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INDIA

The Effect of Communal Violence in Gujarat on Children
Communalization of Education
Bonded Child Labor

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In 2002 and 2003, children were among the thousands of victims of India's worst human rights crisis in a decade: orchestrated violence against Muslims in the state of Gujarat. Children were victims of sexual violence, and were arbitrarily detained or killed by the police. The state government failed to provide adequate and timely humanitarian assistance to the internally displaced, which included approximately 33,000 children. Even those children not physically harmed by the violence experienced devastating effects on their education and their psychological well-being. Human Rights Watch's investigations revealed that the violence was well-planned in advance, and involved extensive state participation and support. Over one year later, the state has failed to prosecute those responsible, deliver promised financial assistance, or curb continuing discrimination against Muslims in Gujarat.

The same Hindu nationalist organizations responsible for the violence in Gujarat are now taking control of India's educational system, both nationally and in certain states, and are involved in redrafting the national curriculum. The Indian government supports, through official recognition and financial assistance, a large network of private schools run by Hindu nationalist organizations that attempt to indoctrinate children in religious intolerance, the inferiority of non-Hindus, and the collective blame of Muslims and Christians for wrongs against Hindus at various points in Indian history, as interpreted by Hindu nationalists. In the context of continuing communal violence, these teaching are of particular concern.

Millions of children are working as bonded laborers all over India. Since our first investigation in 1996, the Indian government had taken some positive steps to address the plight of working children and bonded laborers of all ages. At the same time, there are serious problems with implementation on the ground. In the last decade, efforts in some regions have driven bonded child labor out of factories and into households, which are partially exempt from the law, changing bonded child labor's manifestation but not its prevalence or intensity. In the silk industry, bonded children are working at every stage.

The Convention on the Rights of the Child, in article 6, guarantees children the right to life; states agree in article 2 to protect children from discrimination. Articles 28 and 29 provide for the right to education. In article 32, states agree to protect children from "economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." Article 36 directs states parties to "protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare."

Communal Violence in Gujarat and its Effect on Children

In 2002, India experienced its greatest human rights crisis in a decade: orchestrated violence against Muslims in the state of Gujarat that claimed at least 2,000 lives in a matter of days. On February 27, 2002, in the town of Godhra, a Muslim mob attacked a train on which Hindu nationalists were traveling. Two train cars were set on fire, killing at least fifty-eight people. In the days following the Godhra massacre, Muslims were branded as terrorists by government officials and the local media while armed gangs set out on a four-day retaliatory killing spree. Muslim homes, businesses, and places of worship were destroyed. Hundreds of women and girls were gang-raped and sexually mutilated before being burnt to death. In the weeks that followed the massacres, Muslims destroyed Hindu homes and businesses in continued retaliatory violence. According to one official estimate, a total of 151 towns and 93 villages, covering 154 out of 182 assembly constituencies in the state, and 284 out of 464 police stations were affected by the violence.

In April 2002, Human Rights Watch released a 75-page report titled "*We Have No Orders to Save You*": *State Complicity and Participation in Communal Violence in Gujarat*. The report, based on investigations conducted in Ahmedabad in March 2002, revealed that the violence against Muslims was planned well in advance of the Godhra massacre and with extensive state participation and support. State officials of the Bharatiya Janata Party (BJP), a Hindu nationalist party that also heads India's national coalition government, were directly involved in the attacks. In many cases, the police led the charge, killing Muslims who tried to block the mobs' advance.

The groups most responsible for the anti-Muslim violence include the Vishwa Hindu Parishad (World Hindu Council, VHP), the Bajrang Dal (the militant youth wing of the VHP), and the Rashtriya Swayamsevak Sangh (National Volunteer Corps, RSS). Collectively they form the *sangh parivar* (or "family" of Hindu nationalist groups). The BJP is the political wing of the *sangh parivar*.

In January 2003 Human Rights Watch returned to Gujarat to investigate developments in justice and rehabilitation measures since the violence. On July 1, we released a 100-page report, *Compounding Injustice: The Government's Failure to Redress Massacres in Gujarat*, examining the record of state and national authorities in bringing perpetrators to justice and in providing humanitarian relief and other assistance to victims and people displaced by the carnage. The state government's record is appalling. Despite overwhelming evidence implicating police officers and members of Hindu nationalist groups, including the BJP, not a single case connected to Godhra and its aftermath has resulted in a conviction. Most cases are languishing due to the state's failure to arrest and charge those most responsible for the violence; many have already been dismissed because of the prosecution's failure to collect and record evidence. As the Godhra prosecutors shift from one theory to the next, the relatives of the Hindus killed in Godhra are denied redress and face economic destitution. Living conditions for many Muslims displaced by the violence, meanwhile, have continued to be grossly inadequate. Promised financial assistance has only trickled in, forcing many victims back to the scene of the crime where their tormentors remain at large. And the government has done little to curb

insidious discrimination against Muslims that has proliferated in Gujarat's marketplaces and offices since the massacres.

This section of the briefing is based on our findings in both reports and focuses on the effect of the massacres on the children of Gujarat.

Children as Victims

The violence was unprecedented in its organization and unmatched in its brutality in the state of Gujarat. It also claimed many children as its victims. When a six-year-old boy asked for water, for example, he was made to drink petrol. According to eyewitnesses, "A lit matchstick was then thrown inside his mouth and the child just blasted apart." Pregnant women's bellies were cut open and fetuses were pulled out before the women were killed. The sections below document sexual violence against women and girls and police killings and arbitrary detentions of Muslim youth.

Sexual violence against women and girls

As documented in "*We Have No Orders to Save You*," scores of Muslim girls and women were brutally raped in Gujarat before being mutilated and burnt to death. Given the large number of people who are still missing and believed dead in Gujarat, as well as the large scale burning of bodies that accompanied the killings, it is difficult to ascertain how many women and girls were subjected to sexual violence. Evidence recorded by the Citizens' Tribunal suggests that as many as 250 women and girls were victims of "gross sexual crimes."¹ Unofficial estimates are much higher.

