

1. Preamble

The lives, liberty and human rights of citizens are under a new peril, wherein the guardians of law have turned into the ones committing gruesome offences and have resorted to terrorizing mankind today.

India has the largest population of street world. At least 18 million children live or work on urban India, engaged in menial jobs in order to earn living

Indian street children are wrongly taken for vagrants criminals and routinely detained illegally, beaten and tortured and sometimes killed by the police. While it is true that street children are sometimes involved in petty theft, drug-trafficking, prostitution and other criminal activities, the police tend to assume that whenever a crime is committed on the street, street children are either involved themselves or know the culprit. This abuse violates both Indian domestic law and international human rights standards.

Street children being young, poor and bereft of parental support are also easy targets. It does not require much time or effort to detain and beat a child to extract a confession, and the children are unlikely to register formal complaints.

Police have financial incentives to resort to violence against children. Many children have reported that they were beaten on the street because the police wanted their money. The prospect of being sent to a remand home, the police station, or jail, coupled with the threat of brutal treatment, creates a level of fear and intimidation that forces children or in some cases, their families, to pay the police or suffer the consequences.

Indian law contributes to the problem. Under the Indian Penal Code, anyone over the age of 12 is considered an adult and ambiguities in the code concerning the ability of the child to be cognizant of a crime have made it possible for children as young as 7 to be treated as adults under the law. There are no provisions in the

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code that prohibit the detention of juveniles in police stations or jails. The Juvenile Justice Act applies to all the states and Union Territories in India except Jammu and Kashmir.

Finally, we have the de facto immunity of police from prosecution. The Government of India has known about the extent of custodial abuse, including abuse of children, at since 1979, when the National Police Commission issued a devastating indictment of police behavior. After more than a decade and half, none of its recommendations have been adopted and the police can detain, torture, and extort money from children without much fear of punishment.

This report documents police abuse of Indian street children and deaths of children in police custody. It is based on investigations conducted in India during February and March 1995 and December and January 1995-96. Human Rights Watch spoke with more than 100 street children, as well as representatives of non-governmental organizations, social workers, human rights activists, human rights lawyers and other individuals, who work with street children in Bangalore, Mumbai, Delhi and Chennai. Of the 100 interviewed, 60 complained of police abuse in the form of detentions, beatings, extortion or verbal abuse. These cases were selected because the children had better recollection of the incidents and could provide a comprehensive description of their treatment by the police. The testimony of two social workers, who had been abused by the police for attempting to stop them from beating children was also recorded; one of these cases involved detention and severe beating. In total, 41 cases are presented in this report. This report also details the deaths in custody of 15 children from 1990 to 1994 and the death of one child in a remand home in 1996.

Human Rights Watch was able to interview only boys for this report. Access to girls was limited because most groups working with street children do not work with girls cultural norms make it improper for girls to speak to strangers, especially males. ■

2. Status of Indian Children

Children abandoned by couples out of wedlock

I was rolling on my bed. It was a cold and windy morning. I had a guest, who wanted to have I'm an early riser but not a regular walker. Whenever I visited my family doctor for some ailment, along with the medicine, would be an early morning walk in order to breathe fresh air.

I thought this would be one way of maintaining goodwill with my wife. So, I agreed to accompany my friend. We strode for a while in silence. My friend heard a dog bark. Immediately he reacted, "Street dogs are very menacing and the dog very dangerous. Every 6 out of 10 people suffer from rabies. The government is not at all concerned about this." In order to make him comfortable, I told him that dogs would spot strangers and neighbors very early and issue a warning.

I found my guest very philanthropic and benevolently disposed. As we moved along the road, he kept on dropping a few coins to the passerby, who approached him with folded hands. But it is not justified to encourage begging like this. It dampers the spirits.

I was trying to tell him my experience-how a blind beggar, just by feeling the coin, felt that it was below his dignity to accept a 10 paisa coin. He couldn't realize how many such 10 paisa may be a fortune. I'm sure that of these paise dropped in the beggar's bowl, a share goes to his protector or the godfather. This is a separate community by itself, living on the streets, earning their money on the street, never bothered about their true home, devoid of love and affection.

