OPERATION SMILE: AN INTERIM

FACT-FINDING REPORT

Prepared by People’s Union for Civil Liberties & The Concerned for Working

Children

People’s Union for Civil Liberties is a nonpartisan organization comprising of civil society activists that works to bring light to and oppose human rights violations in the country.

The Concerned for Working Children is an organization working in partnership with children and their communities; local governments; and national and international agencies to implement viable, comprehensive and appropriate solutions to address the various problems that children and their communities face and we are committed to empowering children and ensuring their democratic participation in all matters that affect them.

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**INTRODUCTION**

On August 6, 2015, on the instructions of KJ George, Home Minister for the State of Karnataka, Bangalore City Police initiated Operation Smile. This operation was aimed at rescuing children who were found begging on the roads, children who are victims of kidnapping, and missing children.

Rescue teams were dispatched in each of the seven police subdivisions in Bangalore City. The teams mostly targeted children who were found unaccompanied by their parents, and mothers with infants. Most of the children were taken to the State-run shelters for boys and girls, situated near NIMHANS, on Hosur Main Road. Some of the children were taken to shelters run by the NGOs involved in the operation. Many children and adults were also initially taken to the Beggar’s Home on Magadi Road, and then handed over to different shelter homes run by NGOs across the city. The children were subsequently produced before the Child Welfare Committees of Bangalore-Urban district, situated in the same compound as the State-run shelters.

On August 7, 2015, members of People’s Union for Civil Liberties and Concerned for Working Children visited the Child Welfare Committee. We saw a number of parents milling around the Child Welfare Committee offices, and outside the State homes, searching for their children. We were approached by several parents, asking for assistance to release their children. Children between the ages of 4 and 17, and adult women with infant children, had been brought before the Committee and taken to both the State homes as well as the Reception Centre.

Over the next few weeks, members from People’s Union for Civil Liberties and the Concerned for Working Children visited the Child Welfare Committee and the State Homes, trying to assist parents in releasing children. We also spoke to the parents trying to piece together the circumstances under which their children had been picked up, and realised

that in most cases, children had been picked up because they looked impoverished, or, in

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many cases, simply because they looked unclean. We observed the complete lack of transparency with which the Committees functioned, and how there was no consistent procedure adopted across committees for the release of children.

It took two weeks for the Child Welfare Committees to release most, if not all, of the children. Parents had to make daily trips to the Committee, and many of them, who worked as daily wage labourers, lost substantial earnings as a result. Furthermore, migrant families faced the added distress of unfamiliarity. Parents were often not allowed to meet their children, even though the barred gates of the State Homes. Children complained of beatings inside the State homes, and most of them just wanted to be reunited with their parents. Many of the children picked up were not even found begging, but were forcibly separated from their parents anyway and confined to their parents. There was no consistent procedure followed for release of children to their parents. Most importantly, there was no clarity on the steps to be taken for rehabilitation of children.

It is evident that this Operation has failed almost entirely in achieving its stated objectives- that of rescuing children found begging, and of tracing missing children and reuniting them with their families. The operation has been extremely traumatic for both children and parents, and it is unlikely that a rescue operation of this sort can inspire anything but fear in them. This interim report is based on the observations of PUCL and The Concerned for Working Children with regard to the proceedings before the Committee, and the experiences of the parents. We have also observed procedural lapses on part of the Committee in handling these cases. We have tried to speak to all the actors involved to understand why and how this Operation was planned. This report is an effort towards documenting our observations about the manner in which this operation was conducted,

and its impact on children and their parents. 1

1Names of parents and children have been changed to protect their identity.

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**BACKGROUND TO THE OPERATION**

In 2014, Ghaziabad police launched an initiative called Operation Smile, aimed at rescuing children missing from Ghaziabad, Uttar Pradesh. Initiated by SSP Dharmendra Singh, the Operation was concluded in September 2014, by which time around 227 missing children were claimed to be rescued by the Uttar Pradesh Police from different parts of India.2 The success of the operation prompted the Union Home Minister Rajnath Singh to direct all State and Union Territory governments to conduct similar rescue operations.3 A letter sent by then Home Secretary Anil Goswamy to state police chiefs include Home Minister Rajnath Singh’s directions and suggestions include updating the missing children database, conducting trainings for raids and thorough investigations prior, and updating photographs.4 Reportedly, a “standard operating procedure” was due to be sent to police stations conducting the campaign. As of now, “Operation Smile” has been carried out in 28 cities in 9 states: Uttar Pradesh, Uttarakhand, Telangana, Bihar, Punjab, Rajasthan, Andhra Pradesh, Maharashtra, Gujarat, and now Karnataka (specifically Bangalore).

A similar operation was carried on in Bangalore in 2013, titled “Operation Rakshane”. Bangalore City Police, in association with the Child Welfare Committee- Bangalore (Urban) and several NGOs, conducted a raid and rescue operation in several parts of Bangalore, focusing primarily on children found begging. Several arrests were made in connection with begging rackets. This operation was broadly hailed as a success by the media.5

While in most other states Operation Smile has been conducted to trace missing children, in Karnataka, the stated objective of this operation has been the rescue of children found

2 “Operation Smile: Cracking the Puzzle of Missing Children”, *India Today,* November 17, 2014, available at <http://indiatoday.intoday.in/story/operation-smile-missing-children-ghaziabad-police/1/401187.html>

3 “Replicate ‘Operation Smile,’ States Told” *The Indian Express,* December 18 2014, available at

<http://indianexpress.com/article/india/india-others/replicate-operation-smile-states-told/>

4 Letter dated December 12, 2014, from Home Secretary Anil Goswami, available at

[http://trackthemissingchild.gov.in/trackchild/readwrite/publications/D.O.%20No.%201\_101\_0100201Operation\_S](http://trackthemissingchild.gov.in/trackchild/readwrite/publications/D.O.%20No.%201_101_0100201Operation_Smile_nw.pdf)

[mile\_nw.pdf](http://trackthemissingchild.gov.in/trackchild/readwrite/publications/D.O.%20No.%201_101_0100201Operation_Smile_nw.pdf)

5 “Child Begging Racket Busterd: 300 Rescued”, *OneIndia*, December 15. 2011available at <http://www.oneindia.com/2011/12/15/child-begging-racket-busted-300-rescued-in-bangalore.html>

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begging, and children who are victims of trafficking, children suffering from addiction, as well as missing children. The Operation was conducted on August 6, 2015, between 10 am and 4 pm, in all seven police sub-divisions of Bangalore City. Newspaper reports from August 7 spoke about how the operation had been a huge success, with around 284 persons, including 190 children, being rescued.6 Around 70 police teams and ten NGOs planned this operation for over three months, under the supervision of P. Harishekharan, Additional Commissioner of Police (East Division). According to newspaper reports, there were four teams that were primarily responsible for this operation: a rescue team consisting of a child protection officer (CPO), two police personnel including women staff in mufti (carrying cameras), and an NGO representative; an interrogation/information collection team consisting of an officer from Child Welfare Committee, CP, CWO (Child Welfare Police Officer), social worker, SJPU (Special Juvenile Police Unit) counselor, and woman police personnel; a surveillance team comprising NGO representatives and volunteers; and a rehabilitation team with CWC officers, medical staff, NGO representatives, and shelter home officials.

At present, there is no consensus on the number of children actually rescued in the operation, and numbers range anywhere between 180 and 56 children, and around 13 to

14 adult women being rescued.

On August 14, Karnataka State Commission for Protection of Child Rights organised a meeting to discuss Operation Smile and the rehabilitation of children captured under the operation. Members of the Child Welfare Committees I, II, III; representatives from the department of police including Ms. Geetha Kulkarni, Inspector with the Central Crime Branch and members of the Concerned for Working Children were a part of the meeting.

At this meeting it was discussed that the Home Minister had passed an order that children

need to be rescued and produced before the Department of Women and Child Welfare and funds of ₹. 5 lakhs was released for the same. Their instructions were to identify missing

6“284 beggars ‘rescued’ as cops launch Operation Smile”, *Bangalore Mirror,* August 7, 2015, available at [http://www.bangaloremirror.com/bangalore/others/284-beggars-rescued-as-cops-launch-Operation-](http://www.bangaloremirror.com/bangalore/others/284-beggars-rescued-as-cops-launch-Operation-Smile/articleshow/48381844.cms) [Smile/articleshow/48381844.cms](http://www.bangaloremirror.com/bangalore/others/284-beggars-rescued-as-cops-launch-Operation-Smile/articleshow/48381844.cms)

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children and children into addiction and drugs, and rescue the children who had been controlled by mafia rackets exploiting them for begging. The operation was conducted in 7 divisions across Bangalore city, with nearly 70 police officials in total, involved in the operation, so each division had 10 assigned officers. Each division also had an assigned NGO, registered as a fit institution, which took part in the operation.

**WHAT CONSTITUTES THE BEST INTERESTS OF A CHILD?**

Article 3 of the United Nations Convention on the Rights of the Child (hereinafter referred to as UNCRC) talks about the ***best interests principle***. The best interests principle states *“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”.7* The Juvenile Justice (Care and Protection) Act,

2002 (hereinafter referred to as the JJ Act) is the primary legislation in India concerning institutional mechanisms for the protection of rights of children, and it enacted to bring India in compliance with the UNCRC, to which, to which India is a signatory. The JJ Act has created the category of children in need of care and protection, who are children who require state intervention for their upbringing. Under Section 29 of the JJ Act, each district must have a Child Welfare Committee, which is empowered to pass orders with respect to the rehabilitation of a child in need of care and protection.