Muslim women and girls in Gujarat were stripped and paraded naked, gang-raped, mutilated and burnt alive. Iron rods and other objects were inserted into their bodies. In some cases, the police reportedly opened fire on Muslim men who tried to save them.² One mother reported that her three-year-old girl was raped and killed before her eyes.³ The police also participated in much of the violence against women. Many women were also the victims of police shootings.

The justice machinery has done little to investigate or prosecute these cases. The Gujarat government failed to implement recommendations made by the National Commission of Women that would facilitate reporting of rape cases like the posting of female police officers in relief camps and the creation of women's cells in police stations focusing on crimes against women during the violence.⁴ Sexual violence against women and girls remains under-reported and

¹ Concerned Citizens Tribunal, *Crime Against Humanity*, vol. II (Mumbai: Citizens for Justice and Peace, 2002), p. 108.

² *Ibid.*, p. 40.

³ *Ibid.*, p. 41. Representatives of the central government have displayed extreme callousness at reports of sexual violence in Gujarat. During a parliamentary debate on Gujarat on April 30, 2002, for example, Defense Minister George Fernandes stated: "There is nothing new in the mayhem let loose in Gujarat... A pregnant woman's stomach being slit, a daughter being raped in front of a mother aren't a new thing." Concerned Citizens Tribunal, *Crime Against Humanity*, vol. II, p. 39.

⁴ See National Commission for Women, "National Commission for Women Report of the Committee Constituted by the National Commission for Women to Assess the Status and Situation of Women and Girl Children in Gujarat in the Wake of the Communal Disturbance," [online], <http://www.ncw-india.org/publications/report/page1.htm> (retrieved June 25, 2003).

prosecutions face numerous obstacles. Problems include a lack of medical examinations for victims of sexual violence, large-scale destruction of evidence, refusal to register rape cases in FIRs or include them in chargesheets, deficiencies in Indian rape laws, and the silencing of rape victims by members of their own community due to the stigma that often accompanies such crimes.

The Ahmedabad-based NGO Sanchetna has collected numerous affidavits on cases of sexual violence. Sheba George, the head of Sanchetna, told Human Rights Watch: “We found sixty cases that we cross-checked with eyewitnesses. For forty of them we have the women’s names and in twenty they are unnamed.... In Gomtipur, a police sub-inspector was named as one of the attackers. Women also claimed to be molested by members of the Rapid Action Force. Yet there have been no prosecutions.”⁵

In addition to losing their battle for justice, rape victims in Gujarat have also had little access to healthcare and trauma counseling. According to a report issued by the International Initiative for Justice in Gujarat (IIJ), formed by Indian and international women’s groups in response to the targeting of women during the violence in Gujarat,

Survivors of sexual violence have little access to counseling, and issues relating to their sexual and reproductive health and rights are neglected.⁶ We found very little attention paid to issues relating to pregnancy, abortions and sexually transmitted infections as a consequence of sexual violence, and were appalled at the lack of safe spaces for women to recover and defend themselves. The medical system has also proved to be unresponsive to the needs of women who have been victims of violence including sexual violence.... The few women who tried to bring charges of sexual violence have found the legal and investigative systems totally unresponsive to their needs. In many cases, it is the police who were the instigators and perpetrators of sexual violence against Muslim women.⁷

As with cases of sexual violence against women throughout the country, many survivors have been silenced by members of their own community who want to hide their “shame.” As a consequence, families have forced young girls to get married in an attempt to hide the fact that they were raped. The IIJ report states: “We met many mothers who admitted to us that they had been compelled to send their daughters ‘away’ or marry them off to men who they knew to be unsuitable. The failure of state agencies to prosecute perpetrators of violence means that rapists

⁵ Human Rights Watch interview with Sheba George, Ahmedabad, January 3, 2003.

⁶ For more on the problems related to the mental and physical health of survivors of sexual assault, see the report Medico Friend Circle, “Carnage in Gujarat: A Public Health Crisis,” May 13, 2002, pp. 21-24.

⁷ International Initiative for Justice in Gujarat, “An Interim Report,” December 19, 2002, pp. 2-3 [online], <http://www.onlinevolunteers.org/gujarat/reports/iiig/interimreport.pdf> (retrieved June 3, 2003). IIJ is comprised of jurists, activists, lawyers, writers and academics from various parts of the world. Representatives of IIJ visited areas in and around Ahmedabad, Vadodara, and Panchmahals, Gujarat between December 14 and 17, 2002 to investigate, among other things, the violence inflicted upon women since February 27, 2002. International Initiative for Justice in Gujarat, “Press Release,” December 19, 2002 [online], <http://www.onlinevolunteers.org/gujarat/reports/iiig/pressrelease.pdf> (retrieved June 3, 2003). IIJ investigations also found that police, prosecutorial, and judicial member connections to the *sangh parivar* “clearly impairs the course of justice.” Evidentiary requirements that prevent the prosecution of rape charges without sufficient medical reports and other corroborating evidence were also highlighted. Ibid.

are free to continue to threaten and taunt women on a daily basis.”⁸ As men fear for the safety of the women and girls in their family, greater restrictions are being imposed on their ability to move around freely.⁹

Youth arbitrarily detained or killed by the police

Numerous eyewitnesses told Human Rights Watch that the police led the mobs directly to their homes and places of business. In many instances, the police also fired upon Muslim youth, crushing any organized self-defense against the mobs. Detaining Muslim Youth: The arbitrary detention and filing of false charges against Muslim youth during and after the initial attacks in Gujarat remains largely unchecked. An attorney working in Vadodara and Ahmedabad told Human Rights Watch that the detention and filing of false charges against Muslims was rampant in these cities.¹⁰ When Human Rights Watch asked residents of Chartoda Kabristan camp if they had been able to go home since arriving at the camp, one male teenager responded, “The government is with the VHP and the Bajrang Dal. They are combing our areas. If we go back there, to our homes, the police fire on them, and take them to jail to show that they have arrested people.”¹¹

