

# RESCUING CHILD LABOURERS

An Analysis of the operation  
undertaken to rescue children  
trafficked to labour in the  
jewellery units in Karnataka



With support from



“Every child brings with it the hope that God is not yet disappointed with man”

*Rabindranath Tagore*

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**2004**

*Executed By*



EQUITABLE TOURISM OPTIONS  
(EQUATIONS)



ASSOCIATION FOR PROMOTING  
SOCIAL ACTION (APSA)



With support from UNIFEM, South Asia Regional Office and USAID



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*Cover page and illustrations are based on images painted by the rescued children as part of recreational activities during their stay at APSA*

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# Executive Summary

This report compiles documentation on the raid and rescue operation undertaken to rescue 104 children from the residential, small-scale jewellery units of Nagarathpet, Bangalore, in Karnataka. These children had been trafficked from the rural districts of West Bengal. Based on an analysis of the child labour rescue practices observed during the process, a framework for conducting rescue operations in a child-sensitive manner involving various stakeholders has been devised.

The report hopes to invite greater reflection on the prevailing methodology for rescue and post-rescue operations. It also suggests a case management protocol providing clear roles and responsibilities of various stakeholders. Finally, the report helps develop rescue and post-rescue guidelines with in-built monitoring mechanisms for effective rehabilitation of child labourers.

Despite stringent laws prohibiting child labour, poverty and the lack of social security and political will make it hard to regulate. The

estimates on child labour in India have increased over the years (14.2 million child labourers were listed in the 1991 Census). Trafficking of children for hazardous work continues and provides low-cost employment and sustenance for various industries.

Jewellery production is one such industry where children are exposed to extremely unhealthy working and living conditions. The Nagarathpet rescue operation discovered over 400 children living in cramped quarters and working in pitiable conditions for the jewellery units located there. Of those rescued, 104 children were below the age of 14 years. While acquiring the skills of making jewellery, these children worked up to 20 hours every day. Though they had access to education before they joined the jewellery units, none of them attended school or had access to non-traditional sources of education while they worked. Most of the boys had been working for over a year and were paid a pittance weekly. Living in the same places that they worked,

the children also had to fend for themselves by cooking and attending to other basic needs before or after work. This only added to the strain.

The rescue operation of these children was planned following a complaint made to the Deputy Commissioner (Bangalore Urban) about the hazardous conditions of the jewellery units. Attempting to mobilise support and involve other stakeholders in the operation, three non-government organisations were invited to take part in the operation. However, the process of rescue was riddled with obstacles, partly due to *ad hoc* planning, and partly due to the sheer numbers of children being rescued. The operation served up several pointers to the need for a systemic protocol that could help organise rescue and post-rescue operations. Following the rescue, children found temporary shelter in shelter home or hostels run by NGOs as well as in government homes. Thereafter, they were escorted back to their homes in West Bengal and supposedly reintegrated into their families.

A study was conducted after the children returned to their homes—in order to assess their situations; contextualise child labour trafficking; and to understand the perceptions of stakeholders about the rescue operations. The most striking discovery in the research was that most of the rescued children had gone back to work. Very few had remained in their villages, and only one had gone back to school. This presented the need for a holistic approach to any rescue and post-rescue operation. The research showed that addressing short-term rehabilitation and reintegration of the rescued children, while integral, was not sufficient. Follow-up on their lives and provision of better economic opportunities for their families, apart from other concerns, also need to be taken into consideration.

The study showed that while there was awareness of trafficking of children for labour, poverty, lack of economic opportunities, lack

of quality education, lack of development initiatives and others were quoted as reasons that forced parents or guardians to send their children into employment. The research also presented the disjointed efforts of both the sending and receiving state administrative bodies that resulted in lack of coordination in communication and a resultant lack of follow-up on these children. Roles and responsibilities were not listed or shared as fully as they should have been. All this only strengthened the need for a case management protocol that would be child-friendly at every stage.

Data derived from various sources informed the development of recommendations for a case management protocol. Beginning with the involvement of a raid-and-rescue team that would comprise health practitioners, counsellors, rehabilitation experts, legal experts and others, the protocol recommends the roles and functions of each individual or team that will be part of such an operation. The protocol also looks at effectively guaranteeing the children safety from being re-trafficked; rehabilitation programmes that will look at the needs of the child and the family ; and strong networks with regional NGOs and GOs to prevent exploitation and trafficking. Concerns about abuse and health are also addressed in the protocol. Most importantly, sustained tracking of each child is part of the protocol, along with post-rescue assessments.

Thus, the lessons of one rescue/ post-rescue operation in Bangalore provide much insight into the effort necessary for reforming raid-and-rescue practices associated with child labour. It is hoped that the guidelines and protocol presented here will be put to effective use to help children in poverty reclaim their lost childhood.





*“Filme jamon dekhi dhore niye golo, abar je jar jaigai phire galo,  
ekhon aar kono chhele barite pabe?”*

*“It was like a scene from the films. They rescued us. But now everyone has gone back to  
work. Did you find any of the rescued children in the village?”*







# Introduction

## Child Labour in India

In a country where grinding poverty and the absence of social security systems renders every pair of working hands a useful contributor to the family income, child labour has been an accepted reality.

Estimates on the number of children engaged in labour have varied. While the 1991 Census put the figure at 14.2 million, the Planning Commission (1983) estimated the figure as 17.36 million. In 1995, The Commission on Labour Standards and International Trade (GOI) pegged the figure as 77 million. The Campaign Against Child Labour<sup>1</sup> claims it between 70 - 80 million. However, the Balai Data Bank of Manila estimates that the figure may be as high as 111 million.

In the early 80s, the Government of India became increasingly concerned about the growing problem of Child Labour and along with NGOs and international bodies, began a movement to oppose this form of social injustice.

## Child Labour and Legal Framework

Child Labour, as an area of concern, was acknowledged from the time of independence and finds a mention in the Indian Constitution. **Article 24** of the Indian constitution clearly states “No child below the age of fourteen years shall be employed to work in any factory or mine or employed in any hazardous employment”. **Article 39 (e)** directs State policy such “that the health and strength of workers . . . and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength”.

In the past decade the government has undertaken several steps at the policy level to combat child labour. **The Child Labour (Prohibition and Regulation) Act of 1986**, the first landmark piece of legislation, intended to ban child labour in diverse sectors and regulate it in certain specified occupations and processes. It prohibits employment of children below 14 years of age in certain types of

hazardous jobs and regulates conditions of employment in others.

India also ratified the **Convention on the Rights of the Child**, adopted by the UN General Assembly in 1989. Article 32 of the convention lays emphasis on the “right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous, to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”

Under the Indian Constitution, child labour is a concurrent subject, with responsibility shared by the Central and State governments. While the **National Child Labour Project (NCLP)** targets only those children working in hazardous industries and industrial processes, the **‘Action Plan to Eliminate Child Labour in Karnataka’** “aims to eliminate child labour in toto, irrespective of the nature of employment.” The Action Plan enjoins detailed surveys for the identification of child labour, followed by release of children from labour<sup>2</sup>.

According to the action plan, once the child has been released from hazardous employment, the Government must provide employment to one member of the child’s family or pay an additional sum of Rs. 5000 in lieu of such employment to a corpus fund to benefit the child. It is also the duty of the district administration to provide necessary support to the family in case it is “pushed to poverty in view of the removal of the child from work.”

### Inadequate Enforcement

This Child Labour Act remains one of the principal legislations to ban child labour in

certain occupations. The act began with a provision for prohibiting employment of children in 6 occupations and 14 processes. This went up to 11 occupations and 14 processes (1994) and finally to 13 occupations and 51 processes (1999). But, the enforcement of this act, like all other labour laws, has been inadequate.

A major lacuna is that the law applies only to formal industries, excluding informal occupations, thereby targeting only 6% of the total child labour force. This act does not cover the unorganised sectors, which form the main source of employment for the remaining 94 % of the child labour force.

Another major flaw is that the Act excludes child labour performed for and owned by families and thus, allows for subcontracting even in hazardous occupations within the family. Hence, children engaged in work such as *beedi* rolling, carpet weaving, fireworks manufacture, match manufacture, bangle and jewellery making fall out of the net as the work is performed at home, with the help of family members. In this context, the logic and rationale for granting exemption under the proviso of 3 (*see box*) is unclear and open to interpretation.

Another crucial impediment to the effective enforcement of the act is that in the event of a dispute between the State and the employer on the age of the working child, the Labour inspector has to refer to the prescribed medical authority to prove the age of the child, with supportive evidences at the trial stage by the prosecution. Many a time, the medical examinations are superficial and inconclusive. Corruption further compounds issues at this stage.

*Proviso in Section 3, Part II of the Child Labour Act says,*

**‘.... Provided that nothing in this section shall apply to any workshop wherein the process is carried on by the occupier with the aid of the family or to any school established by or receiving assistance or recognition from government.’**

Finally, the act fails to take cognisance of the vast nature of the phenomenon of child exploitation and the diverse levels at which abuses occur. Due to a narrow understanding of the strategies for eliminating child labour, children are literally thrown out into the streets through rescue processes, making them more at risk of exploitation.

### Trafficking of children for Labour

The debate on child labour and the increase in trafficking for labour purposes has to be analyzed from a developmental framework, focusing on the difference and convergence between ‘migration’ and ‘trafficking’.

It may apparently seem that ‘migration’ and ‘trafficking’ are separate and could be addressed in isolation to each other, the two are, in essence, integrally connected, with a fine line of distinction between them.

Discussions on trafficking for labour has to take into consideration that the pressing need for gainful employment creates a fertile ground for traffickers and unscrupulous agents to exploit this need and profit from it.

Though it may seem that the ‘victim’ is a ‘willing’ traveler, one must take into consideration that this willingness is based on a variety of reasons, a common one being the promise of a well-paying job, which turns out to be false later. Such cases therefore amount to trafficking through deception and fraud. Besides, without a doubt, these children are “in a position of vulnerability”.

*“Trafficking in persons” involves “the recruitment, transportation, transfer, harbouring or receipt in persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation....”<sup>3</sup>*

### Recognising Trafficking for Labour

Though there is evidence to prove that trafficking happens for many purposes and not only for sexual exploitation, the phenomenon of “trafficking for labour purposes” has not yet received due attention from the agencies involved in anti-trafficking initiatives. In 1949 (Articles 1 & 2 of the 1949 Convention for the Suppression on the Traffic in Persons and of the Exploitation of the Prostitution of Others), the concept of trafficking has been extended to include trafficking for the purpose of other forms of exploitation, which also includes forced marriages and forced labour, but the debates on human trafficking have primarily focused on sexual exploitation as the main purpose for trafficking, excluding discussions on labour issues.

It is imperative that the debates on human trafficking takes into consideration the root causes of trafficking in children. It is simplistic to cite poverty, lack of employment opportunities, low social status and lack of education as the sole reasons for trafficking in children. We need to understand the broad economic, social, political, religious and cultural conditions in which trafficking occurs including the phenomena of modernization, development, and economic coercion.

The exclusion of labour as a primary purpose from the mainstream debate on trafficking has meant that recognition from both the

*“The effective suppression of trafficking in women and girls for the sex trade is a matter of pressing international concern ... The use of women in international prostitution and trafficking networks has become a major focus on international organized crime ... Women and girls who are victims of this international trade are at an increased risk of further violence, as well as unwanted pregnancy and sexually transmitted infection, including infection with HIV/AIDS.” [Beijing Platform for Action, chap. I, resolution 1, annex II, para. 122]*



voluntary sector as well as legal authorities has been sparse or limited in its understanding. This has led to interventions that combat trafficking in persons being short-sighted in terms of considering labour as an integral factor in the trafficking process and the most commonly used entry point by traffickers as a bait for families. There is a need for a multi-pronged approach to dealing with the issue of trafficking, which ranges from victim – based (rehabilitation of child labourers) to community-based (socio-economic poverty alleviation programmes) interventions and address both root and end point causes and effects of this process.

Some impediments to understanding deception as a tool for trafficking purposes is the seemingly appropriate nature of transactions, an apparently amicable manner of gaining consent from both families and children and payments being “legal”. But, questions then arise that when families caught in situations of severe deprivation coupled with an unfavourable socio-economic background, what comprises consent and what can be termed as deception? Does it always occur in an equitable context or does it make use of vulnerability and desperation? Deception often takes many forms and uses varied strategies to reach its goal, such as deceptions associated with being wealthy, of achieving comfortable living standards, of traffickers being trustworthy and most of all, being facilitators of children’s welfare. It is therefore important to recognize the various faces of deception.

This study showcases deception cashing on survival needs as a major cause for trafficking in children for labour, with the modus operandi being that of forming of personal, trust-based relationships with the families that the children belong to. It also depicts the manner in which the trafficking process has, in fact, altered families’ perception of child welfare. Learning a trade was seen as most important to a child’s development, superceding the child’s rights -

to education, play, living in a clean and safe environment, etc.

### Inadequate Legal Framework

Though the Supreme Court of India has given orders for the amendment of existing laws or the enactment of new laws to address the trafficking of children for sexual purposes in 1998, there has been no such initiative to implement the order.

The anti-trafficking legislation has been under-utilised. Rescue operations have been ineffective since a significant number of rescued victims, whether minor or major, are found re-trafficked into the flesh trade. Though experience has shown that positive and sustained intervention on the fronts of Prevention as well as Post-rescue operations, both by NGOs and the Government, can go a long way in protecting children, initiatives by the government to ensure the implementation of existing laws to prosecute clients, procurers and traffickers have been few and lacklustre.

The existing legal framework is limited to defining trafficking only in terms of ‘trafficking for prostitution’. There is no comprehensive understanding of trafficking of children for labour.

### The Existing Legal Framework

**Indian Penal Code (IPC):** The Indian Penal Code (IPC), enacted in 1860 has several provisions, which try to protect girls/women against forced illicit sexual intercourse. The following are the sections related to trafficking in the Indian Penal Code:

- |       |   |
|-------|---|
| 363 A | Kidnapping or maiming minor for purposes of begging                             |
|       | Kidnapping or abducting with intent secretly and wrongfully to confine a person |
| 366   | Kidnapping, abducting or inducing woman to compel her marriage.                 |
| 366A  | Procuration of a minor girl   |

- 366B Importation of girl from foreign country
- 370 Buying or disposing of any person as slave
- 372 Selling minor for purposes of prostitution
- 373 Buying minor for purposes of prostitution
- 376 Punishment for rape

**Immoral Traffic Prevention Act (ITPA):** The main act that deals with the phenomenon of prostitution, is the Prevention of Immoral Traffic Act (ITPA) 1996, the amended version of the earlier Act, Suppression of Immoral Traffic in Girls and Women, which was enacted in 1956. The Suppression of Immoral Traffic in Women and Girls Act of 1956 addressed street prostitution but not brothels. The Act was amended in 1996 and renamed as the Immoral Traffic in Persons Prevention Act. It addresses prostitution of minors (16-18 years of age) and children (below 16 years). Some of the important sections under the Immoral Traffic Prevention Act, 1986 (ITPA)

#### Section 2(f) Prostitution

*Sexual exploitation or abuse of persons for commercial purpose*

#### Section 2(h) Public Place

*Any place intended for use by or accessible to the public and includes any public conveyance*

#### Section 2(aa) Child

*A person who has not completed 16 years*

#### Section 2(cb) Minor

*A person between 16 and 18 years of age*

### **The Juvenile Justice (Care and Protection of Children) Act, 2000:**

Some relevant sections:

Section 2 (k) “juvenile” or “child” means a person who has not completed eighteen years of age

Section 2 (d) “Child in need of care and protection” means a child

- Who has a parent or guardian and such parent or guardian is unfit or incapacitated to exercise control over the child
- Who is being or is likely to be grossly abused, tortured or exploited for the purpose of sexual abuse and illegal acts
- Who is found vulnerable and is likely to be induced into drug abuse or trafficking
- Who is likely to be abused for unconscionable gains

Under this act, the **State Governments** have been empowered to constitute for every district or groups of districts one or more **Child Welfare Committees** (section 29) for exercising the powers and discharge of duties in relation to the child in need of care and protection under the Act. The committee shall have final authority to dispose of cases for the care, protection, treatment, development, and rehabilitation of the children and as well as to provide for their basic needs and protection of human rights.

*It is evident from the above that there is no existing law that deals with trafficking for labour purposes and thus the issue has been addressed either under the preview of The Child Labour (Prohibition and Regulation) Act of 1986 or under the Bonded Labour (System) Abolition Act, 1976.*

What makes it difficult to address the phenomenon is also the lack of uniformity in the age of the child in all the concerned acts:

- The Factories Act, 1948 and the Child Labour (Prohibition and Regulation) Act, 1986; under which a child is a person below the age of 14.
- The Indian Penal Code, 1960 under which a child is a person below 12 years of age.

- The Juvenile Justice Act, 1986; under which a child is a person below 16 years of age for a male child and below 18 years of age for a female child.
- The Child Marriage Restraint Act, 1992; under which a child is a person below the age of 21 in the case of males and below the age of 18 in the case of females.
- The Immoral Traffic Prevention Acts, 1996, says a female child should not exceed 16 years of age, while a minor is defined as being upto 18 years old.

These discrepancies in law provide ample room for the perpetrators of offences against children to escape from the hands of the law. These laws need to be amended to conform to the International Convention on the Rights of the Child, which defines the child as not exceeding 18 years of age.

The requirement is to have a holistic policy that would facilitate the enactment of a special law to deal with all forms of trafficking for all purposes. Child labour cannot be eliminated by focusing on one determinant, for example education, or by brute enforcement of child labour laws without social support for the child and its family. The government of India must ensure that the needs of the poor are fulfilled as a part of attacking child labour. If poverty is addressed, a major cause for child labour will automatically diminish. India needs to address the situation by tackling the underlying causes of child labour through governmental policies and the enforcement of 'welfare' policies.

Our findings are consistent with the view that the fight against child trafficking can only be won by effectively combining legislation with other policy measures, including better quality for education, wealth redistribution schemes, or appropriately targeted poverty alleviation programs.

### **The Rescue Operation from the Jewellery Units**

As a result of short-sighted policies, Government, NGOs, and concerned international bodies have excluded discussions on labour as a purpose for which trafficking could also happen. It has not taken into account and often alienated the discussion on the increasing demand for cheap labour and the constant supply of children to industries and commercial establishments, from the human trafficking discourse.

One sector that employs child labour is the jewellery-manufacturing trade. But this sector has never figured in any of the discussions and debates on either child labour or trafficking till the reality was exposed on the 23<sup>rd</sup> of May 2002, when a raid was conducted by the Deputy Commissioner, Bangalore Urban, along with other Government Departments – Department of Women and Child Development, Department of Labour (GOK), Police Officials and three NGOs working in the field of human and child rights - on some jewellery units of Nagarthpet, Bangalore.

This operation involved four sets of activities: a) rescuing child labourers, b) identifying people involved in this inter-state trafficking of children c) taking legal action against those responsible, and d) reintegrating children back home in West Bengal through the interstate coordination of Government departments and NGOs. The trafficking component of the child labour procurement process was evident even during the post-rescue operations. The operation became even more complicated when it was found that children were from Scheduled castes and Scheduled tribes.

Various factors have made this operation significant in the context of child labour in Karnataka; it involved a large number of children and various stakeholders – such as Government departments, NGOs from different states – Karnataka, Tamilnadu, Andhra Pradesh, Orissa and West Bengal; Goldsmiths Associations, and Government



remand homes. For this reason, it was felt that documentation of such an operation – of rescue, post-rescue, rehabilitation, reintegration and redressal would help to develop an understanding of the issues related to mass raids, intra and inter-governmental coordination, and the effectiveness of current interventions, approaches and policies.

We believed that such documentation would enable us to develop a framework which could be replicated or scaled up for child labour rescue operations by various stakeholders. This would facilitate a better understanding of the involvement and role of the State, NGOs, Community, Parents, Judiciary and Law enforcing agencies involved in rescue and post-rescue operations.

It is in this context that EQUATIONS has collaborated with the Association for Promoting Social Action on this documentation initiative – **“Rescuing Child Labourers: An Investigation. An analysis of the operation undertaken to rescue children trafficked to labour in the jewellery units of Karnataka, 2003”**.

### Aims and Objectives of the study

- To develop a better understanding of rescue and post-rescue operations
- To develop a case management framework by exploring the roles, responsibility and accountability of various stakeholders – State, Judiciary, Law enforcement agencies, NGOs, Medical practitioners, Counsellors, and Shelter home personnel.
- To develop guidelines for effective rescue and post-rescue operations. These guidelines could contribute to build a mechanism to monitor rescue operations as they happen and systematise post rescue operations for the effective rehabilitation of children.

### Scope of the Study

The study focuses on the jewellery units of Nagarathpet, Bangalore from where the children were rescued. It also covers the rural district of West Bengal, Hooghly from where most of the children were trafficked to this jewellery unit. These sites were chosen in order to understand the post-rescue operation, and the context in which trafficking took place. The study also envisaged creating a space for exploring interstate governmental issues while dealing with rescue and rehabilitation and with child trafficking, together with the different government departments in Karnataka and West Bengal.

### Methodology

The study was undertaken within a social constructionist framework, since it was clear that the children, the participating NGOs, the two governments involved as well as individual government functionaries, the employers and the parents of the children would all have different ways of perceiving the “reality” - the operation under research.

While some element of quantification was relied upon, for instance in relation to the ages of the children or the average number of hours they worked, primarily the study was focused on qualitative data as the purpose was to obtain an understanding of the complexity of the raid and rescue process.

The study involved case studies, document review, interviews, focus group discussions and workshops. The data collected was analysed, coded and grouped into themes which throw light on the complexities of the various aspects of the operation.

The qualitative nature was especially important given that we were striving to avoid some of the noted pitfalls related to developmental research. One of these was the assumption of solidarity, the notion that the stakeholders would come from a similar ideological background with regard to their attitudes to

child labour and the raid and rescue process. We also wanted to ensure that we did not rely overmuch on particular informants but obtained data from a broad spectrum of stakeholders.

### Data Types

**Primary Data:** Interviews were been conducted with concerned representatives of non-governmental agencies working in the area of child labour, Departments of Labour (West Bengal and Karnataka); Departments of Women and Child Development (West Bengal and Karnataka); Deputy Commissioner, Bangalore Urban, Karnataka; District Magistrate, Hooghly, West Bengal; Superintendent of Police, Hooghly and Deputy Commissioner of Police, Bangalore; Block Development Officers (Identified blocks of Hooghly); Panchayat Presidents (Identified Panchayats); representatives of families and children who had been affected and were available in the villages, during the period of the fieldwork.

### Secondary Data:

- **Location specific secondary sourcing:** A survey of region specific information from the available literature on Child Labour has been undertaken to analyse the trend and magnitude of the issue. This has also included government documents and documents of international agencies on related matters.
- **Media reports:** The media reports on the rescue were also studied to understand the perspectives taken by the media, which in turn was helpful in understanding some of the stances and actions undertaken by certain government officials.
- **Information on Internet:** The Internet was another source of information. The type of data that was sought on the Internet was related primarily to the formulation of protocols by child

right organizations to address the problem under research.

### Data Collection Methods

**Operationally**, the study has involved the following methods to collect data:

1. **Location specific secondary sourcing:** A survey of region specific information from the available literature on child labour has been undertaken to analyse the trend and magnitude of the problem. Survey of the available literature on child labour in India was also conducted. This has also included government documents and documents of international agencies on related matters. The interview schedule was fine-tuned based on the analysis of data from secondary sources.
2. **Networking:** Various organizations working with children were contacted during this phase. The primary objective of this tool was to get an overview of their perceptions on and their analysis of the issue. Networking was also used to gather information on child labour in the identified locations in general and particularly in relation to the present interventions.
3. **Selecting the Sample:** Sampling for the study was based on the standard theories of sampling, particularly multi-stage sampling, focusing on **simple random sample and convenience methods**. The sampling space was representative enough to speak for the district as a whole and concise enough to be amenable for completing the field study within the specified time.
4. **Field Work:** The investigative and exploratory work on the samples was taken up on the basis of information gathered from various concerned groups, persons and government agencies. The methods used during the field work were:

- **Networking:** Based on the fieldwork, networking with concerned groups and individuals drawn from the governmental and non-governmental agencies was taken up. This was done to encourage participative understanding of the realities of the issue of child labour in the locations under study. Networking also contributed to a greater understanding of the socio-economic and cultural aspects of the problem.
- **Interviews:** Interviewing was a necessary and important part of the research process for various reasons. We were trying to understand the issues involved and the peculiar concerns of the matter of employing children in the jewellery industry, as also in the issue of raid and rescue of child labour. We needed to understand the experiences and views of various stakeholders in some depth. In this context, interviewing presented itself as one of the most valuable methods.

