

# Child Labour in Indian Circuses

## Executive Summary:

Every year, thousands of children cross over the border from Nepal to come India in search of a better life, better future. They have no idea that the “uncle” or “aunty” bringing them from across the border to work in big hotels or fancy restaurants or circuses, is only a middleman and in a few days they will be trapped in to a world of no freedom of mobility and choice, leading a vagrant tunnelled existence away from the hub of society, which is tiresome and claustrophobic, and dependent on vicissitudes. Over time, this dependence is directly or indirectly perpetuated into frustration, emancipating into fanaticism resulting in a global threat to peace. Moreover, in the course of the last century, child labor has also emerged as the single biggest bane against development, contributing in the perpetuation of poverty and being the biggest cause of adult unemployment. It also destroys the future of humankind by keeping the children away from mainstream education thus preventing the goal of achieving “*Education for All*”.

Globally, the circus is one of the most ancient forms of indigenous entertainment, representing a clean unadulterated joy for the entire family to visit and enjoy. Children are especially enthralled on watching the acts of trapeze, gymnasts, cyclists, acrobats or jokers. Little do they know that this fairy tale world has another face, that the artists performing in front of them are also little children masking their smiles under their heavily made up faces. A normal circus day begins at dawn with little or no personal hygiene, no privacy in the temporary toilets and bathrooms, training instructors’ cursing and abuses, merciless beatings and a cup of tea. After three to five shows and of lot of pervert comments of the crowds, the young girls go back to their tents around midnight, and even then, life might have something else in store, depending upon the nature and mood swings of the circus owner and managers. They are raped, physically and sexually abused and if anyone complains about the abuse, the scant and un-edible food, or the leaking tent in the rain, or if a child is scared on the rope while performing the trapeze, it is sorted out by the managers’ (or employers’) cane with in no time. There are more than 60 million child labourers in India, and ironical as it might be, it is of no surprise to note that an industry based upon on the goodwill and patronage of children is, in fact, exploitative and hellish for children that are a part of it.

In July 2002, Bachpan Bachao Andolan (BBA) initiated the first attempt to know more about the child labour in Indian Circus by starting an undercover research on the issue. The research was a risky operation as the circus is like a fortress and initially entry inside any circuses was not allowed. Thus, eventually the researchers had to visit the circus under the guile of a journalist or a university research scholar, etc. The research was exhaustive in nature, covering 30 of the major circuses of India that house close to 7,500 employees. It clearly established the number of children in Indian circuses, the number of circuses, the movement of circuses, mode of entry of the Nepalese children in the

circuses, the intricacies involved in the organisation and running of a circus, the politics amongst circuses, etc.

The research findings were appalling. It was found that children working in each and every circus in India are victims of both inter- state trafficking (from Nepal) as well as intra- state trafficking (within the territory of India). The children, once they arrive in the circus can not leave its premises, let alone go back home, and even when their parents somehow manage to locate the circus to take their children back, they are beaten and thrown out (circuses are constantly on the move so it is a Herculean task to even trace the position of a circus, let alone monitor it!!). Very few (only four) circuses were found that treated their employees marginally better allowing them the privilege of movement outside the circus campus for limited time and even in these circuses child labour was prevalent and artists were not given minimum wages and the living and working conditions were just as pathetic. The only formal body of circuses, the Indian Circus Federation was not even aware of child rights' and trafficking issues and had done nothing to curb the same.

Based on the findings of the report, BBA implemented a multi-fold strategy to end the use of children in Indian circuses.

Implementing “a carrot and stick policy”, negotiation and dialogue was initiated with the circus owners and preparations began on the ground for the safe repatriation and rehabilitation of the children once children start returning through dialogue as well as (if the need arises) through coercive measures including raid and rescue operations and other legal means.

On January 27<sup>th</sup>, 2004, a declaration was signed between BBA and the Indian Circus Federation to the effect that:

- a) There shall be no further recruitment of children in Indian Circuses;
- b). the children currently employed shall be phased out in a time bound manner;
- c). BBA would ensure that the children released are safely repatriated and rehabilitated. Child performers in two circuses were also handed over to the BBA to be repatriated back to their families in Nepal and India.