The mullana (cleric) of the Chotti Masjid mosque near Barasache ki Chali, Gomtipur, told Human Rights Watch he was beaten by the police on February 28, 2002 as they searched for the Muslim boys who had run inside his mosque for protection:

The police surrounded us. Some children had run inside the mosque for protection. The police pulled me out, slapped me, and hit me with the butt of their gun twice. They asked me for keys to the inside room and I said I didn’t have them so they hit me again. Then they grabbed the boys and took them and beat them. There were ten or twelve of them. They left me behind. Those boys were arrested and have not returned. Five people were killed here in police firing, those cases have been filed against the boys that they took.¹²

Bullets had scarred the walls of the mosque viewed by Human Rights Watch. The blood of a young Muslim boy who, according to witnesses, ran into the mosque after being stabbed with a sword still remained on the wall. He too was dragged away by the police.

They were among twenty-six Muslim youth arrested between February 28 and March 1, 2002, and taken to the area police station before being transferred to the central station. One resident involved in following the legal proceedings told Human Rights Watch about the nature of cases filed against them: “A woman named Jainab was burned alive here by the police and the RSS. That case is on our boys under Section 302 [murder] of the Indian Penal Code and there

⁸ International Initiative for Justice in Gujarat, “An Interim Report,” p. 3.

⁹ A similar trend was observed in Bombay following the 1992-1993 riots there. The wearing of *burqas* by Muslim women and girls became much more common. Concerned Citizens Tribunal, *Crime Against Humanity*, vol. II, p. 158.

¹⁰ Human Rights Watch interview, attorney M.D., Ahmedabad, March 23, 2002.

¹¹ Human Rights Watch interview, sixteen-year-old male resident of Chartoda Kabristan camp, Ahmedabad, March 23, 2002.

¹² Human Rights Watch interview, Chotti Masjid mullana, Ahmedabad, March 23, 2002.

are many other charges against them. They were hiding in the mosque and they arrested them.”¹³

A Citizens’ Initiative report on violence against women in Gujarat found that in Millat Nagar, a neighborhood then under curfew in Ahmedabad, “under the guise of ‘combing operations’ the Police are picking up young Muslim boys at random. Mothers live in constant fear.... So acute is this fear of the Police that even for small tasks to be done outside the home women venture out more rather than men. No one knows why and under what charge these young men are being arrested.”¹⁴

Postmortems and medical certificates have also been manipulated to hide any evidence of police shootings, indicating instead that the deceased were killed or injured by stabbing or sword injury during their participation in the riots.¹⁵

Children in Relief Camps

The destruction, enmity, and insecurity left by the communal violence in Gujarat, caused the forcible displacement of more than one hundred thousand Muslims into more than one hundred makeshift relief camps throughout the state, some located in Muslim graveyards. Approximately 33,000 children were among those displaced. The state government failed to provide adequate and timely humanitarian assistance to the internally displaced. Problems included serious delays in government assistance reaching relief camps, inadequate state protection for displaced persons and relief convoys, and failure to provide medical and food supplies and build sanitation facilities. The state also failed to address the health, social, and economic needs of sexual violence victims through measures like trauma counseling and testing for sexually transmitted diseases.

Between June and October 2002, the government unilaterally began to close the camps, forcing thousands of victims either to enter unofficial relief camps or to return to villages and neighborhoods where their security was continually threatened.

The Effect on Children’s Education

¹³ Human Rights Watch interview (name withheld), Ahmedabad, March 23, 2002. Other charges filed against the Muslim youth include: obstructing a public servant in the discharge of his public functions (IPC, Sec. 186); disobedience to an order duly promulgated by a public servant (IPC, Sec. 188); voluntarily causing hurt to deter a public servant from his duty (IPC, Sec. 332); causing hurt by endangering the life or personal safety of others (IPC, Sec. 337); assault, or the use of criminal force to deter a public servant from discharge of his duty (IPC, Sec. 353); and mischief by fire or explosive substance with intent to destroy house, etc. (IPC, Sec. 436). Section 135 of the Bombay Police Act, which authorizes arrest and punishment for violations of Section 37 that permits police to prohibit various kinds of public assembly, was also invoked. The pattern is not unique to Gujarat. A study undertaken by former Inspector General (Border Security Force) Vibhuti Narain Rai on police neutrality during communal riots found that “even in riots where the number of Muslims killed was many times more than the Hindus, it was they who were mainly arrested, most searches were conducted in their houses, and curfew imposed in a harsher manner in their localities. This observation holds good for even those riots where almost [all those] killed were Muslims” (emphasis in original). Asia-Pacific Human Rights Network, “Gujarat riots point to need for police reform.”

¹⁴ Citizens’ Initiative, “The Survivors Speak.”

¹⁵ Human Rights Watch interview with Sheba George, Ahmedabad, January 3, 2003.