Children in need of care and protection are produced before the CWC, which then is supposed to conduct enquiry and ensure that appropriate measures are taken for the rehabilitation of the child. Most importantly, any decision concerning the welfare and rights of a child must be in consonance with what are known as the Fundamental Principles of Juvenile Justice and Protection of Children, enshrined in Chapter II of the Juvenile Justice

(Care and Protection of Children) Rules.8 These principles include the following:

7 Article 3, United Nations Convention on Rights of Child, available at <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

8 Available at

[http://wcd.nic.in/childprot/juvenile%20justice%20\_care%20and%20protection%20of%20children\_%20rules%202](http://wcd.nic.in/childprot/juvenile%20justice%20_care%20and%20protection%20of%20children_%20rules%202%E2%80%A6.pdf)

[%E2%80%A6.pdf](http://wcd.nic.in/childprot/juvenile%20justice%20_care%20and%20protection%20of%20children_%20rules%202%E2%80%A6.pdf)

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1. A child shall be treated in a way that is consistent with the child’s sense of dignity

and worth

2. Every child’s right to express his views freely in all matters affecting him shall be fully respected

3. There shall be no discrimination against a child or his family, or legal guardian on

the basis of caste, cultural practices, work, activity or behaviour of the child or that of his parents or guardians

4. Principle of family responsibility: (a) The primary responsibility of bringing up children, providing care, support and protection shall be with the biological parents. However, in exceptional situations, this responsibility may be bestowed on willing adoptive or foster parents, (b) all decision making for the child should involve the family of origin unless it is not in the best interest of the child to do so, and (c) The family must be held responsible and provide necessary care, support and protection to the child under their care and custody under the Act, unless the best interest measures or mandates dictate otherwise.

5. Principle of repatriation: (a) Every child has the right to be reunited with his family and restored back to the same socio-economic and cultural status that such child enjoyed (b)Any child, who has lost contact with his family, shall be eligible for protection under the Act and he shall be repatriated and restored, at the earliest, to his family unless such repatriation and restoration is likely to be against the best interest of the child.

6. Institutionalization of a child shall be a step of the last resort after reasonable enquiry and that too for the minimum possible duration.

Moreover, the U.N. Convention on the Rights of the Child upholds 'the biological attachment principle', and recognizes that the sanctity of the child's biological environment should be preserved, except in entirely unavoidable circumstances. The UN Convention acknowledges that every child has certain basic rights, including the right to be raised by his or her parents within a family or cultural grouping, and to have a relationship with both parents. In fact, the Convention obliges states to allow parents to exercise their parental

responsibilities.

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Further, the 'principle of family responsibility' proclaims that the primary responsibility of bringing up children, providing care, support and protection shall be with the biological parents, and all decision making for the juvenile or child should involve the family of origin unless it is not in the best interest of the child to do so. Similarly,the principle of “best interest of the child” has been defined in the Karnataka Juvenile Justice (Care & Protection of Children) Rules, 2010 to mean a 'decision taken to ensure the overall, i.e. physical, emotional, intellectual, social and moral, development of a Juvenile or a child.'

**INSTITUTIONS FOR PROTECTION OF RIGHTS OF CHILDREN**

As mentioned earlier, under the JJ Act, 2000, Child Welfare Committees are empowered to pass orders with respect to Children in Need of Care and Protection. There are three Child Welfare Committees established for Bangalore Urban District. Committee-I sits on Mondays and Thursdays, and their jurisdiction extends to infants below 6 years of age, and juvenile boys. Committee-II sits on Tuesdays and Fridays, and they have jurisdiction over cases of juvenile girls. Committee-III sits on Wednesdays and Saturdays, and they deal with cases of children rescued from railway stations and bus stations.

There are primarily three state-run homes which house children rescued in Bangalore Urban District. These are the State Home for Girls, the State Home for Boys and the ShishuVihar. Therefore, children from the State Home for Boys and the ShishuVihar are produced before Committee- I, children from State Home from Girls are produced before Committee II. In the case of Operation Smile, most of the children were produced before Committees I and II, as most children were seized from the streets.

**STANDARD OPERATING PROTOCOLS FOR RESCUE OF CHILDREN FOUND BEGGING**

As mentioned above, Operation Smile was conducted pursuant to communication from the

Ministry of Home Affairs directing states to conduct similar operations for locating missing children. While we are not in possession of any Standard Operating Protocol (SOP) for

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conducting raid and rescue missions issued by the State of Karnataka, we have for reference an SOP issued by the State of Maharashtra for the functioning of Child Welfare Committees.9 According to the SOP, once a child found begging is rescued, there are certain procedures to be followed by the Child Welfare Committee. The steps to be taken are as follows:

1. Ensuring **age verification** to establish the age of the child

2. Conduct **medical examination** of the child

3. Conduct a **comprehensive inquiry**, which will include **verification of the parents’ identity**, an **assessment of the family situation** of the child, and whether it is in the best interests of the child to be restored to her parents (including enquiring into whether there is a history of harassment)

4. **Filing charges** if the child is being exploited for begging by the family or any others. If the family of the child cannot be located after due inquiry, then procedures pertaining to missing children shall be initiated to locate the family of the child

5. **Preparation of individual care plan** for the child

6. If, after proper inquiry, it is felt that the child should be released to the parents, then the child should be handed over, after proper counseling of the parents, and after they sign a bond. If the child’s residence is not within the jurisdiction of the CWC, then steps should be taken towards their repatriation.

It is important to note that Operation Smile, as conceived of by the Ghaziabad police, and as adopted by the MHA, was primarily targeted at locating missing children. To this end, the protocol followed by Ghaziabad police consisted of screening children residing in certain areas, such as platforms, bus stands, roads, religious places, shelter homes, etc. Moreover, it emphasised on the need to actually speak to the children, and to try and understand why they were on the streets, instead of simply picking them up. After identifying these children, Ghaziabad police took pictures of the children and uploaded them on databases of

missing children, and then proceeded to locate parents.

9*Standard Operating Protocols (SOPs) for Child Welfare Committee*, 2009, Department of Women and Child

Development, Government of Maharastra, available at <http://wcd.nic.in/icps/SOPdtd01072011.pdf>

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However, Operation Smile, as conducted by Bangalore City Police, has targeted not only missing children, but also children found begging, and children who may have been kidnapped. This is to be contrasted with Operation Smile in its earlier iterations, which primarily focused on missing children, and therefore, had a clear focus on reuniting missing children with their parents. While none of these categories are mutually exclusive of each other, they do not coincide entirely either, and it would be certainly necessary to have a comprehensive protocol in place to address the specific concerns of each child.

**RATIONALE AND METHOD OF IDENTIFICATION OF CHILDREN**

Any police action regarding children should be sensitive to their vulnerability. The rights of children on all issues are mediated through and restricted by adult guardians. The state is rarely the primary guardian. As such, when a child is taken into state care, for any reason, be it for protection against exploitation or compensation for supposed neglect, information regarding the child needs to be taken. As stated by the UNCRC, the best interests of the child shall be a primary consideration, and the biological attachment principle is one of the primary guiding principles in this context. However, there was no sign that this was a priority in the cases we observed. Children were forcibly separated from their parents, and they appeared traumatized, often crying incessantly.

Prior to any rescue, it has to be established that the child is in the need of being rescued. If the suspicion was that the children was kidnapped, then a search for the child’s guardians is a must. If it is suspected that a child is begging, or is a victim of other forms of exploitation, then monitoring of the child, and establishing a rapport is vital in determining how and if the child is being exploited. If the reason for seizure is neglect, reports documenting the living conditions of the children and reason for seizure is important.

Attempts should be made to contact any guardians, and based on whatever justifications made, guardians should be informed about the reasons for the seizure and the procedure for release. Transfer to homes should be made after all attempts are made. Again, we may

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refer to the procedure followed by Ghaziabad Police, in that they observed children, spoke to them, documented their whereabouts, before concluding that the children were in need of rescuing.

However, in our interactions with parents and the Committee, it is evident that no such steps were taken. Children were randomly identified and picked up from the streets. For example, a number of adolescent boys were picked up from Church Street. One of the boys, a seventeen-year old, had come from Siliguri to visit his uncle. He had studied till class eight, and he was having breakfast when he was caught. Another boy, fourteen years old, was visiting his father, who worked as a security guard in Frazer town. He was studying in school in Uttar Pradesh, and his father had the documentation to prove that. However, these children were picked up without any enquiry, and dumped in the State Home for Boys.

Rather than doing a detailed investigation, it seemed more likely that children were picked up based on a profile of what children to be picked up should look like. From what we were able to see, it boiled down to coming from a particular income demographic, coupled with certain class markers. If the child appeared to be poor, if the parent's employment was related to work on the street, or if the family was not conversant in English or Kannada. Pickups often sounded like unprovoked ambushes. In one case, a legal adult, age 18, was physically taken. The detainee was a street vendor, who was selling wares with her 8 month old child. She recently moved in from Rajasthan with her husband and neither of them were conversant in either English or Kannada. The police insisted that her child was not hers and that she was underage before being physically taken with her mobile phone immediately confiscated. She was released a few days later, but her wares were kept for a longer time, claiming that they could not ascertain that they belonged to her in the first place. Neither were literate, and even making out documents requesting release of her property was challenging, leading to a loss of income.

If we take the SOP issued by the State of Maharashtra for the functioning of Child Welfare

Committees as a guide, there were many lapses:

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1. There needed to be a **verification of the age of a child**. In many cases, the detainees were legal adults, above the age of 18. In one case, the detainee showed us proof that she was 25 years old.

2. There needs to be a **comprehensive inquiry of the parents' identity and**

**location**. We have reason to believe in many cases that this was not done. Guardians were consistently required to prove identity and relationship with the children, which implies that no investigation of guardians were made. Most guardians were not even informed of the fact that their children had been picked up, and it was only after they found there children missing that either neighbours or local police told them that their children had been picked up. Many of the children were taken very close to their place of residence or employment, without even being asked their address. Sometimes children were taken in the presence of members of their extended family with no inquiries on how to contact family. In one case, the child was picked up and kept in spite of the fact that her mother was employed, and the child could identify her employer’s address, ultimately leading her mother learning about her whereabouts, but her mother was never directly contacted.

3. If it is expected that a child is being exploited for begging, their **family must be located**. In one case, the child was picked up while taking Prasadam at a temple, when taken by his brother's wife. Since she was not his mother, they concluded the child was begging, but no further steps were taken to locate the family.