After the return of the first group of children, the horrific tales of exploitation in Indian circuses spread like wildfire in Nepal and a lot of parents started coming forward in the hope of getting their children back. Since April, 2004, children have been released from 4 circuses, namely – The Great Indian Circus, The Great Roman Circus, and The Apollo Circus, The Gemini Circus.

## **Preface - Background :**

Basanti, sold to the circus when she was ten, did not even remember what her father looked like when it was time to go home! Whenever her father went to take her back, he was beaten and not even allowed to meet her and thrown out of the circus. During her release, she lost her mental balance when she was forced to tell the activists and officials (who had gone to rescue her) that the man in front of her was not her father and she was very happy in the circus earning as much as 3000 Rs. monthly, otherwise her father would be killed. This left her in a state of shock. While in the circus, she had to perform 7-8 items per day in three shows, was beaten by the trainer during the training sessions and by the owner when she failed to perform well during the shows, was sexually abused and was not allowed to leave the close confines of the circus premises for 10 yrs. She is still under psychiatric care in a rehabilitation facility in Bairahwa, Nepal.

Hari was stripped naked and tied to a post and caned and flogged for 6 hrs. when he tried to escape. Bikki, a 7 yr. old did not know what is the meaning of the word “play”, thinking that play means a circus item. Sanju had been working in the circus for 7 yrs. and was earning Rs. 20 per month as wages. These are only some of the heart-rending tales of the artists released by BBA from the Great Indian (King Bharat) Circus on the 17th April, 2004. This circus had changed its name to Great Indian to avoid any parents who wanted to come back and retrieve their children.

There are close to 7500 victims of trafficking working in 35 circuses in India, just like Basanti, Hari, Sanju and Bikki, leading more or less the same kind of life deprived of their rights of freedom, of education, love and play and are languishing as slaves in the Indian circuses.

BBA came across the problem of use of children in Indian Circuses and thus initiated a research study in July 2002 to understand the nature, magnitude and plight of child labor in Indian Circuses. The research phase of the project lasted for six months and was a very risky operation covering 30 of the major circuses in India. A number of NGOs, including those who had been working for animal rights (in the circuses) were also consulted. The study clearly established the presence of child labor in Indian circuses, the number of circuses, the movement of circuses, mode of entry of the Nepalese children in the circuses, the intricacies involved in the organization and running of a circus, the politics amongst circuses, etc.

The major findings of the research were:

1. Child Labour is prevalent in the Indian Circuses. 252 children under the age of 14, employed in the Indian circuses, were interviewed by the researchers
2. 47.8% were Nepalese. (Siliguri in India and Hetauda in Nepal was the hub from where a majority of children were brought).

3. A group of circuses comprised of a body called the Indian Circus Federation, primarily to protect their common interests against animal right's activists.

#### 4. Living and Working Conditions of Children:

a. Insufficient space- crammed tents, lack of personal space and privacy.

b. Poor meal- insufficient to satisfy the appetite of young growing children and the food quality is appalling.

c. Sleep deprivation- children do not go to bed before midnight after the last show is over and are up early morning at dawn for practice.

d. Poor Sanitation- In the living conditions, sanitation is the most pathetic issue, with no proper toilets and bathrooms. Make shift toilets are created on the circus ground near the tents, common for the Company Girls, and the stench around them is unbearable. It also precipitated unhygienic conditions that could lead to diseases.

e. No Health Care Personnel- lack of health care personnel to look into their day-to-day health care needs as well as the accidents. There have been cases where children have fallen from great heights and met with serious accidents and were left unattended.

f. Hazardous tasks with High Risk Factor and no safety precautions - the lives of the children was endangered due to the risk factor involved in the circuses, especially those who were involved in items like ring of death, well of death, sword items, rope dance etc.

g. Remuneration- Salary accounts are often manipulated and the loss due to accidents or mishaps is not compensated. In some circuses, they are not paid any salary, or even when they are, the figure depends on the mood of the owner, and does not exceed Rs. 50 a month.

h. Gender Related Issues- Researchers uncovered severe gender discrimination, sexual harassment, and sexual abuse/ control. As part of a plan to attract larger audiences, girls are forced to be scantily clad and must endure the lewd comments made by male audience members as well as those sometimes made by members of the troupe. Male-female interaction is strictly discouraged, except in the case of the employer who often exploits the young girls for his own sexual gratification. Owners have also been found to grant these girls as sexual favors to local politicians, bureaucrats, etc.

