

The Children's Prison: Street Children
and India's Juvenile Justice System

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Tens of millions of children live in the streets of cities scattered all over the world. While their presence may be noticed in developed as well as developing countries, however, the majority of street children live in the poor nations of Africa, Asia, and Latin America, especially India and Brazil. Some estimates put the number of street children living in India's six most populous cities at 500,000; more than 100,000 may be found in Delhi alone.² War, poverty, urbanization, rapid economic growth, the breakdown of families, and domestic violence are the most immediate causes of this phenomenon's growing proportions. Children are often more vulnerable to the devastating effects of their countries' political and economic crises; their governments often fail to provide effective protection or adequate material support. If some children are lured to the streets by the exciting prospect of being completely free, most are driven there by despair. In most cases, they simply have nowhere else to go.

Any intervention aiming to rehabilitate and care for street children requires that we understand their social and family background, the reasons that forced them to leave their homes, and the lifestyle that the street thrusts upon them. Understanding constitutes the main objective of this report, which endeavors to shed some light on the lives of street children, the inadequacy of the government's response to their growing numbers — above all, the reformatory-gulags where they are frequently incarcerated — and the contribution that humanitarian organizations can make to improve their existence. Every child has a unique story to tell. As important as it is to quantify this phenomenon, numbers alone are of little help in understanding the context in which they live, the desperation that leads them to run away from home, and the challenges they struggle with to survive on the streets. We have conducted about 30 interviews with former street children in the city of Vijayawada, India, precisely because we sought, as much as possible, to immerse ourselves in their daily lives. These interviews were conducted at *Daddy's Home*, a village for street children built by *Care & Share Charitable*

¹Our research was conducted in the summer of 2004. The resulting report could not have been written without the children who have courageously shared their sad and at times graphic stories. Its content reflects exclusively the views and the interpretations of the authors. Federico Ferrara is a PhD candidate in Political Science and Government at Harvard University (ferrara@fas.harvard.edu). Valentina Ferrara recently graduated from the University of Trieste (Italy) with a degree in Cross-Cultural Studies.

²See <http://www.indiangos.com/issue/child/street/statistics/issue1.htm>.

Trust.³ We narrate their stories here, enriching our descriptions with their riveting, compelling, and often downright terrifying testimonies.

India's Street Children

India is home to millions of indigent children. Many of them — all too often illiterate, sick, and malnourished — live in neglect with wretched families who cannot take care of them. Millions more are forced into the work force at the time they should be learning how to read and write. Millions still live in the streets as a result of the loss of their loved ones, the breakdown of their families, or simply because they no longer could endure the abuses inflicted upon them by parents, relatives, and employers. While this phenomenon is by no means new, globalization and economic liberalization have in some instances aggravated the vulnerability of children. In India, where the staggering economic growth continues to produce scores of *nouveau riches*, the distribution of wealth has grown increasingly unequal. Such growth has certainly not reduced poverty, which continues to afflict hundreds of millions.

Estimating the world's true number of street children is a hopelessly complicated task. Because of their very lifestyle, street children are not included in official statistics that rely on data collected by surveying families or schools; any estimate is therefore necessarily imprecise. According to *UNICEF* and the *World Health Organization* (WHO), the steadily growing number of street children worldwide could be between 100 and 150 million.⁴ India has the highest concentration:⁵ in 1994, *UNICEF* itself estimated that 11 million children lived in the streets of India, while other groups put the number as high as 18 million. Two in three are male. Moreover, while the majority are between 11 and 15 years old, a large percentage belongs to the 6-10 age group.⁶

Contrary to conventional wisdom, most of the children roaming the streets of India's cities and villages have a family to which they could in principle go back. Some studies reveal that as many as 90 percent of them could live

³*Care & Share*, founded in 1997, runs a sponsorship program for orphans, run-aways, and indigent children. Its *Daddy's Home* campus — established in the year 2000 — now houses more than 500 children. For more information, see <http://www.careshareindia.org>.

⁴J. Le Roux, "The Worldwide Phenomenon of Street Children: A Conceptual Analysis," *Adolescence* (Winter 1996).

⁵United Nations Development Program, cited in *Human Rights Watch*, "Police Abuse and Killings of Street Children in India," 1996.