This callous method of taking children away and not revealing their whereabouts to the parents is similar to the manner in which vehicles are picked up for violation of parking rules. The person whose vehicle has been taken away has to figure out, by previous experience (or by asking people having shops nearby or people in the locality), as to what happened to his/her vehicle. Consequently, he/she shall come to understand that the vehicle has been confiscated by the traffic police of appropriate jurisdiction and could be released on the payment of a certain fine.

There is a dire need to question this kind of approach wherein a child is separated from his or her natural environment, taken away to an undisclosed location without having any kind

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of conversation with the child. In the name of protection, the child is separated from his or her parents and kept in state homes, without a clear plan of action for the rehabilitation and follow up to ensure the wellbeing of the child, post the process of restoration of the child in his or her natural environment. In the absence of information to locate the child, it becomes quite a struggle for the parents to locate their children. There is a need to question this process as it becomes rather difficult for the parents to locate their children in the absence of information.

From our enquiries, we understood that a majority of the persons who were seized had been picked up indiscriminately. For example, three girls belonging to a migrant family from Uttar Pradesh had stepped out of their homes to purchase shampoo from a store. The Rescue Team which was in the vicinity spotted the girls and captured them. There was no endeavor to ascertain why the children were where they were, where their parents were and if the children were indeed into beggary. The sole criteria applied here seems to have been the appearance of the persons captured wherein they seemed to be poor. This was confirmed when the Committee that subsequently released the three girls reprimanded the parents of the girls for letting them wear ‘dirty clothes’.

In the above the case, the Principal of the school that the girls attend personally appeared before the Committee to furnish proof that the girls were indeed receiving education and thus, had them released. However, not all children who were captured attended schools. This by no means can be used as a good reason to continue to detain them at the homes for families that do not have access to Anganwadis rely heavily on the older children for child care. From our experience with the CWC, there seemed to be a total disconnect on the part of the authorities from ground realities such as these. They thereby, erroneously proceeded to conclude that whenever older children were found to be accompanying younger ones, cases of child beggary were established. For example, Revati\*, a daily laborer sent her 3 year old daughter home along with her 10 year old sister (Revati’s sister). While the two were on the way to their home, they were noticed by the Rescue Team. They were immediately seized without any inquiry into who they were or where their family was.

Also, several families that we spoke to told us how their children were captured when they

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were receiving ‘prasadam’ (free food) from temples near their homes. It is then amply evident that these children were taken away by the Team for *firstly,* looking poor and *secondly,* not being in the immediate company of their family.

An interesting crisis presents itself before us insofar as adolescent detainees are concerned. Boys and girls who were aged 16-17 years were captured. This, even when they were not found begging but were seen to be selling at traffic signals, parks and places alike. A 17 year old boy had moved away from his family due to differences with his parents and had migrated to Bangalore where he took to selling toys to earn a livelihood. This boy was picked up. Does this effectively mean that all children who are either abandoned or missing, or all those who are living away from their families, are into beggary? These persons are neither prohibited by the child labor laws from finding employment nor are they covered by the RTE Act that mandates that children up to the age of 14 must compulsorily attend schools.

The unsystematic mode of capture deployed manifests itself in the following example. A passerby noticed that a child who was not in the company of the parents was being taken away by the Team. The woman intervened to find out the reason for the capture. The Team suggested that she too must get into the vehicle and go with them. When the woman (aged about 25) resisted and tried to escape, the Team chased and seized her. In yet another instance, a young mother who was selling groundnuts was seized with her infant when she was crossing a road near a traffic signal to approach a hotel. She was whisked away even as her brother-in-law who was guarding their establishment rushed to her rescue. How does one explain the detention of adult women even when they were not found to be indulging in beggary? Is this not proof enough that the parameters guiding the Operation were as ambiguous and undefined as they could have been?

A disturbing pattern emerges from each of the instances referred to above. The question is: how do seizures such as these fit into the framework that was designed for the Operation? And how do they contribute towards achieving the objectives listed?

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In our conversations with some of the NGOs involved in Operation Smile, it was revealed that there were certain basic features that they were looking at while identifying children to be rescued. These included examining whether the child looked sleepy or drugged, or if the child was brought on rent from slums for the purpose of begging. However, our observations lead us to believe that no such observations formed the basis for the actual raids. It is clear that children were picked up, not because they were actually begging, but because they fulfilled some aesthetic standard of what a begging child looks like. This means that a impoverished-looking child can be “rescued” in a begging operation. This also means that if a well-dressed child is found wandering on the roads alone, the lines of inquiry pursued by the police (where are your parents, where do you live, what does your father do), will be different from when a child in dirty clothes is found alone on the streets. This is best illustrated by the example of three children from Uttar Pradesh who were picked up in Operation Smile. The girls had been sent out by their mother to purchase shampoo for their bath, when they were picked up near the shop by a rescue team. When their distraught parents brought the headmaster of the school in which the children studied to the Child Welfare Committee, they were asked why their children were in dirty clothes. The mothers replied that they had accidentally dropped dirty water on themselves, which is why they had changed into soiled clothes to go out and get shampoo for a bath. In any case, it is clear that the children had been picked up simply because they were not accompanied by an adult, and because they “looked” poor.

A child on the road does not in itself constitute neglect, nor does a poor child attempting to beg constitute exploitation. A person claiming to be an adult cannot be treated as a child, and cannot be expected to prove adulthood. However, the burden of proof seems to have been conveniently reversed in this case, making it incumbent on the mother to prove her competence, and in fact, her very identity as a mother, and for a child to prove that he is not

a beggar.

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**LACK OF COORDINATION BETWEEN THE CONCERNED DEPARTMENTS**

As mentioned earlier, a meeting was held at KSCPCR on 14th August to discuss the measures of rehabilitation of the children, clearly reflected the lack of coordination between the concerned departments. It was evidently single handedly managed by the department of police, with little coordination from the Department of Women and Child Welfare. This lack of coordination has had several implications:

1. There was no consensus on the number of children actually rescued. Newspaper reports suggested that around 150 children had been rescued, but the Committees could account for only around 60. Neither the police department nor the Department of Women and Child Development maintained any database at the time of rescue, which means that there were no records on the actual number of children rescued. Moreover, not all children were taken to the state-run shelters- some were taken to NGO-run shelters as well. There was no proper record of which child was taken where, as a result of which, parents did not know where their child was.

2. There was no common procedure for release of children. In our experience with the CWCs, we found that there was no coherence in the procedure to be adopted for each children. For example, when we approached CWC-I on August 10, we were told that no child would be released before August 17, and that each child would have to be medically examined and counseled. After medical examination and counseling, parents would be required to contact an NGO of their choice, which would follow up on the rehabilitation of the child for the next four months, and submit monthly reports to the Committee. When asked how these parents were supposed to identify NGOs, we were told that they could contact Childline, and “everybody knows these NGOs”. When we asked the Committee how parents who were migrants would identify NGOs, we were told that in such cases, the Committee would assist the parents. CWC-II, however, had a different procedure in mind. They informed us that children would be released only after a home inquiry report was prepared for each child, and that such a report could take several weeks to prepare. It was evident that there was no consistent procedure for release, and that each

Committee was acting in the absence of any co-ordination. In fact, in a moment of

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exasperation, a member of Committee- I admitted that the children had simply been dumped on the CWCs by the police. On being asked what protocols they follow, they say that they follow the JJ Act.

3. Perhaps the most glaring example of lack of co-ordination was the absurd insistence

by the police on conducting DNA tests to establish parentage. In a situation where basic lines of enquiry, such as asking a child his or her address, parent’s name, etc., were not pursued, it seems a little absurd to resort to as complicated a procedure as DNA testing. Needless to say, no DNA tests have actually been conducted, to the best of our knowledge.

4. There was no protocol developed for rehabilitation of children. As mentioned above,

initially CWC-I prescribed medical examinations and counselling. We do not know if medical examinations have indeed been conducted. However, we do know that most children were released by both Committees on the basis of an undertaking from the parent that the child will go to school. None of the NGOs that we have spoken to said that they had been asked to follow-up on the rehabilitation of the child.

**ROLE OF DOCUMENTARY EVIDENCE**

In the absence of DNA tests, documentary evidence was heavily relied upon to prove claims of parents over their children. However, documents also became a tool of harassment of parents at the hands of the authorities.

As mentioned earlier, most parents were not even informed that their children had been seized on August 6th. Once the family members reached the Beggars’ Home/hostel after much difficulty, some of them were informed that in order to secure a release they were required to furnish certain documents, details of which were shared with the family. These included the identity proof (such as Aadhaar card, ration card etc) and photographs of the parents and the children. Some of the parents were asked to produce their Caste

Certificates as well.

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The following day (7th August, 2015), all those who were picked up as a part of the Operation were shifted to the Shelter Homes near Dairy Circle. Those families who were informed about the documents to be furnished, submitted them and were told that their family members would be released when the concerned Committee convened the following week. Nevertheless, a considerable number of families *firstly,* were not even aware of the need to submit documents and *secondly,* had no details of these documents. While members of PUCL and The Concerned for Working Children helped some of these families, there were still a large number of them grappling in the dark.

Although families were promised a release the following week, these releases never came by. Also, several parents complained of having been made to submit the same set of documents several times and of having to produce several photocopies of these documents. Basavappa\* recalls how he submitted the same documents at least 4 times before his daughter was released. Ramesh\* was asked to submit fresh copies of his documents one week after he had already submitted them. However, when he got a new set ready with great difficulty, he was told that the documents were not required.

Further, all parents were required to furnish documents from the educational institutions that their children attended. While obtaining one from schools seemed to be easier, our interaction with the parents revealed that securing one from Anganwadis proved to be an ordeal. Consequently, securing a release of children who did not have Anganwadi certificates was all the more complicated.

Most parents visited the Shelter Homes almost every day in the hope of being able to take their children back. Nonetheless, some of them were not released despite having all the necessary documents. Desperate and anxious to somehow take their children back home, parents like Ramesh, Basavappa and Linganna\* also visited the nearest police station from where they obtained letters that confirmed them to be the parents of the captured child.

