

A report of Fact Finding team on Children rescued from *Zari* industry, Delhi and restored in their families in various districts in Bihar



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Period of Fact-finding visit: 19th June 2006 - 24th June 2006

Number of Families Children's Family Visited: Forty-four (44)

Area Of Visit: Bariyarpur, Bhorha, Guleriya, Islampur, Jalsi, Pirahi and Sirhi of Sitamarhi District of Bihar, Asha Nagar, Chitt Vagawatupur, Rampurna of Muzaffarpur District of Bihar, Chamisa of Samastipur District of Bihar and, Katihar, District of Bihar

An overview:

According to a UN estimate, trafficking of human beings is said to be the third largest illegal trade in the world after drugs and arms trafficking. Children are the most vulnerable targets.

In India, there are large numbers of children who are being trafficked for various purposes. Children are trafficked for prostitution, labour, drug peddling, begging, arms smuggling, organ transplant, adoption, marriage, sports and entertainment like circus, camel jockeys etc. India is also a country, which produces largest number of child labour in the world and most of these children are trafficked children.

According to a study conducted by the National Human Rights Commission of India in 2004, on an average, over 40,000 children are reported missing every year, of which 11,000 remain untraced. The National Crime Records Bureau of India reports 2445 cases of kidnapping and abduction of children in the year 2005, which can be said to qualify as cases of child trafficking. Of these 1693 were of kidnapping and abduction for marriage, 501 for illicit intercourse, 117 for prostitution, 58 for unlawful activity, 41 for adoption, 19 for begging, 9 for sale, 4 for slavery and 3 for selling body parts.

Delhi – a destination and transit point for trafficking

Delhi is a source, transit and destination point for the traffickers. Children, after being trafficked from their place of origin arrive in Delhi to be further sent out of the country or to different parts of the country. Delhi receives trafficked children for the purpose of sexual exploitation, labour in domestic set up and various other industries including *Zari* work.

Child Labour and *Zari* Industry

***Zari* Industry - An overview**

India has long been known for its golden thread of *Zari*. Besides gold and silver thread, embroidery materials like stars and spangles, chalak, champo, kinari, salma and badla are also used in the different exportable *Zari* handicraft products. The comprehensive range of *zari* products includes garments, handicrafts, home furnishings like cushion covers etc. These products are consumed in India and exported outside as well. Major importers are USA (20%), UK (17%) and Japan (10%). Other countries are Australia, Canada, France, Italy, Netherlands, Saudi Arabia, Switzerland etc.

Source: <http://indianzari.nic.in>

Fashion and export make Delhi an important business hub. Big export houses send their readymade garments out of country and earn huge profits. Many deal in garments with *Zari* work on it. The *Zari* work is contracted out. The contractors further subcontract the work or get the job done directly by the labour. Export orders are always time bound and *Zari* work takes time. This creates high demand for more and more hands for *Zari* work. The task is often distributed to more than one contractor or sub-contractor, with a large number of labour employed in it, particularly children. The margin of profit decreases as more and more people are involved in the chain of manufacturing the final product. Thus,

for the sub-contractor who finally employs labour for the actual zari work, making the most out of the situation becomes the ultimate goal. In such circumstances, they prefer to employ children, even if it means getting children from other States through agents who act as traffickers. These agents lure poor families to send their children away for work, making false promises of good earning added will skill development of their children. The agents either directly bring the children or get them through sub-agents who are from the same village as the child or if from a nearby village, they have known contacts in the same village as that of the child, who help them procure children.

About the Fact-finding

Every now and then Government and Non-Government agencies together rescue children working in various hazardous and non-hazardous processes and occupations. Children rescued are restored to their families by the Child Welfare Committees under the juvenile justice system in India. It has been found that most of the children rescued from the *Zari* industry belong to Bihar, Uttar Pradesh and West Bengal and, out of these states, the number of children from Bihar is always very high.

In June 2005 and then later in January 2006, a number of children were rescued from the *Zari* Industry in Delhi. These children were immediately produced before the Child Welfare Committee, as these children come under the purview of the Juvenile Justice (care and Protection of Children) Act 2000, falling in the category of ‘children in need of care and protection’. As per the order of the Child Welfare Committee these children were restored to their families in various districts of Bihar within one month of their rescue. They were restored by handing them over either to their parents/guardians, who were called to Delhi by the CWC or with the help of some NGOs.