Secondly, because of the secretive nature of the raid-rescue process, the number of respondents who were knowledgeable about the details of the initial planning and logistics management was necessarily small. Hence, interviewing was an appropriate strategy.

Thirdly, given the sensitive nature of the issue, as well as the fact that some of the key functionaries involved in the process were government officials, an understandable reticence might have prevailed while discussing sensitive matters relating not only to the use of child labour in the jewellery industry but also to the raid, rescue and post-rescue processes. For this reason too, one-on-one interviews were preferred.

- **Individual interviews with the child victims:** Information from child victims was gathered in two parts:

**Part I:** Data on factors such as the ages of the rescued children, their education levels, the average number of hours they worked per day, the duration of their working lives, etc., as well as qualitative data on the working and living conditions at their worksites were derived by the study and content analysis of the data derived from the intake forms used by the NGOs while admitting the children to their short-term shelter accommodations in the short-term post-rescue phase.

This was primarily due to the following reasons:

- The study was undertaken nearly 7 months after the children had been rescued and returned to their homes,
- The preliminary inquiries had revealed that many of these children had returned to work in places far from their villages.

**Part II:** In the identified areas, the field researchers interviewed rescued children to understand their physical and experiential journeys – to identify different players, their involvement, process of exploitation, modus operandi and more importantly what should be the possible interventions as comprehended by the child.

The focus of this methodology was to bring out the functioning of the primary abuse network and the supportive networks that allow the perpetuation of trafficking for labour.

- **Key informants:** This study also identified and spoke to key informants in and around the identified areas. Key

*Special efforts were made to locate interviewers who spoke Bengali, the first language of the children. This was not only to ensure authenticity of data, but also to put the children at ease, as they were surrounded the rest of the time, by people who spoke a language that they did not understand.*



informants in the study included children who had earlier been child labourers and presently were in schools, members of the affected families, ex-Panchayat presidents, school teachers etc. This was done to elicit information about the modus operandi and to understand their perceptions of the child labour situation in their villages. Officials in charge of law and order,

interview and typed up within a day of the interview to prevent interference with memory because of time lags.

- **Focus Group Discussions:** Both in Karnataka and West Bengal, the focus group interview was primarily used to obtain feedback from the larger NGO community working on human rights in general and issues of child labour in particular on the data collected from

*Though the intention of the research team was to conduct participatory appraisal to understand the physical and experimental journey of each child for identifying abuse network, we were not able to do so as the community was not receptive to the idea of sending their children for such discussions. The team ended up conducting individual interviews with children in presence of their parents.*

personnel from the judiciary, and Child Rights activists were also interviewed in this process.

- **Interviews with Government**

**functionaries:** In Karnataka and West Bengal one-on-one interviews were conducted with the Deputy Commissioner of the concerned district, the Coordinator of the National Child Labour Project attached to the Deputy Commissioner's (DC) Office, who acted as a key liaison person between the DC and the NGOs who participated in the rescue as well as post-rescue operations, the Deputy Commissioner of Police, the Superintendent of Police, the administrators of the shelter homes, where the children were housed between their rescue and their return to their families, whether these were in the governmental or non-governmental sectors.

- Given the sensitive nature of the issue, as well as the key role played by the government, most interviewees were not willing to be taped or identified by name.
- As such, interviewers made detailed notes during the interviews, which were amplified immediately after the

the study and obtain an understanding of their ideas in regards to the next advocacy.

The focus group discussion was also useful in understanding the perspectives that child rights organizations hold with respect to the validity of raid and rescue operations in the context of child labour.

## 5. Arriving at Interventionist Strategies:

After the mass of data derived in this manner was analyzed, coded and further analyzed and written up to reflect the patterns, attempts were made to evolve a case management framework for effective raid and rescue operations. The Case Management Framework was drafted in active consultation with the participants of the above network. The following were the participating organizations and individuals:

- Association for Promoting Social Action (APSA), Bangalore
- EQUATIONS (Equitable Tourism Options), Bangalore
- Sanlaap, Kolkata
- Praajak, Kolkata

- Concerned for Working Children, Bangalore
- Campaign Against Child Labour—West Bengal
- Campaign Against Child Labour, Bangalore Chapter
- Campaign Against Child labour, Karnataka Chapter
- World Vision, Bangalore
- SICHREM (South India Cell for Human Rights Evaluation and Monitoring)
- Centre for Child and the Law, National Law School University India, Bangalore
- UNICEF—Magadi, Bangalore
- Dr. Shekar Seshadri, Additional Professor, Dept. of Child and Adolescent Psychiatry, NIMHANS

6. The proposed framework is based on the outcome of the study. It has evolved out of discussions with Government, social groups, and the policy makers. The framework is designed within the broad framework provided by the Article 34 of the UN Convention on the Rights of the Child (UN, 1985).

### Data Analysis

The methodology that was used for data analysis was as follows:

- Qualitative analysis – by formulation case studies
- Observations by bringing in the theory of “positive sociology”

- Quantitative analysis by tabulating data, primarily gathered from Children
- Stakeholder Analysis: This process is closely allied to need assessment, which was carried out as part of programme planning. It was useful to distinguish between primary and secondary stakeholders in the different phases of raid and rescue operation.

It is worth mentioning that the methodology followed to undertake the study demanded cooperation not only from the NGOs working on child rights issues, but also from the Government functionaries, Law enforcing agencies, communities, rescued children and other stakeholders.

The analysis of stakeholder roles required partnerships in research relationships that would facilitate open discussions on problems that each stakeholder faced while conducting rescue operations.

Since the exercise was to initiate a constructively critical analysis of the rescue operation among the stakeholders and to develop a framework that would define responsibilities in an improved protocol, the methodology of interviews was not based on questioning what went wrong and why, rather focusing on the learning from the exercise. This approach has encouraged various stakeholders to express their understanding of the rescue operation and reflect on their roles in the same.

### Endnotes

- <sup>1</sup> CACL is a national network of organizations fighting to eliminate child labour.
- <sup>2</sup> Children may be released using “departmental functionaries notified as inspectors” under Section 17 of the Child Labour (Prohibition and Regulation) Act 1986.
- <sup>3</sup> Facts on Asia and Country Profiles, Conference convened by CEDPA, 1997.



*“...The rooms were small, about 8 feet by 10 feet. Gas pipelines ran around the rooms, with small individual burners at which the children worked the gold. There were between ten and fifteen children to a room....There was little ventilation and no fresh air in the rooms,”*



# The Rescue Operation in Bangalore

## Planning the Operation

The action to rescue the children from West Bengal who were working in jewellery units in Bangalore was contemplated following a complaint from a representative of the Karnataka Vishwakarma Association to the Deputy Commissioner (DC)(Bangalore Urban). The DC is also the Chairman of the District Child Labour Society. It was in these combined capacities that his decision to undertake the raid and rescue operation was undertaken.

Two days before the raid, a local NGO (NGO 1) with experience in child labour issues, which also runs a shelter home and crisis intervention centre for children in distressed situations was contacted by an officer of the Labour Department. NGO 1 had had prior interactions with the officer in the context of the National Child Labour Project. The officer said that the Deputy Commissioner (DC) of the district was planning to conduct a raid, and invited NGO 1 to a meeting at his office to

discuss the matter. NGO1 felt that it might be best if at least one other NGO were also part of the process. Accordingly, an NGO working in the field of human rights advocacy (NGO 2) was contacted to offer their suggestions.

NGO 1 inquired what the plans were for the children post the rescue. The DC said that NGO 1 could take charge of the children and house them at their shelter home until they were transported back to West Bengal. NGO 1 explained that the facilities of its shelter home were being utilized to the maximum limit, and while it would be possible to house a few children in a crisis situation, it would not be able to accommodate all the children, especially because the DC had informed them that the number of children to be rescued in the raid was fairly high.

The DC also asked NGO 1 for suggestions for where the children might be brought immediately after the raid. NGO 1 suggested that since it was May and schools were on vacation, a government school might be a



possibility. The question then arose as to which school might be appropriate. NGO 1 suggested to the DC that there was a government high school diagonally opposite the office complex in which the DC's office was situated, and that this might be the most convenient location. Accordingly, the DC contacted the Education Department. The Department was willing to give permission for the building to be used for the day, but declined longer-term use because of the lack of facilities. Accordingly, permission was obtained for the children to be stationed there temporarily, immediately after the rescue.

The representatives of the Karnataka Vishwakarma Association who were present at the meeting suggested that the raid be held at night. However, NGO 1 felt that that it might be a good idea to conduct the raid early in the morning. NGO 1 suggested this as many people would be involved and also because the area was a congested one, and the exact number and situation of the children was unknown. Moreover, the children would be likely to be more frightened if the raid happened at night as opposed to the day. During the early hours of the day there would be enough light to conduct the operation smoothly but since the hours of business would not have begun, the area would not yet be crowded. The Deputy Commissioner accepted NGO 1's suggestion.

*It was decided to conduct the raid early in the morning, as many people would be involved, the area was congested and the exact number and situation of the children was unknown. Moreover, the children would be likely to be more frightened if the raid happened at night as opposed to the day.*

It was also decided that inspecting the area should be one of the first things on the agenda. This would provide a better picture of the locality so that the logistics could be adequately planned.

On the day prior to the raid, two representatives from NGO 1 and the Labour Officer attached to the Deputy Commissioner's Office as the NCLP coordinator called the representatives of the Vishwakarma Association and asked for the location where the children were being housed. They then went to the area, parked their vehicle a distance away and reconnoitered the locality. It was an area of narrow lanes and narrow, three to four storeyed houses. The team discussed where the vehicles involved in the raid would be parked, how it would divide itself during the rescue and the like. They also visited the school to which the children were to be taken. However, at that point no one in the team had yet thought about how the children would be fed.

During the planning phase, the following steps were decided to maintain a system while rescuing these children:

1. All members of the team would gather at the DC's office at 6:30 am on the day of the raid. The DC would provide a brief on the purpose of the action.
2. Teams would be formed of members from Government departments, NGOs and other volunteers.
3. All teams would leave simultaneously, so that the raid could be conducted at the same time in various units.
4. The Police, together with the coordinating team would ask the jewellery unit owners to open the doors.
5. The coordinating team would go in and talk to the children to explain the operation in brief, and lead them out of the unit.

While the said actions took place, the labour official would collect information on the working conditions, number of employees, and other details based on the prescribed format available with the Department of Labour for such actions. The unit owner and the children

rescued from the particular unit were also required to sign the declarations on the prescribed forms. Other decisions that were made prior to the rescue were:

1. Media persons should not interact with the children during the rescue.
2. Communication with the children should be as friendly as possible so that trauma related to the raid process could be kept to a minimum.
3. After the rescue, children would be temporarily housed at the school building, diagonally opposite the DC's office.

All the above guidelines were deliberated on and decided before the operation. After reviewing the status of preparation to provide adequate support to the rescued children, the date and time for the operation was fixed for 23 May 2002.

### **The Day of the Raid**

On May 23, 2003, the day of the raid, there were a number of Government officials present in addition to the Deputy Commissioner and the Deputy Commissioner of Police. The Tahsildars were present, as were officials of the Department of Women and Child Development, the Labour Department and the Police Department. Representatives from NGO 1 and NGO 2 were present, as was a staff member of NGO 3 who was present to volunteer her skills in the Bengali language. There were also representatives from the Karnataka Vishwakarma Association and members of the media. Everyone had been asked to meet at the DC's office at 7 a.m. on the morning of the raid. Most of the people who had gathered did not know why they had gathered, or the location of the raid.

The DC then explained the nature of the complaint that had been received, and said that he was going to conduct a raid and rescue operation and asked for ideas on how to go about it. On the basis of the discussion that

ensued, groups were formed to go into the different buildings in which the children were housed. Six such groups were formed, each one headed by officials like the DC or the DCP. Each group had a Tahsildar, a Police Inspector, a Labour Inspector, a Revenue Inspector, three or four policemen, an NGO representative and between five and ten volunteers from the Vishwakarma Association.

The DC explained what was planned to all the groups. In particular, he emphasized that there was to be no question of confrontation. Rather, he asked the teams to speak amicably to the employers and lead out children who seemed younger than fourteen years of age.

It was only at the instant that the group began to proceed for the raid that the question arose as to how all the people to be engaged in the

*The DC explained what was planned to all the groups. In particular, he emphasized that there was to be no question of confrontation. Rather, he asked the teams to speak amicably to the employers and lead out children who seemed younger than fourteen years of age.*

operation would be transported to the site. Consequently, the arrangements were very ad hoc. People piled into whatever vehicles were available. For instance, the DC's security personnel did not ride with the DC but in one of the vehicles of the participating NGOs.

### **The Rescue Operation**

Approximately 150 people turned up at the location of the raid at about 8 a.m. There was conflicting data about the efficacy of the group plan. While some interviewees said that some groups had maintained their integrity as they went into the houses, others said that their groups had disintegrated and it was not clear which people were supposed to be working together. This was partly because most of the stakeholders had only met each other for the first time about an hour before the operation.

**NAGARATHPET, BANGALORE.** *The definitive cross-disciplinary study of Bangalore as an urban system, Rao and Tewari's The Structure of an Indian Metropolis, 1986 will be a quarter of a century old next year, and in the sweeping changes that have happened in the interim, many of its findings have been radically altered. However, some of its observations about the city centre, of which Nagarathpet is a quintessential part, still hold true. According to the study, "the city centre/core emerged as a distinct ecological zone, with high congestion/concentration of trading castes and Lingayats, wholesale and retail trade, household industry, [and] high percentage of women workers."*<sup>6</sup> *Perhaps today the study would also take into consideration the number of child workers in the area, since there were over four hundred children below the age of eighteen working in only about half a dozen buildings in the area. Also, whereas the study in 1979 found a "high resident-migrant ratio" those figures may have been altered somewhat by the significant numbers of migrants from West Bengal who have come to Bangalore since then. Tewari and Rao go on to*

*note that "the city core had the maximum centripetal pull...due to concentration of work places, financial institutions, shopping areas, educational institutions, transport terminals, hospitals and recreational and cultural centres."*

*This is still true of the area. Nagarathpet Main Road, only about 12 feet wide in some sections, is stacked with narrow box like buildings, between two and five storeys high. For those who know Bangalore, hearing that the area is flanked by the manic Silver Jubilee Park and Kempegowda Roads and intersected by Avenue Road should give some sense of the density of population and traffic. Except very early in the morning, the area throngs with people – on foot, on bicycles, scooters, and motorcycles, in autorickshaws, delivery vans and intrepid cars. Fancy jewellery and clothing stores stand unabashed, cheek by jowl with holes in the wall selling oil or automotive parts. Narrow lanes, sometimes only 3 feet wide lead off the main road into further warrens of residential-commercial complexes, secretive despite the thousands of people in the area.*

"The volunteers led the way. The police ordered the inmates to open the door and we went in. The rooms were small, about 8 feet by 10 feet. Gas pipelines ran around the rooms, with small individual burners at which the children worked the gold. There were between ten and fifteen children to a room. Some of the children had already begun working. Others were engaged in cooking. There was little ventilation and no fresh air in the rooms," said one of the participants in the raid. There were also adults living with the children. The ratio of adults to children was about 2:8 in the rooms. "The children were on the third or fourth floors," added a senior officer with the Labour Department. "The rooms led off narrow passageways, barely one and a half feet wide – it was difficult even to enter. They were working in rooms that were dark, without any

ventilation, one small window high up in the wall. They were working with cadmium. There were gas pipes running throughout the building. It was very unsafe. And they spent all their time there. They worked there, slept there, and even cooked their own food in these narrow, dark, and ill-ventilated rooms."

The people who went into the rooms spoke to the children briefly. The Labour Inspectors were required to take down details about the children as well as the employers, the place of work and the conditions under which they were working. However, this did not happen. Said one senior Labour Department official, "Generally in a raid, the labour inspectors write notes of inspection, they take signatures of the children and the employers, the child certifies on the spot, they issue notices for violation of the Child Labour Act. Here they did none of

that. It was chaos. No one knew there would be so many – the children came out like herds of sheep.”

The process of trying to communicate effectively with the children was hampered by the fact that only one participant in the entire raid and rescue operation spoke Bengali. To add to this disadvantage, there were members of the media present at the spot with lights, cameras and notebooks. Although it had been decided that the first priority at the raid site would be to reassure the children about what was happening and why, in actual practice, when the teams actually entered the buildings, members from the media took over. The priority then shifted to ensuring that the media obtained good shots and footage. They were also insistent that the interpreter assist them to get answers to their questions to the children. The focus transferred from the

*Said one senior Labour Department official, “Generally in a raid, the labour inspectors write notes of inspection, they take signatures of the children and the employers, the child certifies on the spot, they issue notices for violation of the Child Labour Act. Here they did none of that. It was chaos. No one knew there would be so many – the children came out like herds of sheep.”*

children themselves to the stories they would become in the newspapers and on television.

There was a considerable lack of controlling mechanisms during the operation. Various members of the raid teams began marching into buildings in the vicinity looking for more children. In some instances, even when residents protested that there were no children in a particular house, team members entered the houses and searched them.

The children were led out of the building. “They did not know what was happening,” said an NGO representative. More and more children came out of neighbouring buildings

as well. It was decided that it would be better to transport them away from this congested scene. “The lanes were narrow, there was a traffic jam, it was difficult for the bus to turn – it was a big tamasha,” said one stakeholder who was present at the raid. The raid party had only expected thirty to forty children. Accordingly, the DC had requested NGO 1 for the use of its school bus to transport the children to the government school. However, as there were over four hundred children, police vans were pressed into service to transport the children away from the site of the raid and rescue.

Toffees were distributed to the children as they came out of their houses, and since several of them had been interrupted while they were in the middle of breakfast, or before they had eaten, buns were distributed shortly thereafter. Buns and bananas were also distributed at the school to which the children were taken in the immediate post-rescue period. The rescue operation took 6 hours.

### Immediate Post-Rescue Situation

The children, over four hundred of them, were transported to the school opposite the DC’s office. When the party arrived at the school, it was found that the school had not been opened. While the large group of children and their escorts waited, someone was dispatched to locate a key. The children were then taken to the classrooms on the first floor of the school. Because the schools were on vacation, the classrooms were dusty. There were also no arrangements for drinking water for the children. Officers of the Labour Department requested NGO 1 to make some arrangements. NGO 1 sent its representatives and bought containers in which to hold water. Fortunately there was a water storage facility of the Bangalore Water Supply and Sewerage Board (BWSSB) next door to the school. When representatives of NGO 1 requested the BWSSB officials to allow them to fill the containers with drinking water for the children,



the request was refused. It took the intervention of the DC to then get the BWSSB to relent and provide the children with drinking water. Likewise, the authorities found that there were no buckets or mugs in the toilets. Again, officials at the site appealed to NGO 1, which sent its activists out to buy buckets and mugs. **“The authorities did not even have funds to buy a roll of film to take photographs for the preliminary documentation”** said one NGO representative. **“They asked us if we could arrange it.”**

At the school, the children were confused and angry. One child said, **“I don’t work at the unit from which I was rescued. I had only gone there to deliver something. Now I have been separated from all my friends and companions.”** Another questioned the efficacy of an incomplete operation. **“My brother and some other children were working in the next building. If you are so concerned about child labour, how come you didn’t rescue them?”** Other children focused on what they saw as a regional bias in the rescue/raid operation. **“There are Gujarati children working in our area. There are Marathi children working in our area. Why have you only paid attention to the Bengali children?”** Some children were unsettled by some of the questions they were asked, especially about their addresses. They could give directions to reach their homes once they got to a known point, but depended on older children from the same village, or the employer to get them to that familiar point. So their anxiety levels rose as they wondered whether they would be able to get home.

In addition to the dramatic changes that had occurred to their daily routine that day, they were also not sure of what was expected of them and what would happen to them. **Meanwhile, they were also being hounded by the media. Most of the children were in no mood to speak to anyone, but newspersons, certain**

**that this was a good story, were in no mood to respect the children’s attempts to resist their intrusive behaviour either.** They grew increasingly restless. Then the older boys began to take charge, forbade the younger boys to talk and said that they would answer any questions. As their restlessness increased, they began to engage in some violent and destructive behaviour, breaking windowpanes, bulbs and cupboards in the classrooms in which they were held. (A month and a half later, the school had not been compensated for the damage.) Then the boys were segregated, and the older boys placed in different classrooms from the younger ones.

The DC then said that children who were fourteen years of age or older should be sent back to the employers. Accordingly, doctors attached to the Employees State Insurance scheme conducted quick physical examinations of the children. The ESI doctors came late and were assisted by doctors from NGO1 to identify children who looked younger than 14. Based on their recommendations, 104 children were kept behind. The others were sent back to their employers. **When, during the course of the interviews, a senior official of the Labour Department said, “The children who were above fourteen had to be released,” we asked for the reason behind this stand. “Because we have no rehabilitation centre,” was the reply. “Only because of that?” we asked “Not because of the law?” “Also because of the law,” the official said. “But if there had been a rehabilitation centre, then even in spite of the law, we would have taken them out. Because they were working under terrible conditions ... it was very unsafe.”**

Determining the age of the children took a lot of time. Meanwhile the children needed to be provided with lunch. **It was almost lunch time when the authorities remembered that the children needed to be fed. As one official confessed during the interview, “Food and other things, we never even thought of. We**

**had a tough time.”** When it became clear that there seemed to be no quick way of mobilizing food resources, NGO 1 offered to make arrangements for the food. Instructions were given for food to be prepared at the shelter home, which it runs. However, food had to be prepared for almost three hundred people. In addition to the children who had been rescued, all the officials and volunteers who had participated in the rescue needed to be fed. The food also needed to be transported to the location where the children were. Consequently, it was almost 2:30 p.m. by the time everyone was fed.

Likewise, deciding where the children would be housed after the rescue until they were sent back to their home state was an issue. On the day prior to the rescue, the DC had said that after the rescue, NGO 1 should take the responsibility of housing the children in its shelter home until they were sent back. “The children were being rescued from hazardous conditions. When we were invited to assist, we were happy to do so in whatever ways we could. However, our shelter home is already overcrowded. We have over 200 children living there at any given point. There was no way we could have taken all the children in,” said a representative of NGO 1. “So the DC contacted the Observation Home. A local residential school which receives funds from the central government was also pressed into service to provide accommodation for the children,” said an officer in the Labour department. **“It was a very tense and difficult time. It was evening, about five o’clock, and it was going to get dark soon, and we still had not made arrangements about where the children would stay.”** Eventually, 41 children were housed at the shelter home of NGO 1, 34 children stayed at the Government Observation Home, and 29 were housed in the residential school.

## Short-term post rescue

The section on short-term post-rescue focuses on two aspects: the care given to the children until they were sent back from Bangalore, and the action taken by the Deputy Commissioner against the erring employers.

### Care of the rescued children

As the previous section indicated, because of the large number of children, it was difficult to house them at a single location until arrangements were made for them to return to their homes. Three shelters were located. **The next issue to be sorted out was to decide how the children would be divided between these three locations. Government labour officials suggested that the children be divided according to age, also because some of the receiving institutions were reluctant to take in older children and preferred to take the younger ones. However, representatives of NGO 1 suggested that efforts must be made to keep the children happy. They suggested that brothers should not be separated, and as far as possible, children should be housed with their friends, as having a support network would help them cope with the sudden change and unfamiliarity in the circumstances in which they found themselves.** Eventually, 29 children were placed in the residential school, 34 children in the Government Observation home and 41 children at the shelter home run by NGO 1.

