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

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For further details: apsabangalore@vsnl.com

United Nations Development Fund for Women
South Asia Regional Office
223, Jor Bagh, New Delhi - 110 003
Tel: 91-11-24698297, 24604351
Fax: 91-11-24622136, 24627612
Email: chandni.joshi@undp.org
Website: http://www.unifem.org.in

With support from
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EQUITABLE TOURISM OPTIONS (EQUATIONS)

ASSOCIATION FOR PROMOTING SOCIAL ACTION (APSA)

With support from UNIFEM, South Asia Regional Office and USAID
Rescuing Child Labourers
An analysis of the operation undertaken to rescue children trafficked to labour in the jewellery units of Karnataka

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Cover Page Design: Smriti Chanchani

Layout Design: Vinay Chandran

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EQUITABLE TOURISM OPTIONS (EQUATIONS)
23/25, 8th Cross, Vignan Nagar,
New Thippasandra Post, Bangalore- 560 075.
Telefax: +91-80-524 4988 / 534 4149
Email: equations1@vsnl.com

ASSOCIATION FOR PROMOTING SOCIAL ACTION (APSA)
No. 34, Annasandrapalya, Vimanapura Post,
Bangalore – 560 017
Telephone: +91-80-523 1719 / 523 2749
Email: apsabangalore@vsnl.com

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Research Team

TEAM AT EQUATIONS
Mr. K.T. Suresh, Coordinator, EQUATIONS
Dr. Krishnamurthy, Programme Coordinator, Panchayat and Tourism
Ms. Joyatri Ray, Programme Coordinator, Child and Tourism Programme, (Primary Researcher and Writer)

TEAM AT APSA
Mr. Lakshapathy, Executive Director, APSA
Dr. Meera Pillai, Consultant (Primary Researcher and Writer)
Dr. Kshitij Urs, Director, Programmes
Ms. Sheila Devraj, Programme Manager

Collaborating organizations in West Bengal:
NEW ALIPORE PRAAJAK SOCIETY, KOLKATA
Mr. Protik Banerjee, Project Coordinator
Mr. N. Ravi Kumar, Project Officer
SANLAAP, KOLKATA
Team appointed by Ms. Indrani Sinha, Executive Director

Data collected by CACL- West Bengal also informed the study.
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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-governmental 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\(^1\) 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.

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”.

**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

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“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....”

“*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 lead 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 up to 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 23rd 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 Nagarahartpet, 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**

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

1. CACL is a national network of organizations fighting to eliminate child labour.
2. Children may be released using “departmental functionaries notified as inspectors” under Section 17 of the Child Labour (Prohibition and Regulation) Act 1986.
“...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,”
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. NGO 1 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.

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

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.
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 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.” 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

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 newsmen, 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. Buddhadeb 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 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.

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 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.

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“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 24th 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 30th 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 2nd, 2002, a group of 21 police personnel arrived from West Bengal to take the children back. On the 3rd 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 4th, 2002 were contacted once again and reminded to return these articles the next morning. By the afternoon of June 5th 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 5th 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 7th 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 9th 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.’

‘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.’

We had 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-storyed 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?”