I had few statistics to suggest to him. He was immensely interested in knowing more about this community.

Religion of street children in India varies greatly according to the area, but, in general, approximately 70% are Hindu, 18% are

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Muslim, while the rest comprise Christians and others.

Percentage of Hindu children is as high as 82% in Hyderabad, Indore, & Bangalore (Almost 50% of Hindu children belong to Scheduled Castes or Tribes), and 82.7% of street children are boys. Girls are more difficult to trace but they are by far, the most vulnerable.

Work conditions

Most street children find themselves some work, even though they may not be steady and lose jobs regularly. Many think of rag picking as a job. A study in 1989 shows that 39.3% of working children were paid inadequately and 34% complained of being forced to work overtime. Many children are lured into bonded work or “work-camps” that they are unable to escape from, due to unscrupulous and cruel proprietors or middlemen.

We went to a nearby coffee spot to have the traditional filtered coffee. I'm very fond of a strong cup immediately after brushing my teeth. My pal was delighted at having it hot. We continued our discussion on Indian street children.

This is what we discussed.

The problems faced by these people are too much-abuse, child labour, gender discrimination, poor health, homelessness, above all poverty This, in spite of have been many surveys and published reports. Lots of efforts are being invested in this regard.

Many of the street children, who have run away home, have done so because they have been abused. Tragically, their homelessness can lead to further through exploitative child labour and prostitution.

Not only does abuse rob runaway children security, but it also leaves them emotionally scarred. Many of the abused children in India are traumatized, and some speak for months. To aggravate matters, children often feel guilty and blame themselves for their

mistreatment. Such damage can take years to recover from even the most loving environments; on the streets, it may never heal.

A large proportion of the boys and girls in Indian homes have suffered abuse.

Most Indian street children work. In Jaipur, a common job is rag-picking, in which boys and girls as young as six years sift through garbage in order to collect recyclable material. The children usually rise before dawn and carry their heavy load in a large bag over their shoulder. Rag-pickers can be seen alongside pigs and dogs, searching through trash heaps on their hands and knees. Other common things seen are gathering of firewood, tending to animals, street vending, dyeing, begging, prostitution, and domestic labour.

Children who work are not only subject to the strains and hazards of their labour, but also denied the education or training that could enable them to escape the poverty trap.

I-India, an organisation that works for street children, provides non-formal street schools to ensure that working children get at least a basic education. They nurture community support for the schools and seek to bring suitable kids into the mainstream government education system. They also provide popular and practical vocational training, where older children can learn skills while earning some money

Female kids are often discriminated against in Indian society. Their health, education, prosperity and freedom are all impacted. The problem is worse in conservative Rajasthan than almost anywhere else in India.

For instance, as girls carry the liability of dowry, and leave the family home after marriage, parents may prefer to have male offspring. Many babies are aborted, abandoned, or deliberately neglected and underfed, simply because they are girls. This can be seen in the fact that female mortality rate amongst 0-4 year olds in

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India is 107% of male mortality rates, whereas the comparable number in Western Europe is 74%. The rate is 119% in Rajasthan. Further evidence of the imbalance is that the female/male ratio within the general population of India is unnaturally low at 927/1000 and even lower in Rajasthan at 909/ 1000.

Gender discrimination is particularly evident in education, where boys are more likely to attend school and to do so for more years. The traditional place of the woman is in the home and so many parents consider education for girls to be a waste of time, especially when the child can instead be working or performing domestic chores. Only 38% of Indian women are literate and at 64%, the gender parity between literacy rates amongst Indian women and men is one of the most unequal in the world.

Child marriage is another way in which girls are disadvantaged. In addition to limiting educational possibilities and stunting personal development, early marriage carries health risks. A girl under 15 is five times more likely to die during pregnancy than a woman in her twenties; her child is also more likely to die. This implies that more emphasis is necessary on care and opportunity for girls. There are more girls than boys in our street schools, vocational centres and homes.