Muslim parents in Gujarat are afraid to send their children back to their old schools. According to Martin Macwan, head of the NGO Navsarjan, “Muslim children are not going back to their old schools largely because of insecurity. Children don’t feel safe in schools with no Muslim population. The opposite is also true. In Juhapura, Ahmedabad, a majority Muslim area, there are no Hindu students.”¹⁶ R. Bibi told Human Rights Watch:

Everyone used to go to school. Now my daughter-in-law’s children are going to school near the home that they were given, that they are living in now. First they used to go to the SRP (Special Reserve Police) school in Naroda Patia. Even the SRP people attacked us. From all sides we were getting attacked. We were surrounded. Why would we send our children back to the SRP school when the SRP themselves were attacking us? Now our children have seen anything, so of course they’re scared. They have seen so many people being cut, being killed, being burned, so of course the children are going to be scared. There is no question of us being able to go back there now. The school that they’re going to now, they’re secure there because that’s our area – meaning Muslim area. There are Christian teachers there. I haven’t gone home since the violence and riots started – and I won’t go back and I don’t want to go back.¹⁷

As reported in “*We Have No Orders to Save You*,” children’s education certificates were destroyed together with other personal belongings when their homes were looted or set on fire. The government did little to replace these certificates or facilitate the resumption of Muslim children’s education following the violence. Under financial constraint, many children have dropped out all together to become child laborers.¹⁸ The education of girls, already of low priority, is being given even less importance in dire financial times.¹⁹

Soon after the violence, principals of English-medium schools in Gujarat were threatened with violence by VHP members if they did not expel Muslim students from their institutions. According to one report, parents were told by school officials to remove their children from these schools on the grounds that their safety could not be guaranteed. These tactics are helping to ensure that Muslim children are increasingly confined to *madrasas*, or Muslim-run religious schools, where education is imparted in Hindi or Urdu—limiting severely the students’ career prospects²⁰ and effectively requiring them to have a religious rather than secular education. Simultaneously, *sangh parivar*-run schools throughout Gujarat and other parts of India continue to impress upon Hindu children a message of religious intolerance.²¹ The end result could be toxic to hopes for reconciliation for generations to come.

¹⁶ Human Rights Watch interview with Martin Macwan, Ahmedabad, January 2, 2003.

¹⁷ Human Rights Watch interview with R. Bibi, Ahmedabad, January 2, 2003.

¹⁸ Human Rights Watch telephone interview with Dr. Satchit Balsari, Boston, May 15, 2003.

¹⁹ Habitat International Coalition, Youth for Unity and Voluntary Action, *Rebuilding From The Ruins:*

Listening to the voices from Gujarat and restoring people's right to housing, livelihood and life (Ahmedabad: Citizens’ Initiative, 2002), p. 67 [hereinafter HIC, YUVA, *Rebuilding from the Ruins*].

²⁰ S.N.M. Abdi, “Hindu hoodlums warn school heads to remove Muslims,” *South China Morning Post*, April 9, 2002.

²¹ See Smita Narula, “Overlooked Danger: The Security and Rights Implications of Hindu Nationalism in India,” *Harvard Human Rights Journal*, vol. 16, Spring 2003.

Children's Psychological Well-Being

In addition to the children who were direct victims of the mobs, children were witnesses to horrifying violations and deaths of family members. Human Rights Watch spoke to several children who have yet to fully resume their education and have received no psychological counseling. Many suffered severe burn injuries that still cover their arms, legs, and in some cases, their entire bodies. In addition to the enormous impact on their health, education, and psychological well-being, children in relief camps also struggled with issues of identity. According to one study:

The impact of living like refugees in camps in subhuman conditions for months together increased the feeling of discrimination experienced by children at a time when most Hindu families they knew were safe in their homes. "We feel like outsiders, people who are not wanted," one child said. The carnage impacted the children's sense of self-worth and created immense confusion in their minds about their identity: Are we insiders or outsiders, Indians or Pakistanis, citizens or criminals? Commonly used terms such as "We" and "They", "Us" and "Them" indicated the sharp divide between communities.²²

Dr. Satchit Balsari, a research associate at the Program on Humanitarian Crises at the Francois-Xavier Bagnoud Center for Health and Human Rights, Harvard University, made repeated visits to Gujarat between August and October 2002 to assess the mental health and education status of children affected by the violence. Balsari met with over one hundred children in relief camps in Ahmedabad and Panchmahals district. A child psychologist from Delhi accompanied Balsari during his visits to Gujarat. Together they worked with children and facilitated the expression of their emotions through art. Invariably the children's drawings were replete with images of bombs, guns, swords, burning homes and mosques, and mutilated bodies.²³

Balsari told Human Rights Watch: "The children were deeply traumatized. Their notions of identity of self and others were very warped. Their understanding of the protective role of the state was also permanently altered." When Balsari asked Muslim children who they thought was responsible for what had happened to their lives they responded, "the Hindus did this. The Hindus are those that grow up to be *Bajrang Dalis*²⁴ or police officers and kill Muslims." Balsari added:

The children remember the police firing at them. There were instances in which children approached the police for help but were turned away. All of them remembered that the police fired upon members of their community who were trying to defend their homes. They also recalled how the ambulances didn't come to their aid. They now see the state as an extension of the larger Hindu community and not as a non-partisan secular protective. Some wanted to grow up and become police officers so they could own a gun and kill the people who did

²² HIC, YUVA, *Rebuilding from the Ruins*, p. 63.

²³ See for example, <http://childreningujarat.tripod.com/expressions.htm> (retrieved June 1, 2003)

²⁴ Members of the Bajrang Dal, the militant youth wing of the VHP.

this to them. They said they recognized the people who did this to them. Some were even their neighbors.²⁵

Balsari also spoke to several Hindu children and found that their understanding of the events that had transpired was very much dictated by what they were told in their homes, their school, or what they heard on the street: “The children in the majority community thought that a majority of those in relief camps were Hindus when the opposite was true. A few even cited Godhra to justify the so-called backlash adding that Muslims should ‘go to Pakistan.’” Balsari echoed the fears of many activists in Gujarat about the deep communal divide that had permeated all levels of Gujarati civil society. “A secular voice isn’t reaching the children of either community. The religious space has been taken over by extremists and fundamentalists on both sides while sane voices are reluctant to engage in the religious sphere. The polarization between the two communities is so strong, which will only contribute to continuing cycles of violence.”²⁶ He then cautioned, “Muslim children are now vulnerable to extremists in their community because they have lost so much and have been so pushed against the wall that they have very little to lose.”²⁷