This too however, did not accelerate the process of release.

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This insistence on documentary evidence was particularly stressful for migrant parents. They did not have documents of identification with them and thus, were unable to establish that they were indeed the parents of the children in question. Consequently, release of their children was an excruciatingly difficult and traumatic experience for them.

During our fact finding, we found that Committee-II, dealing with juvenile girls had released many girls who had valid documents; Committee-I dealing with juvenile boys, however, was refusing to release boys with valid documents. We raised this concern before Committee-I and pointed out how the juveniles boys were being treated differently with respect to juvenile girls. However, this move was not appreciated by them. As a result, parents who appeared before them after this confrontation with representations drafted by us, were harassed by the Committee.

Linganna\* appeared before the Committee to submit his documents for his daughter’s release. He was sent back in no time and was told to rewrite his representation in Kannada. The parent told us that he had been asked in what language he would educate his children to which the parent responded by saying that he would send his children to a Kannada medium school. The Committee member told him that in such a case, he would require a representation written in Kannada only. Helpless, the parent came to us as we had drafted his representation. One of the members from our Fact Finding Team accompanied the parent and went before the Committee to find out why a representation in English could not be accepted. The Committee member gave us a different reason this time and stated that the concerned parent could not read or write English. Thus, the parent must write a representation in Kannada. When our member pointed out that the parent, like most other parents there, could not read or write English, Kannada or any other language, the Committee member quickly retorted by saying: *Why would you worry? He will get it written in Kannada from someone else.*

Although we did manage to write a representation for him in Kannada, it is strange how the very same Committee had accepted several representations written in English on previous occasions but raised objections in this case. Other parents who witnessed this episode

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rushed to us and asked us to write representations in Kannada for them as well. They were not prepared to be sent back and wanted to have all the documents with them, in the form and language that the Committee wanted them in. Linganna’s experience is a telling example of how the authorities managed to instill fear and panic in the minds of the families.

Further, after this confrontation with the Committee, the from the CWC office set up a help desk for parents. This was the first time in a week that any attempt was being made by the officials to help the parents. The parents were informed of the format in which the representations were to be made (this format was not shared with the parents initially). This clearly meant that although there was a standard procedure for release, the parents were not informed about it until such time.

We fail to understand why the process of release of children is so complicated. Would it not suffice that a child identifies a person as his/her mother/father? Also, why was the burden of proof of parentage conveniently shifted onto the parents? Is it not imperative that the authorities who picked the children up prove that they were forced into beggary and that people claiming to be their parents were actually not their parents?

There were also several problems that we observed as far as the documents required for the release of women and infants lodged in the Reception Centre (RC) are concerned. Procedure mandates that details of all the women be maintained under the supervision of the Probation Officer (P.O) which would then be produced before the relevant Committees by the P.O. when the cases are taken up for hearing. While the Fact Finding Team was helping the family of Lakshmamma\* with her release, one of the members from our Team approached the Superintendent of the RC and asked her if Lakshmamma’s had file had been produced before the Committee. The member was told that the file could not be sent to the Committee as there were no documents to prove that she *“belonged”* either to her parents’ or to her in-laws’ family. We were given to understand that the existence of these documents was verified in each case before files with “valid” documents were sent to the

Committee. However, does this process not strip an adult woman of her agency by

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stipulating that she must be claimed by someone? Further, how does *‘belonging”* to her parents’ or in-laws’ family establish that she is not a beggar? Evidently, these procedures bear no logical connection with the facts that were sought to be verified.

**ROLE OF NGOS**

Since the Operation and its assumed protocols were outsourced to NGOs in terms of manpower participation in the “raid and rescue” processes, we believe that NGOs played a crucial role in the said operation which needs to be examined critically. As part of our investigation to understand their involvement, we tried getting in touch with the 10 NGOs (as per newspaper reports), but have interacted with only 3 at the moment. All the NGOs involved in the operation are child rights based NGOs whose primary concern is to look into the interest and welfare of the child as per their organizational aims and objectives.

However, the applications filed on behalf of the detainee families’ from PUCL and CWC, did not notice the above criteria and makes us question the role of conducting an in-depth socio-economic understanding of the family situation on part of NGOs itself in spite of orders not being issued from governmental players in this entire operation.

However, we feel that their role in the said operation has been a far cry from that. Members of PUCL and Concerned for Working Children have not been able to identify all NGOs involved in the operation and are continuing to investigate. In the course of helping with the filing of applications we observed BOSCO and Paraspara Trust’s involvement in the raid and rescue of the said operation. For example, on the 10th August, at Child Welfare Committee, where Committee II was presiding to hear the cases of the girls held in detention, Paraspara Trust was responsible for bringing around eight girls from their shelter homes along with the case files. The girls had been asked to wait outside the Committee’s office with their parents, and both parents and children assumed that the release had been processed, and they were only waiting for a few formalities to be completed. However, at 4.00 PM in the evening, representatives from Paraspara trust suddenly announced to the parents that the case files of their daughters had been

misplaced, and therefore the children would be taken back into the shelter homes and

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produced only on Friday, 14th August. When probed further, the representatives from Paraspara admitted that they had been bringing the files in an auto, and had left them behind when they got off.

Parents were understandably extremely disturbed by this turn of events, as they had all expected to take their daughters back with them. The children, too, started crying, as they had been reunited with their parents after four long days of separation, and were now distressed at the prospect of being separated again. However, we were aghast at the callousness with which this matter was treated. Representatives from the trust repeatedly insisted that this was a minor issue. When we pointed out that the children were in extreme distress, they replied that the only reason the children were in distress is because they saw their parents. We could not understand what that statement implied, and we can only say that the principle of “out of sight, out of mind” does not, and cannot, apply to the relationship between a parent and their child. It was shocking to see that the trust did not think that it was an issue on their part to have “misplaced” the files, but just that the onus was put on the parents to just appear for another hearing on another date without owing responsibility and accountability as part of social service delivery mechanisms. This lack of apathy on part of an NGO is shocking and important to note as the distress of children and parents didn’t seem to affect them at all.

A group of parents gheraoed10 the representatives from Paraspara trust, and threatened to file complaints against them for their incompetence. What happened subsequently was, though beneficial for the parents, extremely improper in terms of the role played by NGOs. Despite the fact that these were all cases pending before the CWC-II, and not Paraspara Trust, the representatives informed the parents that they could take their daughters home, if they deposited their original id proofs with the trust representatives, and came back to collect them on August 14. We do not know under which authority the representatives

from Paraspara trust were competent to release children, or force parents to submit

10Gherao, meaning "encirclement," is a word originally from Hindi. It denotes a tactic used by labour activists and union leaders in India. Usually, a group of people would surround a politician or a government building until their demands are met, or answers given

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original documents to them. More importantly, when Operation Smile was an operation undertaken by the State functionary, why were the files not in the custody of the Child Welfare Committee? Given that a CWC has the powers of a magistrate- how are court documents not being kept on court premises?

However, the episode did not end here. Several of the parents actually came back on August

14 with their daughters, in order to get their release confirmed. Given the absolute trauma and harassment that children and parents had to undergo, we were surprised and impressed at the commitment of these parents. However, around 4.30 pm, when the Committee was winding up its day’s proceedings, we noticed that these girls were still waiting inside the Committee premises. We were surprised that the mere formality of confirming their release was taking so much time, and we approached the probation officer in charge to find out. But we were shocked when we realized that neither the probation officer nor the committee had any idea that the children had actually been released by Paraspara trust, and that the parents had brought them back to the Committee on their own volition. While our intervention helped in getting the children released on that day, we do not know if the information provided by us had any impact on the committee and its involvement with this particular NGO.

Also all four NGOs that we have contacted have expressed that the onus of rehabilitation of children rests on them heavily. This is despite the fact that there was no protocol established before the Operation was conducted for rehabilitation of children. In this context, it is very important to ask why NGOs would participate in such an operation if firstly, the capacity in terms of knowledge and resources is missing, and secondly, when the interest of the child is being overlooked from the procedural inputs of the said operation and thirdly, when NGOs are not even consulted in providing comprehensive input and understanding to Government functionary as responsible stakeholders of the Operation. This brings us to a larger question of financial accountability, as a sum of ₹5 lakhs has been pumped into the operation and handed over to police personnel. While we are not

suggesting that the money should have been given to NGOs, the lack of transparency of its

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allocation in both the planning and the operational processes is highly debatable and needs to be explored further.

**EXPERIENCE OF PARENTS AND CHILDREN**

Several of the children and young women who were seized as a part of Operation Smile on the 6th of August were transported to Beggars’ Home or to nearby hostels soon after the capture. From our experience, little attempt was made to identify genuine cases of forced beggary before seizing children and women. Instead, a convenient approach of capturing children/women who looked poor or were not in the immediate company of parents/family was adopted.Not only were innocent persons taken away but also, no attempt was made to trace and inform their families. The anxiety and worry that families suffered as a result of not knowing the whereabouts of their loved ones was only the beginning of all the physical and emotional duress that awaited them.

On learning where the captured persons were lodged, the families rushed to the Beggars’ Home and the concerned hostels. At the Beggars’ Home and the hostels however, not all families were allowed to meet their loved ones. Thus, not only was there an unjustifiable capture, families were also unreasonably deprived of an opportunity to meet their family members. On the 7th of August, just a day after the Operation,the persons captured were shifted to the State Shelter Homes near Diary Circle.

On the 11th of August, families of the women kept at the Reception Centre (RC) expressed their desire to meet them as they had not seen them in over four days. Members from the Fact Finding Team accompanied the families to the RC to seek permission from the Superintendent for a meeting. While we were waiting outside the RC for the Superintendent, another lady working at the Centre looked at the families scornfully and remarked to her colleague: *Are they serving free food? Look how they have gathered here!* Although the families were offended upon hearing the demeaning comment, they chose to ignore it. They may have also decided against a confrontation with the authorities for fear

of angering them and diminishing their chances of meeting their family.