My friend and I paused for while.

He said, "All these are fine, but who is accountable? Don't tell me it is God Himself. Do you feel that a proper literacy programme will minimize the impact on society? But it opens another arena, that of unemployment".

I answered "The percentage is very significant. I'm sure that some of them of this community are well educated and not properly recognized in the society and job market. The answer is not very simple. Though we obtained political freedom from the British in 1947, we are yet to establish and realize economic freedom. That is what these reports suggest.

Poor health is a chronic problem for street children. Half of all children in India are malnourished, but for street children, the proportion is much higher. These children are not only underweight, but their growth has often been stunted; For example, it is very common to mistake a 12-year-old for an 8-year-old.

Street children live and work amidst trash, animals, and open sewers. Not only are they exposed and susceptible to disease, they are also unlikely to be vaccinated or receive medical treatment. Only two in three Indian children have been vaccinated against TB, Diphtheria, Tetanus, Polio and Measles; only one in 10 against Hepatitis B. Most street children have not been vaccinated at all. They usually cannot afford and do not trust doctors or medicines. If they receive any treatment at all, it will often be harmful, as with kids, whose parents place scalding metal on their bellies as a remedy for persistent stomach pain.

Child labourers suffer from exhaustion, injury, and exposure to dangerous chemicals, in addition to muscle and bone afflictions.

There is much ignorance about reproductive health and many girls suffer needlessly. A girl made infertile by an easily preventable condition may become unmarriagable and so be doomed to a life of even greater insecurity and material hardship.

The HIV/AIDS rate amongst Indian adults is 0.7% and so has not yet reached the epidemic rates experienced in Southern Africa. However, this still represents 5 million people, or about 1 in 7 of those in the world who have the disease. The rate amongst children is lower, but because street children are far more sexually active than their peers, who don't live on the street, and as many are even prostitutes, they are thus hugely at risk of contracting the disease. AIDS awareness, testing and treatment exist, but less so for street children than other demographic groups.

Social organizations like I-India provide nutrition, medical treatment, hygiene, and reproductive health education to many

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children in India's street schools and homes. They also run an AIDS awareness programme, targeting 500 at-risk children and also operate a shower bus that regularly visits street points and offers on-the-spot showers and cleansing products. They also employ several full-time nurses and foster relationships with hospitals that are willing to treat these children for free. I-India also provides education on tracking malnutrition to local staff in 233 village health centres, which benefits 33,000 rural children.

Street children in India may be homeless either because their family is homeless through poverty or migration or because they have been abandoned, orphaned, or have run away. It is not unusual to see whole families living on the sidewalks of Jaipur, or rows of individual children sleeping around the railway station.

Adequate care for the homeless street children should be a priority. The authorities should provide repatriation for their families, temporary and permanent shelters, street schools, vocational training, nutrition, medical treatment, shower facilities, AIDS awareness and a help line.

Poverty dumps a host of problems onto a child. Not only do these problems cause suffering, they also conspire to keep the child poor throughout his/her life. In order to survive, a poor child in India will probably be forced to sacrifice education and training. Without skills, the child will, as an adult, remain at the bottom of the economic heap.

The root causes of poverty are beyond a single NGO's power to change. Society should lend a helping hand wherever it can. Street schools provide some education, as does mainstreaming of children into government schools and offer of scholarships to private schools. Vocational training centres are pragmatic but powerful tools to assist children in escaping the poverty trap. Children at these centres learn skills such as jewellery-making and tailoring, which can prove more valuable to them than additional formal schooling. The money children earn at the centres allevi-

ates some of their poverty and encourages the child and his/her parents to choose vocational training over child labour.

We came back home. It was a bit late for me to gear up for the office. But the entire morning discussion put me in deep thought. Do we have to sympathize with these people or state that it is their fate? As true citizens, we must extend a helping hand. ■