The Communalization of Education

The same Hindu nationalist organizations responsible for the violence in Gujarat are now taking control of India’s educational system, both nationally and in the states where the BJP is in power. The influence of the *sangh parivar*’s takeover of India’s secular educational space has been greatly augmented since the BJP reached national power in 1998. Of particular concern is the passing of control over state schools to *sangh parivar* organizations in states where the BJP is in power, such as Goa and Gujarat, and, at the national level, the increasing involvement of members of these groups in the redrafting of India’s national curriculum. In 2002, the national BJP-led government released a new national curriculum largely drafted by members of the RSS and seen by many as a means of injecting religious instruction into education.²⁸

In December 2002 and January 2003 Human Rights Watch conducted research into violations of the right to education in Delhi, Gujarat, Goa, and Uttar Pradesh. Our preliminary findings indicate that the Indian government supports, through official recognition and financial assistance, a large network of private schools run by Hindu nationalist organizations that attempt to indoctrinate children in religious intolerance. These schools, which are run by the educational wing of the *sangh parivar*—the Vidhya Bharati—receive government funds, use government buildings, take control of state schools, train state teachers, and exert considerable influence over state education boards. Administrators of these schools work in partnership with BJP-led state governments.

The Vidhya Bharati runs approximately 26,000 schools nationwide and is expanding its networks rapidly. According to a 1996 assessment by India’s National Council for Educational Research and Training, textbooks used by the Vidya Bharati were “designed to promote bigotry

²⁵ Human Rights Watch telephone interview with Dr. Satchit Balsari, Boston, May 15, 2003.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Human Rights Watch, *World Report 2003: Events of 2002* (New York: Human Rights Watch, 2003), p. 239.

and religious fanaticism in the name of inculcating knowledge of culture in the young generation.”²⁹ Children in these schools are indoctrinated in religious intolerance, the inferiority of non-Hindus, and the collective blame of Muslims and Christians for wrongs against Hindus at various points in Indian history, as interpreted by Hindu nationalists.³⁰ Western thought and civilization are perceived and propagated as enemies of Hindu culture. Religions such as Islam and Christianity are depicted as alien to India, as they are the religions of foreign invaders—the Mughals and the British. The historical reconstruction of Muslim and Christian atrocities and their projection onto the present as a threat to the integrity and security of India are powerful weapons in legitimizing ongoing violence against Christians and Muslims.

Students attending Vidhya Bharati schools are often recruited into RSS-run *shakhas*—local cells organized on the principle that only a militant and powerful Hindu movement can counter threats from so-called outsiders³¹—and trained in the use of weapons, including guns and *trishuls* (tridents associated with Hindu mythology). The RSS reportedly runs upwards of 300,000 *shakhas*.

These schools have a significant detrimental impact on the right of Indian children to education, including an education that is non-discriminatory. Moreover, when seen in the context of ongoing communal violence, the work of these private schools and their close cooperation with RSS *shakhas* help to ensure continued communal strife.

Bonded Child Labor

Millions of children in India toil as virtual slaves, unable to escape the work that will leave them impoverished, illiterate, and often crippled by the time they reach adulthood. These are India’s bonded child laborers. A majority of them are Dalits, so-called “untouchables.” Bound to their employers in exchange for a loan, they are unable to leave while in debt and earn so little they may never be free of it. The Indian government knows about these children and has the mandate to free them. Instead, for reasons of apathy, caste bias, and corruption, many government officials deny that they exist at all.

Somewhere between sixty to 115 million children are working in India, most in agriculture, others picking rags, making bricks, polishing gemstones, rolling beedi cigarettes, packaging firecrackers, working as domestics, and weaving silk saris and carpets.

In January 2003, Human Rights Watch released *Small Change: Bond Child Labor in India’s Silk Industry*. In this report we concluded that since our first investigation in 1996, the Indian government had taken some positive steps to address the plight of working children and bonded laborers of all ages. At the same time, we found serious problems with implementation

²⁹ Venkitesh Ramakrishnan, *A Spreading Network*, Frontline, Nov. 7–20, 1998 [online], <http://www.flonnet.com/fl1523/15230100.htm> (retrieved July 7, 2003).

³⁰ See generally Safdar Hashmi Memorial Trust, *The Saffron Agenda in Education: An Exposé* (2001); Safdar Hashmi Memorial Trust and Sabrang.com, *Against Communalisation of Education: Essays, Press Commentary, Reportage* (2001).

³¹ Shakhas have long been operational in Gujarat and since the events of February and March 2002 have experienced increased enrollment. Anil Pathak, “RSS Shakhas Poised to Swell in State,” *Times of India*, May 29, 2002.

on the ground. In the last decade, efforts in some regions have driven bonded child labor out of factories and into households, which are partially exempt from the law, changing bonded child labor's manifestation but not its prevalence or intensity. In many areas, bonded child labor still flourishes openly.

Bonded Child Labor in the Silk Industry

Boiling cocoons, hauling baskets of mulberry leaves, and embroidering saris, children are working at every stage of the silk industry. Conservatively, more than 350,000 children are producing silk thread and helping to weave saris. These stages were the focus of Human Rights Watch's report because they are the stages most reliant on bonded children. The children work twelve or more hours a day, six and a half or seven days a week, under conditions of physical and verbal abuse. Starting as young as age five, they earn from nothing at all to around Rs. 400 (U.S.\$8.33) a month, some or all of which is deducted against loans ranging from around Rs. 1,000 to 10,000 (U.S.\$21 to \$208).³²

In the factories and workshops that make silk thread, children suffer injuries from the machines and from sharp threads. Sericin vapors from the boiling cocoons, smoke, diesel fumes from the machines, and poor ventilation cause respiratory ailments such as chronic bronchitis and asthma. From immersion in scalding water and handling dead worms, reelers' hands become raw, blistered, and sometimes infected. Twelve-year-old T. Basheer worked in a silk reeling unit until twenty-five days before we interviewed him at an NGO-run day school. "Boiling water falls on your hand," he told us. "You are always in water, standing in it. The skin on your hands and feet peels off. It gets loose."³³ Anesha K., eleven years old, started working when she was nine and had been at an NGO-run residential school for four months when we interviewed her. She showed us lumpy scars on her hands and explained: "I didn't like working because my hands would get infected. I got holes in my hands because I put them in the hot water and then they got infected. I couldn't eat. I had to eat with a spoon."³⁴ Anesha K.'s shins, ankles, and feet were covered with burn scars from boiling water.

