

**EXTENT OF CHILD LABOUR AND
PROSECUTION OF CASES UNDER CHILD
LABOUR (PROHIBITION AND REGULATION)
AMENDMENT ACT, 2016 IN INDIA**



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Executive Summary

The Kailash Satyarthi Children's Foundation (KSCF) has conducted a study titled, '**Extent of child labour and prosecution of cases under child labour (prohibition and regulation) amendment act, 2016 in India**' to assess government's efforts towards achieving Sustainable Development Goal 8.7 of eliminating Child Labour by 2025 in the country. The study is a secondary analysis of data from three successive 'Crime in India' reports published by the National Crime Records Bureau (NCRB) from 2016 to 2018 and the Census of India 2011.

The analysis reveals that a total of 204 FIRs (384 victims) in 2016; 462 FIRs (685 victims) in 2017 and 464 FIRs (810 victims) in 2018, were registered under the Child Labour (Prohibition and Regulation) Act (CPLRA) in the country over the last three years. The study dismisses the dramatic increase in child labour rescues between 2016 and 2018 and categorises it as 'grossly inadequate'. This is so because the percentage of total number of victims rescued during 2016-18 is only a meagre 0.02% of the total number of child labourers in the country. Despite the Central Government's commitment to end child labour by 2025, the effort as well as will of the government to rescue child labourers is evidently NOT reflected in the number of FIRs that are registered every year in the country, especially when the magnitude of instances of child labour is so large (10 million as per Census of India 2011),

The state-wise analysis reveals that even though Uttar Pradesh has the highest population of child labourers in the country (21%), only 15 FIRs have been registered under CLPRA in the last three years, rescuing only 20 child labourers.

Similarly, in Bihar, which has the second largest child labour population, not even a single FIR under CLPRA was registered in 2016 and 2017, and only 14 FIRs were registered in the year 2018. These figures not only signify a major gap with regards to registration of cases under CLPRA by the law enforcement agencies, but also emphasizes upon the need to create awareness among the general population of Bihar in order to substantially scale-up reporting of child labour in the state.

The situation in Maharashtra, being one of the major destinations for migration/ trafficking, which has the fourth largest child labour population in the country (700,000 child labourers), is also appalling. Only a total of 313 FIRS have been lodged under CLPRA in the last three years in the state. States like Jharkhand and Chhattisgarh, which are the prime source areas from where child labourers are trafficked to large cities, are performing equally badly. While 33 FIRs were registered and 33 children were rescued in Jharkhand between 2016 and 2018, the number of FIRs and rescues for the same period in Chhattisgarh was one each. The same pattern is observed in Madhya Pradesh (29 FIRs and 32 children rescued) and West Bengal (11 FIRs and 11 children rescued) between 2016 and 2018.

As per the study, in more than 10 states which constitute almost 14 % of the total child labour population in the country, not even a single child was rescued from situations of forced labour. These states are Mizoram, Sikkim, Tripura, Arunachal Pradesh, Manipur, Nagaland, Odisha, Meghalaya, Jammu and Kashmir, Himachal Pradesh and Andhra Pradesh.

An analysis of prosecution of cases filed under CLPRA has brought out a huge gap between the number of prosecutions lodged in a year and the number of cases whose trials were completed. As a result, pendency of under trial cases under the CLPRA has been going up from year to year. For pendency to remain constant, it is necessary that the number of cases under CLPRA in which chargesheet is filed is equal to trials completed. Further if pendency is to be brought down, the annual disposal of cases filed under CLPRA must exceed the annual institution of new cases under in the court. This can happen if and only if exclusive dedicated court to try cases under the CLPRA are created.

As far as conviction under the CLPRA cases is concerned, the situation was much worse in 2016 as compared to the rate of conviction in other crimes against children. In the year 2016 the conviction rate under CLPRA was 11% which was substantially lower than the conviction rate for all crimes against children in the country, which was more than 30%.

However, the conviction rate in 2017 rose drastically to 70% but the year 2018 again saw a fall in the conviction rate where it dropped to 44%.