In interviews conducted with the persons in charge of the three residential facilities where the children were housed, there were interesting differences in the perceptions about the stay of the children at these homes. Whereas the individuals in charge of the Observation Home and the residential school took the sudden influx of several children who did not speak the local language largely in their stride, the representatives of NGO 1 confessed that it was much more of a challenge. The

### ***What is the role of civil society in a situation in which children are engaged in dangerous labour?***

*The operation also raised questions about the role of civil society in a situation in which a large number of children are working under conditions akin to those of bonded labour, employing dangerous materials and processes. The behaviour of three groups brought up this question for consideration.*

**Group 1:** *This encompassed the neighbours of the children, living in the same locality and obviously aware of the work of the children. While the raid was on, people came out onto their balconies and watched the process. Sometimes, they lived in the same buildings as the children, on different floors. In these instances, they directed the teams to where the children worked: “Not this floor. Upstairs.” The matter-of-fact manner in which they accepted both the fact of the working children as well as the raid drives home the need for greater advocacy about children’s rights and the law in this regard. Hopefully, this would lead to a more responsible and proactive role on the part of citizens who observe children in distressed circumstances.*

**Group 2:** *This comprised the volunteers from the Vishwakarma Association. According to many participants in the raid, this was the group that functioned most efficiently throughout the operation. They authoritatively led the police to the buildings in which the children were working. When at around 12:30 p.m., the authorities realized that the children would have to be fed, and that no arrangements had been made yet for their lunch, the DC asked for the children to be provided with buns and bananas. It was the Vishwakarma Association that made arrangements for these. While volunteers from this association were ostensibly participating in the operation invoking the “social clause”, both they, as well as the authorities were very clear that the Vishwakarma Association had vested interests in this matter. Bengali goldsmiths who used cheap child labour were able to quote much lower prices for the*

*work they received as sub-contracts from major jewellers in the city. This resulted in the loss of a large number of orders that the members of the Vishwakarma Association had previously received. They felt the need to take action against this business loss. Thus, although they were participating in this operation as supposed defenders of children’s rights, it was actually business rivalry that had spurred their actions. The children were as much pawns in their hands as in the hands of their rivals, who used them to bring down the prices of the jewellery that was made.*

**Group 3:** *This was the local Bengali Association. This group was planning a public reception for the honourable chief minister of West Bengal, Mr. Buddhadev Bhattacharya, and former chief minister of West Bengal, Mr. Jyoti Basu, to be followed by a press conference. When individuals and groups working on the issue of the rescued children came to know about this press conference, they attempted to find out the location of the conference to enlist the help of these leaders to obtain facilities and support for the rescued children. The officials of the Association were non-cooperative and refused to provide the information, saying that they did not want the issue of child labour to be raised at the reception or press conference. The Bengali Association had also been contacted by representatives of the Bengali goldsmiths for whom the children had been working, who assured them that the action by the administration and the police was aimed at harming their interests. The Association’s actions therefore, were aimed at protecting the interests of the goldsmiths, and the security of the dignitaries from West Bengal (who had adequate security anyway) rather than at promoting the interests of the children from their home state who were working under deplorable conditions far away from their families and homes.*

latter were also far more reflective about the process than were the former two.

The superintendent in charge of the Observation Home said that when the DC had contacted them, they informed him that they could accommodate as many as 70 more children. As such, he did not perceive the arrival of 34 children as a significant challenge. He did not perceive communication with the children as a challenge either – some of the boys spoke Hindi, he said, and communications were maintained using Hindi. No special programmes were undertaken for the boys, but regular non-formal education classes were in place, in which the children participated. (It is not clear how the issue of language was surmounted in the context of the classes.) Initially, there were instances of the boys from West Bengal being harassed and even beaten up by the children who were already in the Observation Home. The boys from West Bengal were then housed in a separate section of the Home so as to lessen their contact with the other children.

The person in charge of the residential school also did not perceive the housing of the children as being a significant challenge because the school was on vacation. “If it (the provision of temporary accommodation to the children who had been rescued) had been at a time when the other children were also there, it would have been difficult.” Also, since they did not bear any financial burden, organizing material resources to feed the children was not an issue. They stated, “The DC told us to get provisions on credit. So we got provisions for 15 days and cleared the bill later.” The only other challenge that they faced was that because of the vacation, none of the staff except the Principal and the cook were on duty. Consequently, there were no programmes for the children. “We had no staff. We gave them their food and left them free to play. There were no counselling services.” About problems, he said, “One child made a scene. He was not

happy. He did not want to stay. He wanted to go back. He tried to hack open a door to escape.”

**Both these residential facilities perceived their role for the most part as one of providing food and shelter for the children until they were taken back to their homes, and as such did not perceive many challenges in their sojourns at their respective residential facilities. In contrast, NGO 1**

*NGO 1 perceived its role as not merely providing food and shelter, but also trying to ease the confusion and ambiguity that the children must necessarily feel consequent to the raid and rescue process, contribute to their mental and emotional well-being, provide the children with appropriate opportunities for meaningful activities as well as recreation, keep them informed of changes in their status, etc.*

**perceived its role as not merely providing food and shelter, but also trying to ease the confusion and ambiguity that the children must necessarily feel consequent to the raid and rescue process, contribute to their mental and emotional well-being, provide the children with appropriate opportunities for meaningful activities as well as recreation, keep them informed of changes in their status, etc. Consequently, NGO 1 reported the process of keeping the children at their shelter home as being far more challenging as compared to the other two residential facilities.** There also appeared to be a great deal more reflectiveness and concern in the way NGO 1 approached the issue.

NGO 1 stated, “We already have more than two hundred children. We also don’t have extra space. Housing these children was a big responsibility. So we called an emergency meeting of all the staff. Based on our discussions, we decided to house the children in the hall in which we usually hold staff meetings.” Since housing 41 extra children



would mean a lot more work, several of the project staff, not associated with the shelter home, were pressed into service. “Several of the staff members took on heavy extra responsibilities.”

NGO 1 also recognized the severe limitations involved when the children were not able to communicate with caregivers in a common language. As indicated earlier in the report, they contacted another local NGO and requested the services of one of their staff members who spoke Bengali to serve as interpreter. This staff member was present almost continuously during the period. They also contacted a former staff member of the organization, who was then away in another city pursuing a post-graduate degree and requested her to help out. This person, who also spoke the language, joined them a couple of days later. Requests were also made to colleagues in other organizations who spoke Bengali, to assist the organisation while the children were being housed there. NGO 1 also contacted Campaign Against Child Labour (CACL) – West Bengal, and asked them to send a couple of representatives to assist with the situation.

All these efforts to communicate with the children were necessary. As a representative of NGO 1, who was involved in the entire process, said, “For the first couple of days, the children were understandably confused and had many demands to make. They had had no time to gather their things when the raid happened and they wanted their own bags and clothes. They wanted to speak to their employers. They met them with adult supervision. They wanted to know when they would be sent home. All we could do was reassure them that they would be sent home, and that officials were trying to work out the logistics so that they could go back safely.”

Meanwhile the representatives of CACL-West Bengal arrived. Together with the other NGO representatives who spoke Bengali, the CACL

representatives began to document information about the children, including personal information, information on their backgrounds (where they came from and what their parents did, for instance), as well as details about their working conditions, work hours and emoluments. Information was collected through individual interviews as well as group discussions. Once the process was completed at this shelter home, they contacted the other

*“For the first couple of days, the children were understandably confused and had many demands to make. They had had no time to gather their things when the raid happened and they wanted their own bags and clothes. They wanted to speak to their employers. They met them with adult supervision. They wanted to know when they would be sent home. All we could do was reassure them that they would be sent home, and that officials were trying to work out the logistics so that they could go back safely.”*

two residential facilities. No attempts at such documentation had been made at the other two facilities. Accordingly, they took up the initiative of preparing brief case studies of all the 104 children at the three residential facilities. A Bengali-speaking representative of another NGO, NGO 4 that worked on women’s issues also assisted in collecting information about the children who were housed at the residential school.

**“In the beginning, the children were desperate. They kept asking us why we had brought them here. By the third day, they were relaxed and comfortable. All our staff members worked hard towards this change. There were art sessions at which the children could draw and paint. We took them to a large playground in the vicinity to play. We took them sightseeing.”**

**“Our dealings with them were very participatory. For instance, the first couple of days, we organized idlis and dosas for**

them for breakfast. Then when they settled down a bit, we asked them what they wanted to eat. They said they wanted to eat puffed rice, that that was their traditional breakfast. So we arranged for the puffed rice. The children were very happy. And it was much easier for us, both cost-wise as well as labour-wise. One day they wanted to eat puris. Making puris for 250 children was not an easy task, and of course, we could not prepare puris only for the rescued children. But many members of the staff not associated with the shelter home volunteered to help. Dozens of them participated in rolling out and making the puris. A real effort was made to keep them happy. When creative art activities were arranged for them, we realized that some of them had never painted before. We asked them what films they wanted to see and mobilized the videotapes. The participatory approach made things easy in making good arrangements for the children.”

To check whether the needs of the children were being met, the staff members associated with the shelter home, as well as those working on other projects (about 30 in all), met every evening to discuss the activities of the day and plan for the next day. The children were anxious to know what was happening about their return home, so the staff also had meetings with the children every morning and evening, in which they discussed the day's developments, the information they had received from the DC, and so on.

### **Legal Intervention against the Employers**

On May 24<sup>th</sup> 2002, the day after the raid, the DC contacted the employers. The children did not have the addresses of their employers, only their phone numbers. He asked them to assemble at his office at five p.m. two days after the raid. The employers came to the office complex at the DC's orders, but most of them just hung about in the compound, very hesitant about coming in. They were persuaded to

come in and finally at 7 p.m. a meeting was started which went on till 11 p.m. The proceedings were held *in camera* and the employers were photographed individually. The DC persuaded the employers to reveal the names of the jewellers who gave them orders, and how the children had been brought to Karnataka. Many of the employers said that the children had been sent to them on holiday. Others said that the children had been sent to them for skill training. During the period that they were in training, the employers provided them with food clothing, shelter and Rs. 50 a week.

The DC told the employers that they had committed irregularities and informed them that they were liable for punishment. He also mentioned that it was still not too late, they could pay the indemnity and submit themselves to the legal process. Several employers tried to make the DC feel that he had made a mistake. They said the children were from scheduled castes and they were actually doing them a favour. Some employers said that they were really involved in the upliftment of traditionally marginalized sections as most of the children belonged to Scheduled Castes or Scheduled Tribes, and they were helping the children by giving them vocational training. The DC then informed them that the penalties for exploiting members from those sections were even more severe. Other employers said that they were “willing to bail out the children.” The DC informed them that the children had not committed any crimes and did not require bail; it was their employers who were guilty of employing children in hazardous occupations who were in need of bail.

### **“Transfer” back to West Bengal**

The steps to speed up the restoration of the children to their families began on the day of the raid. Campaign against Child Labour (CACL) members in Bangalore contacted CACL, Kolkata and notified them of the

happenings. The very same night, (23rd May 2002) a representative from CACL, Kolkata arrived in Bangalore to discuss the further plan of action.

Meanwhile, the personnel in the shelter homes where the children were housed began to exert pressure on the DC about when the children would be sent back to their homes. The DC's office kept in touch with the Ministry of West Bengal constantly. The Home Secretary contacted the Labour department in West Bengal. The Home Ministry showed a lot of interest in speeding up the matter. The Home Secretary got in touch with officials in West Bengal, but West Bengal took time to respond to Karnataka's request to take the children back immediately.

***“Far from worrying about their escaping or running away, we had another problem on our hand when it got to be time for the children to leave. They kept saying, ‘Let us stay here. We will study here. We don’t want to go back.’”***

NGO 3 came to know that there was a meeting of the central committee of the Communist party, going on in a local hotel in Bangalore. Representatives from NGO 3 and CACL took on the responsibility of discussing the matter with the Minister of Labour, West Bengal, Mr. Mohammed Ameen, who was attending this meeting. NGO 3 and CACL representatives briefed the minister on the situation and handed over the names and addresses of the children and the employers so that necessary action could be taken. A meeting with the

***Finally, the children were going home.*** Depending on where they had been housed and the treatment that they had received there, the children were relieved or sad. However, almost all of them were uniformly glad at the thought that they were going back to their families and villages. They greeted their friends who had been housed at other residential facilities excitedly. They were led to a sleeper carriage against which a banner proudly announced the rescue and repatriation of child labourers from West Bengal who had been rescued by important officials of the administration in Karnataka. The children clambered into the carriage, their smiling faces showed at the windows of the carriage, shining with enthusiasm. Important officials lined up outside the carriage, beside the prominent banner. Members of the media obligingly captured the scene.

An administrative official reached for a bag of sweets and distributed them to the children closest to him. The media transferred this scene onto film as well. Other rescued children sitting in compartments further away from the media glare clamoured, “Give

us sweets as well. Where are our sweets?” However, there weren't enough sweets to go around, and what seemed important was that the children closest to the cameras should be seen receiving sweets from the government official.

Hardly had the media glare subsided when other passengers began to enter the coach where the children were sitting. Their reactions were, “This is my seat. Who are you? Why are you sitting here?” The passengers who had reserved accommodation in the carriage were understandably irritated to find it occupied by a gaggle of children. The children were made to evacuate the carriage. Government officials went off in search of railway officials to arrange for alternative accommodation for the children. After some running around, another carriage was attached to the train. This one had no padded seats, no berths for the children to sleep on, not even water in the toilets. There was no banner outside either, or members of the media to record the very poor conditions under which the children would actually be travelling back home.

minister followed, to discuss the possibility of expediting the process of repatriation.

The West Bengal Minister of Labour, made a commitment to send out an order immediately to form a team that would arrive at Bangalore on 30<sup>th</sup> May 2002 to take these children back home. NGO 3 constantly monitored this process by keeping in touch with the Minister of Labour and the social welfare department in West Bengal as well as with the home ministry. Finally on June 2<sup>nd</sup>, 2002, a group of 21 police personnel arrived from West Bengal to take the children back. On the 3<sup>rd</sup> of June, the children were informed about the same. They were overjoyed. But accompanying the joy came was serious concern — “what about our belongings left behind at our employer’s facility?” It was clear the children felt that it was absolutely necessary to get their belongings back. The DC’s office then contacted the employers and asked them to hand over the things to the children. The next two days saw the excitement and joy of the children as their former employers arrived one by one, to return their belongings. Employers who didn’t turn up by the night of June 4<sup>th</sup>, 2002 were contacted once again and reminded to return these articles the next morning. By the afternoon of June 5<sup>th</sup> 2002, all the children at NGO 1 had got their belongings.

Arrangements were made for an extra coach to be added to the Bangalore Guwahati Express on June 5<sup>th</sup> 2002. It was decided that after reaching Kolkata, the children would be handed over to the police station responsible for their area. From there the children would be sent to their respective homes. This process would be monitored by the local NGOs.

When the children were taken to the station, the Railways had made no arrangements for the children to be transported although they had received prior intimation. The children had to travel around 1600 km. When the DC followed up the matter, an extra bogie was attached to transport the children. **However,**

**although the journey takes almost forty-eight hours, the bogie was only a sitting coach. The seats were bare slatted benches with no padding, there were no berths, and the one bogie was expected to serve the needs of 104 children and 21 policemen. There was no water in the toilets, and initially, no electricity either.**

### Monitoring the Journey Back Home

NGO 3 and CACL took the responsibility of ensuring the children had a safe journey back to West Bengal. This demanded effective monitoring at each major station where the train halted. NGOs were present at major stations to provide food, water and medical assistance to children. NGO 3 contacted the CACL networks in various states. They were requested to provide basic assistance – food, medicine and water to these children. This monitoring strategy was also to observe the behaviour of the 21-member police team that formed the delegation as well as to try and ensure that no children went missing during the journey.

### Returning to their families

As mentioned in the earlier section, as soon as the children reached Howrah (a railway Junction of West Bengal), they were to be handed over to the District Magistrate of Hooghly and Midnapore. The children reached Howrah on the afternoon of 7<sup>th</sup> June 2002. There was a Bandh in the state called by SUCI on that day. Although NGO representatives were supposed to be present at the railway station to facilitate the smooth restoration of children to their families, there were only two representatives from CACL-WB due to the bandh. Media persons from local newspapers were also present at the station. The children were made to sit in a circle. The 21 police personnel encircled them so that no child could run away. Neither the NGOs nor the media was allowed to interact with them. At around 6 p.m. the children were sent to the



Office of Police Superintendent, Chinsura, Hooghly by police van so that the respective police stations could take the children back to their villages and hand them over to the respective families.

After waiting at the railway station for almost 10 hours, the children reached home the same

night. Documents from the office of the Police Superintendent and the declaration provided by the families to the local police stations showed that these children were sent to their families on June 7, 2002 in the middle of the night. While interviewing the SP, Hooghly, it was found that no arrangements were made to provide food or water to the children.





# Children at Work

*(Data collected from children in Bangalore)*

During the period after the raid and rescue, the rescued children were housed in three shelter homes, which served their basic needs for food and shelter while the governments of Karnataka and West Bengal negotiated the logistics of their repatriation to their homes. Fulfilling the systemic requirements at the shelter home, the staff at NGO 1 collected basic personal information from the 41 children who had been admitted to its care. The intake proforma (data collection form) also allowed for a certain amount of qualitative information to be recorded about the backgrounds from which the children had been rescued. None of the staff members at NGO 1, the organization that ran the shelter home spoke Bengali, the language spoken by the children. For this reason, NGO 1 requested NGO 3, to allow it the use of the services of one of its staff members who spoke the language. Accordingly, information about the children was collected. Bengali-speaking representatives were also sent to the Government Observation Home and the

residential school to collect information from the 63 children housed there.

The following information was gathered about the children:

## Age

Personal interviews with the children revealed the following:

- Range: 8 –17 years
- About 65% of the rescued children were 13 years old
- 10% each were 9 and 12 years old
- 9% were 10 years old

It is speculated that the physical development of the two children who were aged over 14 years was below par and this had led the doctors to judge these children as being younger than the cut off limit of 14 years.

## Levels of Education

Needless to say, the children who were rescued did not have access to traditional or non-

conventional forms of education during the period of their work at the jewellery units in Bangalore. However, eighty seven percent of the children had some access to education prior to joining the jewellery industry. The following were derived from the interviews:

*Range: No formal education–9th Std*

- 25% – Std. Five
- 20% – Std. Six
- 16% - Std. Four
- 13% - No formal education

Most of the children were able to sign their statements, usually in the Bengali script. The child who had gone to school till the 9<sup>th</sup> Standard displayed elegant, well-formed penmanship as he signed his name in English at the end of his statement.

### Duration of Employment

*Range: 1 day – 4 years*

- 35% – 1 year
- 15% – 2 years or more

There was one youngster who had only been with his employer for a day. As such, he was unable to name his employer. He said that he was in Bangalore to see the sights and to explore the possibilities when the government raid had put an end to his sojourn at his employers.

### Hours of Work

*Range: 12- 16.5 hours*

- 33% – 15 hours
- 33% – 14 hours

The eight-hour workday norm did not apply to the children who were employed in the jewellery units in Nagarthpet. Without exception, the children worked for at least twelve hours in their homes-cum-jewellery workshops. Some children did not include the time they spent cleaning, cooking and shopping as part of their working day. While

*“Though I usually work from 8 – 10 p.m., occasionally the work goes on till 12 o’clock”.*

*“My work hours are from 7-10 p.m. But most days, work extends till 2 in the night. We have supper at 12 a.m. at times”.*

working hours could extend anywhere from six in the morning till 2 a.m. in the morning of the next day, the majority of the children worked from 7 a.m. to 10 p.m., or 8 a.m. to 10 p.m.

### Nature of Work

The children were engaged at almost every stage of the process of making gold jewellery, from melting the metal to finishing the product. Gold was cut and fashioned into balls or wire before further processing. Some youngsters who had only been at work a couple of months and had not mastered the skills of making fine jewellery were assigned to “bangle sorting.” While a few children were entrusted

#### *A child’s work at a jewellery unit*

- *Melting gold*
- *Fashioning it into balls or wire*
- *Gold cutting*
- *Designing*
- *Bangle sorting*
- *Making gold bangles, chains, rings and earrings*
- *Setting stones in ornaments*
- *Cleaning with acid*
- *Finishing*
- *Polishing*
- *Making silver jewellery*
- *Finishing*
- *Household chores—food and vegetable shopping, fetching water, cooking etc.*



with the more aesthetically oriented task of designing the jewellery, the bulk of them were engaged in making gold bangles, chains, rings and earrings. One child specifically mentioned setting semi-precious stones in partly finished ornaments as his task. Once the piece of jewellery was completed, the children were required to undertake some delicate cleaning employing acid, as well as finishing and polishing the item.

While most of the children spoke of working to fashion gold jewellery, two of them said that their work had been to make silver jewellery.

In addition to the work they did for the jewellers, the children also had to work at household chores like food and vegetable shopping, fetching water and cooking. The younger children tended to have even less time to rest as compared to the older children. This was because the older boys expected the younger ones to fetch and carry and run errands for them.

### Incomes

When asked what they earned for their work, most boys were only aware of small sums of money that they were paid weekly “for snacks.” Typically, this sum ranged from Rs.15 to Rs.200. By far, the most common sum paid was Rs. 50 – over fifty percent of the children received this sum every week for “*chai-paani*”. Only one youngster suggested that we ask his mother for information about any financial arrangements that had been made, all the others were only aware of the small sums paid weekly. A couple of employers also paid their employees a small monthly sum as “pocket money”, in addition to the weekly sum. Most commonly, this amounted to Rs.50; one employer had paid a monthly sum of Rs. 100.

However, the children were not to take this “pocket money” for granted. Firstly, employers who paid it were the exception rather than the rule. Secondly, even the employers who offered this “extra” monthly token did so erratically

and irregularly. A weekly payment was the norm. A few children (less than ten) reported that they had been paid on a daily basis: the sums ranged from eight to ten rupees. An even smaller number (less than five) reported having been paid monthly rather than weekly or daily. The monthly sums ranged from Rs.100 to Rs.2000. The child who reported being paid Rs.2000 was clearly an exception. Firstly, he was the only one who reported having received such a high figure. Secondly, he was the only one who spoke of primarily being engaged in “fine designing work.” Only one child spoke of Rs. 3,800 having been paid “for expenditure at home” in addition to the Rs.80 per week that he received to “buy snacks.”

### Working Conditions

A limited amount of qualitative data was collected during the initial documentation period on the working conditions of the children who had been rescued. According to this data, the work that the children engaged in was marked by strain and long hours within a cramped, unsafe and unhealthy working environment. Corporal punishment was meted out when things did not proceed according to the employer’s satisfaction. Finally, there was no mechanism to negotiate better conditions for themselves.

**Strain:** A number of children reported the work as being “strenuous.” Creating gold jewellery requires delicate and exacting work, and the children reported, “The work was very tiring to the eyes.” Another child stated, “We had to work even when we were sick.”

**Long Hours:** As an earlier section of the report has indicated, the children worked very long hours. “Though I usually work from 8 a.m. to 10 p.m., occasionally the work goes on till 12 o’clock at night,” said one child. “My work hours are from 7 in the morning to 10 p.m. But most days, work extends till 2 o’clock at night. We have supper at 12 midnight at



*'We had to work even when we were sick.'*

*'The work was strenuous. The work was very tiring to the eyes.'*

*'I was beaten and scolded a lot.'*

*'We weren't allowed to make mistakes. Even if we hurt ourselves, we were first beaten and then taken to the hospital.'*

*'I burnt my hair while working with fire.'*

*'The owner beats us a lot.'*

*We had to work in very cramped quarters with fire.'*

times." Others simply said philosophically, "When there is more work, we have to stay up late."

**Hazardous and Unhealthy Work Processes:** Several of the children reported feeling choked as they worked. "I used to feel suffocated because of the fumes from the acid" was a statement that was corroborated by many children. Children also worked with fire as they melted and fashioned the gold and this could, and did, turn dangerous. "I burnt my hair while working with fire," said one young man.

*"I used to feel suffocated because of the gas from the acid [used in cleaning]."*

*"The work is uncomfortable but we don't have a choice."*

**Cramped, Unsafe and Unhealthy Working Environment:** "We had to work in very cramped quarters with fire. Though it was highly uncomfortable and dangerous, I couldn't raise my voice alone," said one child. However, it was clear that he was not the only person to feel this way, as several children complained that "the working area was very crowded" and that "the room gets very hot."

**Corporal Punishment and the Lack of A Mechanism to Negotiate Better Conditions:** Several children said "I was beaten and scolded

*'The working area is very crowded.'*

*'The room gets very hot.'*

*'Though it was highly uncomfortable and dangerous, I can't raise my voice alone.'*

a lot" or "The owner beat us a lot." One child was more articulate about the use of corporal punishment as a means of ensuring good quality work from them. "We weren't allowed to make mistakes. Even if we hurt ourselves, we were first beaten and then taken to the hospital." A sense of not being listened to, or having a mechanism for solving their problems was evident. "The work is uncomfortable but we don't have a choice." This sense of a lack of options was strong. Certain children concluded, "Even though it was depressing, I couldn't go home because I couldn't afford it."

### Living Conditions

The children lived and worked in the same environment. The majority of their waking hours was spent working. As such, there was significant overlap between their living and working conditions. The children were housed in the upper floors of narrow, three and four-

*'We had to get up early, finish chores and cook before starting work.'*

*'We had to prepare our own food.'*

*'I didn't go out anywhere.'*

*'Even though I earned money, I had to stay in the same room always.'*

*'I have been allowed to go to Lalbagh a few times.'*

*'We weren't allowed to go out anywhere. If we went out, we were scolded a lot and asked a lot of questions.'*

storeyed houses in a very congested area of the old city area of Bangalore, marked by lanes about six feet wide. They lived in rooms about 6 feet by 6 feet, with only a narrow vent close to the ceiling providing natural light and

ventilation. Gas pipes ran around the room with burners at regular intervals at which the children worked the gold. This increased the hazards of fire as well as explosion. The rooms led off passageways that were about a foot and a half in width, making the entire building unsafe in the event of a fire.