Sitting at crowded silk looms for long stretches of time exposes children to a variety of health problems. The rooms are often damp and poorly ventilated; children sit with their legs tucked under them or dangling down into the pit beneath the loom. Contagious diseases, especially tuberculosis and digestive disorders, spread easily in the crowded rooms. Poor lighting and constant visual strain damages the eyesight. The fine silk threads cut the fingers, and the cuts are difficult to heal properly.

Children frequently complained that employers beat them and abused them verbally. Nine-year-old P. Ningamadiah told Human Rights Watch: "At work the supervisor used to beat me with a belt. He tied me up and beat me with a belt on my back. He did this two or three times. . . . He tied a chain that was attached to the wall to my leg."³⁵

³² The exchange rate is calculated at Rs. 48/U.S.\$1. Where U.S. dollar amounts are greater than \$10, amounts are rounded to the nearest dollar.

³³ Human Rights Watch interview with twelve-year-old boy, Ramanagaram, Karnataka, March 29, 2002. All children's names have been changed to protect their identities.

³⁴ Human Rights Watch interview with eleven-year-old girl, Ramanagaram, Karnataka, March 29, 2002. Many Indians eat with their right hand and do not use silverware.

³⁵ Human Rights Watch interview with nine-year-old boy, Magadi, Karnataka, March 27, 2002.

Both boys and girls are bonded in the silk industry. However, girls' work tends to be less visible. Girls, especially in Muslim families, may have the work brought to them in their homes instead of going out to work; this places them outside the protection of the child labor law. Girls typically perform household labor in addition to income-generating work; household labor is typically not shared by boys and is often not considered to be work at all. Where girls do go out to work, as in Kanchipuram, they are more likely to remain lower-paid assistants, less likely to become weavers. Girls are also less likely to be sent to school and may be less likely to access remedial programs, such as night schools, that do not take into account additional barriers including limitations on their ability to travel at night or for long distances to reach a school. In addition, girls are subject to sexual abuse by employers.

Human Rights Watch chose to focus on the silk industry because it has received relatively less attention by the NHRC and the international community than other industries such as handwoven carpets; because it has an export market; because it is present in various states; and because the Indian government, by heavily regulating and subsidizing the industry, is in an especially favorable position to intervene to stop the use of bonded child labor. While the report focuses on silk, it could have been written about any number of industries.

Human Rights Watch's most recent investigation covered three states prominent in the silk industry. In the northern state of Uttar Pradesh, most attention has been paid to child labor in the carpet industry, but the limited attention to silk has pushed the child labor that was in factories into individual homes. In Tamil Nadu in the south, which has identified more bonded laborers than any other state, the state government has simply abandoned the Supreme Court's rehabilitative framework for any children found working in hazardous occupations after 1997, in clear violation of the Court's order. In Kanchipuram, a major silk sari weaving area in Tamil Nadu, child bondage is open, and the district collector, instead of prosecuting employers, has opened night schools for working children. In the southern state of Karnataka, silk thread production still depends almost entirely on bonded children. The state government has promulgated a plan to eliminate all child labor; this plan was not in operation at the time of Human Rights Watch's investigation.

The Indian Government's Responsibility and Response

In 1996 Human Rights Watch published *The Small Hands of Slavery: Bonded Child Labor in India*, a 179-page report documenting the use of bonded child labor in seven industries: beedi, silver, synthetic gemstones, silk, leather, agriculture, and handwoven wool carpets.³⁶ The report concluded that the Indian government had failed to study, accurately report, or acknowledge the incidence of bonded labor, child labor, and bonded child labor; to enforce its own laws, which taken together outlaw the use of bonded child labor and require rehabilitation of bonded laborers; or to implement its own policies that purport to combat child labor. In the silk industry, which had largely been ignored up to that point, Human Rights Watch found that nearly all child workers who were not the children of employers were bonded.

³⁶ Human Rights Watch, *The Small Hands of Slavery: Bonded Child Labor in India* (New York: Human Rights Watch, 1996), <http://hrw.org/reports/1996/India3.htm>.

Small Hands of Slavery was published during a surge of attention to child labor and, to a much lesser extent, bonded labor. In December 1996 the Supreme Court of India issued a groundbreaking decision outlining a detailed framework for punishing employers of children in hazardous labor and for rehabilitating the children. In 1997 the Court ordered India's National Human Rights Commission (NHRC) to supervise states' implementation of the bonded labor law; the NHRC then began appointing special rapporteurs who applied pressure in certain regions and industries. State governments were obliged to conduct surveys on bonded labor and child labor, although the numbers reported were widely regarded, including by the Supreme Court, as gross underestimates. There were some high-profile raids on employers; a few were prosecuted, but only a tiny handful produced convictions, and almost no employers actually went to prison.

Through the efforts of both government bodies and nongovernmental organizations (NGOs), public awareness in India that bonded labor and child labor in hazardous occupations are illegal and harmful increased. While states continued to deny the presence of bonded labor in their territories and grossly underestimated the use of child labor and bonded labor, by the late 1990s, the steps taken were at least promising.

