

2017

RESCUE OPERATIONS IN JAIPUR

Report on rescue operations conducted to free child labourers from workshops in Jaipur

Background

In the last seven years Jaipur has been highlighted as a major destination for trafficking of children. Children who are trafficked to Jaipur are being engaged in workshops producing handicraft items including bangles, apparel, stone cutting and polishing, embroidery and stone fixing work on saris and handmade paper making. There are many pockets within Jaipur developed as centres for production of particular items, e.g. bangle workshops are concentrated in Shastri Nagar-Bhatta Basti areas, whereas Aari-tari (embroidery) work is more concentrated in Ramganj Area.

It should be noted that the data below only relates to child labourers who were rescued. Children who are working at home or in workshops in neighbourhoods where their families are also living do not tend to get rescued (or assisted in other ways), even though in many respects their excessive working hours, forced labour, absence from schooling and other abuses are similar.

Children who have been trafficked to Jaipur are from Bihar, Uttar Pradesh, Jharkhand, West Bengal, Chhattisgarh and Odisha. A member of Rajasthan State Committee for the Protection of Child Rights (RSCPCR) has estimated that as many as 20-24 trafficked children arrive in Jaipur everyday. This suggests a high number of children engaged in workshops across Jaipur. According to estimates from civil society organisations, police officials and media reports, the number of child labourers could be more than 50,000 in the city. However, there is no rigorous survey conducted in this regard.

Data on the children who are officially rescued is being maintained at Child Welfare Committee (CWC), Police, Labour department and in the online portal (<http://trackthemissingchild.gov.in/trackchild/index.php>), but because of lack of proper infrastructural support and lack of interdepartmental communication, there is confusion on the numbers. This report tries to reconcile the numbers derived from different sources, and provide valuable insights about the profile of the rescue operations, profile of children rescued, and profiles of accused.

The analysis is based on anonymised and secondary data, FGDs and interviews of stakeholders related to child protection system in Jaipur. Replies on the questions asked in the legislative assembly have also been taken for data triangulation. FGDs of rescued children have also been conducted to validate the qualitative findings. The report maintains the confidentiality of the children and only aims to provide useful information to the state and non-state actors who are committed to rescue and rehabilitate trafficked children. The report couldn't highlight the legal

and compensation system proceeded with the cases due to lack of availability of data during the study. Further research would be needed in this regard.

Children Rescued in Jaipur

Cases of rescue of children in Jaipur were first highlighted in 2011. Since then, a large number of children were rescued in Jaipur, especially from the workshops. Some of these were rescued under the *Bonded Labour System (Abolition) Act 1976*, and some of them were not recognized as bonded labourers. Local CSOs advise that the conditions of rescued children are broadly similar, but the legal recognition of their situation varied. Likewise, analysis of the rescues is challenging because of difficulties in record keeping by different offices, described below.

Bonded child labour: In 2011, 53 rescued children were declared as bonded labourers. According to official records, between 2004 and 2011, there were no bonded labourers found and rescued (see annexure-I). Since 2011, there were frequent raid and rescue operations conducted in workshops in Jaipur. Between 2011 - March 2016, there was 1,059 bonded labour rescued. According to Jaipur administration, between 2013 and March 2016, all 904 of the bonded labourers rescued from workshops were from Bihar. During 2015-16 and 2016-17, 226 and 153 bonded labourers were rescued from Jaipur (see annexure-I)

Child labour: According to Jaipur Child Welfare Committee records, **835** children were rescued in calendar year 2015, **549** in 2016 and **252** from Jan - April 2017. However, the anonymised list of children provided indicates lower numbers.

Table 1 summarises the number of children rescued, using anonymised list. 2015-16 was the year when the highest number of children were rescued. For 2016-17, the list was only available till September at the time of data collection.