Context

Internationally it has already been accepted that child labour is one of the worst forms of violence against children and also a serious violation of Child Rights as well as Human Rights. In this regard the Government of India is also taking measures to protect its children from falling into the trap of labour and as an outcome the Government amended the Child Labour (Prohibition and Regulation) Act. The Child Labour (Prohibition and Regulation) Amendment Act, 2016 prohibits the engagement of children up to 14 years of age in all occupations. Though legislative and administrative measures are being taken, wide spread illiteracy, acute levels of poverty, lack of social security and protection and ignorance makes prohibition of child labour a distant dream for many. As per the estimates of International Labour Organisation (ILO) in 2016 the children in child labour in the age group 5-17 globally was 152 million of which 114 million were in the age group of 5-14 years, which constitutes 75 percent of the total child labourers. According to Census of India, **1.01 Crore** children in the age group of 5-14 years were reported to be working in 2011 in India.

Studies also suggests that a large proportion of working children are forced to work in hazardous industries. ILO estimates indicate that in 2016, 73 million children out of the total children in labour were engaged in hazardous work. During the period 2012 to 2016, the percentage of children (aged 5-17 years) in hazardous work reduced merely by 15 percent (reduced from 85 million in 2012 to 73 million in 2016) and this number still remains very high. The most disturbing factor is that the reduction in the number of children in hazardous work in the age group 5-14 years during 2012 to 2016 is less than seven percent (reduced from 38 million in 2012 to 35 million in 2016)¹.

¹ Global Estimates of Child labour: Results and Trends, 2012-2016. International Labour Organisation, Geneva

INDIA

Extent of Child Labour in India

- According to the data published by the National Crime Records Bureau (NCRB), in its Crime in India reports, from 2016 to 2018 the number of FIR's registered under *Child Labour [Prohibition and Regulation] Act (CLPRA)* has increased by 127%. During these three years the number of victims rescued under CLPRA also increased by 111% i.e. from 384 victims rescued in 2016 to 810 victims rescued in 2018.

Table 1: Total number of FIR's registered under CLPRA and victims rescued under CLPRA in the year 2016, 2017 and 2018

YEAR	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA
2016	204	384
2017	462	685
2018	464	810
TOTAL	1,130	1,879

Note: For State level figures please refer to Annexure 1

- However, in view of the total number of existing child labourers in India these efforts and the dramatic increase in number of FIRs in recent years appears meaningless. The percentage of total number of victims rescued as per the NCRB data during 2016-18 to the total number of child labourers in the country lies at a meagre **0.02%**. (*The state wise figure is given in Annexure 2*)
- States such as, Mizoram, Sikkim, Tripura, Arunachal Pradesh, Manipur, Nagaland, Odisha, Meghalaya, Jammu and Kashmir, Himachal Pradesh, Chhattisgarh and Andhra Pradesh constitute 14% of the total child labour in the country. Yet we see that data presented in the NCRB shows that zero (0)/no FIR was registered in these states during 2016-18.

- Also, Uttar Pradesh has 21% of child labourers in the country and ranks at No. 1 position amongst all states. Yet in the past three years meagre 15 FIR's were lodged under CLPRA with 20 victims rescued.
- Similarly, even though Bihar has the second largest child labour population, yet in the 2016 and 2017 no FIR's were registered under CLPRA. But in the year 2018, 14 cases been registered in the State. Thus signifying extremely poor reporting of child labour cases in the state.
- Maharashtra having about 7 Lakh child labour population and ranked at no.4, FIR's that were lodged in three years (2016-2018) stands at meagre 313. Though poor reporting of child labour cases is also evident in the State but its performance is relatively better than States like Uttar Pradesh and Bihar.
- As far as the disposal of cases and conviction rate is concerned, very few cases were disposed of by courts as compared to the number of cases that remain pending for trial at the beginning of each year. This can be seen in the following table.

Table 2: Court disposal, conviction and pendency of cases under CLPRA

Year	Cases Pending for Trial at the beginning of the Year	Cases disposed off by the court	Cases pending Trial at the End of the Year	Conviction Rate	Pendency Percentage
2016	385	17	368	11	95
2017	808	89	719	70	89
2018	1091	80	1011	44	93

- In the year 2016 the conviction rate under CLPRA was 11% which is substantially lower than the conviction rate for all crimes against children in the country, which was more than 30%. However, the conviction rate in 2017 rose drastically to 70% but the year 2018 saw a fall in the conviction rate (44%).