But by 2003, most government promises had not materialized. States were still rarely freeing and rehabilitating bonded laborers, and the central government, with the exception of the NHRC, was acquiescing. Many government efforts never reached beyond high-profile industries like carpets and beedi, and are now stalled. According to Joseph Gathia, director of the Centre of Concern for Child Labour, "We are now in a state of purgatory. We have to put in more effort or we will recede."³⁷

At all levels of government, the political will to fully implement positive changes in law and policy is lacking. Almost all government officials whom Human Rights Watch interviewed for our report denied that children were bonded. Secretary of the Ministry of Labour Vinod Vaish, declared:

The words "bonded labor" and the word "child labor" are O.K. But not "bonded child labor." . . . I don't think that we have many cases of bonded child labor. This is not a widespread problem. I admit that the use of child labor prevails. It is part of a family setting in an agricultural situation. Children are helping the family.³⁸

And K. Chandramouli, the Ministry of Labour's joint secretary for child labor, told Human Rights Watch: "I haven't heard too much that this is a problem—I have heard of bonding older people but not any kids."³⁹

³⁷ Human Rights Watch interview with Joseph Gathia, Director, Centre of Concern for Child Labour, New Delhi, April 1, 2002.

³⁸ Human Rights Watch interview with Vinod Vaish, Secretary, Ministry of Labour, Government of India, New Delhi, April 2, 2002.

³⁹ Human Rights Watch interview with K. Chandramouli, Joint Secretary for Child Labour, Ministry of Labour, Government of India, New Delhi, April 2, 2002.

Statistics on bonded and child labor held by the Ministry of Labour vary widely from those held by states, demonstrating the government's failure to collect accurate data and its gross under-representation of the problem.

Both the central and state governments are now backing away from their limited efforts to enforce the child labor law: with the notable exception of a few individuals, most government officials with whom we met took a dim view of the value of better law enforcement. Some argued that families need the children's income and that children would be pushed into more marginal and dangerous occupations. Others contended that law enforcement was irreparably ineffective and, therefore, not worth pursuing, even when they were themselves responsible for ensuring effective law enforcement. The Ministry of Labour does not even advocate prosecuting employers, relying instead on "awareness raising" and funding transitional schools that reach a tiny fraction of children outside the formal education system. The secretary of the Ministry of Labour told Human Rights Watch, "Our approach in the last four years is a promotional and educational approach, not prosecutions and punishment. We have to convince parents that it is not right to send their child for labor and not for school. Our entire program is based on this approach."⁴⁰ And the Ministry of Labour's joint secretary responsible for child labor said: "Now in the present situation, I don't think this particular kind of action [prosecution of employers] needs to be taken. Either [employers] have learned to circumvent the law or else they are not employing children."⁴¹

The NHRC's involvement is very positive, and in the few areas that it has focused on, some children have been freed and rehabilitated. However, its resources and power are limited. The NHRC is not a law enforcement agency and cannot substitute for those who are legally responsible for enforcing the law.

Rehabilitation of bonded child laborers is critical—without it, children who are freed are likely to become bonded again. Legally mandated rehabilitation programs for both bonded and child labor remained promising but extremely limited. Money alone is not the problem: government money allocated for rehabilitating bonded laborers and for establishing transitional schools for child workers (National Child Labour Project schools) remains unspent each year. Instead, the problem is political will.

Schools run by international and domestic NGOs designed to get former child workers back into formal schooling have had positive effects in the limited areas where they operate. However, most children do not have access to these schools, and the programs are not getting the government support, especially from law enforcement, that they need. Without protection and support from the government, bonded children cannot leave their employers to attend school. Even where children are able to reach the schools, they may face harassment and pressure from employers to return to work. They are also still held accountable for their debts, which families may negotiate to pay by passing the debt on to another sibling who will labor in the child's place. Tellingly, eight years after former Prime Minister Narasimha Rao announced that two million

⁴⁰ Human Rights Watch interview with Vinod Vaish, Secretary, Ministry of Labour, Government of India, New Delhi, April 2, 2002.

⁴¹ Human Rights Watch interview with K. Chandramouli, Joint Secretary for Child Labour, Ministry of Labour, Government of India, New Delhi, April 2, 2002.

children would be removed from hazardous labor by 2000, the secretary of the Ministry of Labour told Human Rights Watch that the goal had been pushed back to 2005.⁴²

Poverty, Education and Caste

Poverty contributes to bonded child labor, but it is not the only cause. A lack of access to credit and lack of a concerted social welfare scheme to safeguard against hunger and illness; inaccessible, low quality, and discriminatory schools; the lack of employment and living wages for adults; corruption and apathy among government officials; and historical economic relationships based on the hierarchy of caste are other key elements. Moreover, bonded children are likely destined for poverty as adults, and likely to bond their own children in order to survive. Fourteen-year-old Ashish M. told Human Rights Watch that he could not leave his loom owner because he was paying off an advance, which in two years he had reduced from Rs. 2,500 (U.S.\$52) to Rs. 475 (\$9.90). “The owner pays but deducts for the advance,” he said. “He deducts but won’t write off the whole advance. . . . We only make enough to eat.”⁴³ With wages too low to survive, workers are forced to keep borrowing from their employers, ensuring that they never pay off all of their debts, even though their labor has, in fact, paid them many times over. And as NHRC Special Rapporteur Chaman Lal explained, “poverty is one of the causes of child labor but also one of the consequences—because it is so cheap it causes adult unemployment and wage suppression.”⁴⁴

The current attention to education is a critical step in addressing child labor, even though there is a long way to go before all children have access to quality, nondiscriminatory education. Along with the Indian government, many organizations, including domestic and international NGOs, the World Bank, the United States (U.S.) Department of Labor, and United Nations (U.N.) bodies are funding and running education programs. These efforts are commendable. But they will bypass children working under force, including bonded children, without legal compulsion of employers. The Indian government itself must enforce its own laws. These other organizations must strongly urge the government to do so, if their own programs are to succeed. One of the foundations of bonded labor is the caste system, through which a traditional expectation of free labor, lack of land, and the threat of violence and social and economic boycotts from upper castes conspire to keep many so-called “untouchables,” or Dalits, in bondage and a perpetual state of poverty.⁴⁵ Nationwide, the vast majority of bonded laborers are Dalits; almost all bonded children interviewed for this report were Dalit or Muslim. Dalits are generally in a state of economic dependency that, when combined with the threat of, or actual, violence, prevents them from reporting abuses against them—including being held in bondage—or from getting justice if they do. Human Rights Watch has extensively documented police

⁴² Human Rights Watch interview with Vinod Vaish, Secretary, Ministry of Labour, New Delhi, April 2, 2002.