5. Daily Routine hindering their All-round Development- In the circus, their daily routine starts with practicing, even before the sunrise, (rigorous training session initially), mostly accompanied with verbal and physical abuse and harsh physical punishments at times, for the slightest error or no error at all. Due to the cruel and inhumane attitude of the management in some circuses, which imposes restrictions on the children for meeting their folks, and also due to the traveling nature of the troupe, most of the children end up losing contact with their parents, especially those across the border or residing at far off places even within the country. They are exposed to a world which hinders their

psychological, spiritual and socio-economic development, and leaves them totally unaware of their rights, duties and scope for a better future and thus.

6. Bound by Contract- They are bound and indebted to the circus management for a period ranging from 3 to 10 years, and are unable to break away from the circus, even if they are discontented with their lives in the circus. Some owners do not even let them meet their parents, leading them to lose touch with their family members. All contracts seen by the researchers were found to be illegal.

Based on the findings of the report, it was decided by the BBA to implement a multi-fold strategy to end the use of children in Indian circuses.

It was found that of mostly children came from Hetauda, Makwanpur in Nepal and from Siliguri, West Bengal in India (the artists from India are also ethnic Nepalese). Therefore, partners in Nepal established its presence in Hetauda, and in September 2003, BBA started activities in Siliguri, to work at the source of the procurement of children. It was also important to raise the awareness levels of the masses about the menace of child labour in general and particularly, the problem of trafficking of minor girls, particularly for their use and abuse in circuses.

Concurrently, BBA conducted preparations in order to make circus owners aware of the moral and legal questions pertaining to the use of children in circuses. The process of dialogue and negotiation with the circus owners resulted in the First All India Circus Conference (AICC) on 18 and 19 August, 2003. The President, the General Secretary and the Secretary of Indian Circus Federation (ICF), the registered body of Indian circuses, attended the Conference along with a number of representatives from most of the circuses operating in India, besides the Chairperson and other members of BBA.

At the conference, after much negotiation, a plan of action for future was mapped out. The ICF agreed to make a unanimous declaration that there shall be no further use of children below the age of 14. (Under Child Labor Prevention and Regulation Act of 1986, in India, child labor is banned under the age of 14 in dangerous industries and hazardous occupations). All the circuses would stop all further recruitment of children and the children currently in the circuses would be phased out of the circuses in a time bound manner. BBA took up the responsibility to facilitate the repatriation and rehabilitation of children (in Nepal through its network of partners) released from circuses. It was also decided that legal action may and will be initiated against the non-compliant circuses. In Nov. 2003, 9 circuses sent a list of children working in them to BBA for release. (this list was cross – verified with the data available with BBA).

The words of the conference were transformed into concrete action on 27th Jan., 2004 when the Indian Circus Federation signed a Declaration to put the promises made at the conference into effect. Yielding to the sustained pressure created upon them, on that date, the first batch of children was also released by the circuses as the first of the voluntary releases. 11 children below the age of 14 were handed over to BBA to be reunited with their parents. (All of them have been reunited with their families).

But, the results were still not up to expectations. A number of circuses that are not a part of the ICF, and where the condition of artists is just as deplorable, refused to be a part of the process. Also a number of children and young girls who are victims of exploitation but are above 14 years of age were not covered under the declaration. BBA had, by now, also received a number of complaints by aggrieved parents, some of whom had not even seen their children for 10 yrs. As part of the developing multifold strategy, it was decided to rescue and release these children as a matter of priority.

As most complaints involved the King Bharat Circus (a non-federation circuses), it was decided to conduct a raid and rescue operation to release the children. Parents were called to New Delhi. Nonetheless, the biggest hurdle came as the circus could not be traced. When it was finally traced, it had changed its name from King Bharat to The Great Indian circus, to avoid parents and the law. On the 17th April, 2004, 29 artists were rescued from the circus (which had been located in Kerala) and all the children were found and released. They had horrifying tales to narrate. All of them were beaten, verbally and physically abused, and were given 10-20 Rs. per month as wages (25-50 cents a month). Some had tried to run away but were caught and beaten. Three tried to commit suicide but others stopped them. When they were rescued, one was threatened by the employer that if she said anything, her father would be killed. The poor girl could not bring herself to realize the joy of freedom and lost her mind. She is being treated for all her problems in Nepal and it has since been found that she has been a victim of sexual exploitation as well.