ASSAM

According to Census of India, **1.01 Crore** children in the age group of 5-14 years were reported to be working in 2011 in India. Out of which the total child labour population of Assam is **2.8 Lakhs**.

Extent of Child Labour in Assam

- According to the data published by the National Crime Records Bureau (NCRB), in its Crime in India reports, from 2016 to 2018 the number of FIR's registered under Child Labour [Prohibition and Regulation] Act (CLPRA) in India increased from 204 FIR's in 2016 to 464 FIR's under CLPRA in 2018. During these three years the number of victims rescued under CLPRA also increased by from 384 victims rescued in 2016 to 810 victims rescued in 2018. If we view the registration of cases under CLPRA and the total number of children rescued in conjunction with the total number of child labourers in India it is clear that the Indian States have completely failed in its statutory duty of eradication of child labour.
- According to the Census of 2011, Assam stands at 13th position in terms of number of child labour (**2.8 Lakhs**) in the country. The number of FIR's registered under CLPRA has increased from 2 in 2016 to 39 in 2018. In total only 52 of FIR's were registered under CLPRA during these three years and 53 children were rescued from labour and slavery. It is evident that the State administration of Assam has paid no attention to its very important responsibility of eradication of child labour.
- 12th June is celebrated across the Globe as the World Day against Child Labour. The celebration of World Day against Child Labour is a wakeup call for the Assam Government to pay attention to the humanitarian task of eradication of child labour. Unless and until child labour is completely eradicated and every child goes to school, receives education, the demographic dividend which our country has will not get translated in growth and prosperity for everyone.

Table 1: Total number of FIR's registered and victims rescued under CLPRA in the year 2016, 2017 and 2018

YEAR	INDIA		ASSAM	
	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA
2016	204	384	2	2
2017	462	685	11	11
2018	464	810	39	40
TOTAL	1,130	1,879	52	53

Source: National Crime Record Bureau

BIHAR

According to Census of India, **1.01 Crore** children in the age group of 5-14 years were reported to be working in 2011 in India. Out of which the total child labour population of Bihar is **10.9 Lakhs**.

Extent of Child Labour

- According to the data published by the National Crime Records Bureau (NCRB), in its Crime in India reports, from 2016 to 2018 the number of FIR's registered under *Child Labour [Prohibition and Regulation] Act (CLPRA)* in India increased from 204 FIR's in 2016 to 464 FIR's under CLPRA in 2018. During these three years the number of victims rescued under CLPRA also increased by from 384 victims rescued in 2016 to 810 victims rescued in 2018. If we view the registration of cases under CLPRA and the total number of children rescued in conjunction with the total number of child labourers in India it is clear that the Indian States have completely failed in its statutory duty of eradication of child labour.
- According to the Census of 2011, Bihar stands at 2nd position in terms of number of child labour (**10.9 Lakh**) in the country. Yet in the year 2016 and 2017 no FIR was registered under CLPRA and not a single child was rescued from labour or slavery. In the year 2018, 14 cases were registered in the State and 14 children were rescued, thus signifying extremely poor reporting of child labour cases in the State. It is evident that the State administration of Bihar has paid no attention to its very important responsibility of eradication of child labour.
- 12th June is celebrated across the Globe as the World Day against Child Labour. The celebration of World Day against Child Labour is a wakeup call for the Bihar Government to pay attention to the humanitarian task of eradication of child labour. Unless and until child labour is completely eradicated and every child goes to school, receives education, the demographic dividend which our country has will not get translated in growth and prosperity for everyone.

Table 1: Total number of FIR's registered and victims rescued under CLPRA in the year 2016, 2017 and 2018

YEAR	INDIA		BIHAR	
	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA
2016	204	384	0	0
2017	462	685	0	0
2018	464	810	14	14
TOTAL	1,130	1,879	14	14

Source: National Crime Record Bureau

CHHATTISGARH

According to Census of India, **1.01 Crore** children in the age group of 5-14 years were reported to be working in 2011 in India. Out of which the total child labour population of Chhattisgarh is **2.6 Lakhs**.