⁴³ Human Rights Watch interview with fourteen-year-old boy, Varanasi, Uttar Pradesh, March 13, 2002.

⁴⁴ Human Rights Watch interview with Chaman Lal, Special Rapporteur on Bonded Labour and Child Labour, National Human Rights Commission (NHRC), New Delhi, March 11, 2002.

⁴⁵ Human Rights Watch has extensively documented caste-based violence and discrimination, and the connection with bondage in India and elsewhere. See Human Rights Watch, *Broken People: Caste Violence Against India’s “Untouchables”* (New York: Human Rights Watch, 1999), <http://www.hrw.org/reports/1999/india/>; Human Rights Watch, “Caste Discrimination: A Global Concern,” A Human Rights Short Watch Report, vol. 13, no. 3(g), August 2001, http://www.hrw.org/reports/2001/globalcaste/caste0801-03.htm#P292_53595; Human Rights Watch, *Contemporary Forms of Slavery in Pakistan* (New York: Human Rights Watch, 1995), <http://www.hrw.org/reports/1995/Pakistan.htm>.

abuse of Dalits, religious minorities, women, and street children, among others.⁴⁶ The need for widespread police reform has also been documented by numerous Indian human rights groups and the NHRC, and is part of the larger problem of people's inability to access justice.

Thus, while education and poverty-reduction programs are extremely important, if the caste aspects of bonded labor are not addressed, these programs will not change the actual power dynamics and economic relationships that perpetuate bonded labor in India.

India's Legal Obligations

Both Indian and international law prohibit the use of bonded child labor.⁴⁷ The Convention on the Rights of the Child in article 32 provides that:

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

States are directed to implement these protections through appropriate legislative, administrative, social and educational measures. In particular, they are to:

- (a) provide for a minimum age or minimum ages for admissions to employment;
- (b) provide for appropriate regulation of the hours and conditions of employment; and
- (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this article.

In addition, article 36 directs states parties to "protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare."

⁴⁶ See, e.g., Human Rights Watch, "Epidemic of Abuse: Police Harassment of HIV/AIDS Outreach Workers in India," A Human Rights Watch Short Report, vol. 14, no. 5(c), July 2002, <http://hrw.org/reports/2002/india2/>; Human Rights Watch, "'We Have No Orders to Save You'—State Participation and Complicity in Communal Violence in Gujarat," A Human Rights Watch Short Report, vol. 14, no. 3, April 2002, <http://hrw.org/reports/2002/india/>; Human Rights Watch, *Broken People*, Human Rights Watch, *Police Abuse and Killings of Street Children in India* (New York: Human Rights Watch, 1996), <http://hrw.org/reports/1996/India4.htm>; Human Rights Watch, "India: Communal Violence and the Denial of Justice," A Human Rights Watch Short Report, vol. 8, no. 2, April 1996, <http://hrw.org/reports/1996/India1.htm>.

⁴⁷ In addition to the Convention on the Rights of the Child, India is a party to international instruments such as the Convention on the Suppression of Slave Trade and Slavery; the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; the Forced Labour Convention; the International Covenant on Civil and Political Rights; and the International Covenant on Economic, Social and Cultural Rights, which prohibit all forms of slavery, including debt bondage, child servitude, and forced labor, as well as affirmatively protect children from economic exploitation and hazardous work. Bonded child labor is also specifically identified as a "worst form of child labor" by International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which India has not ratified.

India must also take measures to realize its commitments under article 28 to provide free and compulsory primary education and available and accessible secondary education to every child.

Indian law has long prohibited bonded labor, and regulated and restricted child labor up to age fourteen. The practice of bonded child labor violates various provisions of Indian law, including the constitutional rights to life and liberty; the prohibition on trafficking, *begar* (explained below, section below “Indian Law”), and other similar forms of forced labor; the prohibition on employment of children under age fourteen in factories, mines, or other hazardous occupations; and other constitutional protections for children.⁴⁸ Labor by children under age fourteen in industries deemed hazardous, including all aspects of the silk industry, is expressly forbidden.

Since the Indian Supreme Court’s December 1996 decision in *M.C. Mehta v. State of Tamil Nadu & Ors.*, states have been obligated to identify children employed illegally, including those in work the Child Labour Act deems as “hazardous” and prohibits entirely; to remove the children, fine the employer Rs. 20,000 (U.S.\$417), and deposit the fines in a rehabilitation-cum-welfare fund; to use the income from the fund to rehabilitate the child; to either employ an adult family member or contribute an additional Rs. 5,000 (U.S.\$104) to the fund; and to prosecute employers. The Court ordered the Ministry of Labour to monitor the *M.C. Mehta* decision’s implementation.

The Court further elaborated on this framework in 1997 in *Bandhua Mukti Morcha, et al., v. Union of India and Ors.*, ordering states to “evolve steps” to provide:

(1) compulsory education to all children either by the industries itself [sic] or in co-ordination with it by the State Government to the children employed in the factories, mine or any other industry, organised or unorganised labour with such timings as is convenient to impart compulsory education, facilities for secondary, vocational profession and higher education; (2) apart from education, periodical health check-up; (3) nutrient food etc.

By failing to protect children from bondage and to free and rehabilitate those who are, India is violating both its domestic and international legal obligations.

⁴⁸ Constitution of India, arts. 21, 23, 24.