In addition to their work related to jewellery, the children had to take care of their basic needs as well. “We had to prepare our own food,” said one child. “We had to get up early, finish chores and cook before starting our work,” elaborated his friend.

The aspect that rankled the most with the children was the sense of confinement and/or imprisonment that they felt in the houses where they lived. Though one child said, “*I was allowed to go to Lalbagh a few times*”, he was the only one of all 104 children who made this statement. The others typically said, “*I didn’t go out anywhere.*” The lack of freedom diminished the sense of achievement or accomplishment at having earned some money. This was expressed in statements such as “*Even though I earned money, I had to stay in the same room always.*” There was always the fear of punitive action if this expectation was flouted.

### Past and Future

Very little information was gathered about the past of the children or their future orientation, during the intake process. However, several children spoke of having worked in this field prior to their Bangalore experience. “I have worked before in the jewellery sector in Bombay,” said one. Another said, “I worked in Punjab before coming here.” Occasionally, there were instances of children who had worked for more than one employer in Bangalore. “I have worked for three different employers.”

The children repeatedly said, “I would like to go home at the earliest.” However, it was

not clear whether this sentiment was expressed in response to the working conditions that they had experienced, a desire to meet and spend time with their families, or a negative response to the raid and rescue process. However, most of them had no doubts that they would continue to work. Only one child said, “I want to continue with my studies.” However, many children were not keen on coming back to Bangalore to work. For them, Kolkata was viewed as a more attractive option. Their stance was, “I will go to Calcutta and work.”

*“I have worked before in the jewellery sector in Bombay.”*

*“I have worked with three different employers.”*

*“I worked in Punjab before coming here.”*

*“I wanted to study but was forced to work because my parents are dead and my brothers won’t take care of me.”*

*“I would like to go home at the earliest.”*

*“I will go to Calcutta and work.”*

*“I want to continue with my studies.”*

*“Even though it was depressing, I couldn’t go home because I couldn’t afford it.”*

*“My employer is just like my brother and I had just come to explore opportunities here.”*

*“I had just been here for a day when the raid happened. I had come for sightseeing.”*

*“I was told to tell people ( in case of any trouble) that I’ve come for sightseeing.”*

*“I don’t know the name of my employer – I’ve only been here two days.”*



*The families said, “No children are here in the village, all have gone back again either to Bangalore or Mumbai, so what was the need for this action?”*



## Post-Return Situation

### Post-return

Field research was conducted post-return of the children to their families in order to:

1. Understand their current situations
2. Determine the context in which the trafficking of this particular set of children happened
3. Learn the perceptions of government officials involved

This report is based on four sets of information that were collected during the field research in Hooghly.

1. Interviews with families and the children still in their villages.
2. Interactions with employers
3. Interviews with Panchayat officials, District Magistrate and Police Superintendent.
4. Observations of field researchers and the research coordinators

Police records revealed that children hailed largely from the following four blocks of Hooghly:

- Singur
- Chanditala I
- Chanditala II
- Jangipara

Table I provides information on the scope of this part of the study.

### Interviews with families

An open questionnaire served the purpose of initiating a discussion on the operation. The subjects covered during the interviews were:

- Profiles of the family (Family members, Earning Family members, Occupation, Monthly income)
- Reasons for sending children away from the village for employment
- Opinions on the rescue conducted
- Level of awareness about the working conditions of the children who were rescued



<b>Districts</b>	<b>Total No.: 3</b>	<b>Identified for research: 1</b>
<b>Blocks</b>	<b>Total No.: 6</b>	<b>Identified for research: 4</b>
<b>Villages</b>	<b>Total No.: 25</b>	<b>Identified for research: 17</b>
<b>No. of families</b>	<b>Total No.: 76</b> (in Hooghly Dist.)	<b>Identified for research: 40</b>
<b>No. of Children</b>	<b>Total No.: 76</b> (in Hooghly Dist.)	<b>Interviews conducted: 76</b> (During the short term post rescue period in Bangalore)
		<b>Interviews conducted: 10 children</b> (during the interviews in Hooghly as all other children had left their villages to work in other states)

**Table I:** The parameters for selection of villages blocks were primarily based on high concentrations of children rescued and restored to the villages.

### Socio-economic profile of families as revealed through the interviews

<b>Socio-economic Indicators</b>	<b>Details</b>
<b>Family Size</b>	The average number of members varies from 1 to 10. The majority of the families are either headed by a widowed or abandoned woman or malfunctioning due to discord between parents. <b>(See Table II on average monthly income and Table III on the correlation between average family size and average monthly income, Page 35)</b>
<b>Earning Family Members</b>	In the case of large families, often, the father is the only earning member. Male children are sent to work as apprentices in other states or in neighbouring villages. In the case of single parent families, the male child is sent to work. The mother usually works as a domestic worker and is paid in kind (food) rather than cash.
<b>Occupation</b>	10% of the earning members are daily wage agricultural labourers with no land holdings. 90% of the families interviewed are involved in jewellery work either outside the state or in Kolkata.
<b>Family Income</b>	The average monthly income of most families is between Rs. 300 to Rs. 800. A common feature of all the families is heavy debt and the lack of access to facilities like education and health.
<b>Caste Composition</b>	90% of the families belong to the SC/ST category while 10% belong to the Muslim community.
<b>Housing Facilities</b>	Most families are either homeless (40) or have partial housing structures (25). Eleven families have proper housing structures, of which only 4 are concrete structures.

Socio-economic Indicators	Details
<b>Homeless Category <sup>4</sup></b>	Parents said that all their lives they have lived in somebody else's courtyard or garden. They neither see the possibility nor express the desire to obtain proper housing. The Panchayat recently started to provide housing facilities to homeless people under the 'Indira Housing Scheme'. Families indicated that they were hopeful about receiving this facility in near future.
<b>Partial Housing Structure</b>	Families mentioned that due to heavy rainfall and hailstorms they had lost their houses or suffered damage and they did not have the financial ability to renovate them.

Table II: Average Family Income

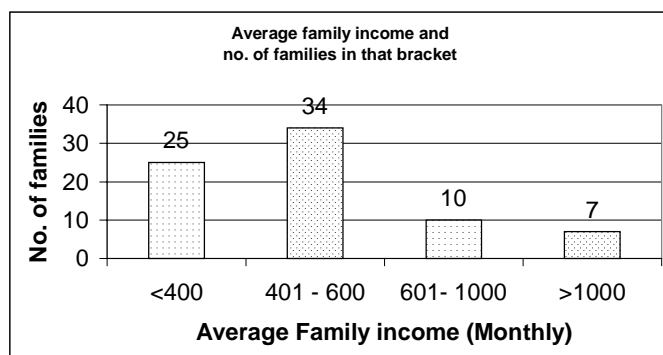
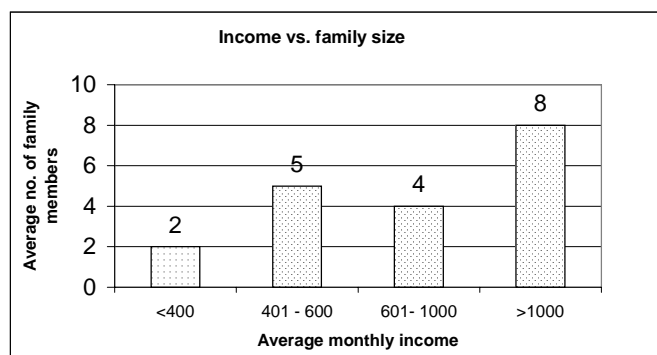


Table III: Income vs Family Size



## PANCHAYAT ELECTION

**KOLKATA MAY 11.** Fourteen persons, including seven CPI(M) activists, were killed in clashes between rival political groups as widespread violence and snatching of ballots marred panchayat polls in West Bengal today even as an estimated 65 per cent of voters exercised their franchise.

Among those killed were two women activists of SUCI, besides two Congress activists and the father of a Trinamool Congress candidate, the DIG of Police, N.C. Ghosh, said.

Mr. Ghosh said two SUCI women activists were killed at Joynagar and two CPI(M) workers at Canning in poll clashes in South 24 Parganas district.

The father of the Trinamool Congress candidate for Khamarpara panchayat Samiti, Haji Anwar Ali,

was shot dead at his home in Madanpur in Barasat in North 24 Parganas, he said.

In Sibdaspur, also in North 24 Parganas, the CPI(M) supporter, Sheikh Salim, was killed in a related clash. There was no polling in the area till noon following the incident. Another CPI(M) activist was killed in Jalpaiguri district and a Congress worker at Thalarpur in Nadia district, he said.

At Murshidabad, two CPI(M) supporters were killed when they clashed with Congress activists, while the Congress supporter, Manirul Sheikh, was killed at Ranitala when bombs were hurled at people waiting to cast their ballots in front of two booths.

The State Electoral Officer, Ajay Sinha, said an estimated 65 per cent of the electorate cast their votes.  
— PTI

**The Hooghly district** (area 1,214 sq mi [3,145 sq km]) is a fertile, low-lying alluvial tract, dotted with marshes and abandoned river channels that are drained by the Rupnarayan and Damodar rivers. Rice, jute, sugarcane, and potatoes are the main crops; bananas and mangoes are also cultivated. Today, the Hooghly's riverbank is densely populated and heavily industrialized, with jute, rice, cotton mills and rubber and chemical factories.

This district with its Headquarters located at Chinsurah town is within the Burdwan Division of the State of West Bengal. The name 'Hooghly' is derived probably from the 'HOGLA', a tall reed, which grows in abundance on the riverbanks and in the marshy lowlands below them.

At the dawn of history, this part of the country was probably included in the territory held by the Suhmas, a tribe mentioned in juxtaposition with the Angas, Vangas and Pundras in the Mahabharata and also in the Mahabhashya, a grammar dating back to the second century B.C.

In the third century B.C. the territory of the Suhmas was included in the vast empire of Asoka, which extended over the whole of Bengal as far as the mouth of the Ganges and upto Tamralipti (the modern Tamluk). Several centuries later this tract became absorbed with the rest of Bengal in the Gupta Empire, owing to a successful campaign by Samudragupta in the fourth century.

In the beginning of the seventh century, it appears to have been conquered by the powerful king of Bengal Sasanka of Gaur. In the second quarter of that century it became part of the great emperor Siladitya Harshabardhan. The northern and eastern part of the district, however, passed into the hands of the Sena kings of Bengal.

The district remained under the rule of indigenous rulers till the 13th Century. By 1298 A.D, the northern part of the district passed into the hand of the Mughal Rulers. Colonial forces came later.

The Portuguese, the Dutch, the French, the Danes and the English came to this district for business purpose and established 'Kuthis'. They settled in the district, utilising it as the launch pad for further settlement. Chandernagore was under the French since 1696 till 1950 whereas Chinsurah and Serampur were under the Dutch and Danes respectively for a long period.

After the battle of Plassy, Mir Kasim, by an agreement donated the Zamindery areas of Burdwan, Midnapur and Chittagang to the British in the year 1760. The British introduced their own rule to administer these areas according to their system.

For administrative purposes, in 1795, the district of Burdwan was divided into two parts - the Northern Division being called Burdwan and the southern division Hooghly.



Distribution of Population by sex in the Blocks under research			
Name of the Block	Total	Male	Female
Singur C.D.	241190	121268	119922
Chanditala-I C.D.	165837	81689	84148
Chanditala-II C.D.	123018	62336	60682
Jangipara C.D.	200936	101338	99598

Table IV: Source: <http://www.hooghly.com/census-blck.htm>

### Reasons for sending children out of the village to work

Responses vary on this issue. It was noticed that families were unwilling to discuss the reasons for sending children to work.

One mother said: “*chhele ke dubela khate dite pari na, aber ki bolbo, kichu boler nei amar*” (“Can’t

feed children properly, I have nothing to say on this”).

Families also felt that discussing the reasons was a futile exercise, as they did not alleviate the distress of the families. These families had to be persuaded to share their views on the issue.

### Development Impediments

Impediments	Effects of Impediments
<b>Lack of housing facilities</b>	Parents worried about the vulnerability of children in their homeless situations. They raised issues about their living conditions and voiced their concern about the child’s health and well-being in a situation where basic shelter could not be provided by them. “ <i>Shobor, thakar jaiga nei, chhelepila thaakbe kothai</i> ” (“No place to stay, where will children live?”), a mother of a child said quite angrily.
<b>Lack of quality and practical education</b>	Another reason raised was the lack of quality education in the identified villages. When asked about the children’s education, parents complained about the non-functional schools in their villages. They said that children are usually admitted to schools, but due to the lack of facilities available in the school and the kinds of teaching methods used, children soon lose interest. They felt that, “Children should learn methods to sustain themselves in schools and not bookish knowledge that will not provide any employment to them in future.”
<b>Corporal punishment in schools</b>	Children get beaten up for minor mistakes in schools, making them abhor the institutions.
<b>Volatile political situation</b>	Political unrest and community violence were also mentioned among the reasons for sending children out of the village. As the interviews were conducted just after the Panchayat elections, families voiced their concerns about the increased political violence and murders and said that the villages were also not very safe for the children.



Impediments	Effects of Impediments
<b>Lack of social security</b>	A leading factor for sending children to work was the assurance of food, shelter and the employer's promise of teaching children jewellery work. <i>"Khetē pachhe, Portē pachhe, ora kaaj – o shikhiye debe, aar ki chai"</i> ("They are providing basic needs, such as food and clothing and also teaching a trade, what else do you want?").

## Community Perceptions

<b>Fear of children becoming vagabonds</b>	Families voiced their fear of children loitering around the villages without doing any constructive work.
<b>Gender constructs</b>	Most families believed that male children should be sent out <i>to learn a trade</i> , as they need to <i>shoulder the responsibilities of maintaining their families</i> . Female children on the other hand should be given an opportunity <i>to study till the fourth standard as that would help them get a proper match</i> .
<b>Blind faith in the employers</b>	Families mentioned that children were sent to work with neighbourhood "uncles" and individuals known to them ( <i>Chacha, Mama, Bhatije</i> ) over a long period of time. Thus they did not feel the need to know the exact addresses of the children. Children usually called home every month and that was sufficient for the families to assure themselves that the children were keeping well.

## Opinion on the rescue conducted

The families questioned the validity of the rescue conducted by police intervention and asked: **"Why were the children sent home by police? Why was it that children came back sick and families had to spend money for their medicines?"**

*They added, "Dekho, kono bachha barite bōse nei, sobai chola geche – Bangalore or Mumbai, ki dorkar chhilo a sob koror"* ("No children are here in the village, all have gone back again either to Bangalore or Mumbai, so what was the need for this action?").

Primary Concerns	Expressions of Concern
<b>Interference with measures to assure self-sustenance of children</b>	Families felt the rescue operation was a major loss. They believed that the scheduled training period for their children would now be extended by one or more years. At the same time, the families were not sure about the length of training period that each child has to undergo before earning salaries from these units.
<b>Employers as benefactors</b>	Employers were regarded as persons who were responsible for 'saving their children's lives'. The employers are perceived as having taken the children on as trainees ( <i>Kaaj Shekhache</i> ) to learn the trade, and also providing them food, shelter and clothing. In comparison, the government sent them back home without anything – no food, money or clothes. On the contrary, parents alleged, the police travelling back home with them had seized money from the children.

<b>Expectations from Government</b>	Most families believed that the Government would provide some <i>monetary help to the families</i> so that children could then take up some work in the surrounding villages. However, as there was no monetary help provided till date, they had no option but to send children away from the villages to work again.
<b>Demonstration Effect</b>	When asked why they had decided to send their children to the jewellery units and not some other trade, families emphatically replied that neighbours who had gone to Bangalore and Mumbai and worked hard in jewellery units for two to three years were earning well. The families were more interested in the opportunity of sending their children to learn a trade that had proved to be a good option for many neighbours rather than send them to pursue work like carpentry in neighbouring villages.

*“I sent my child about a year back to work in a jewellery unit in Bangalore. My neighbour had taken him to teach the trade. He was well when he went there, but now vasurpo (Brother-in-law’s son) had informed me that he (the child) is not able to do work, since his hands are sweating a lot.*

*I have asked him to send back my child. Now he has to learn some carpentry work in the village. Look at his fate - sent him for learning a trade that would help sustain his future, but he is such an ill-fated child. What can I do, whatever is there in one’s fate will happen; nobody can resist it.”*

### Level of awareness on working conditions of children rescued

<b>Acceptance of poor working conditions</b>	During the interviews, families said that they had no idea of the working conditions in the jewellery units. Their rationale was that every type of work would involve problems. They cited their own experience as agricultural labourers. Most had backaches from bending in the fields or carrying heavy potato sacks. However, these ailments did not prevent them from working.
<b>“No pain, No gain”</b>	The interviewers described the adverse conditions in the jewellery units where their children worked. The families of the rescued children responded that they could see nothing wrong in their children having to struggle for three to four years in order to learn a trade, despite the unhealthy conditions described to them.
<b>Rationalizing unhealthy working conditions</b>	Families mentioned that people in their neighbourhood had survived the conditions in jewellery units and were living better lives as a result. Given this situation, they enquired how the working conditions could be so unhealthy. Some families angrily expressed the opinion that they already had their fair share of problems. They did not want to have to consider measures that would prevent their children moving to different locations if that resulted in higher earnings for the children.

## Interviews with Children who are still at home

Of the 76 children repatriated to their families in Hooghly, only 10 children were found in the villages. These children had started to work in the silver and carpentry trades in their own villages or the neighbouring villages. Only one

child of the 10 interviewed had resumed his studies. He was studying in the sixth standard. Interviews with the children revealed that they were happy to be back home and to work in their own village or in the neighbourhood (except for one child, who said he liked being in Bangalore more than in his village.)

*“Amar chhele jakhon gechhilo bhallo chhilo, majhe majhe jokhon bari asto tokhono bhalo chhilo. Tomra jokhon dhore anle tokhonie or sorir kharap. Teensoo taka khoroch kore abar cheele bhalo holo. Kaajer jaigar upor dosh diyo na. Tomra ki korle tai dekho.”*

*(When my son went to work, he was in good health. When he visited us last, he was fine. But this time when you caught him and brought him back home, he fell ill. I had to spent Rs. 300/- on his medication. Do not blame the workplace, see what you have done...)*

### Freedom at Work

The children said that they found a greater deal of freedom in the way they worked in their villages than in Bangalore. They could return home for lunch and finish work by 8 p.m. Sunday is usually a holiday and they have time to play with friends. They also can take leave and avail of holidays during village festivals.

### Opinion on continuing education

When asked about continuing education, children said that they were not interested in attending school. They stated that it was more important for them to work and earn for their families.

### Experiences in jewellery units of Bangalore

When asked about their experiences in the jewellery units of Bangalore, the children hid their troubled experiences by saying: *“We do not want to share the experience with anybody.”* They felt that that their parents had sent them to these units to learn the jewellery trade. Consequently, any adverse experiences faced should not be spoken about.

### Justifying parents sending children to work

Though 3 of the children interviewed said that they felt that their parents had cheated them for monetary benefits, the other children justified the act of their parents by claiming there was no other option for their family to survive.

### Transaction amount

The children were unaware of the monetary transactions between their employers and their families. They mentioned that they used to receive Rs. 50/- per week for *nasta* (snacks).

### Opinion on the rescue operation

When asked their opinion of the rescue operation, the children said that before they could comprehend what was happening, the operation ended and they were sent to different places to stay. One child mentioned that the entire operation seemed to him as a *“filmi tamasha -filme jamon dekhi – dhore niye golo, abar je jar jaigai phire galo, ekhon aar kono chhele barite pabe?”* (“Just the way I see in films, they took us and now all have gone back to their place again, have you found any of those children in the village?”)

### Opinion on how to make rescue operations successful

Though most of the children remained silent on this aspect, two of the children stated, *“It is important to understand the family situation prior to rescuing children at work”.*

## Interactions with Employers

No Panchayat was willing to call for meetings with employers to discuss crucial issues relating to the employment of children. Only one interview was conducted with employers in a village under Baruipara Panchayat. Even here, it was not a scheduled interview. A group of five employers approached the interview team while it was conducting interviews with families. The employers wished to discuss the rescue operation and express their discontent. It should be noted that all the employers interviewed were from the villages under Hooghly District.

The employers said that they had all started their careers as ‘trainees’ in the jewellery units of Bangalore and had in turn started their own units. They mentioned that children employed in their units are primarily from their own villages. When asked about the frequency of their visits back to their village (as an indicator of procurement), some said: “We come as and when required” while others said: “We visit our village at least twice a year”.

The employers pointed out that there are so many children in Bangalore who work in cycle garages, roadside tea stalls, and the like. In this context, they asked why the authorities had only rescued children from West Bengal.

The employers also focussed on the amount of the fine that was levied on them. One of them remarked, “We are 50 employers. DC (Police) collected Rs. 10,000/- from each of us for the rehabilitation of the children. Where has the money gone? Has it gone with the wind?”

The employers also questioned the methods used in the rescue operation. One employer said the operation was ‘inhuman’ (*Omanobik*) and that the children were happier in the

jewellery units than in the institutions that they were sent to in Bangalore. They stated that they had noticed the discrimination among the rescued children whereby some were sent to a well-run NGO home while others had to suffer in government-run institutions.

The employers also questioned the validity of the rescue operation and rehabilitation plans, by asking; “What have you thought for their rehabilitation? What future plans do you have in mind for them which would provide them with alternatives to working?”

*One child mentioned that the entire operation seemed to him as a “filmi tamasha -filme jamon dekhi – dhore niye golo, abar je jar jaigai phire galo, ekhon aar kono chhele barite pabe?”*

*(“Just the way I see in films, they took us and now all have gone back to their place again, have you found any of those children in the village?”)*

## Interviews with Government Functionaries

Interviews were sought with the following government functionaries in West Bengal:

- Special Secretary, Dept. of Labour
- District Magistrate (Hooghly)
- Superintendent of Police (Hooghly)
- Block Development Officers (BDOs)
- Panchayats

Interviews with ex-Panchayat presidents were conducted in 7 villages based on the number of children restored to their families after the rescue operation under study.



### ***The child worker who became a jewellery unit owner ....***

***“Aei cheeleta bari chhare chhilo char bochor boyose. Sonar dokane kaaj korto. Jakhon phirlo tola tola sona pore. Or motor bike ache. Ato sona barite je huish thake na. Or akhon nijer sonar dokan ache, Bangalore”, said one mother.***

***(This boy left home when he was only four years old. He used to work in a jewellery shop. He returned home with lots of gold jewellery. He had a motorbike. He had lots of gold at home. Now he owns a jewellery shop in Bangalore.)***

These interviews were conducted to understand the level of awareness that exists within the Panchayat to combat child trafficking, their perceptions of the restoration process and the role they needed to play, as well as their suggestions for an effective rescue operation. The interview with the Chanditala I and II Panchayats (before Panchayat election) was a combined meeting.

After several attempts, the organisation conducting the interviews was able to meet with ex-Panchayat presidents who had been in office when the children were reintegrated, and the Police Superintendent and other government officials involved in the post-return situation.

### **Road Blocks**

The Panchayat elections made it difficult to conduct interviews with Government functionaries. Though a consent letter was obtained from the Principal Secretary, Department of Labour and the District Magistrate (Hooghly), it was extremely difficult to have any interaction with the Block Development Officers (BDOs) of the identified blocks, as they were busy with the election formalities.

An impediment faced while interacting with higher-level government officials was their lack of openness towards discussing issues in depth. Their stance on several aspects was found to be evasive and generalist. They did not contribute much on strategies to address the issues and were tight-lipped about area-specific information.

Panchayats meanwhile were found to be indifferent to discussions on child labour and did not see any merit in engaging with the issue. They also did not offer any suggestions to remedy the situation.

One BDO initially refused to comply as he felt that NGOs raise the expectations of the people with whom they work, and do not fulfill any promises. As a result, the BDOs have to deal with the aggravations created by such organisations. This BDO finally allowed the team to visit the villages only because they intended to conduct a survey and were not proposing a long-term intervention.