S. No.	Year	No. of Children Rescued
1	2013-14	552
2	2014-15	658
3	2015-16	747
4	2016-17 (till Sept 2016)	159

Table-1

These children were rescued through small and large rescue operations. In 2013-14 and 2014-15 around 47 small and large operations were conducted each year, whereas in year 2015-16, 63 rescue operations have been conducted in Jaipur. The records show that the highest numbers of rescues were done during operation smile.

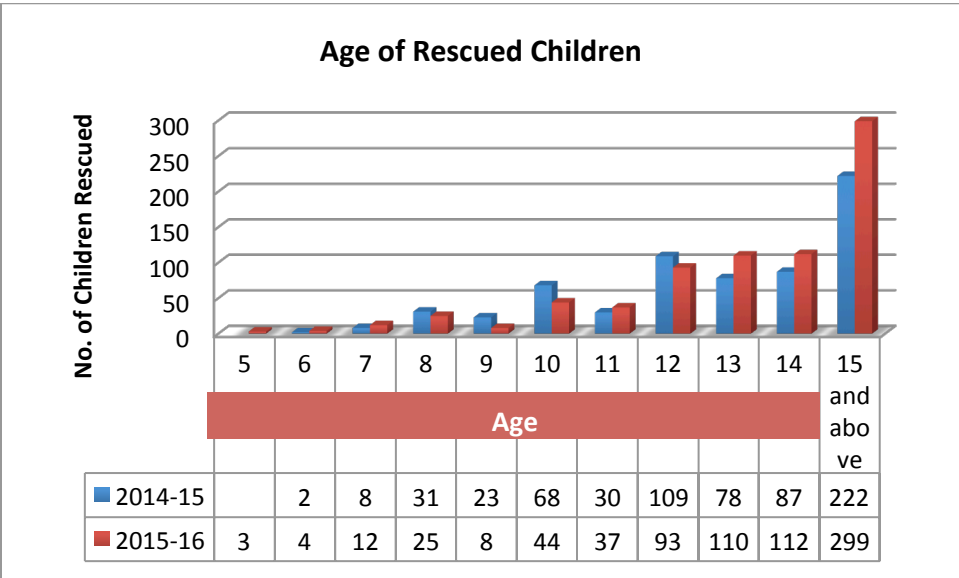
There is a significant problem of data entry into the system and maintaining records. The gap between the total number of rescued children and the data entry of each child needs to be

addressed. CWC gets the data entered through contractual staff which they term as a 'Man with Machine'. The person comes with a computer and do the data entry and maintenance work. CWC says that the salary provided is not sufficient and so there is a high turnover rate of the staff. Also, as soon as the person understands the role, s/he moves on. This creates a major challenge for CWC to enter the required documentation regularly and consistently, with proper safeguards. Apart from entering the child's details, CWC should also enter the data related to the child's Release Certificate under BLA. This documentation is essential in order to help the home district CWCs to prepare a comprehensive rehabilitation plan for each child.

Challenges with maintaining data on rescued children are not only found with the CWC: The national Ministry of Women and Child Development, at its Project Approval Board Meeting 25.10.16, also observed that all the institutions required to enter the data on the Missing Child portal are not doing so. Out of 1012 police stations and 225 child care institutions, only 661 police stations and 102 child care institutions are entering the data in Rajasthan.