⁶I. Seure, "A Research about Street Children and the Possibilities for Setting Up Children's Unions to Defend their Rights," 2000.



Children earn a living on the streets of India.

with parents or relatives if they so wished, though their families are invariably destitute.⁷ In most cases, therefore, it is the children who choose to leave their homes and take care of themselves. Many end up at the train station, where some look for work while others become vagabonds, criss-crossing the country on its vast and intricate railway network. They live miserably. They endure constant hunger and malnutrition, which are often accompanied by scabies and dysentery. On the streets, they may be found working a variety of jobs: they clean train compartments; they collect plastic, aluminium, paper, and anything else they may be able to resell; they serve as paperboys, shoeshiners, dishwashers, or porters for hotels and local businesses; they play music, juggle, or simply beg. Their lifestyle exposes them to the many grave risks that derive from their frequent involvement in drug trafficking, organ trade, prostitution, pornography, and slavery.

On the Streets of Vijayawada

The city of Vijayawada is located in the south-central state of Andhra Pradesh, on the Deccan plateau. Andhra is well known for its legendary dynasties, its rich literature, its melodious Telugu language, the vibrant *Kuchipudi* dance,

⁷Asian Centre for Human Rights, *Report 2003*.

the swarming pilgrimage destinations of Puttaparthi and Tirupati, and the more recent *Ramoji Film City*, one of the world's largest and best equipped movie studios. Thanks to its massive agricultural production, it is often known as India's "rice bowl." Today, in spite of the aggressive campaign undertaken by the state government to transform it into the "number one state" — primarily through the heavy investments in information technology that have attracted the praise of the likes of Bill Gates and President Clinton — Andhra remains a largely impoverished state. In addition, it vaunts the dubious distinction of having the highest concentration of HIV infections in the entire Indian Union.⁸

Vijayawada — sitting on the banks of the sacred river Krishna — is Andhra's third largest city, after the capital Hyderabad and the port city of Vishakapatnam. It is inhabited by an estimated population of 1.2 million. With more than 200 long-distance trains passing through every day, it is one of the nation's busiest railway junctions. Moreover, National Highways 5 and 9 — which connect Delhi, Mumbai, and Calcutta with the south of India — bring a steady flow of trucks and buses. Because of its very accessibility, more than 40,000 people — among them, scores of street children — migrate to the city every year. Most of them come here from rural and coastal Andhra to escape underdevelopment, unemployment, water scarcity, or food shortages.

The survey conducted by the *Forum for Child Rights* in May 2001 has counted 235 children — on average, 33 a day — who arrived at the Vijayawada railway station over the course of a single week.⁹ The majority of them hailed from other towns and villages within Andhra, while only about 10 percent had travelled from out of state. Vijayawada's "main attractions" — abundance of cheap, tasty food, availability of water to drink and bathe, ease of finding employment, and the presence of over 40 movie theaters (by far, the children's favorite pass-time) charging a mere 4 Rupees (10 cents) for admission — render the city a particularly popular destination for runaway children.¹⁰ Essentially, the city offers them comparatively greater opportunities to provide for their basic needs and occasionally entertain themselves.

⁸*Hindustan Times*, July 4 2005.

⁹*Forum for Child Rights*, "Report on the Status of Street Children in Vijayawada City," 2003.

¹⁰*Vasavya Mahila Mandali*, "An Operational Research on Burning Childhood: The Child on the Street," 2004.



Mud huts gracing the banks of a Vijayawada canal.

In spite of the prodigious economic growth experienced in the last decade — particularly in the agricultural and service economy — a high percentage of Vijayawada’s population still lives in the miserable makeshift homes made of scrap plastic, tarp, and mud that litter its landscape. Slums have arisen just about everywhere: around markets, bus terminals, swamps, warehouses, along the river Krishna and the city’s many canals. 320,000 people — approximately 30 percent of the population — are amassed in over 220 slums.¹¹ These sprawling slums, which are quite different from one another, share a total lack of hygiene and sanitation. They are often located in inhospitable and inaccessible areas. In such god-forsaken places, where many parents cannot provide for their children’s most basic necessities, the children are often forced to look out for themselves as best they can.