### ***The child who came back home...***

***A Panchayat member narrated a shocking incident: an employer had a trunk sent to a child's family with a message that their son, who was working in another state, would be arriving the next day. The family did not open the trunk for two days, waiting for their child to return home.***

***After two days, the family became anxious, as their son had not yet reached home and pried open the trunk - only to discover the body of their dead son, packed in dry ice.***

Table V: Current profile of Hooghly District

<b>Area</b>	<b>Square km</b>	<b>3,149.00</b>
<b>Population</b>	<b>'000</b>	<b>4,355.23</b>
Male	'000	2,271.79
Female	'000	2,083.44
Urban	'000	1,358.25
Rural	'000	2,996.98
<b>Literacy</b>	<b>%</b>	<b>66.78</b>
Male	%	75.77
Female	%	56.90
Workers as % of total population	%	31.14
<i>Workers as % of main workers</i>		
<b>Agriculture &amp; allied activities</b>	<b>%</b>	<b>48.72</b>
Mining & Quarrying	%	0.11
Mfg. (Non-household) industries	%	19.60
Household industries	%	2.94
Construction	%	2.04
Services	%	26.60

Source: <http://www.hooghly.com/census-blck.htm>

## Responses to Issues

### *Level of awareness on child labour situation*

The responses of the Panchayats and Department of Labour West Bengal regarding their awareness of child labour, are given below.

<b>Among Panchayats</b>	<p>A few Panchayat Presidents agreed that there is enough evidence of child trafficking from the villages in the study. The Panchayat had not considered child trafficking as an issue to be tackled on an urgent basis due to the socio-economic condition of the families. An ex-Panchayat Pradhan of Baruipara Gram Panchayat (in whose term the restoration process took place) under Singhur block, mentioned casually that, “99% of the male children from here go to Delhi and Mumbai for Zari work. Some boys also go to work in jewellery units in different places and come back after 4 - 5 years, wearing lots of gold ornaments”.</p>
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**Department of  
Labour, West Bengal**

Special Secretary, Dept of Labour, said, “A large number of boys from Jangipara and other places go to Delhi to do Zari work. The children leave their homes repeatedly after they are restored because there is a compulsion to work. Initially they work as apprentices and when they are skilled, they become independent workers.” He also mentioned that a large number of girls are involved in Zari work at Hooghly, but they work from home and on small contracts.

*“Parents of the rescued children have asked me to issue ration cards to certify that the children are above 18 years of age, so that they cannot be rescued by the police thereafter. I refused saying that it is not possible to issue ration cards without birth certificates.” A Panchayat Pradhan*

## Reasons for Child Labour

Various reasons cited for child labour that were compiled based on answers received from different officials, are listed in the table.

**Poverty**

When asked about the reasons for children going to work, an ex-Panchayat President confidently stated that poverty is the main reason for child labour.

**Lack of opportunities  
in Villages**

Panchayats felt that there was a dearth of economic opportunities in the village. This was why parents willingly sent their children to work outside the village.

**Gender constructs**

It was widely felt that the cultural norms of certain communities permit sending male children to work away from home even at the early age of 5-6 years.

**Lack of a quality  
education system**

When asked about the schooling available, Panchayats mentioned casually that schools do exist, but they do not function well. When asked if they believed that malfunctioning of schools was a reason for children discontinuing education, they said that it might be a possibility, but they could not be sure about this. The District Magistrate admitted that the education system was not able to cater to a child's needs. On the other hand, when schemes such as Shishu Shikha Kendra are introduced, male children are still not sent to school. The value of education is low, as they see no benefits deriving from it and feel that it is better to send children to work.

**Community-specific  
norms**

The Special Secretary felt that as this belt was predominantly occupied by the members of the Muslim communities, the literacy level was very low and the family size was large. The prevailing concept among the families was that boys were the main source of income and they were supposed to be primary breadwinners.

<b>Lack of development initiatives</b>	Most Panchayat Presidents felt that a major reason for child labour and trafficking was non-functional developmental initiatives. One also mentioned that of 20 SHGs, only 1 SHG got support from the banks. The income generation programmes under the government schemes for supporting poor families were also not implemented properly.
<b>Awareness of legal framework</b>	The Special Secretary opined: “People in West Bengal are aware of the legal framework; therefore they are conscious about the age. So whenever there is an inquiry on the children moving out of the village for work, families show the age proof of children as being above 14 years. Moreover, it is undesirable to hold parents responsible and take action against them because of their socio-economic status.”

### Communication Gap between Government Bodies

The table that follows presents information gathered in discussions with officials in different government departments.

<b>Dept of Labour, West Bengal</b>	The Special Secretary, Department of Labour held that his office had no information about the rescue and restoration operation and all information in this regard was available with the Labour Commissioner. “When there is a rescue, generally the information is directed towards the Labour Commissioner and the Superintendent of Police of the concerned State where the minor needs to be restored. Likewise, if West Bengal had been where the children worked and this fact had come to light, then the Labour Department would get involved.”
<b>District Magistrate, Hooghly</b>	“If we had received information well in advance about the children’s arrival, we could have done more in terms of logistics and programmes to retain them in their villages. But we were told only a day before and the only thing we could do was plan on sending them home. As a result, rehabilitation was restricted to sending them back, not solving the problem itself.”
<b>Superintendent of Police, Hooghly</b>	When asked why the police had not informed the Panchayat about the arrival of the children; the SP Hooghly said that he did not have the jurisdiction to carry out such a task. He had informed the local police station, which was his responsibility.



<b>Block Development Officers (identified blocks)</b>	The BDOs were asked why it was that they had not been informed earlier about the rescue operation and the number of children that would be restored to families in villages under their blocks. They replied that the restoration of rescued children from other state comes under the jurisdiction of the Home Secretary and thus the Police Superintendent. As such, they did not see any reason why BDOs had to be actively involved in the restoration process, apart from being informed of it. One of the BDOs interviewed said that she was not officially informed of any rescue operation and learnt about it by chance since one of the rescued children was her neighbour.
<b>Panchayats</b>	The common thread from all these discussions was the evident communication gap between the block offices and the Panchayats. One of the Panchayat Presidents said, “We had no information on the restoration of the rescued children. We got to know about this only when the field research team arrived at the village and requested our help to identify the addresses of the children in order to conduct interviews”. An ex-Pradhan said that she had no information about the operation and denied that any such thing had happened in her village. She felt she would surely have been informed, if it had.

### Government’s role in Combating Child Labour and Trafficking

Responses to questions made to different governmental bodies on issues of child labour and trafficking are given in the table that follows.

<b>Department of Labour, West Bengal</b>	The Special Secretary lamented: “When the Government machinery enquires at the grassroots level, the people, the employers, the employee and even the parents deny the fact that their children are engaged in any work.”
<b>Panchayat</b>	Panchayats have very limited economic infrastructure and therefore cannot support everyone. In a way it is helpful that the parents send their male children to locations where they can learn something as well as earn some money. Even if the children give up their jobs and return from locations outside the village, their parents would re-engage them in some kind of job or the other.
<b>Police</b>	The Superintendent felt that the onus of preventing child labour and child trafficking rested with the Panchayats. The denial on the part of the Panchayats smacked of lack of political will. He said, “We need to find the genesis of the problem - mere rescue and restoration will not help. The mindset of these people must be changed. This is possible only through education.”

*Falling through the Net...*

*A Block Development Officer spoke about an instance when a resident of Ramnagar come to her a year ago for a residential certificate with age for her son who worked outside the village. The applicant mentioned that this certificate was required at her son's workplace. When asked "How old did you say the child was?", the Panchayat president said "Oder kaaj korte hobe. Boyos niye jhamela te jate na pore sate dekha amar kaaj. Tei amon boyos dite hoi jate ora kaaj korte pare." (These children had to go to work outside the village so it is my duty to protect them. Accordingly I certified that her son was an age that would allow him to work.)*

**Perception of the Rescue Operation**

Different agencies had varying perceptions on the operation to rescue the children from the jewellery units. These perceptions are provided in the table that follows.

*"It is idealistic to say that children will not work but it is quite another thing to ensure that children are not working (adarsho badi hoye laab ki, jokhon bachhe re khete pachhe ne, kore dekhano ato sohoj noi)", said one Panchayat President.*

**Panchayat Presidents**

Panchayat Presidents said that certain steps should be followed to make a rescue operation effective:

- The concerned authorities should be informed prior to the rescue operation.
- In an inter-state rescue operation there is a need to formulate the guiding principles to be followed by the sending and receiving states.
- Panchayat actions should become a mandatory part of such guidelines. Furthermore: "Only we (Panchayat) are in a position to monitor the situation in village, BDO *saheb* also will not be able to do so, thus it is important to issue notices to the concerned Panchayats prior to rescuing children and sending them to the village."
- The Panchayat should be empowered with adequate financial resources to support poor families so that their children were not sent to work.
- There should be programmes targeted at changing the mindset of the community on these issues.

**Superintendent of Police, Hooghly**

"Some parents were very annoyed with the rescue – a few of the parents were happy and relieved at the rescue – but 'a sizeable population' was not happy. Forced rescue and restoration will not solve the problem. It will make it more acute. **Laws are confined to urban systems, and in the rural regions, local customs cannot be denied.**"

**District Magistrate,  
Hooghly**

The District Magistrate, Hooghly stated that this NGO survey would help government administration understand the reasons for Child Labour and Trafficking. Being unaware of the causes of why children are sent to work, diminishes the efforts that are put in place to prevent child labour. He felt that raid and rescue would not solve the problem. To achieve a solution, the process has to have a multi-pronged approach to address the problem of children being sent to other workplaces after some time.

**Endnote**

- <sup>4</sup> There is no structure at all. The families stay in the open space. It could be defined more like a situation that pavement dwellers have – no structure, no demarcation of area for these families to stay.



## Choice or Coercion?

### Challenges

Without a doubt, the greatest challenges in a situation involving the trafficking of children for labour are faced by the children themselves. However our study revealed that the children often felt a tremendous sense of loyalty towards their parents and of duty towards their families. Hence, they took it as a matter of course that they should work as a means of improving the situations of their families, irrespective of the conditions of work. Further they felt that complaining was an expression of disloyalty which would reflect badly on their parents. Hence, the challenges faced by the children are in the descriptions of their work lives given in the chapters “Children at work” and “The Rescue Operation”. Another set of challenges, faced by the parents, is discussed in the chapter “Post-Return Situation”

This chapter attempts to understand the notion of Consent as a factor in “trafficking in children”. It examines issues raised during the rescue operation in Bangalore and the

interviews conducted to understand the perceptions of various stakeholders on the rescue operation as a means to elimination of child labour.

The implications of ‘consent’ as a method used for trafficking in children has not been understood in its fullest sense. The moulds in which the dominant discourses on trafficking are framed are based on certain assumptions and beliefs, which are often perceived as ‘truths’, beyond challenge. These discourses often equate trafficking with prostitution and lay stress on the restriction of movement of weaker and vulnerable sections of the society as a way to combat trafficking. Police rescue and so-called rehabilitation initiatives have become the cornerstones of most programmes arising out of this stream of thought.

This study throws light on the shortsightedness of such interventions, which lead to further victimization of children with every possibility of them being re-trafficked as they fail to address the socio-economic basis of trafficking



situations. What makes such interventions ineffective is also the linear understanding of the ways in which trafficking occurs, without consideration of the shifts in modus operandi of trafficking, based on the areas of vulnerability that present themselves for traffickers to cash in on.

In this study, the most commonly used method was manipulation of 'consent'. This has revealed the importance of understanding and questioning the situations and manner in which 'consent' is obtained.

Acute survival needs being the central factor in the decisions of parents to send their children away to work with a seemingly high level of approval is actually a response to the 'no option' situation where the trafficker plays the role of a saviour and wins over the trust of parents.

With the prospect of decent wages, the dream that the child will learn a trade and be self-sufficient after few years of struggle in the jewellery units, parents see the trafficker (a known person) as a 'well-wisher' who empathises with the family's tough situation.

Thereby, 'trust' is built by traffickers (sometimes conduits) through concrete help such as monetary support to the family in a desperate situation. During the course of forming such a relationship, traffickers discuss job opportunities in other states for their children. Families are overwhelmed by the 'friendly' and 'supportive' gesture of this person from the neighbourhood and give their 'consent' for the child to be taken away for work, without understanding the realities of what this child will face along the route and once it reaches the said destination.

Given their limited knowledge about the work situation, affected families accept the perils of children at work, believing that someday their hardship will pass and a 'new life' will begin. This creation of hope in hopeless conditions

constitutes a further layer of deception, which leads to 'consent'.

The economic coercion that leads to 'consent' from the family; in turn leads to the 'willingness' of the child to travel to an unknown site of work without any knowledge of risks and threats. This process is quite clearly trafficking.

The study showed that children were 'willing travelers'. They were aware they were coming to Bangalore. They knew they would be working in jewellery units. But what they did not know about were the hazardous working conditions, the captive nature of the work, the situation of bondage and little control over their lives which turned out to be the reality of their stint in the jewellery units.

The children explained that they were passed on to various unknown people along the route from Howrah to Bangalore. Four stages were observed in their journey:

1. Village to Hooghly township: a known neighbourhood 'uncle' (first contact)
2. Hooghly township to Howrah station: a stranger (second contact) to the child but known to the neighbourhood uncle
3. Howrah station to Chennai: a stranger (third contact) to the child, but known to the second contact
4. Chennai to Bangalore jewellery unit: a stranger (fourth contact) to the child, but known to the third contact

Finally when the child reached the destination, he had only the other children from his own village as reference points, with the adult person who had originally brought him from his village nowhere in the picture.

Another characteristic of this phenomenon was that all the people involved (from the first contact to the jewellery unit owner) hailed from West Bengal and had common links amongst



*Entering the first jewellery unit to release children*



*Children being escorted by child activists to the bus*

*Children made to sit for a medical check-up during the immediate post-rescue period*



*Doctors from NGO1 examining children for the age certificate*

*Children leaving from APSA on the evening of 5th June 2002 for Kolkata*





*The banner proudly announced the rescue and repatriation of child labourers from West Bengal*



*Child at work in the jewellery unit*



*Workplace as well as living room of the children in the jewellery unit*





*Children with their paintings at the art workshop conducted in APSA*

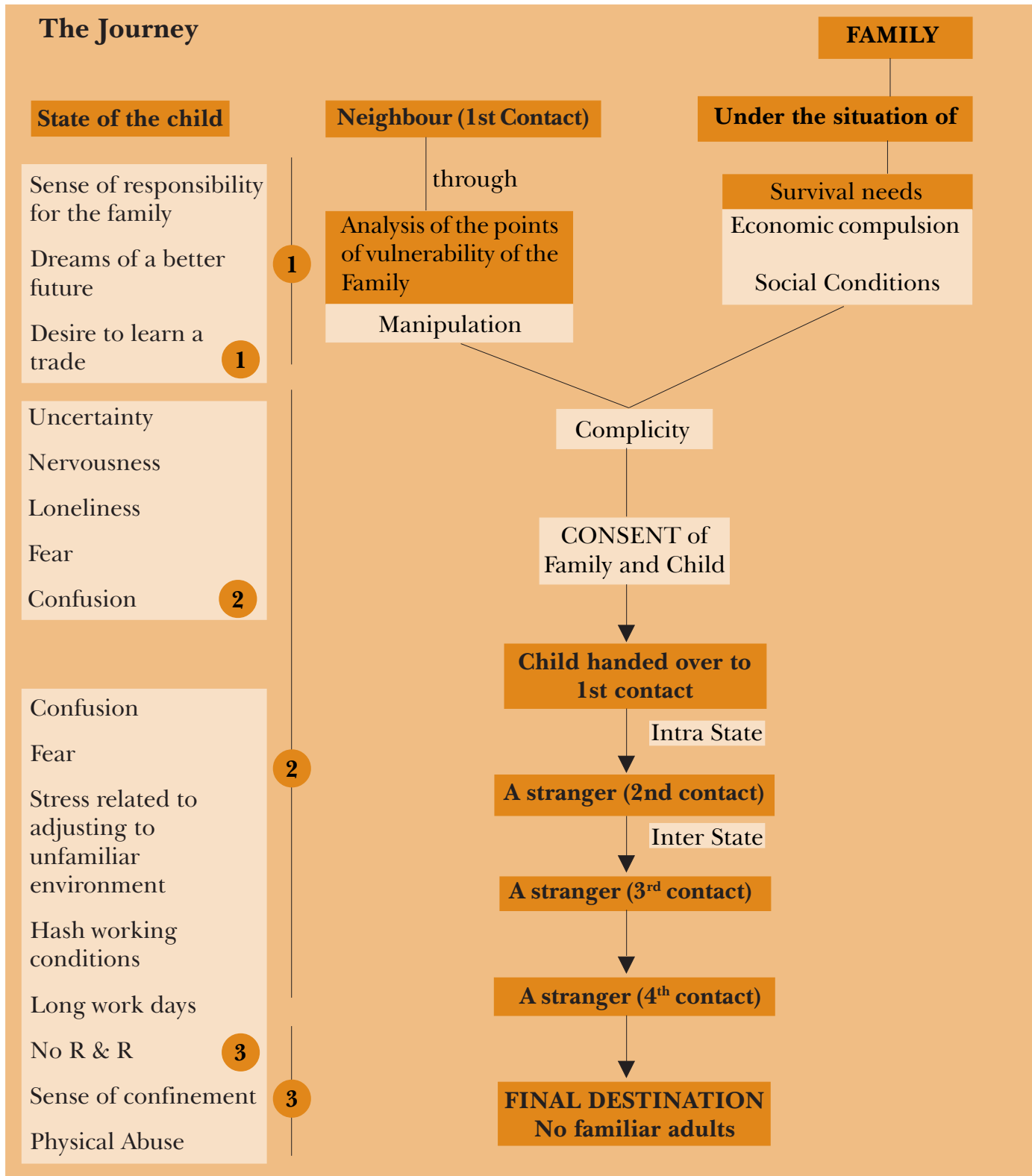


*Children during recreation*

themselves. Thus the trust that had built between the first contact and the family members were not questioned even during the later phases of the trafficking process. Families were happy to give away their children to the

first contact whom they know very well with the hope that “child will learn a trade”.

Another element worth mentioning is the detailed ‘need assessments’ that the traffickers



did to cash in on most vulnerable and desperate situations. All these point towards multi-pronged tactics used by traffickers, who are constantly changing strategies to suit situations and reach their goals.

The study shows that ‘coercion’ as method has now transformed to ‘consent’ as the problems regarding recruitment, transportation

becomes easier when all parties involved are in ‘agreement’ with the deed. Today, the need is to understand ‘coercion’ in relation to ‘consent’ as these elements can no longer be dealt with in isolation when combating trafficking.

To summarise the discussion, the diagram below shows the physical and emotional journey of a

### ***The deception/ rationalization element***

*None of the children had detailed information about where they were from or the organisations or individuals for whom they were working. They had been brought very far from their families, homes, communities and familiar surroundings. In most instances, the children said that employers had given them money for their tickets to Bangalore, so there was a strong sense of obligation. Even though one youngster said, “I couldn’t go home because I couldn’t afford it,” the issue was not merely one of not having the financial resources to buy a ticket to go back home. The employers or their agents had escorted most of the children to Bangalore. They were not informed enough or empowered enough to make their way back to their homes, should they have felt the desire to go back. Most of the children were not sufficiently familiar with Bangalore to find their way back to their homes/ places of work if they were taken to a different section of Bangalore. When, subsequent to the medical examination, the decision was taken to send back the boys who were found to be over 14 years of age to their employers, these boys were very shaken. “Take us back,” they said. “Or telephone our employers so that they can take us back. We don’t know how to get back to our houses.” This, although they were less than two kilometres away from their worksites. Most children only knew their employer’s names and a telephone number at which they could leave a message for them. They did not have the addresses of their employers or any other information*

*about them. There was one child who even said, “I don’t know the name of my employer—I’ve only been here two days.”*

*This combination of lack of information, lack of contact with the outside world, extremely limited financial resources, lack of knowledge of the local language, or even, in most cases, any language other than their first language—(Bengali) to help them communicate in an alien environment, the lack of a support structure apart from that provided by their employers, the threat of corporal punishment if they sought outside contact or tried to know their neighbourhoods better, all contributed to a situation in which the children were practically imprisoned even though they were not physically locked up. The combination of the sense of obligation to their employers and the lack of options to sustain them made their situation akin to that of bonded labour.*

*There was a tendency on the part of some of the children to rationalise their presence in such a situation and put the best possible face on it, especially in the case of children who had not been there for a long time. “My employer is just like my brother and I had just come to explore the opportunities here,” said one child. Another reported, “I had just been here for a day when the raid happened. I had come for sightseeing.” However, another child offered additional information with which to consider these statements: “I was told to tell people, in case of any trouble, that I’ve come for sightseeing.”*



## Challenges faced

child from the village of Hooghly district to the jewellery units in Bangalore.

This section focuses on the challenges involved in the rescue-raid process as well as the study itself and is divided into three parts. The challenges mentioned are as perceived by the following:

- a) The Rescue Team
- b) Caregivers of the rescued children in Bangalore; and
- c) Field researchers who gathered information on the post-return situation of children.

### Challenges Perceived by the Rescue Team

- 1. Maintaining integrity:** The first challenge before the rescue team was to maintain the integrity of the eight teams formed to carry out this rescue operation given that most of the members had only met each other shortly before.

- 2. Communication:** None of the rescue team members spoke Bengali, except one staff member of NGO 3. The effort to communicate with the children effectively was greatly hampered in this situation.

- 3. Managing the children's emotions:** To be able to manage the agony, anger and hostility of the children was another challenge during the immediate post-rescue situation.

- 4. Arrangements for basic needs:** Catering to the basic needs of 104 children with so little advance notice was a challenge. The rescue team had to arrange for adequate drinking water, food and clean toilets.

- 5. Segregating children into groups:** To arrive at a means of classifying the 104 rescued children into three groups to be assigned to the different homes was a big challenge as both the observation home and school were eager to receive young children. It became difficult to segregate



children purely based on their age. The intervention of NGO 1 then made it possible to divide children in three groups with criteria that have a clear emphasis on child welfare such as ensuring that brothers and friends were placed in the same transit home.

### Challenges when caring for the rescued children

Representatives of NGO 1 unlike the persons responsible for the other two residential facilities, felt that there were many challenges related to the experience of keeping the rescued children in the shelter home. These were related to:

1. **Communication:** Most of the children spoke only Bengali. None of the members of the staff spoke the language, and arrangements had to be made to call in former staff members as well as employees of other organizations so that communication channels with the children could be kept open. This was necessary so that the children would be able to communicate their needs.
2. **Accommodation:** Finding physical space for 41 children at short notice in a home already stretched beyond its limits because of the overwhelming need, was a big challenge. The children could be accommodated only because the NGO housed them in a space that its staff used for meetings.
3. **Resources:** Finding the financial and material resources to look after the children was also a challenge. Even if an organization only had to arrange for food, feeding over forty children for several days does require a large quantum of funds. Since the shelter home in question was also a crisis intervention centre, it dipped into its resources and managed to provide for the fifteen days that the children stayed there. A resource crunch would have

occurred if the impasse had continued for longer than it did. .

4. **Large number of children:** Having so many children present at the home for crisis intervention presented a challenge to the children who were at the home as longer-term boarders. (It may also have been the same phenomenon that led to the violence against the rescued children by the boarders at the Government Observation Home.) The rescued children did not attend classes and could therefore sleep in late. Since they were at the home only for a brief period and because they were going through a particularly ambiguous, confusing and turbulent time, their days were primarily given over to recreational activities, sight seeing and the like. This would upset the regular students at the home who had to stick to their normal routines, wake up in the morning and go to class as usual.
5. **Mental and emotional well-being of rescued children:** Taking care of the mental and emotional well-being of the children in a context which they did not completely comprehend was difficult. The children wondered why their lives had suddenly and dramatically changed. They were perplexed regarding why they were housed with people whom they did not know, and where few people spoke their language. After the initial confusion and insecurity, the children who were housed at the shelter home reported that they were happy to have left the places where they had been working, and were eager to go home. However, because their home state was slow to respond to the requests for information and action from the rescuing state, the process of repatriation was delayed. The children were disappointed and confused by the delay in sending them back to their homes.

- 6. Inability to provide counselling:** In addition to these extraneous factors, the fact that they only understood Bengali prevented the children from receiving the counselling services that they would otherwise have received at the shelter home. No attempt at counselling was considered at the other two residential facilities.
- 7. Children's attachment to home:** By the time they had to leave, many of the children housed at the shelter home had grown emotionally attached to the staff. They found the shelter home, with its opportunities for education, and a caring staff a viable alternative to working in the difficult conditions from which they had been rescued, and from the grinding poverty in their homes. Homes from which they might once again be sent away to work.
- 8. Escort team:** The escort team consisted entirely of 21 male police personnel. There were no women members in the team, neither were there any members of the Social Welfare department present to escort the children back home. Using only police personnel to escort the children may also be responsible for the widespread perception among the children, their families and the local communities that they had been "caught" by the police.
- 9. Lack of planning for railway coaches and amenities in them:** The extra coach attached by the railway authorities was not a sleeper coach. Given that the journey would take nearly two days, appropriate sleeping arrangements had not been made for the children during the journey.
- 10. Inadequate railway accommodation for return journey:** Accommodating twenty-one adults as well as 104 children in a single railway carriage resulted in cramped and uncomfortable conditions throughout the journey.