Extent of Child Labour in Chhattisgarh

- According to the data published by the National Crime Records Bureau (NCRB), in its Crime in India reports, from 2016 to 2018 the number of FIR's registered under Child Labour [Prohibition and Regulation] Act (CLPRA) in India increased from 204 FIR's in 2016 to 464 FIR's under CLPRA in 2018. During these three years the number of victims rescued under CLPRA also increased by from 384 victims rescued in 2016 to 810 victims rescued in 2018. If we view the registration of cases under CLPRA and the total number of children rescued in conjunction with the total number of child labourers in India it is clear that the Indian States have completely failed in its statutory duty of eradication of child labour.
- According to the Census of 2011, Chhattisgarh stands at 15th position in terms of number of child labour (**2.6 Lakh**) in the country. Further, from the year 2016 to 2018 only one FIR under CLPRA was registered in the State, thus signifying extremely poor reporting of child labour cases in the State. Though poverty is the main cause which forces many children from poor families to work, the State Government has also failed to rescue them. It is evident that the State administration of Chhattisgarh has paid no attention to its very important responsibility of eradication of child labour.
- 12th June is celebrated across the Globe as the World Day against Child Labour. The celebration of World Day against Child Labour is a wakeup call for the Chhattisgarh Government to pay attention to the humanitarian task of eradication of child labour. Unless and until child labour is completely eradicated and every child goes to school, receives education, the demographic dividend which our country has will not get translated in growth and prosperity for everyone.

Table 1: Total number of FIR's registered and victims rescued under CLPRA in the year 2016, 2017 and 2018

YEAR	INDIA		CHHATTISGARH	
	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA
2016	204	384	1	1
2017	462	685	0	0
2018	464	810	0	0
TOTAL	1,130	1,879	1	1

Source: Census, 2011, National Crime Records Bureau

JHARKHAND

According to Census of India, **1.01 Crore** children in the age group of 5-14 years were reported to be working in 2011 in India. Out of which the total child labour population of Jharkhand is **4.0 Lakhs**.

Extent of Child Labour in Jharkhand

- According to the data published by the National Crime Records Bureau (NCRB), in its Crime in India reports, from 2016 to 2018 the number of FIR's registered under Child Labour [Prohibition and Regulation] Act (CLPRA) in India increased from 204 FIR's in 2016 to 464 FIR's under CLPRA in 2018. During these three years the number of victims rescued under CLPRA also increased by from 384 victims rescued in 2016 to 810 victims rescued in 2018. If we view the registration of cases under CLPRA and the total number of children rescued in conjunction with the total number of child labourers in India it is clear that the Indian States have completely failed in its statutory duty of eradication of child labour.
- According to the Census of 2011, Jharkhand stands at 9th position in terms of number of child labour (**4.0 Lakh**) in the country. However, data published by NCRB shows that during 2016 to 2018 only 33 FIRs were registered under CLPRA and 33 children were rescued from labour or slavery. Less reporting of cases is a serious concern as many children in the State are engaged in the informal mining industry which is hazardous in nature, thus signifying extremely poor reporting of child labour cases in the State. It is evident that the State administration of Jharkhand has paid no attention to its very important responsibility of eradication of child labour.
- 12th June is celebrated across the Globe as the World Day against Child Labour. The celebration of World Day against Child Labour is a wakeup call for the Jharkhand Government to pay attention to the humanitarian task of eradication of child labour. Unless and until child labour is completely eradicated and every child goes to school, receives education, the demographic dividend which our country has will not get translated in growth and prosperity for everyone.

Table 1: Total number of FIR's registered and victims rescued under CLPRA in the year 2016, 2017 and 2018

YEAR	INDIA		JHARKHAND	
	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA
2016	204	384	0	0
2017	462	685	16	16
2018	464	810	17	17
TOTAL	1,130	1,879	33	33

Source: National Crime Record Bureau

MADHYA PRADESH

According to Census of India, **1.01 Crore** children in the age group of 5-14 years were reported to be working in 2011 in India. Out of which the total child labour population of Madhya Pradesh is **7 Lakhs**.