Age group of the rescued children

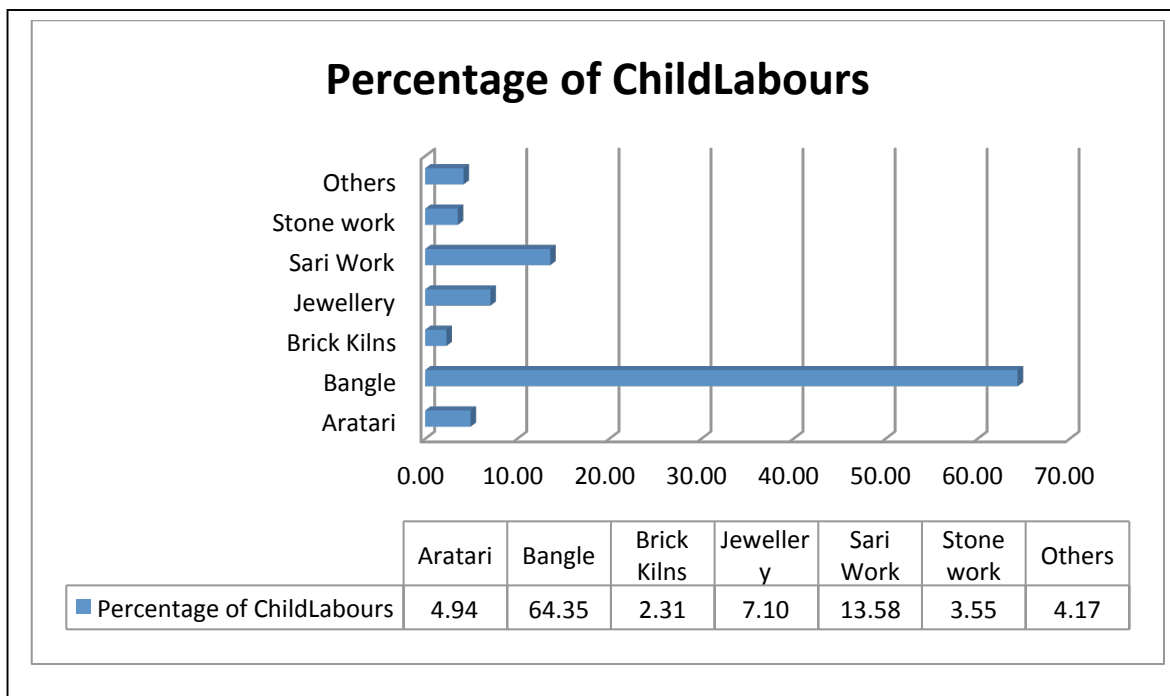
Although most of the rescued children were aged 12 and above, a handful of those rescued were aged 5-6. Local people say that it is hard to walk through the areas where these workshops are running at night because the sounds of crying children can be heard. The children want to sleep, but have to work till 2-3 am with an empty stomach. And if they want to go against it, workshop owners and supervisors beat them.



The above graph shows that children of all ages work in these workshops. All are trafficked, live and typically work in a small 10x10 room with not less than 15-20 child-workers. All the children

who were trafficked and rescued were boys. The age data available for these two years shows that 8% of children belong to age group of 5 to 9 years. Between 10 to 14 years the percentage of children is 55% and children who are 15 years and above are 37%.

Child labour distribution among Jaipur Workshops



Sectors of employment

As per the employment data¹ available for 648 children, rescued between mid 2011 – August 2017, the highest number of rescued children, 64%, were working in bangle workshops, 14% children were working on saris. The sari work includes fixing stones and glitter on it. Children who worked in jewellery, Aari-tari (embroidery), stonecutting/polishing were 7%, 5%, and 4% respectively. The data also shows that lots of rescues happened in jewellery workshops in 2015-16. Other areas where these children have been engaged were brick kilns, 2%, bread factory, salt factory, Rajasthan Industrial Investment worksites and hotel/dhabas.

Social Profile of the Rescued Children

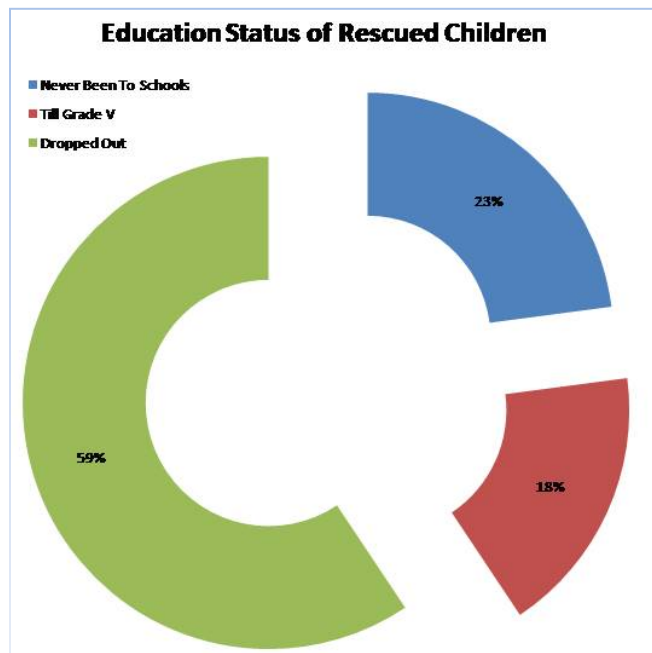
The data of 2015-16 shows that children who have been rescued are Hindu and Muslims. Out of 747 children, 61% are from Hindu religion and 39% from Muslim. Among Hindus, the percentage of Manjhi is