A fact-finding mission was undertaken by HAQ: Centre for Child Rights in June 2006 at the request of the Child Welfare Committee, Nirmal Chhaya, Delhi, to follow-up on the children rescued from the *Zari* industry in June 2005 and January 2006 by Bachpan Bachao Andolan and Bandhua Mukti Morcha respectively. The letter from CWC was important for us because as a child rights organisation and member of CACT we had been insisting on follow-up of repatriated children to check re-trafficking. Without the CWC taking an interest such a follow-up would not have been possible, as there would have been no data and addresses to reach out to the children. At the same time, it was important to have some understanding and information about the traffickers, the practices they adopt for procuring children from the source area and their proximity to the vulnerable families in order to assess the possibilities and threats of children being re-trafficked. The ability of the traffickers to constantly lure young children in the name of better life and opportunities is not unknown. To identify if any services are being provided to the rescued and repatriated children by the Government and Non-Government agencies was yet another objective.

Selected Area

Besides Sitamarhi, three other districts where the cases were followed-up as part of the fact-finding mission were Vaishali, Samastipur and Katihar.

The children who were to be followed-up belonged to these very districts and therefore it was critical to cover all of them.

Selection of Children for follow-up

The Child Welfare Committee, Nirmal Chhaya, Delhi had referred to HAQ the cases of children rescued under two different rescue operations, one in June 2005 and the other in January 2006. Rescue operation of June 2005 was coordinated by an NGO, Bachpan Bachao Andolan. They had rescued 32 children (as per records given to us) in which all belonged to District Sitamarhi, Bihar. The rescue operation of January 2006 was coordinated by another NGO, Bandhua Mukti Morcha, where 53 children (as per records given to us) were rescued. Of these 53 children, 32 belonged to Bihar, (Muzaffarpur : 15, Vaishali: 2, Samstipur: 3, Dharbhanga, Bhagalpur, Chapriya and Begulsarai: 1 each, Kathihar: 5 and Sitamarhi: 3) 20 from West Bengal and one from Uttar Pradesh. All these children were produced before the CWC and, as per the CWC's order they had been restored to their families within a month from the date of rescue.

The fact-finding team had planned to visit all these children from Bihar (32+53), but due to incorrect addresses and the vast geographical spread and distances between the districts they hailed from, the team was able to visit only forty-four children and their families out of a total of 85 children rescued through two rescue operations i.e. 51.76%.

Out of these forty four children, twenty-two were those rescued by Bachpan Bachao Andolan and another twenty-two were the ones rescued by Bandhua Mukti Morcha.

Children covered from Sitamarhi, District – 25

Children covered from Vaishali District - 2

Children covered from Samastipur District - 1

Children covered from Muzzafarpur District - 12

Children covered from Katihar District – 4

The Fact-finding Team

For Sitamarhi

The Fact-finding team consisted of four members, two members from HAQ: Centre for Child Rights, one member from Bhoomika Vihar, a NGO working in Bihar and a press reporter from Dainik Jagran.

The team member from Bhoomika Vihar, Mr. Lal Babu, is a resident of Sitamarhi district, which was one of the three districts chosen for the fact-finding/follow-up.

The press reporter was Mr. Ajay Vidrohi, who has been involved in advocating against trafficking of children with the local Government in Sitamarhi.

For Vaishali, Muzaffarpur and Samastipur

The team here included only the two members from HAQ: Centre for Child Rights

For Katihar

Bhoomika Vihar, a local NGO did the follow-up of cases in Katihar with the help of their staff and volunteers as they are based in that district.

Our major Findings

1. Condition of children working in the *Zari* units in Delhi

It was found that 14 out of the 44 children followed up (31.8%) had spent up to six months working in these *zari* units, 9 (20.4%) had spent six to twelve months, 12 (27.0%) had spent almost eighteen months and another 9 (20.4%) had spent more than eighteen months.

Only ten to thirty rupees were paid to a child in a week, depending on his tenure with the employer. This was basically because they were promised by the traffickers and the employer that they were brought to work so that they could acquire some skills.