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After we had met the Superintendent and secured the requisite permission, the women came out with their infants and the emotionally overwhelmed families rushed towards them. None of them were able to hold their tears back with some of them breaking down inconsolably. Families handed over edibles and clothes/winter-wear for the infants through the iron enclosure that separated the detainees and their families. However, right from the time the women came out to meet their families, the Superintendent continually and unabashedly directed denigrating statements towards all of them. She repeatedly said that none of the infants that the women had were their biological children and this was the reason behind the children refusing to be nursed by them. She also accused the women of using other’s children for the purposes of beggary. She made these statements so very many times that the families could not help but be affected by all the vitriol spewed at them. One of them was so deeply pained that he walked up to the members from the Fact Finding Team with tears in his eyes, showed them his business card and explained to them how he was not a beggar, but managed his own business. Our members could sense that there were many others like him in the crowd who were equally hurt by such insensitive and unwarranted statements. It seemed that the authorities had assumed the right to attack the dignity of the families and the detainees, merely because they hailed from the economically disadvantaged strata of the society. They fully understood that the families and the detainees were in a vulnerable and helpless position and would thus, not muster the courage to respond strongly to such insults.

During such meetings with the family, the women lodged in the RC complained of insufficient drinking water and also revealed to their families how three to four women were compelled to share one bed sheet. The women also pointed out that mosquitoes were breeding in large numbers within the RC thereby, increasing chances of being afflicted by diseases. The lack of hygienic surroundings for nursing mothers and their infants coupled with specific medical concerns pertaining to their loved ones (For instance, Vasanthamma\*, lodged in the RC was prone to epileptic attacks. Some of the infants had fever) augmented

the misery of the families.

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During our investigation, it was learnt from authorities at the RC that the Centre did not have enough resources to support persons picked up in Operation Smile. We were also given to understand that the cases of the young women captured in this alleged anti- beggary crusade did not fall within the purview of the RC. They were therefore, not obliged to house the women. These factors clearly point at a lack of planning and absence of any objective. No preparations were made to lodge the young women who were going to be captured. However, after the seizure, these women were hastily thrust upon the RC. Subsequently, the authorities at the RC had to struggle to manage the limited resources they were provided with while also putting the women and infants through hardships. Parents were deeply distressed and heartbroken every time they visited the Homes to see their children. While their children could see and hear the voices of their parents, the parents could only hear their children’s voices. Although the children wanted to meet their parents and return home with them, they could not and consequently, felt helpless. The trauma that this inflicted upon both the children and the families was endless. Most certainly the children were lonely inside the Home. They were unable to eat or sleep in the absence of their parents. There were alleged incidents of children being beaten up mercilessly for resorting to such behavior. There was also a restriction on children mingling with other children detained in the home, thereby, robbing them of a chance to build their own support systems to overcome their haplessness. This establishes beyond doubt that the Operation systematically violated the very same rights of a child that it proudly proclaimed to safeguard. Is there any rational explanation that can be given for arbitrarily separating children from their rightful guardians, confining them and assaulting them physically and emotionally? What are the ‘interests’ of the child that are being protected by inflicting such cruelty upon them?

Moreover, children continue to remain at the risk of abuse even in shelter homes. In the recent past, there have been multiple instances of physical abuse of children in the state- run shelter homes. Most recently, in December 2014, a boy was so severely assaulted in the State Home for Boys that he suffered the loss of one of his testicles. In August 2014, a thirteen-year old boy was beaten with a plastic rod inside a government-run shelter home

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in Bangalore. Many of the children captured in Operation Smile complained of physical abuse inside the homes.

In addition to all the stress that parents had to undergo by reason of such capture, they also had to fight the callousness and high handedness of the authorities all throughout. Ramesh\*[2] narrated to us how the day after the capture (7th August), parents assembled at the CWC to take their children back home. While the parents were initially told to return on Monday (10th of August) for a release, they were asked to come back on the 17th of August later. He told us that this was because one of the parents whose child had been seized created a ruckus at the CWC in an inebriated state and this angered the authorities. This is a classic example to demonstrate the arbitrary manner in which the CWC exercised it powers. Merely because one parent misbehaved with the authorities, all the parents who were present with him were penalized. Although most parents came to the CWC every day despite being told to return on the 17th, there may have been parents who were not in a position to do the same. They may have genuinely believed that their cases would be heard on the 17th of August and thus, may have come back on that day. How can the CWC misguide and punish parents for no fault of theirs?

\*Ramesh also told us that following this episode, no parent dared to confront the authorities over any issue as they feared that their children’s release would then be deliberately delayed.

The State Homes have to maintain records of every child lodged in the Home under the supervision of the Probation Officer (P.O). On the day the concerned Committee convenes, the P.O shall make a list of the cases to be heard by the Committee and shall accordingly, produce these case files before the Committee. Nonetheless, no standard procedure is followed to prepare this list and the cases to be heard are picked on a random basis. Further, even after certain cases have been listed to be heard, the files do not reach the Committee on time. Despite the fact that the Homes are hardly a few meters away from the CWC office, the Probation Officers are extremely reluctant to take the trouble of making the

case files available to the Committee and thereby, facilitating the hearing. This was a

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common situation that many parents were confronted with. For instance, Committee-I that handles cases pertaining to juvenile boys found that Ramesh’s\* son was eligible for a release. However, his case file had not been handed over to them and thus, they could not finalize the release. Even after the Committee directed the authorities at the Boys’ Home to bring the file, the authorities did not act. Ramesh and members from PUCL had to personally pursue the P.O to bring the file from the Home to the CWC Office. Even when the concerned officer was told that he had been directed by none less than the Committee to fetch the file, he took a break for lunch, much before the official lunch break. After nearly an hour of relentlessly pursuing him, he finally brought the file to the Committee and Ramesh’s son was released. In this way, the parents had to constantly fight the bureaucracy by persisting with authorities and convincing them to do what was primarily their duty.

**FUNCTIONING OF THE CHILD WELFARE COMMITTEES**

Our observation of the proceedings has been that inquiries have been limited to a hurried interaction with parents, most of which consisted of Committee members shouting at and humiliating parents. While in most cases CWCs demanded proof of identity of the parents as well as proof of parenthood, their investigation rarely extended beyond cursory enquiries about the child’s education. In some cases, the CWC’s information was patently wrong. For example, in the case of Meena and Chandana, whose mother and grandmother had approached the CWC for their release, the Committee kept insisting that the children were “repeat offenders”, and that they had appeared before the home earlier. However, when we spoke to Meena and Chandana’s mother, who worked as a domestic worker, she told us that her elder daughter, who had suffered from an episode of mental illness, had indeed been produced before the CWC, but she was now fine and at home. Meena and Chandana had not, contrary to the CWC’s claims, been ever produced before the Committee. However, because of the CWC’s insistence that these children were “repeat offenders”, Meena and Chandana’s release took over a week to be finalized.

Parents of children who were not in school were told to submit written undertakings stating that they will admit their children in schools. This was demanded in the case of six

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year old infants, who had just attained the eligible age for admission under the RTE system, and seventeen-year old children, who had studied till class eight, and had thus fulfilled RTE requirements. When we asked the Committee I members why they were insisting on school admission for children who had studied till class eight as a pre-condition for release, they quickly backtracked and said that the Committee would ensure that these adolescents received vocational trainings. Such claims by the CWC show no evidence of being backed by any planning or intention on part of any of the authorities involved. We observed parents being humiliated by the Committee in front of their children, and being called irresponsible for not sending children to school. In one case, a woman who was trying to explain that she had missed the date of admission in schools was repeatedly shouted at by a member of Committee-II, while her daughter stood crying beside her.

As far as individual care plans are concerned, there is no evidence to suggest that any such plans have been made. Given the fact that most NGOs involved in the Operation were not even informed of the need or plan for rehabilitation, we are not surprised at that. In fact, when members of the fact finding committee approached Committee-I on August 10, they were asked, in all seriousness, if they would take responsibility for some of the children, and ensure their rehabilitation! We do not think children are to be distributed as unclaimed property to any NGO that seeks to claim them. More importantly, shouldn’t protocols for rehabilitation of children have been put in place *before* their rescue?

What was perhaps the most horrifying was the manner in which adult women were picked up and dumped in the Reception Centre. Almost all women who were in the Reception Centre had infant children with them, suggesting that instead of separating an infant from its mother, the rescue team had decided to seize both mother and child. However, when the family members of these families approached the Reception Centre, they were informed that the Centre could not authorize the release of these women, as the cases came before the CWC, and when they approached the CWC, they were told that as adult women, their cases would not be dealt with by the Child Welfare Committee! Arun, husband of Mariamma, ran between the Reception Centre and the Child Welfare Committee for a week

before his wife and infant daughter were released. Moreover, family members of these

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women were not even allowed to meet their relatives without permission from the Child Welfare Committee. A member of People’s Union for Civil Liberties had to seek permission from Committee-I for Arun to meet Mariamma, notwithstanding the fact that just a few minutes ago the Committee members had themselves absolved themselves of jurisdiction over the case! Atleast in Arun’s case we were able to intervene on his behalf and obtain permission. In many cases, family members were not even informed of the process for obtaining permission to meet their relatives. Even as recently as Monday, August 31, there was one woman who was yet to be released from the Reception Centre. Her misfortune was that she was seized along with her daughter and her grandchild. While her daughter was released along with the infant child, because the old lady did not have an infant left with her, her relatives had to seek the additional permission of the Committee. Members of the fact-finding team soon realised that these adult women were merely appendages to the infant children, and an application for the release of the infants would result in the automatic release of the mothers.

Finally, the release of each child was as arbitrary, as humiliating and as traumatic as the manner in which they were seized. Rajendra Kumar from Uttar Pradesh, found it easier to get released as his father’s employer, an english-speaking man from Frazer Town, was able to intervene on his behalf. Harish Kumar Cheema’s parents, on the other hand, had to keep running between the Boys’ Home and the CWC to ensure that the child’s file moved the few meters between the Home and the Committee’s office.