Religion/Caste	Number (2015-16)
Muslim	289
Manjhi	90
Paswan	25
Others	343

747

¹ maintained by an agency

high. The ratio of Hindu and Muslim children matched well with another set of data, which showed that out of 648 records, from mid 2011 to August 2017, 458 were Hindu children and 190 were Muslim Children.



Children who are being trafficked to Jaipur are primarily children who have dropped out of school or have never been to school. Only 18% of children were studying in primary schools at the time when they were trafficked². Those children, who had dropped out, don't remember when they dropped out. The interesting fact is 'all the children rescued want to study'.

Health assessments undertaken after rescue reveal that only 9% of children were found normal, and 91% were diagnosed as malnourished. Some children were found severely beaten and referred for further

medical treatment by the Home.

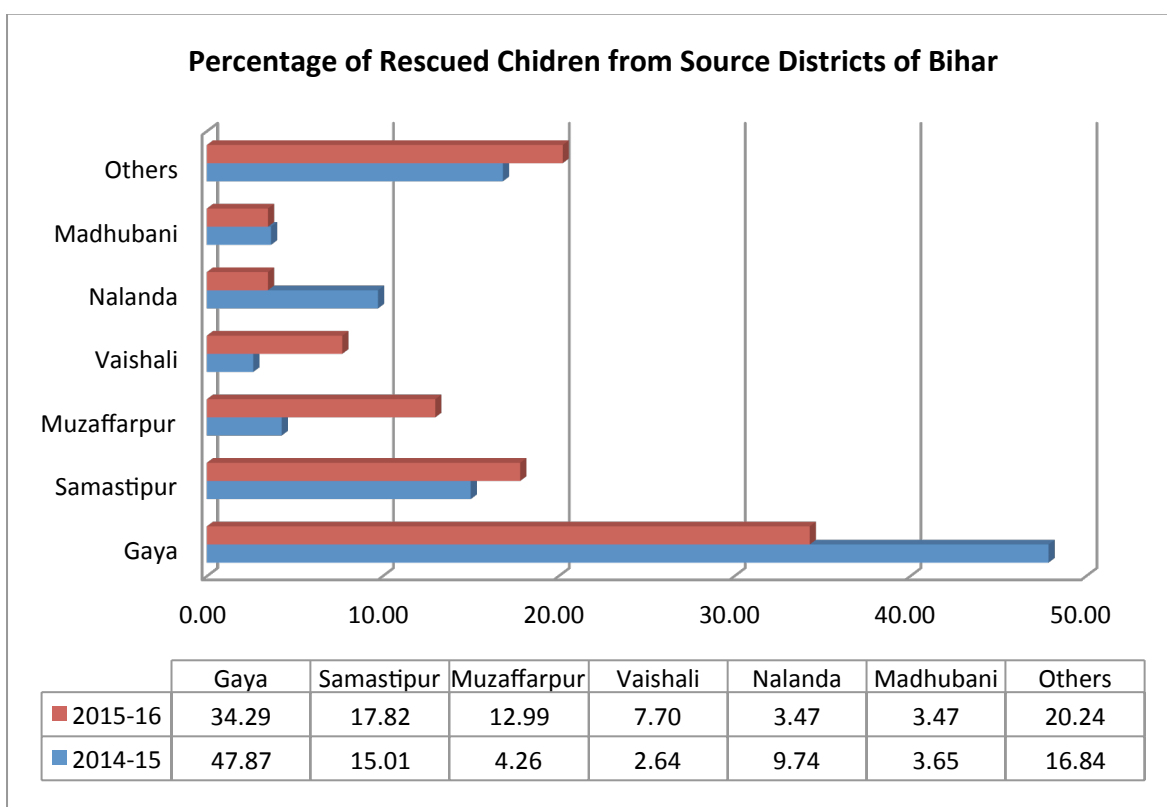
Source areas of Trafficked Children

Two years data of rescued children, 2014-15 and 2015-16, shows that out of a total of 1,405 children, 1,155 children belong to Bihar. The percentage of children from Bihar for 2014-15 and 2015-16 are 75% and 89% respectively. If combined together, there were 82% of children rescued in Jaipur who belonged to different districts of Bihar. The claim of Jaipur CWC, CSOs and officials is accurate that the majority of trafficked children working in Jaipur workshops are from Bihar. Among other states from where children are trafficked to Jaipur, West Bengal is ranked second. Some children from Nepal were also rescued in Jaipur.



² ibid

Source Districts of Rescued Children



Children are being trafficked from many districts of Bihar. These districts are Aarah, Arariya Aurangabad, Banka, Begusarai, Bhagalpur, Chhapra, Darbhanga, Gaya, Godda, Jahnabad, Katihar, Motihari, Madhubani, Muzaffarpur, Nawada, Nalanda, Patna, Purnea, Samstipur, Sheikhpura, Sitamarhi, Siwan, Supaul, Vaishali and West Champaran. Among these districts some districts are major source areas. As per the data available for two years, 2014-15 and 2015-16, Gaya and Samastipur are the major sources, and more than half of children trafficked to Jaipur belong to these districts.

Period of Stay of Children in Workshops