Ravi, Nagunath and Basha are the names given by veteran street children to the novices who end up on the streets of Vijayawada and will all too soon learn the law of the jungle. Their real names are often forgotten. In Vijayawada — where they are alternatively known as *Adukkune Pillalu* (children who beg), *Veedhi Balalu* (street children) or *the Railway Platform meeda adharapadi jeevinchu pillalu* (Railway Platform children) — a 1989 *UNICEF* report estimated the number of street children to be 19,800. Such a figure includes those who live in the streets or the railway station, those who are orphans and homeless, and those from the surrounding slums who work in the streets. The same year, a study conducted by *Snehabhavan* (a children’s hostel) observed only two or three thousand children between the

¹¹*Forum for Child Rights*, 2003.



The Brahmarambapuram slum, Vijayawada.

age of 10 and 18.¹² In November of 2002, however, *The New Sunday Express Magazine* reported that Vijayawada is believed to be home to as many as 60,000 street children.

The data collected by the *Forum for Child Rights*, which comprises the area's major NGOs, allow us to trace a demographic profile of Vijayawada's street children. The typical street kid is a boy between 11 and 13 years of age; a large majority are Hindu and belong to castes that the government designated as "backward."¹³ Street children are driven out of their homes by poverty and violence. More than 75 percent, in fact, mention the breakdown of their families and the repeated abuse as the precipitating causes. Such abuses generally begin or intensify when one of the parents remarries and the child ends up being considered inferior to the step-parent's sons and daughters. In other cases, street life is not a choice — albeit one compelled by unbearable circumstances — but the consequence of abandonment or the loss of both parents.

The children often tell gruesome stories of the events that terrorized them

¹²W.P. Gummadi, "Economic profile of street children of Vijayawada," Social Work Dept.of Nagarjuna University, Vijayawada, 1990.

¹³*Forum for Child Rights*, 2003.

into fleeing their homes. Govinda Raj's sister cut his Achilles' tendons at age 5 to prevent him from running off. Kumari — only 8 years old — was found branded all over her body. Since the age of 6, Lakshmi was forced by her grandmother to roam the city and beg — in her arms her two younger sisters. Upon their return, the grandmother invariably took away their meager earnings, dazed the girls by tossing chilli powder in their eyes, and then left them tied up to a chair while she went to the movie theater.

On the streets, the children are employed in a myriad occupations. Some help in the cleaning of railway platforms and train compartments. Others dedicate themselves to what is the quintessential job for street children — ragpicking — which consists of rummaging through piles of garbage searching for rags, plastic, paper, or any item they may be able to place on the second-hand market. The children we interviewed seemed to prefer working autonomous jobs with a daily pay over salaried occupations in businesses or private homes, which are usually remunerated on a weekly or monthly basis. Ragpicking and platform sweeping, in fact, are jobs that put some money in their pockets every day and allow them to preserve their independence. Compensation varies greatly by age and occupation. Street children sometimes earn as little as 10 Rupees a day (25 cents), while their daily income rarely exceeds 100 Rupees (\$2.50). Often, they must resort to petty theft to survive. Pickpocketing and stealing food, bicycles, and construction materials are the most common offenses, while violent crime and drug trafficking are diffused but less prevalent. Many simply panhandle.

Local NGOs operate a number of homes, hostels, and shelters — among them, *Navajeevan Bala Bhavan*, *AMG*, *SKCV*, *Happy Home* and *Daddy's Home* — designed to accommodate street children. Many of them, however, view such organizations with suspicion; often, they leave these structures shortly after having been welcomed there. Many of these homes, in fact, require that the child attend school and comply with more or less stringent behavioral rules. To protect the freedom that street life guarantees, many choose to sleep on sidewalks, street corners, or night shelters over the safety and relative comfort of the homes. Such supposed freedom, however, exposes the children to disease, exploitation, and further abuse. Sniffing toxic substances like glue and other solvents is commonplace. In addition, their lifestyle often puts them at high risk of contracting sexually transmitted diseases like HIV/AIDS. According to the *United Nations*, one-half of Vijayawada's street children have a sexually transmitted disease or infection;



Jail cell, Vijayawada Railway Police Force in July 2004.

one-third are HIV positive.¹⁴

In many, too many cases, abuses are perpetrated by the law enforcement agents who are formally responsible for their protection. Street children are frequently beaten, tortured, and even murdered by police, who illegally detain them on a regular basis.¹⁵ Once taken into custody, the children are subjected to inhumane conditions, such as those we have ourselves observed in the urine-flooded jail cell of the Railway Police Force in July 2004. During their detention, the boys we interviewed were brutally victimized. The police beat their legs, hands, backs, and feet — often with nightsticks and bent telephone wires — to extort confessions or as punishment for having urinated on the walls or having begged for some food.