**CONCLUSION**

It is evident that Operation Smile was conducted with scant regard for the best interests of children. While this is an interim report documenting our observations, we do have the following recommendations to make:

1. Need for a comprehensive plan of action through the operation that incorporates

the best interests of the child at every stage of the process.

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2. Need to push for a multi-pronged response to a complex problem that calls for a convergence of all the concerned departments in achieving the final objective of rehabilitating the children effectively.

3. Ensure that the rights of the child are not violated through the entire spectrum of

events and actions in the process.

4. Ensure that children have a right to heard, either as an individual or as representatives of different groups of children in taking decisions concerning their lives

5. Comprehensive case to case basis long and short term rehabilitation plan for each rescued child keeping in mind the agency and best interest of the child.

6. Concrete initiative must be taken for holistic development and education for the children who are in the Homes.

7. There should be clear cut follow up mechanism in place to assess the impact of operation smile on the rescued children.

8. Rehabilitation should not be based on faulty assumption that all children who have been picked up during operation smile are forced by mafia racket to beg. Our experience during the process of application writing for the release of children clearly indicated that many of the children have been picked up randomly and they are not the part of any kind of begging nexus. They picked up on the basis of their appearance and sheer coincidence that they were present at the time of operation smile at same place. So it is important to identify various categories of children that have been captured under the operation and rehabilitate them as their conditions may necessitate. The children who have been picked up by mistake and must be reunited with their family immediately. Second group of children, who are staying with family but poor socio-economic situation forced them to choose the option of begging, should be supported at the family level and families have to be linked with socio-economic safety net. Third group of children who are orphaned need be linked with institutional support system. And fourth group of children who are trafficked and forced to beg should be reunited with their family and given the required

institutional support to live life with dignity and security.

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**ANNEXURES – CASE SUMMARIES**

This section contains an account of the testimonials of the parents of the children and other family members collected during the application processes at the time of release of the detainees. Names have been changed to maintain confidentiality. The content is presented as articulated and experienced by the families themselves. **PUCL** and **The Concerned for Working Children** has taken care to present the accounts of the families in the most authentic and narrative manner as provided.

**Sanjana and Chaitrika**

**Name of the mother**: Rita **Names and ages of children**: Sanjana (11) and Chaitrika(5)

**Occupation**: Domestic help in homes and hotels

**Residence**: N S Palya, Bangalore

**Family details**: Separated from husband

Rita is a mother of four children, two of whom are Sanjana, aged 11 years and Chaitrika, aged 5 years. She works as a domestic help at hotels and households and earns less than enough income to support the household. She has to pay a rent of Rs 2000 and works hard for paying the rent. Guna has dropped out of school in order to look after Chaitrika.

On 6th August, 2015, Sanjana and Chaitrika were playing in the park at N S Palya at around 5 PM. They did not come back home that evening. She suspected that her children might be taken away and approached the Child Welfare Committee near Dairy Circle, Shantinagar and found out that her daughters had been taken in and kept there.

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**Sumangala**

**Name of the mother**: Maramma

**Name and age of the child**: Sumangala (9) **Occupation**: Selling fruits, flowers and umbrellas **Residence**: Double Road, Shantinagar

**Family details**: Husband works as a construction worker

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Maramma is the mother of Sumangala, aged 9 years and she works through the day, selling fruits, flowers and umbrellas. Sumangala studies in Government Lower Primary School, Rajakrishnapura, Malur taluk, Karnataka.

On 6th August, 2015, at 10 AM Sumangala was with her mother at the fruit stall.

Maramma wanted to use the washroom and asked Sumangala to deliver some flowers for a regular customer at an office opposite to her stall near Ulsoor and also fetch a bottle of drinking water while she goes to the washroom. By the time she came back, she found the child to be missing. She waited for two hours before approaching the Ulsoor police station, who told her that her child would be found and brought back to her. Since the child did not return even at 5.30 PM in the evening, she went to the police station again and asked for her child. The CWC officers at the police station asked her to bring documents for proof of address, identity and proof of education of the child.

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**Name**: Pratibha

**Age**: 20 years

**Place**: Vasanthapura, Bangalore

Gangamma, aged 30 years along with her daughter in law Pratibha reside in a makeshift tent house in Vasanthapura, Bangalore. They are involved in selling stationery items and notebooks for a living, however they had recently started selling India flags keeping in mind the 69th Independence Day Celebrations.

On 6th August, while selling flags at Hosur road, at around 11.00 a.m, Pratibha saw a child being picked up, they then asked Pratibha to get into the van as well. This frightened her and she ran to the nearest signal. The van chased her towards the signal and picked up her as well. Gowramma and the rest of the family members visited the children’s’ home in Madivala, after they heard that this where the children had been taken to. There the family was asked to produce the necessary documents for proof of identity, upon which they have done so by filing an application letter along with copy of the ration and Aadhaar card identity proof along with a wedding photograph of Pratibha with the son of Gangamma. It was after the submission of the said documents that Pratibha was released to the family.

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**Names**: Sandhya and her daughter Veena

**Age**: 25 and 5 years respectively

**Place**: Chillakere, Tumkur

Veera and her sister-in-law, Sandhya are native to Boganahalli village, Chillakere, Tumkur and travel to Bangalore once a month to sell groundnuts, for which purpose they have a make shift home set up in Byrappapalya, Bangalore.

On Thursday, 6th August, they were selling groundnuts near the water tank, St.Johns Hospital, Koramangala. Lakshmi went to nearby hotel to buy food her daughter Dhavidha, however even before reaching the hotel, a white jeep stopped before them and picked them up. All efforts to stop the jeep and gather information from Veera fell in vain.

Lakshmi managed to her husband, Thippeswamy that she had been taken to

Beggar’s Colony, Magadi Road, He in turn called an informed his sister, Veera. She along with Sandhya’s brother, Raju rushed to Beggar’s Colony and were able to meet Sandhya and Veena and bought them some breakfast. The family was asked to leave immediately thereafter and come back after 3.00 p.m. It was only on Friday evening, 7th August that Swamy heard from Sandhya again that she had been shifted to the State Home, Dairy Circle. The family has not been able to meet her and meet with the concerned authorities to gather information of any sort. They were able to meet with Lakshmi on the 9th August and she was positively mentally disturbed as she has three children back home in Chillakere, Tumkur who are worried and distressed without the mother.

An application with copies of the identity documents of Voter Id card of Sandhya and Aadhar card of Veena were submitted to the Child Welfare Committee on 10th August, upon verification mother and child have been released. However the mental trauma and stress of being detained with no information and meeting with the family members has deeply disturbed and shaken up the family.

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**Uma**

**Name of the husband**: Rajesh

**Name and age of the child**: Uma (18)

**Occupation**: Selling toys

**Residence**: Shivajinagar

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**Family details**: Husband works as street vendor

Uma, age 18, was picked up from M.G. Road by a woman with short hair in plain clothes on Wednesday. She was caring for her 8 month old child and selling toys and plastic wares. The child was taken with her and the toys and wares, worth approximately Rs. 6500 was confiscated, mostly toy airplanes (67) and Doremon dolls (16). She was told she was underage, and no efforts were made to contact her parents. Her mobile phone was confiscated. She gave her husband's phone number, but he was not contacted.

She had just moved to Bangalore 4 days prior from Boondi Jala, Rajastan with her husband, Rajesh age 22. They are Hindus from the Kissan Badmi caste. Uma had not form of identification, though Rajesh had both a marriage certificate confirming their relationship and an Adhaar card confirming his identity. Relying on identification was to his disadvantage as they were both illiterate able to sign their names, but nothing more. Frequently when we asked him questions on his background, he assumed the information was provided on his Aadhaar card, not being able to read it. He thought it mentioned his caste, religion, and native village.

Rajesh was never informed about the seizure of his wife and child. He searched across many places where street vendors sell wares, mentioning Yeshwantpur, Shivajinagar and R.T. Nagar as places. After being told to try the Beggar's colony on Magadi road, he got a lead to their location. Uma with her child, but the CWC kept their property until the day we came. They needed those wares for their livelihood.

**Maduri**

**Name of the mother**: Kavitha

**Name and age of the child**: Maduri (8) **Occupation**: Domestic labour **Residence**: Nagavara

**Family details**: Works with mother. Has older brother, age 12.

Maduri, age 8, stays in Bangalore with her mother Kavitha, age 32, and her brother

Murugan, age 12, for the past 3-4 years. She has studied up till class 4, including 2 years at

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Rachanahalli, Nagavara, 30 km from Bangalore, but dropped out to help her mother with her job as a domestic worker, who works for an MLA.

When Maduri went out to collect firewood, she was picked up. Her mother was not contacted, and got worried when she did not return home. She kept asking with local shop keepers, and they told her the police took the child, but could not give any more information. Her employer was able to track Maduri's location by phone partly because she informed the police that her mother works for her employer. KPCC general secretary, Keshav murthy connected them.

The family is originally from Raichur and are Hindus from the Naik caste. They have their certificates at their home in Raichur, and the only identification of the child they have is a photo. Her mother has a voter's id, but no ration card nor an adhaar card. We recommended taking her boss' aid in retrieving her child.

**Maitri**

**Name of the father**: Dinesh

**Name and age of the child**: Maitri (8)

**Occupation**: Student

**Residence**: Peenya Stage 2

**Family details**: Father is a construction worker.

Maitri, age 8, daughter of a construction worker, Dinesh, lives in Peenya 2nd stage. Witnesses said she was picked up by a nondescript white van. She was staying with family, while her parents were visiting her sick grandmother at Hubli. She was in school at Hubli up until 1rst standard, and her parents were able to furnish school certificates. After being

picked up, no one was notified. The first thing the family did was complain to the police, but they were not allowed to file an FIR, and told to inquire at the M.S. Palya Bhavan on Friday. The family spotted her there and confirmed her safety, but she was shifted a few times without informing the family. The family was told she would be released today. The family

arrived at 12:20 and waited.