It is important to note that in the documents maintained by the agencies, there is hardly any mention regarding the length of stay of the child within the workshops. Some First Information Reports (FIR)³, especially those completed by Bhatta Basti police station, record the length of stay of the children. According to the FIRs, the period of stay is typically 2 - 6 months for all the children rescued. However, a few rescued children from the same area said, in a Focus Group

³40 FIRs, lodged between 2014-17, have been accessed and analyzed. FIRs are the documents filed at the police station that initiate a law enforcement response to a case.

Discussion conducted with them, that they have stayed more than a year. According to the children, many of them have stayed much longer, even for more than three years. Some of them also started working as supervisors in the same workshops. The discrepancy between the length of work entered on FIRs, and the statements of the children needs to be better understood.

Those children who have stayed for long periods (more than 2 - 3 years), and become reliable for the workshop owner are allowed to go to a nearby park on Sundays, under the supervision of an adult employee or owners' relatives. The rest of the children are not allowed to move out from their premises.

In some cases, the Department of Labour has calculated the pending wages of the children, and claimed the wages. Therefore, there is a further need to access this information to estimate the period of the stay. Also, counsellors at shelter homes should document this information.

Areas of Rescue

Based on the rescue data of three years, between 2013-14 to 2016-17, the wards of Jaipur where rescue operations have been conducted are Adarsh Nagar, AmerDudu, Bajaj Nagar, Bhankrota, BhattaBasti, Brahmpuri, Chandpole, Chandvaji, ChhotiChaupar, Dungari, Galta Gate, Jaipur Railway Station, Jalupura, Jawahar Circle, Jayoti Nagar, Jhotwara ,KalayanJiKa Rasta, Kamala Nehru Market, Ajmeri Gate, Kanota, Karnai, KhoNogoriya, Kotputali, Areas under Kotwali Thana, LalKothi, Lalavas, Mahesh Nagar, Malviya Nagar, MotiDungari, Muhana, Nahargarh, NidaravJiKa Rasta, Pratap Nagar, Rajapark, Ramganj, Ramgarh Road, industrial areas under RIICO⁴, Sadar, Sadwa Mod, SangamVihar, Sanganer, Sanjay Circle, Shahpura, Shastri Nagar, Shiprapath, Sindhi Camp, Sodala, Subhash Nagar, Tonk Road, TopkhaneKa Rasta, ChnadpoleVarun Path, VidhayakPuri, Vidyadhar Nagar and Viswakarma.