Extent of Child Labour in Madhya Pradesh

- According to the data published by the National Crime Records Bureau (NCRB), in its Crime in India reports, from 2016 to 2018 the number of FIR's registered under Child Labour [Prohibition and Regulation] Act (CLPRA) in India increased from 204 FIR's in 2016 to 464 FIR's under CLPRA in 2018. During these three years the number of victims rescued under CLPRA also increased by from 384 victims rescued in 2016 to 810 victims rescued in 2018. If we view the registration of cases under CLPRA and the total number of children rescued in conjunction with the total number of child labourers in India it is clear that the Indian States have completely failed in its statutory duty of eradication of child labour.
- According to the Census of 2011, Madhya Pradesh stands at 5th position in terms of number of child labour (**7.0 Lakh**) in the country. Even though the number of FIR's lodged under CLPRA in 2017 increased from zero in 2016 to 26 in 2017, in the year 2018 again it dropped to 3. During 2016-18, in total only 29 cases were registered under CLPRA in the State and 32 children were rescued from labour or slavery, thus signifying extremely poor reporting of child labour cases in the state. It is evident that the State administration of Madhya Pradesh has paid no attention to its very important responsibility of eradication of child labour.
- 12th June is celebrated across the Globe as the World Day against Child Labour. The celebration of World Day against Child Labour is a wakeup call for the Madhya Pradesh Government to pay attention to the humanitarian task of eradication of child labour. Unless and until child labour is completely eradicated and every child goes to school, receives education, the demographic dividend which our country has will not get translated in growth and prosperity for everyone.

Table 1: Total number of FIR's registered and victims rescued under CLPRA in the year 2016, 2017 and 2018

YEAR	INDIA		MADHYA PRADESH	
	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA
2016	204	384	0	0
2017	462	685	26	29
2018	464	810	3	3
TOTAL	1,130	1,879	29	32

Source: National Crime Record Bureau

ODISHA

According to Census of India, **1.01 Crore** children in the age group of 5-14 years were reported to be working in 2011 in India. Out of which the total child labour population of Odisha is **3.3 Lakhs**.

Extent of Child Labour in Odisha

- According to the data published by the National Crime Records Bureau (NCRB), in its Crime in India reports, from 2016 to 2018 the number of FIR's registered under Child Labour [Prohibition and Regulation] Act (CLPRA) in India increased from 204 FIR's in 2016 to 464 FIR's under CLPRA in 2018. During these three years the number of victims rescued under CLPRA also increased by from 384 victims rescued in 2016 to 810 victims rescued in 2018. If we view the registration of cases under CLPRA and the total number of children rescued in conjunction with the total number of child labourers in India it is clear that the Indian States have completely failed in its statutory duty of eradication of child labour.
- According to the Census of 2011, Jharkhand stands at 11th position in terms of number of child labour (**3.3 Lakh**) in the country. However according to the NCRB data, Odisha reported zero cases of child labour during 2016-2018 and not a single child was rescued from labour or slavery, thus signifying very poor reporting of cases under CLPRA in the State. It is evident that the State administration of Odisha has paid no attention to its very important responsibility of eradication of child labour.
- 12th June is celebrated across the Globe as the World Day against Child Labour. The celebration of World Day against Child Labour is a wakeup call for the Odisha Government to pay attention to the humanitarian task of eradication of child labour. Unless and until child labour is completely eradicated and every child goes to school, receives education, the demographic dividend which our country has will not get translated in growth and prosperity for everyone.