## Challenges in field research about the post return situation

During the field research phase, two organizations based in Kolkata, West Bengal were contacted to gather data on the post-return situation of the rescued children. The data collection process was divided into two parts:

- a) Collecting information from the children and their families on the rescue operation, and gathering information on the socio-economic situations prevailing in the village themselves.
- b) Collecting information from government functionaries who might have been involved in the post-return related work.

## Collecting Information from the children and families

When attempting to collect information from the children and their families, the researchers faced the following challenges:

- 1. Identifying families:** The first set of challenges faced by the organization was to identify the families of rescued children. The addresses collected by the NGOs from the children themselves in Bangalore were inadequate to locate the families. The list of correct addresses was later collected from the office of Police Superintendent, Hooghly prior to initiating the field research. After the correct list was collected another round of confusion ensued as the addresses did not contain the full names of parents or guardians. The survey team had to go through the voters list of each Panchayat under the identified blocks to trace the families of the rescued children.
- 2. Families to speak on rescue:** To persuade the families to speak about the rescue was another challenge. Many identified villages were mostly populated by the Muslim community. During the day only the female members of the families were

present at the home and cultural norms prevented them from speaking to male strangers.

**3. Negative opinions of rescue:** There was a negative feeling among the families about this operation due to the overemphasis on police intervention. For this reason, making them understand the purpose of this survey and eliciting information was a difficult task.

**4. Expectation of monetary benefit:** Families expected a monetary benefit for responding to the survey. The survey team had to constantly inform them that the survey was an independent one and not intended to provide monetary benefit for families or their children.

### Collecting Information from government functionaries

Researchers faced the following challenges when trying to obtain information from government functionaries:

- 1. Convincing BDOs of need for survey:** To convince the Block Development Officers of the need for a survey to understand the post-return situation of the children was another challenge. The BDOs felt this should have been done by the Panchayat if it was required. The BDOs were finally convinced of the need for a survey after a series of meetings, and allowed the survey team to go ahead with the field research. However, the BDO, Singhur questioned the validity of such a survey when it was not done by a governmental agency.
- 2. Maintaining communication with the Panchayat:** Panchayat Presidents demanded that the survey team provide regular updates to the concerned authorities. Maintaining such communication with the Panchayat added to the work of the survey team.



This chapter presents an analysis of the findings of the study and is based on the following stages:

1. Planning
2. Rescue operation
3. Immediate post-rescue
4. Short-term care
5. Legal Intervention
6. The journey home
7. Post-return situation

It presents the chain of events during the rescue operation and the shifting membership of various actors involved at each stage. The chapter also analyses issues related to enforcement of procedures laid down by the Department of Labour for rescue operations. The analysis also delves into the gaps in the post-rescue operation and the systemic failure to retain children in their villages.

The analysis is presented in a tabular format for enhanced readability. The tables contain three columns with the following titles: "As it was experienced"; "Analysis"; and "As it should be".





## Planning the operation

As it was experienced	Analysis	As it should be <sup>5</sup>
Only one NGO was called to take part in the rescue operation	No team was formed for the rescue operation.	A team consisting of the concerned government departments, NGOs, Medical professionals, Children's Sanghas and Police should be formed for a rescue operation.
NGO 1 was invited to join the team only two days prior to the rescue operation.	Adequate time was not given to the NGO to prepare for a rescue operation involving inter-state trafficking.	The rescue team should be trained adequately (irrespective of whether there is an immediate rescue operation or not) to carry on a rescue operation with professionalism.
<p>NGO 1 raised the issue of immediate post-rescue transit facilities.</p> <p>NGO 1 suggested the school opposite to DC's office.</p> <p>The Department of Education was contacted to provide the school building opposite to District Collector's Office for a short period.</p>	<p>The district administration was short-sighted regarding post-rescue requirements.</p> <p>A list of possible transit facilities was not prepared to analyse what would be most suitable for the children. Instead, what was most readily available became the transit location for the rescued children.</p>	<p>A list of transit facilities available in and around the site of rescue should be available with the rescue team, irrespective of immediate assignment. The facilities available should be noted as part of this list.</p> <p>Prior to a particular rescue operation, the rescue team should analyse requirements versus the availability of space in the transit facilities that are listed.</p>
NGO 1 contacted the second NGO (NGO 2)	Though NGO 2 is a Human Rights Advocacy group, the role of such an NGO was not clarified.	The roles and responsibilities of agencies involved in rescue team should be determined based on their expertise prior to the rescue operation.
Labour Officers and representatives from NGO1 went to the site of rescue operation	The decision to "stake out" the location of the raid to determine its specific advantages and challenges, though commendable, was an ad hoc one, taken largely at the instance of NGO 1.	A checklist should be prepared for use when a site is to be investigated. The investigation team should assess the rescue site based on the checklist <sup>6</sup> created.

As it was experienced	Analysis	As it should be
<p>Labour officers and representatives from NGO 1 went to the school where the transit facilities were arranged.</p>	<p>The school's summer holidays were going on, and the team could not check the facilities available. Thus, the proximity to the DC's office and the rescue site become main factors when deciding on the transit accommodation for the rescued children.</p>	<p>Proper instructions<sup>7</sup> should be provided to the institution(s) where transit accommodation is sought for the rescued children.</p>
<p>NGO 1 contacted the third NGO (NGO3) to allow a staff member who could speak Bengali to join the operation. This was done on the evening prior to the day of the operation.</p>	<p>Though NGO 3's role was clarified to be that of translator, NGO 3 had no idea of what exactly was required. They wondered whether communicating with the children was their only job or whether they had to also communicate with other agencies involved in the rescue.</p>	<p>Though linguistic skills remain an issue in inter-state rescue operations, the rescue team should be well-equipped to contact organisations or institutions that possess the required linguistic skills. A resource list indicating these skills should be prepared.</p>



## The day of the rescue operation

As it was experienced	Analysis	As it should be <sup>9</sup>
<p>All members of the team gathered at the DC's office at 6:30 a.m. on the day of the raid.</p>	<p>An effort was made to gather together a large number of stakeholders during the raid and rescue operation, which is a laudable. However, the size of the team in a raid and rescue operation that involves children is critical. While it is important that there are a sufficient number of people involved to make sure that things go smoothly, it is also important that the number should not be overwhelming to children who are in an ambiguous and stressful situation.</p> <p>No list of members joining the rescue operation was prepared. There was no estimation of the manpower that would be needed for the operation.</p>	<p>Only the members of the rescue team should be primarily responsible for carrying out the rescue operation.</p> <p>Each team should ensure that their personnel have had adequate briefing on the nature of their individual responsibilities.</p>
<p>The DC provided a brief on the purpose and basis of such action.</p>	<p>The participatory approach employed by the DC, that sought ideas from a large number of stakeholders towards the manner in which the raid was to be carried out is laudable. Whether there was time to collect sufficient ideas and evaluate each on their relative effectiveness, advantages and disadvantages is a moot question.</p>	<p>These exercises should be done after adequate time has been allotted. It would be more effective to seek consensus before the eleventh hour, withholding information that needs to be kept confidential, such as the exact location and the sector in which the children were working.</p>

As it was experienced	Analysis	As it should be <sup>9</sup>
<p>Teams were formed with members from Government departments, NGOs and other volunteers.</p>	<p>The teams were not clear about their specific responsibilities during the operation.</p> <p>There was very little time to prepare the teams for the operation.</p>	<p>Roles and responsibilities of each member involved in the rescue operation need to be clarified.</p> <p>Proper training is required to be able to carry out rescue operations effectively.</p>
<p>People in the teams had to be transported to the operation site. The group considered this aspect only at the moment they had to leave for the operation. Arrangements were therefore very ad hoc. People piled into whatever vehicles were available.</p>	<p>This is another example of a necessary step in the process, which was not anticipated, and therefore not planned for.</p>	<p>A blueprint for undertaking rescue operations of this nature should be prepared. The government should be able to manage the rescue and raid as they do “disaster management plans”. This means they would not have to recreate plans every time the need arises. They would only have to adjustments to customise the plan for a particular situation.</p>





## The Rescue

	Analysis	As it should be <sup>9</sup>
Police, along with the coordinating team opened the doors of the jewellery units.	This procedure was maintained in the first few raids. After a while the disintegration of teams and the overwhelming involvement of members from the “Viswakarma Gold Association” made it difficult to carry out the rescue operation in the manner it was planned.	A well-trained rescue team should make the first contact. The team should include representatives of children’s sanghas with clear roles and responsibilities.
Teams disintegrated.	The large group of stakeholders had little time to assimilate the idea of being divided into groups and also were not familiar with each other. This was the likely reason for the reportedly ineffective manner in which the plan was carried out.	The Government sees raids as one of the primary means to combat child labour. Given this situation, a task force could be created and meet at reasonable intervals to be trained to carry out this process effectively.
Communication with the rescued children became difficult, as there was only one person who spoke Bengali.	Communicating clearly to the children about the nature and purpose of the operation, as well as alleviating their anxieties about the number of policemen present, where they were being taken and why, was very important. However, only one person in the entire team spoke the first (and in many cases, the only) language the children could understand. The sheer number of buildings and rooms in which the raid was simultaneously conducted precluded the possibility of good communication with the children.	Good communication with the children involved ought to be an essential prerequisite of any raid and rescue operation. This would reduce the stress experienced by the children during the operation and introduce participatory elements to a difficult situation.

As it was experienced	Analysis	As it should be <sup>9</sup>
<p>Labour officials were to collect information on the working conditions, number of employees, meter number and other details based on the prescribed format available with the Department of Labour for such actions. The unit owner and the children rescued from the particular unit were also required to make declarations on prescribed forms.</p>	<p>Labour officials responsible for collecting accurate data from the location of the raid and rescue operation were too flustered to do so.</p>	<p>Accurate and complete evidence needs to be secured at the site. This is because legal proceedings need to be initiated against the employers to seek redressal for violation of the law after the raid and rescue procedure. Better planning to ensure that all procedural requirements are carried out efficiently, is required.</p>
<p>The need to arrive at a good story resulted in members of the media adding to the general chaos at the scene of the raid.</p>	<p>No control mechanisms were implemented to monitor the involvement of the media so that they would behave with sensitivity in the situation.</p>	<p>While the use of the media to publicize instances of exploitation is necessary and important, it is equally necessary and important to lay down guidelines for the media to follow in sensitive situations involving children.</p>
<p>Members of the raid teams carried no identification with them. There was general chaos which could hold potential for danger as raid teams walked into the houses of law-abiding citizens without warrants and without accountability.</p>	<p>The raid teams acted with little thought of the legal aspects of a raid. This can be brought to light if one considers a hypothetical situation. Suppose a child from one of the houses that was entered was kidnapped during the process of, and under the guise of the raid there would be serious consequences. Would the authorities then be able to justify their actions?</p>	<p>Control mechanisms are definitely required. These could take the form of:</p> <ul style="list-style-type: none"> <li>● Cordoning off the area</li> <li>● Providing prominent identification symbols (like badges) for members of the team</li> <li>● Providing information to adults in the houses or respectable neighbours about who was taking charge of which child and obtaining his or her signature in acknowledgement</li> </ul>

As it was experienced	Analysis	As it should be <sup>9</sup>
<p>Sweets were distributed to the children as they came out of their houses, and since several of them had been interrupted while they were in the middle of breakfast, or before they had eaten, buns were distributed shortly thereafter</p>	<p>Food can serve as a great comforter, and the idea to distribute sweets and food immediately after the rescue was probably a good one.</p>	<p>As ‘providing food’ seems to be a positive factor it should be considered as an integral part of rescue operations and should be done with adequate care.</p>
<p>After rescuing children from the units, they were transported mainly in police vans, temporarily housed at the school building, diagonally opposite to the DC’s office.</p>	<p>The criticality of obtaining information that is as complete and accurate as possible is reinforced by the lack of adequate planning for transporting the children. Lack of information regarding the number of children meant that the majority of the children were transported in police vans. This led to skewed perceptions about the rescue operation in the minds of the children and their parents. “<i>Hamen police kyon pakadke le ja rahen hain?</i>” was a question raised by the children. The children did not perceive themselves as being “rescued,” they saw themselves as being taken away from a familiar environment where the risks and hazards were known to an unfamiliar environment which seemed unsafe and threatening in comparison. The presence of a large number of unfamiliar adults, policemen and Government officials added to the fear in the minds of the children.</p>	<p>Obtaining accurate information and carrying out independent investigations after receiving a complaint should be a mandatory requirement prior to rescuing children.</p>

## Immediate post rescue

As it was experienced	Analysis	As it should be <sup>9</sup>
<p>Over four hundred children were transported to the school opposite the DCs office.</p> <p>However, the school was not opened. There was no drinking water. The classrooms were dusty as the raid occurred during the summer holidays. There were no buckets or mugs in the toilets.</p> <p>There was no money even for a roll of film to officially record the operation.</p>	<p>There was insufficient coordination between the office of the DC and the Education Department; and the Education Department and the authorities of the school. The lack of a clear mechanism to demarcate resources for the operation was evident. The DC was confident that he could use his position to obtain whatever resources were needed for the operation. Though he had told his team, “Anything you want, you ask me,” in actual practice, this ad hoc method did not work very well. The DC was preoccupied with many tasks. This together with the hierarchical difference between the DC and those officials engaged in tackling the nitty-gritty details meant the officials were reluctant to approach him for many of the things they required.</p>	<p>During a rescue operation, inter-departmental coordination requires specific responsibilities and agendas outlined for the different agencies that participate. These responsibilities and agendas should be prepared and understood by all agencies prior to the raid. A checklist should be provided to the institution where arrangements for transit are made. This checklist should address the basic needs of the rescued children as well as materials and personnel required for thorough documentation, which will later assist with legal procedures.</p>
<p>The children were confused and angry, as they were not sure of what was expected of them, and what would happen to them.</p>	<p>Adequate manpower to communicate with the children in Bengali did not exist. There was no sharing of information on:</p> <ul style="list-style-type: none"> <li>● The reasons for bringing them out of the units; and</li> <li>● The next step in the process</li> </ul> <p>The children became increasingly restless and violent as they were not aware of what was happening to them.</p>	<p>There should be a team at the transit facility consisting of counselors, child psychologists, representatives of children’s sanghas and child rights activists to provide adequate information to the rescued children as to what would happen to them.</p>



As it was experienced	Analysis	As it should be <sup>9</sup>
<p>The media hounded the rescued children in the hope of more stories.</p>	<p>Most of the children were in no mood to speak to anyone. Newspersons however, certain that this was a good story, were not willing to respect the attempts made by the children to resist their intrusive behaviour.</p>	<p>Guidelines for media involvement need to be prepared specifically for rescue operations. Media sensitisation programmes also need to be conducted at regular intervals to ensure responsible reporting on the issue.</p>
<p>The Administration did not arrange for lunch for the children. It was almost lunchtime when the authorities remembered that the children needed to be fed. NGO 1 offered their services to arrange the same. The lunch was served at 2:30 p.m.</p>	<p>The children became restless. They were hungry and upset about not being able to have lunch at the proper time. Additional pressure was placed on the staff members of NGO 1 as they had to make arrangements to provide lunch for around 300 people. This included the children, officials and members of other agencies present at the school.</p>	<p>This obvious requirement being overlooked reiterates the need for proper planning prior to rescuing children.</p>
<p>As per the DC's order, doctors attached to the Employees State Insurance scheme conducted quick physical examinations of the children to determine their age. Those above 14 years old were sent back to their employers, even though officials said they were aware that they were sending children back to the hazardous conditions and would have retained the children if they had sufficient facilities.</p>	<p>The statement by an official seems to indicate that it was expediency, rather than policy, that influenced the decision to send the older children back to patently hazardous working conditions. This has serious implications both for policy and for practice. It is incumbent upon the government to clarify its policy so that the law does not become a peg for the government to justify a decision to do less than it seems ethical to do in a given situation.</p>	<p>The Child Labour (Prohibition and Regulation) Act, 1986 has to be appropriately amended to conform to the CRC.</p>

As it was experienced	Analysis	As it should be <sup>9</sup>
<p>Children were sent to three institutions – an NGO run shelter home, a residential school under NCLP, and an Observation Home.</p>	<p>Prior to the rescue operation, NGO 1 was willing to house the rescued children at their shelter home (based on the DC's estimation that only 30-40 children would be rescued). As the number of children rescued was 104 there was no way that NGO 1 could house them all. Children were housed in three different institutions because of an error in estimating the number who would be rescued. This required an ad hoc decision as to how to house them. This decision was based on convenience rather than taking into consideration the needs of children.</p>	<p>Making arrangements for the basic needs of rescued children is an obvious requirement for which planning can be done at an early stage. To do this effectively, a reasonable estimate of the number of children who would be rescued is necessary. This again emphasises the importance of an effective mechanism for gathering complete and accurate information prior to a raid.</p>
<p>The nature in which children were segregated to stay in different institutions was extremely ad hoc. The Observation Home demanded that only younger children should be sent to them; while the residential school requested that they be sent a small number of children. NGO 1 then provided criteria to segregate children keeping in mind their emotional needs.</p>	<p>Though NGO 1 made an effort to set certain criteria for segregation, it was noticed that adults usually arrange affairs to suit their convenience, rather than the mental and emotional well-being of children.</p>	<p>A set of guidelines should be prepared which emphasise the need to ensure the rescued child's physical, emotional and mental well-being at all times during the raid and rescue process and afterwards.</p>

### Short- term post-rescue

As it was experienced	Analysis	As it should be <sup>9</sup>
<p><b>Institution I:</b> The superintendent in charge of the Observation Home did not perceive any challenge in housing the 34 children.</p>	<p>The home could accommodate as many as 70 more children. All they felt they had to do was provide shelter and food; they did not perceive any challenges with respect to this responsibility. Though language was a major barrier for communication, staff at the Observation Home did not perceive any problem.</p>	<p>Services which contribute to the rescued child's physical, emotional and mental well-being should be provided in addition to food and shelter.</p>
<p>No special programmes were undertaken for the boys who were rescued.</p>	<p>Regular non-formal education classes were in place, in which the children participated. (It is not clear how the issue of language was surmounted in the context of the classes.)</p>	<p>Transit facilities should be creative in keeping children occupied during their transit period.</p>
<p>There were instances of the boys from West Bengal being harassed and even beaten up by the children who were already housed in the Observation Home.</p>	<p>Children who were rescued were in need of care and protection. The Government Observation Home housed children in conflict with the law as well as other children who also needed care and protection.</p>	<p>A process that prepares the children in residence as well as those from the raid about each other is vital. It would have helped prevent violent behaviour against children from the raid who were confused and troubled by what they had gone through.</p>
<p><b>Institution II:</b> The person in charge of the residential school did not perceive the housing of the children as being a significant challenge because the school was on vacation.</p>	<p>There were only two people present at the institution: the principal and the cook. The school considered that providing shelter and food was its only responsibility. No thought was given to communication or entertainment for the children.</p>	<p>Services which contribute to the rescued child's physical, emotional and mental well-being should be provided in addition to food and shelter.</p>

As it was experienced	Analysis	As it should be <sup>9</sup>
<p>Since the institution did not bear any financial burden, organizing material resources to feed the children was not an issue.</p>	<p>Obtaining reimbursement for housing the children assumed greater importance than requesting for resources to address the emotional needs of the children.</p>	
<p><b>Institution III:</b> Accommodating 41 more children in the residential facility of NGO 1 was a challenge as it already housed 200 children. No vacant space existed to house the children from the raid.</p>	<p>Making adequate space for the children was a pre-requisite to make children feel comfortable and safe.</p>	<p>It would be ideal if resources were located well in advance, rather than stretching facilities already under pressure.</p>
<p>Limitations were perceived in communication with children and caregivers.</p>	<p>Though a staff member of NGO 3 who spoke Bengali was present throughout the operation, it was difficult to bridge the gap between the caregivers and the children due to inability to communicate. Some caregivers communicated in Hindi, as a few children knew this language.</p>	<p>Resources should be available to recruit voluntary translators or hire them as required.</p>
<p>The shelter home had provided ample scope for children to explore their creativity. Drawing, sightseeing, football matches were organised by the staff to keep them engaged.</p>	<p>While other transit facilities perceived their role as the provider of food and shelter; the NGO run home extended their support to the children to help sort out other needs related to well-being as well.</p>	<p>It is clear that minimum standards of care and service must be outlined for transit homes during raid and rescue operations.</p>
<p>A related challenge dealt with financial and material resources.</p>	<p>The Labour Department did not plan financial aspects prior to the rescue operation. Though there was a resource crunch, the NGO had managed to address the needs of children in an adequate manner.</p>	<p>This again reiterates the need for adequate planning. The government should plan the budgetary implications of raid and rescue operations. The budget should include the transit facility expenses as well in case of inter-state rescue operations.</p>



## Legal Intervention

As it was experienced	Analysis	As it should be <sup>9</sup>
The DC called the employers and told them that they had committed irregularities and informed them that they were liable for punishment. He notified them that it was still not too late to pay the indemnity and submit themselves to the legal process.	No interrogation was made of the persons present at the meeting with the DC. Since the inspection forms were not filled adequately during the raid it represented a lacunae.	Labour officers should duly fill up the forms accurately to: a) Provide information regarding the unit, such as the name of the unit owner and the number of children working under him/her; and b) Serve as records to be able to take legal action, collect indemnity, etc.
The DC ordered the employers to pay an indemnity of Rs. 20,000 per child as per the Supreme Court judgement of 10/12/96 in the case of M C Mehta versus the State of Tamil Nadu.	The record of children released from the units remained verbal communication rather than recorded or written evidence that could be used in a legal case.	This reiterates the need for appropriate documentation after a raid. This is the primary responsibility of the labour officers present during the rescue operation.
In his capacity as the District Magistrate, the DC intended to book the employers under the Bonded Labour Act and send them to jail.  Accordingly, the police made arrests and several of the employers were taken to jail. The final disposition of the case has not taken place.	This is another instance where legal intervention requires more deliberation. At the interview with the DC, it was found that he had not kept track of further developments in the legal proceedings related to the rescued children.  Once again, the “employers” remained scot free while the children were treated like “criminals” sending them home with a 21 member police escort.	Legal provisions should be implemented for the benefit of rescued children. A legal team should be formed to carry out the legal intervention to ensure punitive measures are taken against employers.

## Journey back home

### As it was experienced

A 21-member police team was sent to escort 104 children back to West Bengal.

Children were led to a sleeper coach against which a banner proudly announced the rescue and repatriation of child labourers from West Bengal who had been rescued by the administration in Karnataka. After some time, passengers who had reservations in the coach arrived and the children were made to evacuate the carriage. Government officials went off in search of railway officials to arrange for alternative accommodation for the children. After some running around, another carriage was attached to the train. This one had no padded seats, no berths for the children to sleep on, not even water in the toilets. There was no banner outside either, or members of the media to record the very poor conditions under which the children would actually be traveling back home.

### Analysis

Inter-state trafficking is under the jurisdiction of the Home Department; this is why a police team was sent to escort the children home. No professional social workers or NGOs were part of the escort team. Children became confused by the role of the police in this operation, as they had not committed any crime. There were no women in the escort team.

The insensitivity of the Government in dealing with the children came to light blatantly. The administration was keen to prove their sensitivity to the media, to enhance their own public standing. In truth, the experience faced by the children was a nightmare. Children travelled two and half days in a general coach, with no facilities to lie down. There were 104 children and 21 police were in a single compartment. What took precedence was the security of children. It was imperative that all 104 children should be “transported” back to West Bengal. The best interests of the children on their journey was an area that received little attention.

### As it should be<sup>9</sup>

A team consisting of Police, NGO representatives, qualified counsellors, social workers should be formed to escort children back to their homes. Clear guidelines should be provided to this team to handle the situation.

Proper arrangements should be made to return children to their state of origin. An assessment should be undertaken with regard to the duration of the journey and the facilities required prior to sending the children back home.