On the same day, another team was at the Gemini circus and was in fact negotiating with the owner (to allow them to meet a girl whose father had come in from Nepal). The message of circus raid in Kerala was given on the cell phone to the team who were dealing with the Gemini circus owner. As soon as the owner saw the message that the King Bharat circus had been raided, the circus sealed and the owner arrested, he relented and released the children immediately.

It was now observed that most children are either brought to the circus by agents, or by kin who have been duped into believing that they are providing their child with a better future and are bound by “contracts”. This system puts these children under debt bondage, as they are not allowed to leave the circuses until their contract period is over. In light of the high levels of illiteracy among adults, few parents are aware of the detrimental nature of such work or the abuses committed by such groups. Poverty also serves as a primary motive.

Most of the children coming to circuses are migrants, and are mainly from Nepal and West Bengal. Poverty and lack of awareness due to high level of illiteracy among families are the prime causal factors behind employment of young children and also in the trafficking of these children across the border to India. They can be employed either as child artists in circuses, or end up in the flesh trade. In fact, thousands of girls are brought across from the border under the garb of working for a circus and once they are out of their home and security cover, in a foreign land, they are sold in commercial flesh trade.

Trafficking in human beings and the abuses associated with it are also explicitly prohibited under a wide range of India's domestic laws, including the Indian constitution, specific anti-trafficking acts, the Indian Penal Code, and in state and local ordinances.

The Indian constitution specifically prohibits trafficking in persons. Article 23, in the fundamental rights section of the constitution, states, "traffic in human beings. ...and other similar forms of forced labor are prohibited." Article 39 guarantees equal treatment of men and women and obligates the state to ensure "that the health and strength of workers, men and women -- and children are not abused... and that children and youth are protected against exploitation." Article 42 provides protection against inhumane working conditions.

The two principal laws that address trafficking and prostitution are the Suppression of Immoral Traffic in Women and Girls Act of 1956 (SITA), and the Immoral Traffic in persons Prevention Act of 1986 (ITPPA), colloquially called PITA, an amendment to SITA. Neither law prohibits prostitution per se, but both targets commercialized vice and forbid soliciting. The language of the law defined the prostitute as female, thereby exempting males in prostitution. Even the sentencing procedures discriminated against the woman: a woman arrest for soliciting under SITA could be imprisoned for up to a year, but a pimp for only three months. SITA allowed prosecution of persons other than the women only if the persons involved "knowingly" or willingly" made women prostitute themselves.

Both the Indian and Nepali governments are complicit in the abuse of trafficking victims. The willingness of Indian and Nepali government officials to tolerate, and, in some cases, participate in the burgeoning trade exacerbates abuse. Media coverage regarding the persecution, abuse and eventual release of child circus-workers has been vast but the perpetrators have often been exempted from any sort of culpability. Recently, for example, human rights activists trying to rescue girls from the Great Roman Circus in Uttar Pradesh, India, were attacked and several were severely injured in the physical presence of high level officials including the Sub – Divisional Magistrate and police, still the owner was not arrested and imprisoned on these grounds.

The local officials often patronize the circuses and protect the traffickers. The owners pay protection money and bribes to the police. Girls and women who complain to the police about rape or abduction, or those who are arrested in raids or for vagrancy, are held in "protective custody" -- a form of detention.

Existing laws in both countries have had virtually no effect on curbing trafficking. Poor training, corruption and the lack of political will among senior government officials on both sides of the border means that the laws are never enforced. Officials also try to evade responsibility for the problem by categorizing trafficking as purely a social problem. Lack of trans-border co-operation between India and Nepal compounds the problem. Apathy on the part of both governments, the highly organized nature of trafficking networks, police corruption and the patronage of influential government officials means virtual impunity for traffickers.