No money had been paid to any of the parents/guardians of the children through the entire period of work put in by the children.

Children used to work in the *Zari* industry for 12 to 20 hours, regardless of their age and ability and of course with total disregard of their physical and mental requirements.

Working Hours	No. of Children
12 hr.-14 hr.	14
14 hr.-16hr.	11
16 hr.-18hr	17
18 hr.-20hr.	2
Total	44

These children were forced to work with for such long hours and with no breaks in between. They had no time for playing or for other recreation. Meal was provided two times in a day. And if they did not work properly they were beaten up very badly. Two children got stitches on their head on being hit by their employer. A child was beaten so badly by his employer that he broke his leg. One child also reported to have got an electric shock once while working, to which the employer paid no heed. They were not allowed to move outside of their little dingy room where they were made to work.

All the promises made by traffickers were false. Children were brought to Delhi with the promise that they would get a good salary, healthy food; they would be allowed regular visits to their parents etc. But the children shared that they were confined in a closed room. They spent most of their time in darkness.



Yet re-trafficking them is not difficult as parents have little option and would like to believe the traffickers that some day they will acquire requisite skills to stand up on their own feet.

2. Traffickers are either villagers or relatives of the family of the children by blood or by clan. A family member of the trafficker or a friend is associated in whole process of procuring children. Their job is to mobilize children and their families so that the demand for a child can always be met.
3. Out of forty four children followed-up, **29.5 %** were **re-trafficked**, 18.1% of children were living in shelter cum NFE centre run by a local NGO in Dumara, Sitamarhi, 4.5% of children were going to school, 9% of children were going to a *Madarsa*, 18.1% of children were not going to any school but were taking lessons, **11.36%** of children were working as agricultural labour and 9% of children were completely idle. Those re-trafficked were by and large children rescued in June 2005.

Rescue Operation	Cases followed-up	Re-trafficked	Agriculture Labour	Going to School	Living at NGO run shelter	Going to Madarsa	Taking Tutions	No work and No education
June 2005	22	13	--		5			4
January 2006	22	--	5	2	3	4	8	

4. Out of twenty-two children followed up from the June 2005 rescue operation, twelve (54%) were re-trafficked. Some of them were reported to have gone back to Delhi (3 out of 12), some were said to have found employment in Ludhiana, Punjab (3 children out of 12) and in Mumbai, Maharashtra (6 out of 13).
5. Out of twenty-two children rescued in **January 2006**, every child was found to be with his family. 9 out of the 22 children had received Rs. 20,000 from the District Magistrate as relief assistance because their release was under the Bonded Labour (Abolition) Act, which provides for such assistance from the State. In the case of others, the matter was in the process. This was a critical factor responsible for the children being with their family post restoration, although the families who received the money had also already spent it all. The other factor was that people from Bandhu Mukti Morcha, the organisation that rescued these children had paid a follow-up visit and is in regular touch with the concerned local authorities as part of their follow-up process. Also, it had not been too long since these children were restored to their families. In this case, it has also been found that the employers in Delhi have shifted to a new location.
6. No monitoring mechanism has been put in place either by the District/State Government or by local NGOs to follow-up on and monitor the restoration and rehabilitation of children released from labour and sent back home. Families, who received the relief assistance, exhausted all the money in a few days. Children have obviously not benefited at all from the relief assistance. This leaves a big question on how to ensure that the money is used for the child. As an alternative perhaps it would be better if the adults in the family are offered some employment benefit or any other social security measure and there is regular follow-up to see that the relief assistance provided for the child is actually used for the growth and development of the child.
7. There is no CWC in these districts either that can be approached for transfer of children and follow-up.
8. All children who are left behind are vulnerable to be re-trafficked.

Socio economic status of the families:

The families met with in the course of this fact-finding mission were poor muslim families, with no agricultural landholding, and only a small house to live in. Some adults were daily wage earners in brick kilns, some were working as masons, some sold country made liquor, and some worked as construction labour. In a few cases, the fathers found to

be daily wage agriculture labourers. In two cases, the fathers worked as a tailor. The mothers were by and large housewives or at best working as a housemaid. The family size ranged from 5 to a maximum of 10 members and lived a petty existence in poor clothing and a very poor standard of life.