As it was experienced	Analysis	As it should be <sup>9</sup>
<p>The Home Department did not make any arrangements to provide food to the children on their journey back.</p>	<p>It was the Home Department's duty and responsibility to take the children back to West Bengal "safe". This was their brief and they ensured it. However, they did not arrange for food or water for the children during their journey. The Department of Labour, West Bengal and the administration in Bangalore had also not arranged for these basic requirements.</p>	<p>Addressing basic needs, food, water, and first aid should be an integral part of arrangements to be made during the journey back to the home state.</p>
<p>NGO 3 and CACL-K contacted CACL chapters and asked that they be present at the stations en route to provide children with food and water and first aid if needed, as a few children were suffering from fever.</p>	<p>This arrangement was also made to monitor the situation so no children went missing during their travel. This strategy seems to work quite effectively.</p>	<p>Monitoring the "journey back home" should be part of the reintegration process.</p>
<p>The children arrived in Howrah on a "bandh" day. No transport was available. As a consequence, they were made to sit on the platform for hours before they could be handed to the care of the respective district authorities. The police, media, and representatives from CACL-WB were present at the station.</p>	<p>Police vans were used to transport the children to their villages. As the children were transported to their villages by police van the community was made to feel that the children had committed a crime. It took an average of 10 hours for the children to reach their respective houses in different villages from Howrah. Police did not allow CACL-WB to talk to the children.</p>	<p>Since adequate information on the rescued children always needs to be provided to the Labour Commissioner of the state of origin and the Home Department, it is imperative that the arrangements should be made with sensitivity. Children should not be transported back to their villages in police vans because of the negative impression this causes in the minds of the children and in their villages. An alternative mode of transport needs to be arranged. As mentioned earlier, a multi-disciplinary team should work on reintegration issues, not only the police.</p>

## Post-return situation

Analysis of this phase is based on responses of various stakeholders<sup>8</sup> (refer chapter on Post Return Situation). This section is analysed primarily on the basis of two variables:

1. Justifications provided for the existence of child labour
2. Perceptions of the rescue operation

**These variables affected responses and outcome in the post-return phase.**

### *Justifications for the existence of child labour*

#### **Families**

- No employment opportunities for adults
- Large family size
- Failure of the education system to address needs of children in rural areas
- Volatile political situation
- Lack of housing facilities
- Lack of social security
- Gender constructs

#### **Panchayat**

- Poverty
- Lack of job opportunities in the village
- Gender constructs
- Lack of a quality education system
- Community specific norms
- Lack of development initiatives

#### **Block Development Officer**

- Poverty
- Lack of job opportunities for adults
- Community specific norms

#### **Superintendent of Police, Hooghly**

- Community specific norms
- Gender constructs that male children are breadwinners for their families

#### **District Magistrate, Hooghly**

- Gender constructs
- Community specific norms
- Lack of quality education in villages
- Lack of job opportunities for adults

Most parties including the families of the rescued children, Government officials, Police personnel and local self-help government have all justified the existence of child labour. There is an implicit acceptance of child labour in the villages to which the children belong. It is evident from the data examined that there is a component of “collusion” that brings children to the work force and creates a valid ground for trafficking. Families, Panchayats, the Police, have not shown interest in arresting the situation. Instead, they have justified the existence of child labour. The free movement of employers in the villages also proves the collusion of the community and these employers to lure children to work. The fact that their families do not wish to know the working conditions of the children, is another indicator that points to the complicity of family with the traffickers (employers).

Combating trafficking for labour purposes is a multi-faceted problem. The approach to deal with the problem needs to be multi-pronged and address various stakeholders including families, communities, local government and bureaucrats.



### Special Secretary, Dept. of Labour, West Bengal

- Community specific norms
- Lack of value attached to education
- Gender constructs
- Lack of job opportunities for adults
- Large family sizes

### *Perceptions of the rescue operation*

Respondents uniformly held that the rescue was an intrusion in to the children's professional life. While families perceived this operation as interference to the children's self-sustenance; panchayats, the Superintendent of Police and the District Magistrate stated that the operation was unplanned and had failed to achieve its goal. They claimed that the operation was a failure as there was no rehabilitation planned for these children as an alternative to work.

The rescue failed to address in any systematic, sustained way, the basic concerns of serving each child's "best interests" in the short, medium and long-term.

Children were released from the jewellery unit and were sent to the villages. No communication was made with the local government to plan their rehabilitation.

The responsibility of the DC, Bangalore Urban was limited to sending these children back to West Bengal; the role of the Dept. of Labour, West Bengal was to inform the Home Department, West Bengal of the situation. The Home Department sent the children to their respective villages back to their families. The Department of Social Welfare, West Bengal did not feel that they had a role to play to ensure that the children remained in the villages with their families.

A team should be formed to rehabilitate child labourers. This team should be have representatives from the Dept. of Labour, Dept. of Social Welfare, Dept. of Education, Panchayats, Dept. of Industries, NGOs, educators, counsellors and shelter home personnel. This diverse team could ensure that an adequate rehabilitation plan is worked out for child labourers.

In this rescue operation, a factor that emerged clearly is the shift in stakeholdership at each phase of the operation.

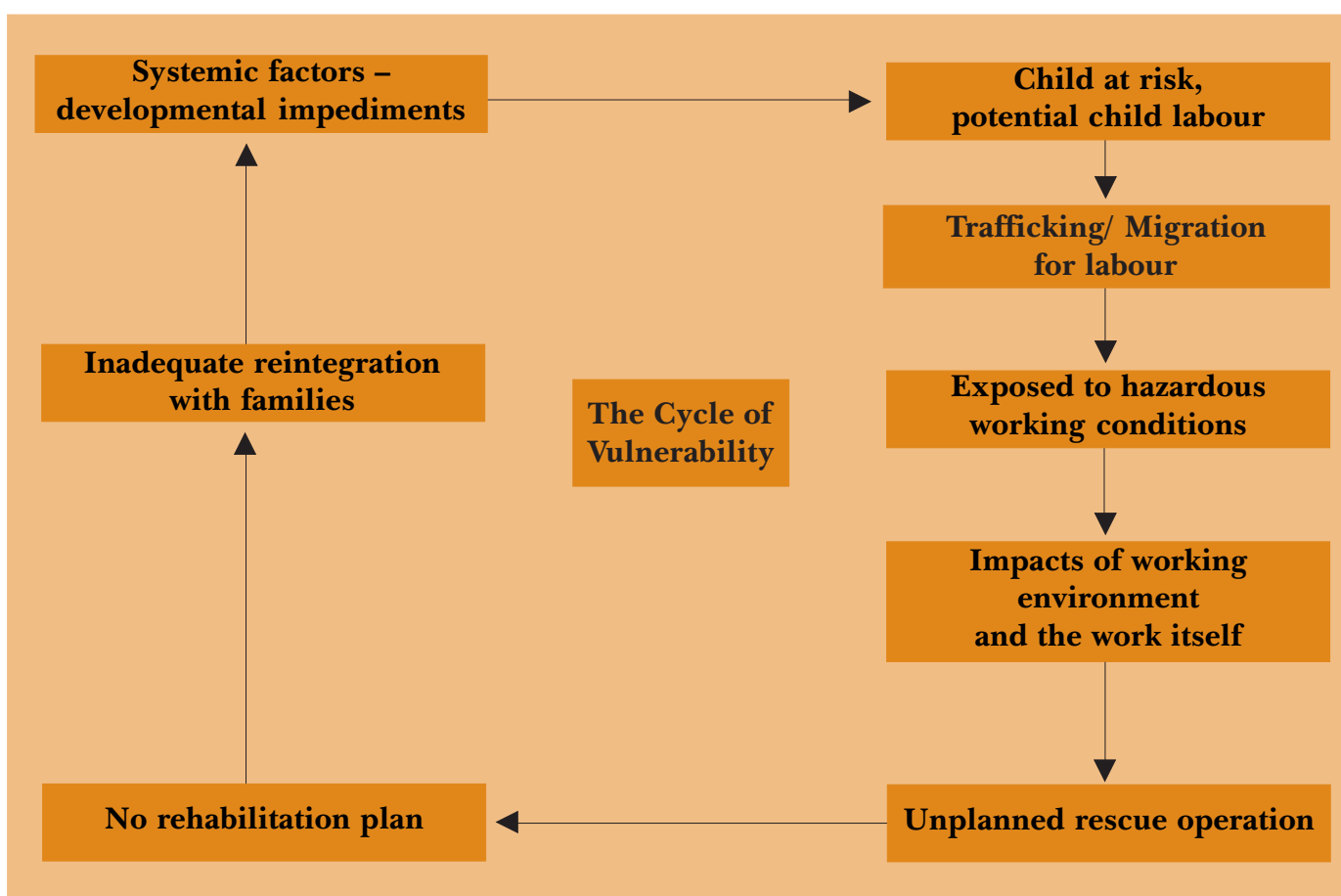
As it was experienced	As it should be <sup>9</sup>
<b>Planning phase</b> District Magistrate/ District Collector NGO Department of Labour Karnataka Vishwakarma Association	<b>Planning phase</b> District Magistrate/ Collector Deputy Commissioner of Police Complainant Child Protection Team representatives <i>(described in the chapter on recommendations)</i> Department of Labour Department for Women and Child Development NGOs
<b>Rescue operation</b> District Magistrate/District Collector/ Labour Commissioner Karnataka Vishwakarma Association NGOs Dept. of Labour Tahsildars Media Labour officials	<b>Rescue operation</b> District Collector/ Magistrate Department for Women and Child Development <b>Police team headed by Deputy Commissioner of Police</b> Tahsildars ESI doctors Labour officers NGOs
<b>Immediate post-rescue</b> District Collector/District Magistrate NGOs Media Observation homes Schools under NCLPESI doctors	<b>Immediate post rescue</b> District Collector/ Magistrate Department of Labour Department for Women and Child Development Observation homes Medical practitioners Legal practitioners Counsellors Media Child psychologists NGOs
<b>Short-term care</b> Observation homes Residential schools under NCLP NGOs	<b>Short-term care</b> Dept. of Women & Child Development Dept. of Labour Observation homes Residential schools under NCLP, NGO run shelter homes NGOs Mental Health Professionals

As it was experienced	As it should be <sup>9</sup>
<p><b>Journey back home</b>  District Magistrate/District Collector  NGOs  Network of NGOs  Home Dept. (West Bengal and Karnataka – 21 policemen  Dept. of Labour (West Bengal and Karnataka)  <i>Arranging their journey back home but not accompanying them</i></p>	<p><b>Journey back home</b>  District Magistrate/ Collector  Home Dept. (sending and receiving states)  Dept. of Labour (sending and receiving states)  Department of Women and Child Development (sending and receiving states)  Panchayat representatives  NGO representatives of sending and receiving states to accompany children back home  Media</p>
<p><b>Repatriation</b>  District Magistrate/Collector, Bangalore Urban  NGO in Bangalore  Dept. of Labour, West Bengal  Dept. of Women &amp; Child Development and Social Welfare, West Bengal  Home Dept., West Bengal  District Magistrate, Hooghly, West Bengal  Block Development Officers of respective blocks in West Bengal.  Local Police Stations, in Hooghly District, West Bengal</p>	<p><b>Repatriation</b>  District Magistrate/ Collector, receiving district  BDOs, receiving blocks  Panchayat, receiving village  Department for Women and Child Development (sending and receiving states)  Department of Labour (sending and receiving states)  Home Department (sending and receiving states)  Department of Education (receiving state)  NGOs (receiving state)  Community organizations  Family  Media</p>
	<p><b>Rehabilitation</b>  <b>Department for Women and Child Development</b>  Department of Labour  Department of Education  Panchayats  BDO  District Magistrate  Observation Home, Government run  Community organisations  NGO  Media</p>

The stakeholder analyses of the various phases of the rescue operation reveals recurrent and systemic marginalisation of children in each phase of the rescue operation. Basic developmental impediments render communities and families vulnerable, open to manipulation and exploitation. The worst affected in any community are the children. The analysis of the impediments and the process of marginalisation can be depicted as a cyclical process that constantly reinforces a child's vulnerability. The degree of

vulnerability and the extent of exploitation increases with each step of the process.

As rescue operations are identified by the Government as a primary strategy to eliminate child labour, it has to be a well-thought out process. The process should be one where vulnerability factors need to be addressed adequately. To achieve the goal of eliminating child labour, rescue operations should be comprehensive in dealing with the various dimensions of a child's vulnerability.



## Endnotes

- <sup>5</sup> The column “As it should be” is based on recommendations that the formation of a rescue team in each district is of absolute necessity. The formation of this team is not dependent on an immediate rescue operation but should be treated as a mandatory action, as “releasing children” from work situations is a mandate of the Department of Labour.
- <sup>6</sup> The checklist should consist of variables such as transportation facilities, accessibility – road structure, distance from the headquarters, driving time, the locality – residential or business place, security aspects, entrances, what had to be seized during the rescue operation and so on.
- <sup>7</sup> The instruction sheet should provide a checklist of facilities, such as drinking water, sanitary arrangements, adequate places for children to rest etc to the identified institutions.
- <sup>8</sup> Stakeholder is any person who affects or is affected by the situation.





*Many of the stakeholders who participated in this research are of the view that the raid and rescue procedure is one of limited value without the existence of systems that work for rehabilitating the rescued children*



## Recommendations

Many of the stakeholders who participated in this research are of the view that the raid and rescue procedure is one of limited value without the existence of systems that work for rehabilitating the rescued children.

The immediate causes for this stand point lie in the findings of this study, which showed that the raid was not successful in improving the quality of the life of the children, who returned to their home villages only to be sent to other places of work. In this sense, the raid procedure only probably added to the trauma of the children, not only in terms of the difficulties associated with the raid, immediate post-rescue and short-term post-rescue periods, described in the report, but also because of the disruptions and difficulties that would be associated with their travelling to a new place of work, having to settle in under hitherto unknown conditions, having to build up a new support network of friends and co-workers, etc.

However, more importantly, *this study emphasizes the futility of relying on raid as a methodology for improving children's lives unless they go hand in hand with integrated, systemic efforts associated with prevention and rehabilitation.*

Firstly, the fact that it is primarily the enforcement agencies and officials like the Department of Labour and the Police *alone* who are associated with the process of raid and rescue is a major faultline, which almost inevitably leads to the breakdown of the future rehabilitation process.

Secondly, no single agency or authority is vested with the responsibility or held accountable for ensuring that the efforts to realize the welfare of the child are carried through to their logical end. Hence, while the process presents itself as seemingly successful in the short run, in reality, the children's lives change for the worse, if at all.

Thirdly, viable alternative arrangements are often lacking in the immediate, short and long-

term for the care and support of the child at the end of the rescue process. These are often arranged on an ad hoc basis, and as such lack the power to encourage rescued children to believe that the steps being taken are in their interest, rather than yet another expression of deleterious adult control in their lives.

Fourthly, when raid and rescue is undertaken, it is rarely done so in a manner that protects the sense of dignity and self-worth of the child. There are almost no participatory measures involved in the decision-making process, nor is there the presence of other empowered children during the process to reassure the children being rescued. Children also have very little say in the decisions that are made in the post-rescue or rehabilitation phases.

Fifthly, there is a lack of political will to take stern measures that would prevent the use of bonded child labour. For example, in this particular instance, if the government threatened stern action, e.g., the withdrawal of licenses, to jewelers dealing in goods created by child labour, and followed up the threat with action in a couple of exemplary cases, it would go a long way in reducing the use of child labour in this sector.

Sixthly, there is no concerted or integrated effort on the part of the government to study and understand the situations prevailing in the contexts from which the children come in the first place. Consequently, there are no preventive steps taken to ensure that children are not placed in a situation where they are forced to work. Often it is a cause like drought, or the lack of employment opportunities, or as was true in this instance, a long tradition of pledging children to the jewellery industry in return for the skill training that the child would obtain in the concerned districts of West Bengal. Infrastructure must be established and development activities undertaken so that children and parents are interested and encouraged to regard schooling as necessary and attractive.

As it stands, the raid and rescue procedure is often merely a matter of physically removing the child from conditions of labour into a context which is artificial and bears little relevance to reality as it is perceived by the child and his or her family.

While working towards the development of a case management framework, efforts were also made to elicit ideas to improve the process used in the raid and rescue of child labourers. Questions such as “If you had the opportunity to conduct this entire raid and rescue operation again, what would you do differently?” and “If you were advising a junior colleague, who has just joined your organization (or department) about the best practices to be followed in a raid and rescue situation, what would you emphasize?” were used to help participants clarify their thinking.

An effort to bring in child rights activists was also made during a workshop to formulate guidelines and procedures that would help develop a management framework for more comprehensive and effective operations.

This chapter will posit a framework to manage a case of “raid and rescue” based on three aspects:

- a) The “as it should be” column of the previous chapter, where recommendations have been arrived at from the analysis of each action as it manifested itself during the rescue and post-rescue operation.
- b) Recommendations made by various stakeholders interviewed during this process of documentation; and
- c) Recommendations from the workshop that was organised to discuss the guidelines with the Child Rights NGOs, primarily in Bangalore; and the organisations that were involved in this study in West Bengal.

## Case Management Framework

Interventions to combat child trafficking for labour or for any other purposes, will be effective if directed towards the following actions:

1. Strengthening community and social awareness of the problems and issues, and laying the groundwork for public support in tackling social justice issues in general and empowering children to advocate for their rights in particular.
2. Building a network of professionals and organizations committed to data gathering, fact compilation and verification, reporting and intervention on trafficking and child abuse cases.
3. Lobbying and advocating for the necessary legislative amendments and/or introducing bills, which will effectively promote prevention, rescue, shelter and accommodation, rehabilitation, social reintegration and redressal – legal and psychological.
4. Through careful case management, implementing the operation professionally and effectively to release children from vulnerable work situations and to provide the best possible services and support to child survivors of exploitation (trafficking for labour) as well as their families.

This document focuses on the fourth task mentioned: case management. It presents a possible conceptual framework as well as practical approaches and working methods for a case management system which emerged from the discussion processes involving multiple stakeholders.

## Conceptual framework

The case management framework focuses on rescue operations undertaken to release children from vulnerable working conditions. The documentation presented in the report

has pointed out the link between coerced migration (which could be termed as trafficking) and the consent generating mechanism which involves the portrayal of success stories of child workers in jewellery units who later became owners of such units themselves.

The trust and belief established between the employers and the families who send their children to work outside the state demands that efforts to counter this will require systematic planning to build another alternative security network for the families.

It is imperative that rescue operations be planned with greater care and pro-activity to result in a satisfactory post-rescue situation for the children. The government and the Department of Labour perceive rescue operations as the primary strategy to release children from work. Since this is so they need to be managed professionally so as to fulfil their goal, the elimination of child labour.

Working towards the elimination of child labour within the case management framework, the following areas need to be dealt with for the effectiveness of the operation:

1. Children are guaranteed basic safety against repeated or future abuse, including the possibility of 're-trafficking'.
2. Rehabilitation programmes, activities and services are directed at the survivor's needs and rights, and are carried out efficiently and effectively.
3. Activities need to be conducted in a multi-disciplinary manner. Professional assistance and services should be solicited from a network of qualified and properly trained specialists, including legal experts, social service specialists, medical doctors and therapists, rehabilitation experts, Child Rights protection activists, and the like.
4. To fully carry out repatriation and rehabilitation tasks, networking and



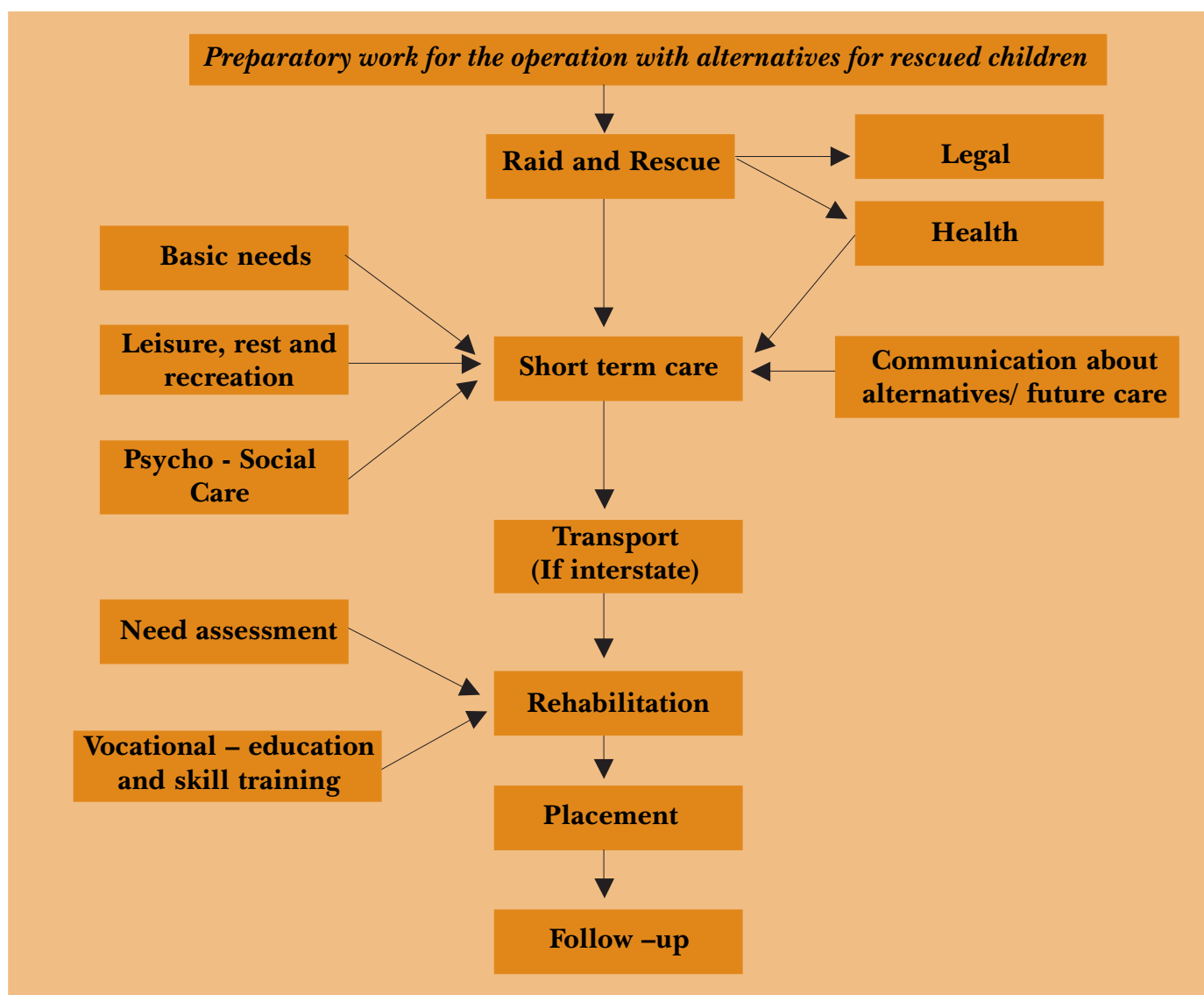
mutual support should be promoted among the concerned agencies.

Committed personnel representing both GOs and NGOs that are actively engaged in addressing child abuse, exploitation and trafficking in the country need to direct the rehabilitation and reintegration of the rescued children.

It should be kept in mind that child survivors who have been subject to various forms of abuse, whether sexual, physical or psychological; or neglect, face multi-faceted problems in their physical health, emotional well-being and social adjustment. They require adequate welfare and protection from repeated abuse. They also need proper rehabilitation to

ensure eventual reintegration into their society, so that they may become well-adjusted members of the community, and do not become the abusers of the future like many of the employers interviewed in the study who had themselves been trafficked for labour earlier in their lives. This can only be achieved by adopting multi-disciplinary approaches and methods.

In case management, child survivors would receive aid, assistance and support from multi-disciplinary groups, of professionals from various disciplines. These professionals can include Child Rights activists, mental health professionals, medical professionals and lawyers.



The levels of intervention arrived at during a workshop of NGOs to formulate guidelines for the entire process of rescue and rehabilitation are outlined in the following figure.