Table 1: Total number of FIR's registered and victims rescued under CLPRA in the year 2016, 2017 and 2018

YEAR	INDIA		ODISHA	
	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA	FIR's REGISTERED UNDER CLPRA	VICTIMS RESCUED UNDER CLPRA
2016	204	384	0	0
2017	462	685	0	0
2018	464	810	0	0
TOTAL	1,130	1,879	0	0

Source: National Crime Record Bureau

Annexure 1

State Wise Distribution of FIR's Registered and Number of Victims Rescued Under CLPRA

State	No. of FIR's Registered				No. of Victims Rescued			
	2016	2017	2018	Total	2016	2017	2018	Total
Andhra Pradesh	2	0	0	2	2	0	0	2
Arunachal Pradesh	0	0	1	1	0	0	1	1
Assam	2	11	39	52	2	11	40	53
Bihar	0	0	14	14	0	0	14	14
Chhattisgarh	1	0	0	1	1	0	0	1
Goa	3	1	0	4	4	1	0	5
Gujarat	7	3	35	45	25	3	72	100
Haryana	0	2	6	8	0	2	11	13
Himachal Pradesh	0	0	0	0	0	0	0	0
Jammu & Kashmir	0	0	0	0	0	0	0	0
Jharkhand	0	16	17	33	0	16	17	33
Karnataka	23	72	63	158	46	113	66	225
Kerala	5	0	3	8	6	0	7	13
Madhya Pradesh	0	26	3	29	0	29	3	32
Maharashtra	93	130	90	313	114	161	145	420
Manipur	0	0	0	0	0	0	0	0
Meghalaya	0	0	0	0	0	0	0	0
Mizoram	0	0	0	0	0	0	0	0
Nagaland	0	0	0	0	0	0	0	0
Odisha	0	0	0	0	0	0	0	0
Punjab	0	6	8	14	0	7	8	15
Rajasthan	21	99	32	152	24	129	37	190
Sikkim	0	0	0	0	0	0	0	0
Tamil	0	3	6	9	0	3	27	30
Telangana	6	58	125	189	9	151	143	303
Tripura	0	0	0	0	0	0	0	0
Uttar Pradesh	6	7	2	15	11	7	2	20
Uttarakhand	0	5	0	5	0	10	0	10
West Bengal	4	2	5	11	4	2	5	11
NCT of Delhi	31	20	15	66	136	39	212	387
INDIA	204	462	464	1,130	384	685	810	1,879

Source: National Crime Record Bureau 2016, 2017, 2018

Annexure 2

Ranking of State by Number of Child Labourers and Prosecution during 2016-18

State	Number of Child Labourers (Census,2011)	Rank of States based on number of child labourers	Total number of victims rescued as per FIR's registered under CLPRA during 2016-18	% of total victims rescued as per FIR's registered under CLPRA during 2016-18 to total Child labour population
Uttar Pradesh	2,176,706	1	20	0.00%
Bihar	1,088,509	2	14	0.00%
Rajasthan	848,386	3	190	0.02%
Maharashtra	727,932	4	420	0.06%
Madhya Pradesh	700,239	5	32	0.00%
West Bengal	550,092	6	11	0.00%
Gujarat	463,077	7	100	0.02%
Karnataka	421,345	8	225	0.05%
Jharkhand	400,276	9	33	0.01%
Andhra Pradesh	343,973	10	2	0.00%
Odisha	334,416	11	0	0.00%
Telangana	329,030	12	303	0.09%
Assam	284,812	13	53	0.02%
Tamil Nadu	284,232	14	30	0.01%
Chhattisgarh	257,773	15	1	0.00%
Punjab	176,645	16	15	0.01%
Himachal Pradesh	126,616	17	0	0.00%
Haryana	123,202	18	13	0.01%
Jammu & Kashmir	114,923	19	0	0.00%
Uttarakhand	82,431	20	10	0.01%
Nagaland	63,790	21	0	0.00%
Kerala	45,436	22	13	0.03%
Meghalaya	44,469	23	0	0.00%
NCT of Delhi	36,317	24	387	1.07%
Manipur	34,086	25	0	0.00%
Arunachal Pradesh	17,029	26	1	0.01%
Tripura	13,560	27	0	0.00%
Sikkim	10,390	28	0	0.00%

Goa	10,009	29	5	0.05%
Mizoram	7,778	30	0	0.00%
India	10,128,663		1879	0.02%

Source: Census, 2011, National Crime Records Bureau 2016, 2017, 2018