and the Ministry of Education's Education for All (SSA) program. See *Joint Statement on Enhanced Indo-U.S. Cooperation on Eliminating Child Labor*, August 31, 2000. See also ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, cover, 3, 6-7, and 43.

<sup>2175</sup> U.S. Embassy India Official, electronic communication to USDOL Official, September 03, 2003. For currency conversion, see FXConverter, in Oanda.com, [online] [cited October 16, 2003]; available from <http://www.carosta.de/frames/convert.htm>.

<sup>2176</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 4431*, August 2003. See also U.S. Embassy India Official, electronic communication, September 03, 2003.

<sup>2177</sup> The strategy of the MV Foundation is to work within the government systems and structures to ensure that working children are provided with access to schooling. The Government of India, UNICEF and ILO-IPEC have provided support to the organization. See *M. Venkatarangaiya Foundation*, Asha for Education, [online] [cited October 16, 2003]; available from <http://www.indiangos.com/mvf/main.html>.

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The Government of India has taken a number of steps to improve education and achieve universal enrollment in line with the goals of its National Policy on Education (NPE). The Ministry of Education's Sarva Shiksha Abhiyan (Education for All) Program aims to achieve universal elementary education for all children in India ages 6 to 14 by 2010.<sup>2178</sup> To achieve this, the Ministry is implementing a number of programs including the Education Guarantee Scheme to provide alternative and innovative education for the country's out of school children, including child laborers.<sup>2179</sup> In addition, the government is implementing the District Primary Education Program in 273 districts in 18 states with a focus on classroom construction, non-formal education, teacher hiring and training, and services for girls and vulnerable children. Through its National Program of Nutritional Support to Primary Education, the government provides mid-day lunches, including cooked meals to children to increase enrollment and help improve the nutritional status of children.<sup>2180</sup> The World Bank has supported the government's efforts on improving basic education in particular for girls, working children, and children from disadvantaged backgrounds. Projects have focused on expanding access, improving classroom instruction, increasing community participation and strengthening local and state capacity.<sup>2181</sup> Due to critical needs in its education system, the Government of India is receiving intensified support from the World Bank in order to expedite its eligibility for fast track financing for the international Education for All program. The Education for All Fast Track Initiative, which is funded by the World Bank and other donors, aims to provide all children throughout the world with a primary school education by the year 2015.<sup>2182</sup>

## Incidence and Nature of Child Labor

In 2001, the ILO estimated that 11.6 percent of children ages 10 to 14 years in India were working.<sup>2183</sup> Most of the child labor that exists in India is found in agriculture and the informal sector.<sup>2184</sup> Bonded or forced child labor

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<sup>2178</sup> Ministry of Education, *National Policy on Education*, [cited November 2, 2003]; available from <http://www.education.nic.in/htmlweb/natpol.htm>. The SSA program is aimed at covering a total of 192 million children, with a special focus on 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 Government of India Ministry of Human Resource Development, *Department of Education Annual Report 2002-2003*, New Delhi. See ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, 47. See also *Sarva Shiksha Abhiyan: A Programme for Universal Elementary Education*, [online] [cited June 19, 2003]; available from [http://www.education.nic.in/htmlweb/ssa/ssa\\_1.htm](http://www.education.nic.in/htmlweb/ssa/ssa_1.htm).

<sup>2179</sup> Ministry of Education of the Government of India, *Education Guarantee Scheme and Alternative and Innovative Education*, [online] [cited June 19, 2003]; available from [http://education.nic.in/htmlweb/ssa/ssa\\_1.htm](http://education.nic.in/htmlweb/ssa/ssa_1.htm). See also Government of India Ministry of Human Resource Development, *Ministry of Education 2002-2003 Annual Report*.

<sup>2180</sup> Government of India Ministry of Human Resource Development, *Ministry of Education 2002-2003 Annual Report*.