Out of a total of 1,957 rescued children over three years, more than **75%** children have been rescued from Bhatta Basti, Kotwali Thana area, Ramganj, Galta Gate, Jhotwara, Jalupura, Shahtri Nagar, Brahmpuri and Vidya Nagar. Bhatta Basti has the highest percentage, **25%**.

Although the locations of the rescue are a strong indicator of the extent of the presence of child labour, they are also an indication of the level of activity of police stations and the extent of reporting of cases.

⁴ Rajasthan State Industrial Development and Investment Corporation

Trends of Rescue Operations

Rescue operations generally peak during the designated months of special operations, e.g. Operation Smile. Although it is a good idea to rescue children in an intense “mission mode” because the whole machinery of government can work in coordination to identify and rescue trafficked children, there are a number of disadvantages to this heavy concentration at certain times of year:

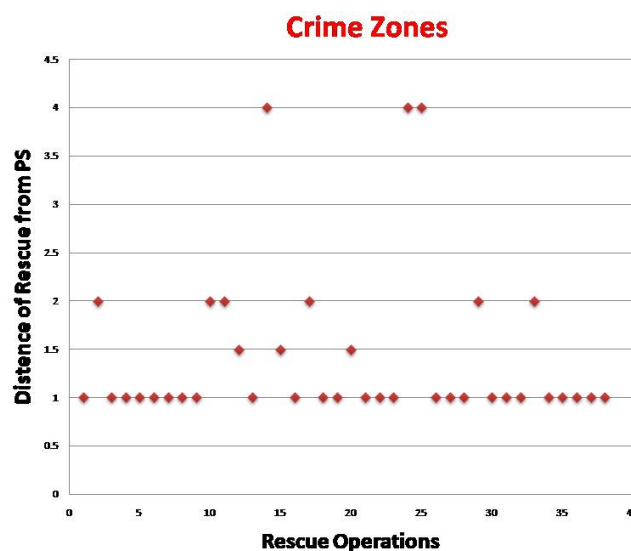
- Traffickers and workshop owners keep track of the planned dates of special operations periods/months and they operate more carefully during these announced rescue operations;
- The back-up system for caring for rescued children, including space in shelter homes, food, transportation etc, does not match the requirement well. It is not currently equipped to handle such a large number of children at a time;
- In most months during recent years, there have been low numbers or no rescues. This tends to mean that workshop owners and traffickers can be more relaxed during the rest of the year.

Month Wise Rescue			
Months	2013-14	2014-15	2015-16
April	31	23	50
May	52	0	3
June	12	176	46
July	0	66	318
August	35	28	17
Sep	28	140	0
October	16	26	43
November	5	13	17
December	81	37	41
January	94	86	0
February	105	54	176
March	93	9	36
	552	658	747

But despite these challenges, special operations are still highly effective, and they show the government’s commitment to address the issue.

Workshops’ Distance from the Police station

As per the data from the FIRs, the distance between respective police stations and the place where the crimes have happened ranged from 0.5 km to 4km. In Bhatta Basti where a large number of FIRs have been filed, the workshops are running right there, within 0.5- 1 km. In other areas like Ramganj, Jalupura, Shastri Nagar and



NahariKa Naka, the workshops were running between 1 - 2 km.

Profile of the Accused

The profile of accused has been analysed on the basis of review of 40 FIRs⁵ between 2014 and 2017. A total of 514 children were rescued through the 40 operations included in the FIRs that were filed in the concerned police station.