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**Poorva**

**Name of the parents**: Hari and Rajini Devi **Name and age of the child**: Poorva (8) **Residence**: Yeshwantpur

**Family details**: visiting uncle who is a street vendor living in Bangalore

Poorva, age 8, born in 2007 was visiting her mother's younger brother, Lakshman, in Bangalore. They live in tents near Yeshwantpur where they also sell plastic flowers as street vendors. They come from a village Bangalore in Rajastan and only speak Hindi. They recently moved to Bangalore (15-20 days prior to the seizure). They showed us the train ticket from Bijainagar on 7 August, 2015 to confirm this. She does not go to school, but her uncle has a rations card and a voter id. Poorva has an aadhar card, a copy of which they showed us. Her parents came from Rajastan with her aadhar card to get her back. Their names were Hari and Rajini Devi. They are staying with their family relations in the city for the duration.

Lakshman was at the market to set up his wares for selling, when the while was picked up. Witnesses told him she was picked up by a white Tata Sumo with both men and women in it.

**Manu**

**Name of the mother**: Lakshmibai **Name and age of the child**: Manu (14) **Occupation**: Street Vendor

**Residence**: Madhavpura

**Family details**: visiting aunt, Meera. Parents are Nishad and Lakshmibai

Manu, born in 2001, age 14, visiting his aunt at Madhavpura on the ring road to celebrate Raksha Bandhan, from his residence in Rajastan. His aunt, Meera sells umbrellas near Lalbagh. His parents are daily wage labourers in Peepla, Rajastan. His mother's name is Lakshmibai, and father's name is Nishad. On 6th August, a few days after arriving in Bangalore, he was picked up by police. His aunt was insisted that he was attending school, but they did not listen. She was not informed as to where he was to be taken. By following

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van, Meera was able to keep a tab on his location and his eventual detention in the state home. Manu was also carrying some of her wares, which was confiscated by the police. Manu had transfer certificates taken from home which confirmed he studied in school until class 7. By coming to Bangalore and trying to get Manu out, his mother, who was expected on the following day, will lose income for days she is not working. They have a low income already. Meera has Meera waiting for his release for 5 days at this point.

**Ramesh\***

My wife and I are daily laborers residing in Arekere. Our 5-year-old son Rahul\* lives in Raichur along with my parents and attends an Anganwadi there. He was not keeping well and thus, we brought him to Bangalore to fetch him medical assistance. It had only been a couple of days since he had come to Bangalore. As usual, on the 6th of August, my wife and I left for work. In the afternoon, my daughter-in-law took my son to the nearby Sai Baba Temple where they serve ‘Prasadam’ (free food) once a week. My son was picked up from the temple when he was seen receiving the ‘Prasadam’. My daughter-in-law who was with him was told that Rahul was not her son and thus, was concluded to be a child beggar. She was not informed about where my son was being taken. Not knowing whom to approach, we rushed to the Hulimavu Police Station where we were informed by Geeta madam that my son had been taken to the hostel near the Meenakshi Temple.

We reached the hostel on the evening of the 6th of August. It was here that we were

informed about the documents that we had to submit. They told us that we were required to submit ID cards of the parents and a photograph of the child. The authorities also made false promises of releasing my son that very evening. However, he was not released and was shifted to the CWC, Dairy Circle. We reached the CWC with all the required documents on the 7th of August and submitted all of them. The documents were collected and we were told to return on the following Monday (10th August). However, one of the parents whose child had also been taken away got very agitated with the authorities. In an inebriated state, he created a ruckus at the CWC. The authorities, who clearly looked irritated by this behavior, then told us to return on the 17th of August instead of the 10th.

Nonetheless, my wife and I visited the CWC daily in the fond hope that my son

would be released. The tedious procedures and the casual attitude of the authorities

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certainly annoyed us. However, we were very scared to confront the authorities in this regard as we feared that they would then deliberately delay Rahul’s release. Despite frequently visiting the CWC, I was finding it difficult to secure my son’s release. My son had come to Bangalore for treatment and had fever even when he was captured. We were very worried about his health. Desperate to find a way out, I went to the Hulimavu Police Station and obtained a representation from them requesting for Rahul’s release. Unfortunately, that too had little impact.

On the 13th of August, the Committee concerned with my son’s case convened. I was

told to submit another set of the documents that I had already submitted. I got this set ready along with a representation and waited to be heard by the Committee. I repeatedly asked the persons seated outside the Committee room when my son’s case would be heard. But they repeatedly told me that his matter would not come up on that day and also that I must return on the 17th of August. It was only after all of you spoke to the Committee that things began to move. I was determined to take my son home on that day. Therefore, when one of the other parent’s representation in English was rejected and he was asked to have it re-written in Kannada, I decided to take no chances. Though my case had not come up before the Committee yet and though the Committee had not told me anything about the representation, I took your help and got a representation written in Kannada as well. I wanted to furnish all the documents, in a manner that they wanted it in and take my son back. However, I was not needed to submit any of these documents. My son was released on that very day. If they did not need the documents, I don’t understand why they asked me to get a set ready and submit it.

My son did not complain about his stay in the Home. Before releasing him, he was

given syrup for his fever and my son told me that the syrup was given to him on another day as well. My son was treated decently well in the Home. As a precautionary measure, I sent my son back to Raichur as soon as possible. I do not want to face this again.

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**Linganna\***

My wife and I are daily laborers residing in Arekere. My two children Preeti\* (7) and Anil\* (5) live in Raichur along with my parents. As our children live away from us, they miss us and thus, they had come to Bangalore to spend some time with us. On the 6th of

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August, my wife and I left for work as usual. My children were playing near my home. The Sai Baba Temple near our home offers ‘Prasadam’ (free food) once every week. In the noon, my children went to the temple to receive the ‘Prasadam’ when they were mistaken to be child beggars and taken away. As no family member was present when my children were taken away, we did not even know where they were. There were few other children from the neighborhood who had been seized in this manner and thus, the parents of these children approached the Hulimavu Police Station. We were told by Geeta madam that my children had been taken to a hostel near the Meenakshi Temple.

We reached the hostel that very evening but we did not get an opportunity to see my children. Even when we requested to be allowed to meet them, the authorities curtly asked us how they could be sure that we were indeed the parents of the concerned children. At the hostel, we were also informed about the documents that we had to submit. We were told to furnish parents’ ID proof and our Caste Certificate. The next day, our children were shifted to the CWC, Dairy Circle. We submitted all the required documents at the CWC and hoped that our children would be released. We visited the CWC daily but the process seemed to be taking a long time. I had submitted multiple sets of the same documents during this period. Finally, my son’s matter came up on the 13th of August. I was told to submit a fresh set of documents once again. When I went before the Committee to submit my documents, I was sent back stating that they could not accept a representation written in English. One of the members on the Committee asked me which language I would educate my children in. When I told him that I would send my children to a Kannada school, he said that he would then want a representation written in Kannada. I then submitted a representation in Kannada and my son was released on that day.

My children were not treated well in the home. They were beaten inside and not to

allowed to mingle with other children. As our children had been taken away from us, they yearned for us and thus, did not feel like eating or sleeping. When we went to see them at the Home, my children could see us through the window; however, we could not see them. We could hear each other’s voices but the parents could not see the children. This affected our children and they refused to eat and walked around in the night unable to sleep. They were beaten for such behavior. In fact, my 7-year-old daughter has been branded on her

thigh inside the Home.

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I feared that my children will once again be taken away without a reason if they continue to stay in Bangalore. I have thus, sent both of them back to Raichur.

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**Basavappa\***

I am a daily laborer residing in Arekere. My 7-year-old daughter Sneha\* was captured on the 6th of August. The Sai Baba Temple near my home offers ‘Prasadam’ (free food) once every week. My daughter had gone to the temple in the noon with my elder sister. Although my elder sister accompanied my daughter, my daughter was mistaken to be a child beggar and taken away. My sister was not told where my daughter was being taken away and no one else seemed to know either. There were other children from the neighborhood who had been taken away in a similar fashion. I, along with the parents of all the other children, went to the Hulimavu Police Station. We were informed here by Geeta madam that my daughter had been lodged at a hostel near Meenakshi Temple.

I went to the hostel where we were given details of the documents that had to be submitted. The next day, my daughter was shifted to the CWC, Dairy Circle. From that day until the day of my daughter’s release, I remember having submitted the same documents at least 4 times. The authorities were extremely rude with us and refused to share any information with us. Despite the fact that our frustration was building up, we were very scared to raise our voices as we feared that they might delay Sneha’s release.

My daughter had fever when she was kept in the Home. I don’t think she was given any medical help. When I went to see her at the Home, she could see me through the window and hear me, whereas I could not get a glimpse of her. Having seen me, she wanted to come home with me but couldn’t. This affected her deeply and she even cried inside the home. She told me that she was occasionally beaten inside the Home.

I am just very happy to have her back. I sent her back to Raichur immediately in

order to avoid any more incidents of this kind. I have enrolled her in a school there.

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**Yashodha\***

My husband Girisha\* and I make a living by selling balloons and balls at traffic signals, parks and other places that attract crowds. We live in Vasantpura with our two

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children Jaya\*(7) and Vishwas\*(2). We are natives of Hindupura, Andhra Pradesh and migrated to Bangalore for employment.

On the 6th of August, my daughter was with my husband when he was selling

balloons at a traffic signal. Even as my husband was busy selling these items, my daughter saw that a temple nearby was offering ‘prasadam’. She went to the temple and was receiving her ‘prasadam’ when the Rescue Team captured her leading to a mild commotion around the temple. The commotion caught my husband’s attention who rushed towards her immediately. Nonetheless, she was taken away before my husband could intervene.

On the same day, I was also captured with my son Vishwas. My daughter was taken

to a hostel in KR Market and for several hours my husband did not know any of our whereabouts. Later, when my husband met me at the RC, he told me that in his state of panic, he did not even know whom to approach for help. The entire family had suddenly vanished causing great anxiety and pain to him. Thankfully, the authorities at the hostel asked Jaya for her family’s details and Girisha was informed over phone that she was lodged in the hostel. The following day (7th August) she was shifted to the CWC. He did not get an opportunity to see her until Tuesday (11th August).