<sup>2181</sup> World Bank, *World Bank Support for Education in India*, [online] [cited October 6, 2003]; available from <http://wbln1018.worldbank.org/sar/sa.nsf/a22044d0c4877a3e852567de0052e0fa/3436a2c8a70b8463852567ef0066a42e?OpenDocument>.

<sup>2182</sup> World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,00.html>.

<sup>2183</sup> World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. Estimates of the number of working children in India vary greatly, and as a result there is 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, September 5, 2002. Approximately 100-150 million children are estimated to be out of school. Due to the high correlation that out of school children have with child labor, many NGOs believe that 44-55 million working children is a more accurate figure. See U.S. Embassy- New Delhi, *unclassified telegram no. 4431*. See also USAID India, *USAID Fact Sheet*, March 20, 2000 [cited November 2, 2003]; available from [www.usaid.gov/in/whatsnew/pressreleases/potus\\_child.htm](http://www.usaid.gov/in/whatsnew/pressreleases/potus_child.htm). In 2000, the Chamber of Commerce and Industry estimated child labor in the organized, unorganized and household sectors to be over 100 million. See S. Mahendra Dev, "Eradicating Child Labor," *The Hindu*, August 15, 2000.

<sup>2184</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

is considered widespread<sup>2185</sup> and exists in a number of industries, including the carpet manufacturing industry<sup>2186</sup> and the silk industry.<sup>2187</sup> Children work under hazardous conditions in a number of sectors, such as fireworks, stone quarrying, match, making, silk weaving, lock making, brick manufacturing, and footwear and brassware production.<sup>2188</sup> Children are also found working as domestic servants and living on the streets.<sup>2189</sup>

India is a source, destination, and transit country for trafficking of children for the purposes of commercial sexual exploitation and other forms of labor. 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>2190</sup> Children are also trafficked within India for sexual exploitation and forced and bonded labor.<sup>2191</sup> There are reports of the use of child soldiers by armed groups in different regions in India.<sup>2192</sup>

The Constitution established a goal of providing compulsory and free education for all children until they reach 14 years of age.<sup>2193</sup> The NPE of 1986 and the Program of Action of 1992 reemphasized that goal.<sup>2194</sup> As a result of legislation that was passed in December 2002, education for all children ages 6 to 14 is now a constitutionally guaranteed fundamental right.<sup>2195</sup> Legislation at the state and/or provincial level established compulsory primary education in 14 of the 24 states and 4 Union territories.<sup>2196</sup> In 1999, the gross primary enrollment rate was 101.6 percent.<sup>2197</sup> In 1999, 67.9 percent of children who were enrolled in primary school reached grade 5.<sup>2198</sup>

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<sup>2185</sup> Bonded or forced child labor is a complex problem in India. Despite some measures taken by the government, there are many reports of bonded or forced labor. Bonded or forced child labor in India has been well documented. The U.S. State Department reports the use of forced or indentured child labor in brassware, hand-knotted wool carpets, explosive fireworks, footwear, hand-blown glass bangles, hand-made locks, hand-dipped matches, hand-broken stones, hand-spun silk thread and hand-loomed silk cloth, hand-made bricks, and bidi cigarettes. See U.S. Department of State, *Country Reports on Human Rights Practices- 2002: India*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18311.htm>. For additional sources, see U.S. Department of State, *Trafficking in Persons Report- 2003: India*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21276.htm>. 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.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.15.Add.115.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.15.Add.115.En?OpenDocument). See also South Asian Coalition on Child Servitude, *Child Labor in India*, [online] [cited October 6, 2003]; available from <http://saccsweb.org/in/cli.php3>.

<sup>2186</sup> U.S. Department of State, *Country Reports- 2002: India*.

<sup>2187</sup> Human Rights Watch, *Small Change: Bonded Child Labor in India's Silk Industry*, Volume 15, No. 2 (C), January 2003, 9. See also U.S. Department of State, *Country Reports- 2002: India*, Section 6c. See also Zama Coursen-Neff, "Meanwhile: For 15 Million in India, a Childhood of Slavery," *The International Herald Tribune*, 2003.