The native districts of the workshop owners were: Gaya, Nalada, Muzaffarpur, Katihar, Darbhanga, Aurangabad and Madhubani in Bihar. Hindu and Muslim managers are running workshops in Jaipur. Out of 56 accused in these cases, 33 were Muslim and 23 were Hindu. Among Hindus, Yadav community from Gaya was significant in numbers. All owners were from outside the state, with all except 4 being from Bihar. Hindus were mostly engaged in stone work, and their number decreased between 2014 - 2017. The highest number of FIRs has been filed for bangle work, thereafter stone polishing, sari and Aari-tari.

Issues and Challenges during Raids/Rescue Operations

The narrative part of FIRs also reflects the issues and challenges during raids. In all the rescue operations, nobody came forward from the area to be a witness of the incident. In the recent rescues, during Operation Smile 2017, a representative each from Childline and Bachpan Bachao Andolan were present during the rescue. In previous rescues FIRs, no such agencies were mentioned. Presence of these agencies is helpful in conducting child friendly rescue procedures. In all the FIRs, IPC section 370, 374 & 344 and 75 & 79 (23, 26) sections of the Juvenile Justice Act 2016 (2000) were imposed. These sections carry stringent sanctions and are non-bailable. In a few FIRs, sections 3 & 14 of the Child Labour Act were also imposed. Photography has been done in all most all rescue operations to document the evidences. However, in some rescues, it was done using mobile phones. As part of case property, raw materials, semi processed and packed materials have been sealed along with some equipment in all raid and rescue operations, but there was not a single case in which the premises have been sealed.

⁵ FIR Samples selected for review

Annexure-I

Cases of bonded labour in Rajasthan between 2004 and 2016 (Answer of starred question raised in Legislative Assembly raised in March 2016)

S. No.	Districts	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
1	Ajmer	0	27	0	0	0	0	0	0	0	0	0	0	0	27
2	Alwar	0	0	0	0	0	0	0	5	0	0	0	0	0	5
3	Baran	0	11	18	0	0	4	14	40	0	0	0	0	0	87
4	Bharatpur	0	0	0	0	0	0	0	0	0	116	0	0	0	116
5	Bhilwara	0	0	0	0	0	0	0	0	0	0	0	0	169	169
6	Churu	0	0	0	1	0	0	0	0	0	0	0	0	0	1
7	Dausa	0	0	0	0	0	0	0	6	0	0	0	0	0	6
8	Dhaulpur	0	0	0	0	0	0	0	5	12	0	10	0	0	27
9	Hanumangarh	0	0	0	0	0	0	0	0	0	0	36	0	0	36
10	Jhunjhunu	0	0	0	0	0	0	0	20	10	0	0	0	0	30
11	Jaipur	0	0	0	0	0	0	0	53	12	112	551	328	3	1059
12	Jodhpaur	0	0	0	0	0	0	0	15	0	0	0	0	0	15
13	Nagaur	0	0	0	0	0	0	0	4	0	0	0	0	0	4
14	Pali	0	0	0	0	0	0	0	0	0	0	0	0	23	23
15	Udaypur	0	0	0	0	0	0	0	72	0	0	0	9	0	81
16	Rajsamand	0	0	0	0	0	0	0	0	18	0	0	0	0	18
17	Sikar	0	0	0	0	0	0	2	26	44	9	0	39	0	120
18	Sawai Madhopur	0	0	0	0	0	0	0	8	0	0	0	0	0	8
19	Shri Ganganagar	0	10	0	0	0	0	0	0	0	0	3	0	0	13
Total		0	48	18	1	0	4	16	254	96	237	600	376	195	1845

परिशिष्ट-“ब”

वर्ष 2004 से जनवरी 2016 तक मुक्त कराये गये बंधक श्रमिकों का जिलेवार एवं वर्षवार विवरण