Thus, trafficking victims in India are subjected to conditions tantamount to slavery and to serious physical abuse. Held in debt bondage for years at a time, they are raped and subjected to other forms of torture, to severe beatings, exposure to AIDS, and arbitrary imprisonment. Many are young women from remote hill villages and poor border communities of Nepal who are lured from their villages by local recruiters, relatives or neighbors promising jobs or marriage, and sold for amounts as small as Nepali Rs. 200 (\$4.00) to brokers who deliver them to employers in India for any where from Rs. 15,000 to Rs. 40,000 (\$500 -\$1,333). This purchase price, plus interest (which can be anything), becomes the "debt" that the women must work to pay off-- a process that can stretch on indefinitely. Only the owner knows the terms of the debt, and most women have no idea how much they owe or the terms for repayment. Brothels or circuses are tightly controlled, and the girls are under constant surveillance. Escape is virtually impossible. Owners use threats and severe beatings to keep inmates in line. In addition, women fear capture by other brothel agents and arrest by the police if they are found on the streets; some of these police are the brothel owner's best clients. Many of the girls and women are brought to India as virgins, and they return after unwanted abortions; some even with the HIV virus.

In June 2004, a raid and rescue operations was conducted in the Great Roman Circus in Gonda near Lucknow. With the help of the local government officials and in the presence of media, the BBA team tried to rescue the children. However, the might of the mafia was such that in the presence of a magistrate and fifteen police officers, the circus owner and his goons took out guns, attacked the team and several activists including Mr. Satyarthi and Bhuwan were grievously injured. The girls could not be released immediately due to the attack. However, when they were released after a Habeas Corpus petition was filed in the High Court, they had horrifying stories of exploitation and abuse (including gang rape) to narrate. The attack led to a widespread public furor and outcry against trafficking and the involvement of circuses in criminal activities.

The attack and the following incidents resulted in a huge public furor against circuses in particular and on the issue of trafficking in general. With the common man supporting the cause, several circuses had to be shut in the following months. In August 2004, the government of Bihar issued a notification that any circus which employed girls or trafficked children would not be allowed to camp which was a moral victory to the cause against trafficking.

There has been a widespread public movement in India and Nepal against trafficking due to BBA's efforts. It reached to an extent where an activist of BBA who had gone to Siliguri (West Bengal) as a follow-up after the rescue, was almost roughed up by local villagers when he tried to enquire about the rescued children. Also, some children were rescued at Betia, Bihar when they were being taken to a circus. These two cases highlight the change in trends in the rescue of trafficked children at both source and route due to increased awareness.

### **Milestones achieved (till Aug., 2004):**

- July, 2002 - Research initiated with no knowledge available with any agency about circuses.
- January, 2003 - Research completed after covering 18 states and covering more than 30,000 miles.
- March, 2003 - Dialogue and negotiation with circus owners start.
- August, 2003 – First All India Circus Conference
- September, 2003 – Established presence in Siliguri.
- November, 2003 – First lists of children to be released begin to arrive.
- January, 2004 – First release of children from the Jumbo and the Great Bombay circuses.
- April 17, 2004 – First ever raid conducted in Kerala releasing 29 artists.
- April 17, 2004 – Voluntary Release from Gemini circus.
- June 15, 2004 – Another rescue attempt at the Great Roman Circus in U.P., Raid team attacked by circus owners and hired goons, several activists are seriously injured and one girl is rescued, rest of the girls are missing.
- June 26, 2004 – June 26, 2004 – Acting on the complaint filed by the BBA, the Nepalese authorities intervene and the first batch of 12 girls is released.
- July 28, 2004 – Acting on the Habeas Corpus filed by the BBA, The High Court orders the release of all girls from the Great Roman Circus and these girls are repatriated back to Nepal.
- Aug. 13, 2004 – Another raid in Bihar results in the release of 7 girls. In a landmark decision, the Govt. pays compensation to the victims and takes responsibility of their repatriation and rehabilitation
- Dec., 2004 – Taking a cue from BBA, NGOs and govt. authorities rescue a number of girls from a circus in Nepal.
- Jan., 2005 – Local youth in Uttar Pradesh prevent the Circus from performing as the circus employed children.
- May, 2005 – The extent of awareness has become so high that any person enquiring on circuses is looked at with suspicion. In a village in Siliguri (West Bengal) in India, an activist of BBA inquiring about circus children was ruffed up by local villagers as they thought he was a pimp.
- 5<sup>th</sup> June, 2005 – 12 Nepalese children were rescued while on their way to a circus from Betia in Bihar.