<sup>2188</sup> ILO-IPEC, *Preventing and Eliminating Child Labor: Project Document*, 6-7.

<sup>2189</sup> U.S. Department of State, *Country Reports- 2002: India*, Section 5.

<sup>2190</sup> U.S. Department of State, *Trafficking in Persons Report: India — 2003*, 60.

<sup>2191</sup> *Ibid.*

<sup>2192</sup> Coalition to Stop the Use of Child Soldiers, "Global Report — India," 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

<sup>2193</sup> *The Constitution of India*, [cited September 8, 2003]; available from <http://indiacode.nic.in/coiweb/coifiles/p04.htm>.

<sup>2194</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, para. 221; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.28.Add.10.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.28.Add.10.En?OpenDocument).

<sup>2195</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

<sup>2196</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 Labor Study of the Bureau of International Affairs, U.S. Department of Labor, February 25, 1998, 11.

<sup>2197</sup> World Bank, *World Development Indicators 2003*. The government estimates that approximately 20 percent of children ages 6 to 14 do not attend school. See U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

<sup>2198</sup> World Bank, *World Development Indicators 2003*. The most current government figures for drop-out rate are from 1998 when a 54 percent drop-out rate was reported for grades one to eight. See U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

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## Child Labor Laws and Enforcement

India does not have a national minimum age for employment.<sup>2199</sup> However, 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 and places restrictions on children's work hours in all other sectors.<sup>2200</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>2201</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 7 years to life.<sup>2202</sup> As a member state of the South Asian Association for Regional Cooperation, India signed the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution in January 2002.<sup>2203</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 investigated by Vigilance Committees. In addition, the National Human Rights Commission has the authority to investigate complaints on child labor and bonded labor.<sup>2204</sup> In 2000, the Government of India issued a notification banning government employees from using child domestic workers.<sup>2205</sup>

There were no new national or judicial efforts in 2003 to strengthen or enforce existing child labor laws and regulations.<sup>2206</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.<sup>2207</sup>

The Government of India has not ratified ILO Convention 138 or ILO Convention 182.<sup>2208</sup>

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<sup>2199</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

<sup>2200</sup> The Act restricts employment by establishing a limit of a six-hour workday for children, including a one-hour mandatory rest interval after three hours of labor; prohibits overtime and work between the hours of 7 p.m. and 8 a.m.; and requires that children be given one full day off per week. Government of India, *Child Labor- Prohibition and Regulation Act 1986*, Part II, Part III, 7 and 8 and The Schedule, Parts A and B; available from <http://natlex.ilo.org/scripts/natlexcgi.exe?lang=E>. See also Embassy of India, letter to USDOL official in response to USG Federal Register Notice: Volume 68 No. 125, September 24, 2003. See also Embassy of India, *Child Labor and India*, [online] [cited June 19, 2003]; available from [http://www.indianembassy.org/policy/child\\_labor/childlabor.htm](http://www.indianembassy.org/policy/child_labor/childlabor.htm).

<sup>2201</sup> Embassy of India, letter, September 5, 2002, 4.

<sup>2202</sup> *Ibid.*, 6-7.

<sup>2203</sup> See South Asian Association for Regional Cooperation Secretariat, *Eleventh SAARC Summit held in Kathmandu, press release*, January 9, 2002, [hard copy on file].

<sup>2204</sup> Embassy of India, *Child Labor and India*.

<sup>2205</sup> U.S. Department of State, *Country Reports- 2002: India*.

<sup>2206</sup> U.S. Embassy- New Delhi, *unclassified telegram no. 4431*.

<sup>2207</sup> U.S. Department of State, *Country Reports- 2002: India*, Section 6d.

<sup>2208</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 2, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.