क्र.सं.	जिले का नाम	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	योग
1	अजमेर	0	27	0	0	0	0	0	0	0	0	0	0	0	27
2	अलवर	0	0	0	0	0	0	0	5	0	0	0	0	0	5
3	बांसा	0	11	18	0	0	4	14	40	0	0	0	0	0	87
4	भरतपुर	0	0	0	0	0	0	0	0	0	116	0	0	0	116
5	भीलवाड़ा	0	0	0	0	0	0	0	0	0	0	0	0	169	169
6	चूरु	0	0	0	1	0	0	0	0	0	0	0	0	0	1
7	दीसा	0	0	0	0	0	0	0	6	0	0	0	0	0	6
8	धीलपुर	0	0	0	0	0	0	0	5	12	0	10	0	0	27
9	हनुमानगढ़	0	0	0	0	0	0	0	0	0	0	36	0	0	36
10	झुंझुनू	0	0	0	0	0	0	0	20	10	0	0	0	0	30
11	जयपुर*	0	0	0	0	0	0	0	53	12	112	551	328	3	1059
12	जोधपुर	0	0	0	0	0	0	0	15	0	0	0	0	0	15
13	नागौर	0	0	0	0	0	0	0	4	0	0	0	0	0	4
14	पाली	0	0	0	0	0	0	0	0	0	0	0	0	23	23
15	उदयपुर	0	0	0	0	0	0	0	72	0	0	0	9	0	81
16	राजसमन्द	0	0	0	0	0	0	0	0	18	0	0	0	0	18
17	सीकर	0	0	0	0	0	0	2	26	44	9	0	39	0	120
18	सवाईमाधोपुर	0	0	0	0	0	0	0	8	0	0	0	0	0	8
19	श्रीगंगानगर	0	10	0	0	0	0	0	0	0	0	3	0	0	13
	योग	0	48	18	1	0	4	16	254	96	237	600	376	195	1845

*नोट- जिला कलक्टर जयपुर द्वारा दिनांक 29.03.2016 को अवगत कराया गया कि गत तीन वर्षों के दौरान विभिन्न व्यवसाय एवं प्रक्रियाओं जिनमें मुख्य रूप से चूड़ी बनाना, आरा-तारी, होटल ढाबा आदि का कार्य सम्मिलित है में बिहार राज्य के कुल 904 श्रमिकों को (वर्ष 2013 में 112, वर्ष 2014 में 551 तथा वर्ष 2015 में 328 श्रमिकों) तथा अन्य राज्यों के 132 श्रमिकों को अवमुक्त कराकर बंधक श्रम पद्धति (उत्सादन) अधिनियम, 1976 के तहत अवमुक्ति प्रमाण पत्र जारी किये गये हैं।

Source: Starred question no. 70.3244 by Shri Abishek Matoriya in Legislative Assembly on 03.03.2016;
http://rllaquest.raj.nic.in/QuestionsWeb/Que_Rep.aspx

Bonded Labour Rescued During 2015-16 and 2016-17 (Answer of starred question raised in Legislative Assembly in March 2017)

S.No.	District	2015-16	2016-17
1	Sikar	27	0
2	Jaipur	226	153
3	Ajmer	35	0
4	Bhilwara	5	2
5	Pali	23	0
6	Sirohi	0	37
7	Baran	0	1
Total		316	193

गत वर्षों में मुक्त कराये गये बंधक श्रमिकों का जिलेवार एवं वर्षवार विवरण:-

क्र.सं.	जिले का नाम	वर्ष	
		2015-16	2016-17
1.	सीकर	27	00
2.	जयपुर	226	153
3.	अजमेर	35	00
4.	भीलवाड़ा	05	02
5.	पाली	23	00
6.	सिरोही	00	37
7.	बारां	00	01
8.		316	193

(सी.बी.एस. राठौड़)
अतिरिक्त श्रम आयुक्त एवं
पदेन संयुक्त शासन सचिव

Source: Starred question no. 735.255 by ShriPrahlaadGunjal in Legislative Assembly on 10.03.2017;
http://rlaquest.raj.nic.in/QuestionsWeb/Que_Rep.aspx