My husband had a traumatic time trying to secure the release of his entire family.

Since, we have migrated from Hindupura, we do not even have any documents with us and this turned out to be a problem for us. Further, though my husband and I understand Kannada, we are comfortable speaking our native tongue, Telugu. Thus, we were unable to explain ourselves to the authorities. To make matters worse, my husband met with an accident while we were in the Home, therefore, the process of our release only become more complicated. My sister, Sheela\* who was anxiously trying to secure her own children’s release also had to endeavor to have me and my children released. Thankfully, I was released on the 13th of August along with Vishwas. It was only after I came out that I initiated the process of my daughter’s release.

This experience was a nightmare for my family. It was entirely avoidable.

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**Sapna and Kavitha**

Sapna is a two year old infant who was picked up from near RMC yard, along with her ten year old aunt, Kavitha. Kavitha’s sister is Sapna’s mother, Seema. Kavitha’s parents

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have passed away, and she now lives with her sister, her sister’s husband, and her infant niece. She does not go to school.

Seema works as a mason in Bangalore. On 6/8/2015, Seema had taken Sapna and

Kavitha with her to her workplace. Suma did not have anyone at home to take care of the children. However, when Seema reached her workplace with her children, it had started raining, so she asked Kavitha to take Sapna home by bus. Kavitha and Sapna were walking on the road, when they were picked up by the police.

Seema was not informed by the police that her daughter and sister were being picked up. It was only later when she discovered that they were missing that she went looking for them. She went to the RMC yard police station, where she was informed that her children had been brought to the Child Welfare Committee near NIMHANS.

At the home, two-year old Sandhya was separated from Kavitha and taken to the

Shishu Mandir. Seema came before the Committee on multiple occassions, but on each day, she was turned away and told to come on another day. Finally, on 14/08/2015, Seema was able to submit an application for the release of her daughter and sister. Suma did not have any birth certificate for either of the children. Kavitha was not going to school. Seema is a daily wage labourer, and she has foregone several days of income in looking for her children. She was extremely worried about her infant daughter, and she was worried that she might fall ill because of the long separation. Finally, after ten days of separation, her children were released.

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**Nadir Hussain**

Nadir Hussain is sixteen years old. He is a native of Siliguri, West Bengal. He has studied class 8 at Salugarah High School, Siliguri. He has an elder sister, who is studying in college. His father passed away some years ago, and his mother works as a domestic labourer in Siliguri. He had come to Bangalore on 1/08/2015 to visit his maternal uncle Waseem, who works as a construction worker in Bangalore. On 6/8/15, Nadir was having breakfast when he picked up near Church Street in Bangalore and brought to the boys’ home near NIMHANS.

When Nadir’s uncle Waseem found out that his nephew was missing, he enquired

and found out that a police van had picked up Nadir and a number of other children. He

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came to the state home, where he was told that Nadir’s parents would have to come for the child to be released. Nadir’s mother Syeda was informed, and she reached the Child Welfare Committee on 11/08/15. We assisted her in making an application for his release. However, because it was a Tuesday, she was asked to come back on Thursday, when Committee- I would be sitting. The letter was accepted by the boys’ home on 11/08. On

13/08, when Syeda came back, her son was released by the Committee.

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**Sunitha**

Sunitha is six years old. Her family is from Raichur district. Her mother, Renu, works as a coolie in construction work. On 5/8/2015, Sunitha’s daughter was eating at a Saibaba temple near Hulimavu, when police officers from Hulimavu police station picked up her daughter. Renu was not informed that her daughter had been picked up, and when she found out that Sunitha was missing, she frantically went looking for her. A passerby then informed her that children had been picked up in a police van.

Renu claims that her child is not involved in begging. Renu tried to get her daughter admitted in a school when she was five old, but the school did not accept her, and asked her to come back when Anitha was six years old.

Sunitha fell ill with fever when she was in the girls’ home. Despite repeated

requests, Renu was not allowed to meet her daughter, not even through the closed gates of the home.

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**Amitha**

Amitha is a seven-year old child. She is the daughter of Raghavan. Raghavan works as a mason labourer in Arkere, Bannerghatta Road. On 6/08, Amitha had gone to a temple with her friends to a neighbourhood temple. There, she was picked up along with a number of other children and taken to the state home for girls. Amitha managed to give her contact details to Paraspara trust, who were involved in picking her up. Officials from Paraspara trust contacted Raghavan and informed him that his daughter was in the State home.

Raghavan went to the state home on multiple occasions, but he was not even

allowed to meet his daughter. No proper information was provided, and Raghavan had no

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idea whom to approach to approach for release of the child. Finally, on 14/8/2015, we assisted Raghavan in writing an application. The child was released subsequently.

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**Mariamma and daughter**

Mariamma, aged 24 years, and her daughter, one-and-a–half months old, were picked up from near Koramangala signal on 6/08/2015. Valliamma fought with her husband Anand on the morning of 6.08, and left the house. And when having found out that they were taken to the Reception Centre, the husband and other family members tried in vain to meet her and the baby, they were not allowed to do so even to visit her and check up on her. Subsequently through our efforts we helped the family to not only meet her but also get her released with the necessary documents required for identification.

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**Renuka\***

My husband Vijaykumar\* and I live in a shed in Vasantpura near the Sai Baba Temple. We are natives of Hindupara, Andhra Pradesh and migrated to Bangalore 2 years ago. My husband and I sell balloons and balls to make a living. While we normally carry out our business in Vasantapura, we go to fairs across the city to sell our items.

My two daughters live in Hindupura where they are studying. They had come to Bangalore to attend a family function at our relative’s home in Vasantapura. On the 6th of August, I had sent the two of them to nearby bakery to bring notes in exchange for coins. As we sell balloons and balls, we often deal in coins. We wanted to convert them into currency notes and thus sent our girls on this errand. Upon noticing them with coins in their hands, there were taken away. There were assumed to be beggars. After a while when my daughters did not return, all of us began to panic. We looked for them everywhere but could not locate. We were extremely worried. Fortunately, we were contacted by the police at night, who informed us that our girls were kept in a hostel near KR Market. They also told us that we must go to the CWC, Dairy Circle as the girls would eventually be shifted

there on the 7th of August.

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I reached the CWC the next day and tried to secure their release. But I did not know how to go about the process. Further, I was not allowed to meet my daughter until after 3-4 days. In addition to the trauma that my daughters’ detention was causing, my sister, Yashodha\* and her son were also detained. Her daughter was also picked up and kept at the Girls’ Hostel. My brother-in-law who was following up these cases met with an accident and thus, I also had to make efforts to secure their release. Because we are migrants, we did not have too many documents of identification. Consequently, I ran from the Reception Centre (RC) to the Girls’ Home to the CWC Office in utter desperation, not knowing how to divide my time among these cases. I had an extremely distressing time. My sister was released after nearly a week. Once she got released, the two jointly tried to get our daughters released.

I have decided that I will send my daughters back to Hindupura soon after their

release in order to avert another traumatic experience of this nature.

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**Saraswati\***

I reside in Kengeri and I sell balloons and balls for a livelihood. My 7-year-old daughter Trisha\* lives with me and attends the Kengeri Government School.

On the 6th of August, 2015 we had been to a relative’s home in Vasantapura for a family function. During the day, my daughter went out to buy a cake from a nearby bakery. However, she did not return. I began to panic and did not know what to do. Later in the day, I received a call from the Police Station stating that Trisha had been seized on the way to the bakery and that she had been taken to a hostel in KR Market. When I went there hoping to bring her home, I was told that she would be shifted to the Girls’ Home in Dairy Circle on

7th August, 2015 and that I must contact the authorities there. I did not even get an opportunity to see her at this hostel. I went to the CWC on the 7th of August hoping that I could take her back with me. However, I did not get an opportunity to even meet her, leave alone get her released. I was able to see her only after 3-4 days. I was really worried about

her well-being in the Home.

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I do not understand why they would suspect a school going child to be a beggar. I

did not want her education to suffer and thus, was hoping for a release as soon as possible.

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**Saroja\***

My family hails from Gurunahalli, Lakshmi Devastana, Tumkur. My daughter Devika\* and her three-month old son live with my son at Kundanahalli Gate, Marathahalli. Her husband, Srinivas lives in our native, Gurunahalli and earns a livelihood by rearing pigs. Devika makes a living by selling pens at traffic signals on Hosur Road, Bangalore.

On the 6th of August, 2015 my daughter went to her usual place of business on Hosur Road and began selling pens. Her son was also with her. Having spotted her at a traffic signal with an infant, the Rescue Team captured her believing her to be a beggar. My son was not present at the scene and as a result, none of us had any knowledge of the seizure. Thankfully, passers-by, who were also my son’s acquaintances, had witnessed the incident and thus, informed my son about it. After further inquiry, he learnt that Devika and her son were taken to the Beggars’ Home. When my son and I went there to meet her, we were not allowed to. The next day i.e the 7th of August, the two were shifted to the Reception Centre (in the same premises as the State Homes) near Dairy Circle. My son and I came here and started making efforts to have them released. In the meanwhile, our

attempts to meet them failed. We were also unsure of securing her release on that day. Therefore, we decided to come to the CWC every day until they are released.

I was extremely worried for my daughter was a nursing mother and my grandson was all of three months old. To make matters worse, I hadn’t seen them for 2-3 days in a row. When my son and I came to the CWC on the 11th of August, I could no longer contain my anxiety. While my son was busy getting the required documents ready, I pleaded with the authorities at the CWC Office to let me see my daughter and grandson at least once. However, they repeatedly told me that granting permission for such a meeting was not within their purview. I, however, did not know whom else to approach. Thus, I persisted

with them but got no response. Later, you intervened and I eventually saw my daughter

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and grandson. I was overwhelmed to see them. At the same time, I could not control my tears as my daughter told me that my grandson had fever. He was lodged inside the RC and I could do little to help him recover. Also, my daughter complained of mosquitoes breeding inside the Home, lack of sufficient drinking water and insufficient bedding. Upon learning this, my worry only multiplied.

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