Vulnerability of children to re-trafficking:

We found out of forty-four children, thirteen children were re-trafficked. Eight children are living in an NGO run educational centre cum shelter home and the rest are with their families. Children who are living with their family are highly vulnerable to re-trafficking. Parents who have received or have come to know about the possibility of receiving twenty thousand rupees from the government as relief assistance (under the Bonded Labour Act), have not sent their children back to work. But it is very difficult to say that they will not be sent off work at time in future until they turn 18 years old.

Lack of monitoring of restored children adds to the vulnerability of the children to being re-trafficked. Whether the children released under provisions of the Child Labour (Prohibition And Regulation) Act, 1986, or the Bonded Labour System (Abolition) Act, 1976, children should be ensured proper growth and development within their family. The role of the Child Welfare Committee is crucial here. They can monitor the child within the family and can provide required support to the children with the help of local authorities and NGOs. Since unfortunately, till date no Child Welfare Committee has been constituted in the source areas visited in the course of this fact-finding mission, liaison with the concerned DM (District Magistrate) and a local NGO becomes critical and necessary. It is learnt that Bandhua Mukti Morcha is regularly in touch with the DMs concerned. Bhoomika Vihar, which is a local NGO and also a member of hosts the Campaign Against Child Trafficking (CACT), is also in touch with the DM in Katihar and is trying to follow-up as many cases as possible.

Who are the Traffickers?

It was found that the traffickers in all the cases were known to the children and their family, and are either some relative (uncle), a member of the extended family, a family friend, or a fellow villager. These traffickers first target their own village to get the children and then some other village in case they are unable to get the number of children needed from within their own village. They do not take all the children out of the village at the same time.



Most of the persons involved in trafficking children for labour, are roaming free. Trafficker Abdul Jabbar and Md. Naeem Ansari continue to live happily and freely in their respective villages. In fact, Abdul Jabbar's brother, who owns a zari unit in

Name of Traffickers	No. of children Trafficked	No. of Village (from where child had been trafficked)
Ayub Ansari	3	2
Naeem Ansari	9	3
Md. Sagir	13	3
Md. Jabbar	8	1
Md. Illias	1	1
Faizi Seth	3	3
Nukmam Ali	4	1

Delhi, is said to have shifted his factory to some other place in Delhi after the rescue operations. Abdul Jabbar's family recently arranged four children from another village to be sent to his brother's new factory. They have also been trying to resend the same children back to the relocated factory in order to recover the loss incurred in having to shift the unit elsewhere. Traffickers are taking these issues very lightly and want to continue their illegal money making business. They have no fear of law and are instead angry at those who conduct rescue operations. They think that such rescue operations do not benefit anybody as children are out of work and their families remain impoverished.

Lot of people in the villages have sympathy for the traffickers. They think that the traffickers are good people only trying to support their children and their family by offering the children an opportunity to earn while they learn and acquire skills. They also justify child trafficking by saying, "to learn skills one has to undergo many harsh situations".

Conclusion

Poverty and the myth that more children means more hands is only aggravating the situation in these source areas. Even the exploitation of children takes place in the name of their betterment. Children have become commodities. Even when the families are misled to believe that their children will have a better existence and a secure future, the reality they hear from their own children now rescued and sent back hits them only for sometime. With time, children will be ready to be sent back, as there are other realities to live with and the nexus of traffickers is strong and vibrant. Unless a working system is in place to treat these children as children in need of care and protection under the juvenile justice legislation both in the source and the destination areas and unless follow-up is seen as an essential component of rescue and rehabilitation efforts, children will remain vulnerable to being re-trafficked and the situation is not likely to change even in a hundred years. Both Government and NGOs will have to work as equal partners in taking necessary action and ensuring that once rescued, children do not get back into the same drudgery. It also needs to be ensured through a regular follow-up that the relief assistance provided for children rescued under the Bonded Labour (Abolition) Act is used for the benefit of the child rather than squandered away or used up to meet other needs of the family. Alternative forms of care such as sponsorship, whereby children can continue to live with their family and yet receive some sponsorship for their education and basic needs such as health care, food and clothing, is yet to gain significance and importance in the context of trafficked children. In all cases, even if arrangements are made for alternate care, follow-up is must.