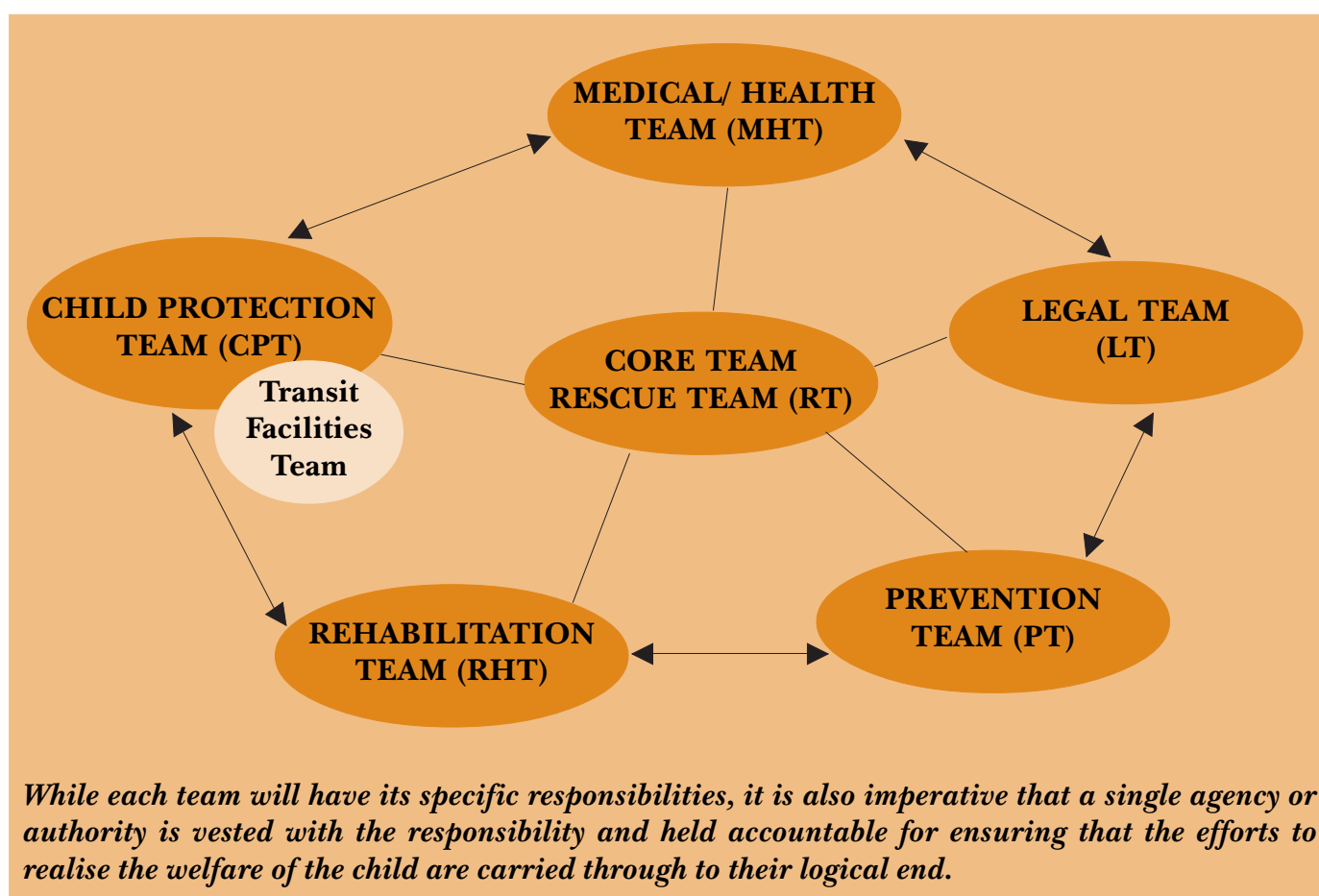
### An operational model

This section deals with a practical operational model that would ensure the efficacy of the rescue operation in achieving its goal, since rescue operations cannot be limited to

releasing children from a vulnerable work situation—they also demand attainable strategies to retain the children in their homes.

To be able to develop such strategies, the following teams have been conceptualised to complement each other's skills and to provide a comprehensive support structure to child survivors of exploitation for labour and their families:

### Raid and Rescue Party



The following table explains the membership of above teams and the roles and responsibilities in a rescue operation:

Team	Membership	Function
<b>Rescue team (RT)</b>	<p>Headed by District Collector/ Magistrate</p> <p>Coordinators of all teams</p> <p>Deputy Commissioner of Police</p> <p>NGO Representative</p>	<p><b>To organise capacity building exercises for the rescue team</b></p> <ul style="list-style-type: none"> <li>▪ Prepare list of NGOs that have residential facilities (with physical capacity)</li> <li>▪ Prepare list of transit homes facilities/ schools under NCLP</li> <li>▪ Create training modules on rescue operations</li> <li>▪ Prepare guidelines for the media</li> <li>▪ Prepare a blueprint for the rescue operations</li> <li>▪ Prepare a list of medical institutions (with facilities both GO and NGO)</li> <li>▪ Create training modules to provide training on rescue operations</li> <li>▪ Identify child representatives from child sanghas</li> </ul> <p><b>To plan the rescue operation</b></p> <ul style="list-style-type: none"> <li>▪ On receiving a complaint (telephonic, or in person, or written), conduct an investigation</li> <li>▪ DCP should undertake an independent investigation of the location, whenever and wherever possible, as this could lead to employers getting alerted</li> <li>▪ Prepare a prima facie case based on the investigation</li> <li>▪ DC calls for a rescue team meeting</li> <li>▪ Divide roles and responsibilities of each member</li> <li>▪ Special arrangements should be made for girl children with emphasis on privacy and security to be integrated into the plan</li> </ul>

- Review physical capacity of listed residential facilities (GO & NGO)
- Prepare financial plan
- Plan adequate facilities to transport the rescue team to the rescue site and the rescued children to the transit homes from the rescue site

### **3. To conduct the rescue operation**

#### *Role of District Collector*

- Coordination of Raid and Rescue party (R&R party)
- Ensuring communication facilities between sites, DC's office, Dept. of Labour and the R&R party
- Mobilization of resources, specifically finance

#### *Role of coordinator, CPT*

- Ensure child rights during the operation
- Ensure that communications take place in the language that children speak
- Communicate about the transition facilities/ post rescue operation and the viable alternatives
- Provide specialized care to the rescued children during the transit period by forming a transit facility team

#### *Role of coordinator, LT*

Ensure that labour inspectors carry out their tasks and the prescribed forms on raided unit are duly filled and signed by unit owner and rescued children. Document physical working condition in raided unit

#### *Role of Deputy Commissioner of Police*

Maintain law and order during rescue operation. Ensure that norms and procedures are followed and other citizens rights are not violated



Team	Membership	Function
<p><i>Medical/ health team (MHT)</i></p>	<p>Headed by ESI doctors Medical practitioners Child psychologists Counselors</p>	<p><b>4. To coordinate immediate post rescue operation (RT)</b></p> <ul style="list-style-type: none"> <li>▪ Transfer children to transit homes</li> <li>▪ Provide timely food, water, sanitary facilities and psychosocial support (to handle the anguish of the child)</li> <li>▪ Carry out age-proof examination by MHT- ESI doctors</li> <li>▪ To carry out occupational hazard examination (MHT- doctor from listed medical institute)</li> <li>▪ Segregate children, if necessary (according to age, peers, relations) and send them to identified residential facilities</li> </ul> <p><b>5. To communicate with children on the subsequent process to be taken up, including shifting to residential facilities (RT)</b></p> <p><b>6. To monitor post rescue operation (specific functions to be carried out by the individual teams, under the leadership of coordinators) (RT)</b></p> <ul style="list-style-type: none"> <li>▪ To arrive at proof of age of children during immediate post rescue operations by ESI doctors</li> <li>▪ To conduct health check-ups during post rescue</li> <li>▪ To check on hereditary diseases, if any</li> <li>▪ To evaluate occupational hazards and work related injuries</li> <li>▪ To evaluate health needs of rescued children</li> <li>▪ To diagnose specific medical/ psychiatric disorders</li> <li>▪ To provide emotional support to children (in distress and trauma)</li> <li>▪ To provide case studies and reports on physical, emotional and psychological</li> </ul>

Team	Membership	Function
<b><i>Legal team (LT)</i></b>	<p>Headed by district collector/ magistrate/ labour commissioner</p> <p>Labour officers/ inspectors</p> <p>Public prosecutors</p> <p>Tahsildars (revenue officers)</p> <p>Representatives of networks working on child rights</p>	<p>state of rescued children (impact of work environment) to the rehabilitation and prevention team</p> <ul style="list-style-type: none"> <li>▪ To refer children to the appropriate medical institutions, if needed</li> <li>▪ To ensure prescribed form on raided unit is filled and duly signed (to be done by labour inspector)</li> <li>▪ To issue show cause notice to raided unit employer</li> <li>▪ In cases of unsatisfactory or no response from employer, prosecute employer</li> <li>▪ To file a case against employer (labour department)</li> <li>▪ Specific filing of cases under bonded labour act if children are in debt bondage or trafficked</li> <li>▪ Filing of cases under Minimum Wage Act</li> <li>▪ Filing of FIR with police department in cases of physical abuse, bodily harm and so on</li> <li>▪ To initiate process of collection of fine/ indemnity fund from employer</li> <li>▪ To deposit the amount to the corpus fund</li> <li>▪ To deposit the amount in the name of the child</li> <li>▪ To take steps to provide employment to one adult member of the family of the rescued child</li> <li>▪ In case of failing to do so, government should contribute rupees 5000/- to the corpus fund</li> <li>▪ To examine the scope of legal action/ punitive measures against the agents and contractors who are the primary offenders. Stringent enforcement measures to curb trafficking of children.</li> </ul>

Team	Membership	Function
<b>Child Protection Team (CPT)</b>	<p>Headed by Department of Women and Child Development</p> <p>NGO representative</p> <p>Panchayats</p> <p>Child representatives</p> <p>Child rights activists</p> <p>Counselors</p>	<ul style="list-style-type: none"> <li>▪ To ensure protection of child rights (well being, welfare and development)</li> <li>▪ To conduct a field survey prior to restoration of rescued children</li> <li>▪ To prepare families/ communities to receive the children</li> <li>▪ To undertake follow up visits to ensure rescued children's welfare (education, health and livelihood)</li> <li>▪ To monitor integration of families to Panchayat schemes as first level beneficiaries</li> <li>▪ To initiate the process of child policing (through a children's collective) in the community to curb the exodus of children for labour</li> <li>▪ To address reasons why children have migrated</li> </ul>
<b>Rehabilitation Team (RHT)</b>	<p>Headed by Department of Women and Child Development</p> <p>District administration</p> <p>Panchayats</p> <p>Dept. of labour</p> <p>NGO representative</p> <p>Counselors</p> <p>Child psychologists</p> <p>Child representatives</p> <p>Dept. of education</p>	<ul style="list-style-type: none"> <li>▪ To integrate families into Panchayat socio-economic security schemes as first level beneficiaries. Coordinate with the NCLP projects to impart non-formal education to enable children released from work to receive functional literacy and acquire a level of equivalence with the corresponding grade and level in the formal system, supplementary nutrition through midday meals, income and employment generation through imparting skills.</li> <li>▪ In case of homeless or orphaned children, to refer children to appropriate shelter homes/build care services.</li> <li>▪ Enable the families to collect the interest accrued on the child labour rehabilitation-cum-welfare funds</li> <li>▪ To cater to special needs (physical and psychiatric health). Also disseminate information and help access the special</li> </ul>

Team	Membership	Function
		<p>Right to Labour welfare scheme adopted by the state government/ group insurance scheme for agriculture, construction and unorganized labourers.</p> <ul style="list-style-type: none"> <li>▪ To provide financial assistance in the form of premiums for group insurance scheme, medical assistance and educational assistance.</li> <li>▪ To oversee the interstate transfer of the rehabilitation-cum-welfare funds. Also ensure that rehabilitation-cum-welfare funds in migration prone districts are set up and made operational.</li> <li>▪ To link children to bridge programmes or alternative schools (as all children below 14 yrs need to be in school)</li> <li>▪ To evolve monitoring and evaluation systems to assess alternatives provided to the rescued children</li> <li>▪ To create awareness on the hazards of child labour among various communities</li> <li>▪ To maintain a record of the mobility of community members/ children</li> <li>▪ To monitor community welfare and social security</li> <li>▪ Identify families and children at risk/ monitor movement of these children</li> <li>▪ To ensure community welfare schemes are administered effectively</li> <li>▪ To provide all children access to quality and appropriate primary education</li> <li>▪ To create awareness in the community on issues related to child labour and the relevance of education</li> <li>▪ Government should look at generating employment locally.</li> </ul>



Team	Membership	Function
		<ul style="list-style-type: none"><li>▪ Support children who are already a part of the child labour work force. This can be done by organising and supporting children's groups or clubs where children can meet and share their concerns. The children should have a mutually supportive group and a safety net when they need support.</li></ul>



## Working methods (guidelines)

This section is divided into two parts:

1. General preparatory guidelines prior to rescue operations (pre-requisites for any rescue operation, since this has been identified a primary strategy towards eliminating child labour)
2. Specific to rescue operation (when there is a definite rescue operation)

### General guidelines

1. Make a checklist of the minimum facilities required for a residential facility to serve as a transit facility for rescued children.
2. Make lists of available residential facilities (Government run and NGO run) that could serve as transit shelters for rescued children.
3. Make an assessment of the identified residential facilities based on the checklist. (While mapping resources, the minimum standards for a transit facility should be in connection to the description of homes under the JJA, 2000. Homes meant to provide shelter to children those are in conflict with law, should not be listed under the facilities available for housing children who are in need of care and protection. The residential facilities should list “Childrens Homes” rather than remand homes.)
4. Provide training to the staff members of identified residential facilities on how to deal with rescued children in transit. Many residential facilities do not routinely deal with children in transit, thus responsibilities towards these children are perceived as being limited to provide food and shelter. Communication, entertainment and supporting the children’s emotional needs are often been neglected during the transit period. This is the most delicate period

after rescuing the children and appropriate services need to be provided.

5. Make a list of all Government hospitals with details such as staff strength, number of beds, and the facilities available in the hospital.
6. Form teams such as those recommended that will complement each other’s skills and provide the necessary support to manage the rescue operation professionally.
7. Provide capacity building exercises to prepare these teams to perform their roles better.
8. Develop protocols on how to conduct rescue operations.
9. Develop media guidelines to control and monitor the role of media during a rescue operation and enforce them.

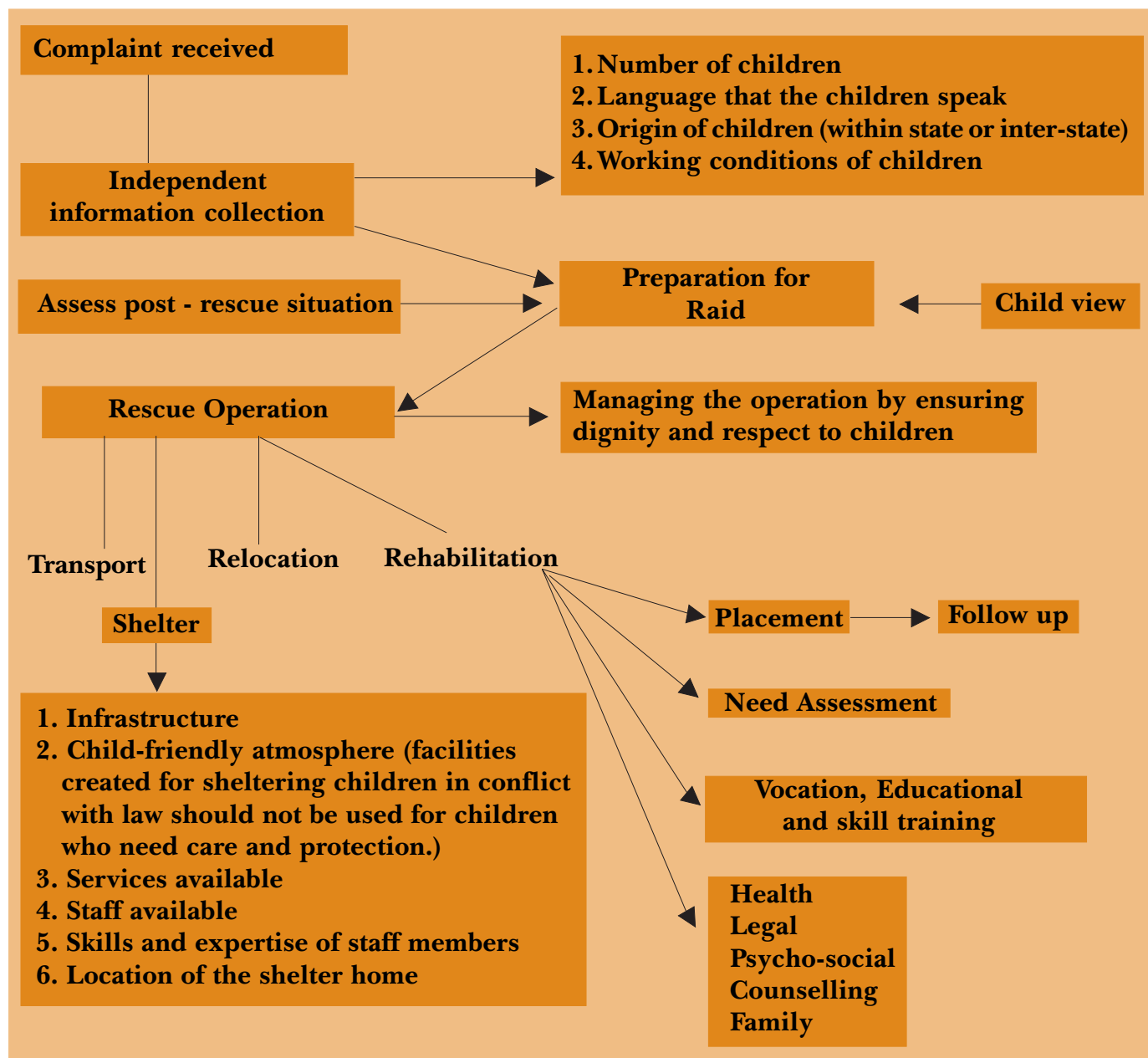
### Specific to rescue operation

1. On receiving a complaint, collect authentic information on the rescue site and the probable number of children that work there.
2. Evaluate the situational aspect of the particular raid site in relation to the overall rescue manual and make procedural adjustments accordingly.
3. The Raid and Rescue team should deliberate on the specific aspects of the particular operation and assign responsibilities accordingly.
4. Communication should be established with all concerned departments to ensure adequate flow of information to all parties.
5. Arranging logistics should form an integral part of the planning for each rescue.
6. Media persons should be briefed about the protocol to be maintained during the operation.

7. The rescue should preferably be conducted in the daytime so that the fear in the minds of the children could be reduced.
8. A Child line is an important partner for any rescue operation as this kind of help line could provide information on the situation of children who need to be

rescued. Communication between a national help line and the rescue team should be formally established, to cater to the needs of the children.

During the workshop on preparing guidelines, the following algorithm was derived from the group deliberation on the raid-rescue operation:





## Conclusions

### Government responses

Following the completion of the report, a half-day consultation was planned with relevant government functionaries and NGO representatives. The following members were invited to the consultation, which was hosted by the Labour Commissioner of Karnataka at his office on the 18<sup>th</sup> November 2003.

1. Mr. Sanjeev Kumar, IAS Labour Commissioners Karnataka
2. Mr. Kahlon, IAS Labour Commissioner and Special Secretary to the Labour Department of West Bengal
3. Mr. Narayanaswamy IAS, Deputy Commissioner (Bangalore Urban)
4. Mr. Jayaram Raj Urs IAS, Director, Dept. of Women and Child Welfare
5. Ms. Suchithra, UNICEF

NGO representatives:

1. Mr. Vasudev Sharma, Child Rights Trust

2. Mr. H. Rammu, Paraspara Trust
3. Ms. Kavita Ratna, Concerned for working children
4. Ms. S. Susheela, Vidya Niketan
5. Ms. Tania Jairaj, Centre for Child and the Law
6. Mr. Harish Jogi, CACL-K
7. Mr. Mathew Philip, SICHREM

NGO representatives not able to participate:

- Sanlaap, Kolkata
- Praajak, Kolkata
- CACL – West Bengal

EQUATIONS and APSA were the organizers of the workshop as they conducted the study.

The purpose of the consultation was to present the guidelines, recommendations, and the case management framework related to raid and rescue in incidents involving child labour that have been evolved following the investigation and the earlier consultations to



the concerned government officials and seek their responses to pertinent issues.

As a response to the many issues and concerns that were raised through the study, a set of guidelines was evolved on aspects to be considered in Raid and Rescue operations, with participation from a broader group of concerned NGOs and individuals. These guidelines and recommendations were placed in front of the concerned government officials through the above seminar and responses were sought to pertinent issues.

The presentation made by APSA and EQUATIONS gave an overview of the actual operation, gaps and issues, recommendations for making raids more effective and guidelines on conducting raids.

The government officials responded to the issues raised and also debated perspectives and future action with NGO representatives. The need for a raid and rescue protocol was acknowledged by the government officials who also came forward to suggest that details of the suggestions could be studied and institutionalized by the concerned departments of the two states. **The officials also suggested that there could be national level consultation on the recommendations as it was the first time that a raid of such a magnitude had been conducted well as the first time that such a comprehensive investigation undertaken and recommendations formulated.**

**The lack of importance accorded to trafficking (Intra and Inter-state) of children for labour was also highlighted in the consultation, as Trafficking is usually associated with sex work. The study reveals that trafficking for labour is also as well planned as for sex work and is probably of a greater magnitude.**

Government officials highlighted the limitations that exist within their frameworks, such as time, personnel and finance, which

prevent them from engaging in actions in a more holistic manner. Also, the apathy and indifference that exist in society concerning children's issues are heightened by the lack of political will to transform the system. It was acknowledged that the present public education system is inadequate to address the needs of children and build their skills for employment and that this component needs to be addressed as part of a long-term solution to eliminating child labour.

While there were many flaws and lacunae associated with the rescue operation, the group also acknowledged that there were many positive points that could be made.

- It was the first time that the government in Karnataka State was undertaking an operation of this scale to release over 100 children from a hazardous work situation.
- It was the first time that the extent of inter-state trafficking of children for labour came to light.
- Given the short period of time, the DC managed to mobilize resources from concerned government and non-government sources including the police, the Department of Women and Child Development, Health and Education, and NGOs.
- Fifty employers of child labour were arrested and sent to jail for three days. They also had to pay a bail amount of Rs. 10,000 each to be released.
- Another significant feature of this case was that in addition to the Child Labour Act, the Bonded Labour Act was evoked in this case in booking cases against the employers. This is noteworthy because the latter is more severe in the punishment it prescribes.

Debates took place on the reasons for the existence and perpetuation of child labour, the



capacity of government homes to take adequate care of children, the nature of the role to be played by enforcement agencies such as the Police in rescue operations, public perceptions of the issue of child labour and the role of the panchayats in protecting child rights.

Recommendations derived from the responses to ensure child protection and welfare were –

- Strengthen the family unit through provision of loans and schemes for housing, employment, income generation activities
- Review laws to build in stringent measures against employers of child labour and

prevent wrong doers from falling through the net

- Generate awareness at all levels – government officials, police, judiciary, employers, parents, trade unions
- Initiate interstate dialogue and cooperation in cases of trafficking and rehabilitation
- **Draft a National Policy on Child Trafficking**
- Build networks among Labour Commissioners, Deputy Commissioners, District Collectorate, Department of Women and Child Development and various NGOs on issues of child welfare



- Assign one nodal agency to be responsible for children's welfare in contingent situations, which can also be held accountable for actions taken

The Labour Commissioners asked for the detailed recommendations and guidelines to

be sent to them such that implementation can be looked into. The Labour Commissioner, Karnataka, closed the meeting by informing participants that the Labour Commission had just received a circular that all Panchayati Raj institutions in Karnataka will undergo training on child labour issues.



### **EQUATIONS (EQUITABLE TOURISM OPTIONS) :**

EQUATIONS was founded in 1985 in response to an urge to understand the impacts of development particularly in the context of liberalized trade regimes, the opening up of the national economy, the beginning of economic reforms and concomitant structural adjustment programmes. Campaigning and advocacy on tourism and development issues in India, our work has focused on women and tourism, the child and tourism, ecosystems, communities and tourism and globalization. We envision tourism that is non-exploitative, where decision-making is democratized and access to and benefits of tourism are equitably distributed. We endorse justice, equity, people centered and movement centered activism, democratization and dialogue as our core values.

For further details visit [www.equitabletourism.org](http://www.equitabletourism.org) or write to us at [info@equitabletourism.org](mailto:info@equitabletourism.org)

### **ASSOCIATION FOR PROMOTING SOCIAL ACTION (APSA):**

The Association for Promoting Social Action (APSA) is a rights-based, child-centred community development organization. We believe that development which ignores deprived communities is not development at all. Inspired by the motto, "For Development without Exploitation," our grassroots activism in over 135 slums in Bangalore and Hyderabad empowers the urban poor through thirteen integrated projects. At the macrolevel, we work to secure land and housing rights, child rights, and civil, political and economic rights through advocacy and policy planning initiatives. Since children are particularly vulnerable, our programs are especially child-sensitive. Our shelter home and crisis intervention centre, Nammane, and alternative education initiative, Dream School, are national models.

For further details: [apsabangalore@vsnl.com](mailto:apsabangalore@vsnl.com)



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