¹⁴UN Wire, “HIV/AIDS: 30 Percent of Street Children Affected in Indian City,” UN Foundation, May 10 2000.

¹⁵*Human Rights Watch*, 1996.

India's Juvenile Justice System

The *Juvenile Justice Act (Care and Protection of Children)*,¹⁶ approved in 2000 to reform the 1986 Act, is designed as a comprehensive legal framework by which the Indian government has pledged to alleviate the devastating impact that underdevelopment, poverty, and crime have on children. The Act spells out the government's responsibilities in the care, the protection, and the development of neglected children, but also tackles issues related to crime prevention and the rehabilitation of juvenile delinquents.

The provisions contained in the *Juvenile Justice Act* apply to two categories of children: those defined "in conflict with the law" and those considered to be "in need of care and protection." "In need of care protection" is an ample designation encompassing minors found begging on the streets, those who are homeless, those who have parents declared unfit because of their indigence or lifestyle, those who have suffered physical or sexual abuse, and those who are believed to be at high risk of being abused in the future. Virtually all street children fall into this category. Juveniles "in conflict with the law," instead, are those apprehended for violating the Indian penal code.

The Act sanctioned the establishment of new institutions charged with the care of neglected and delinquent children. *Observation Homes* serve as temporary holding facilities for juveniles who were arrested by the police or found to be living in neglect. Juveniles "in conflict with the law" remain there awaiting trial; if convicted, they are institutionalized in *Special Homes* like the one operating in Hyderabad. Children "in need of care and protection" stay there pending the completion of a government investigation aiming to track down their parents and collect information on their family background. If the parents turn out to be dead, untraceable, unfit, or simply unwilling to take the child back, the *Juvenile Welfare Board* arranges for the child's placement in a *Juvenile Home*, where the government is responsible for providing room, board, education, and vocational training. In Andhra, *Juvenile Homes* were instituted for boys in the towns of Eluru and Cuddapah and for girls in the cities of Vishakapatnam and Hyderabad.

The story of the *Juvenile Justice Act* is one of broken promises and dashed hopes. All too often, the Act is implemented inadequately or not at all. Because it is legislation enacted by the union government, application is responsibility of the state and local administrations. Years after this introduction, many states have failed to incorporate the act in their legislative apparatus

¹⁶Act 56 of 2000

or dispose the necessary measures to render the law efficacious. In addition, while filling a gaping legislative lacuna, the *Juvenile Justice Act* is *per se* inadequate to deal with the growing numbers of street children. In particular, while the law distinguishes juveniles “in conflict with the law” from those “in need of care and protection,” the law effectively criminalizes both by putting them under the jurisdiction of the criminal justice system. The two groups are generally housed together in *Observation Homes* for months on end: adolescents who have committed serious offenses are kept together with children — often much younger — whose only crime is that of being neglected. In practice, there is no difference in the nature of their detention. The law simply prescribes the confinement of both as the only means by which they can be rehabilitated.

The *Pilla* Jail: Vijayawada’s Observation Home

The *Government Observation Home for Juveniles* of Vijayawada was established in 1954. As noted, the boys are brought there by the police for minor violations of the law or simply for roaming the railway station and bus stand. Many of the thousands of street children who live in Vijayawada are eligible for confinement in the Home. Historically, a large majority of the children who have been detained there were street children who had not committed any crime.

The *Observation Home* is housed in a dishevelled three-storey building near Benz Circle, in the heart of the city. On the ground floor is the archive — overflowing with papers — the Superintendent’s office, and the room where the *Juvenile Welfare Board* meets every Friday. The room is completely empty; only a table and a few chairs fill the space. On the walls, a grainy portrait of Gandhi and a faded picture of Mother Teresa serve as the only decorations. One flight of stairs up, the filthy room occupied by the guards is adorned by posters of the most disparate deities, a table, a television, and some bamboo sticks temporarily resting on the corners. Behind a barred-shut metal door, we finally meet the children. When we first visited — in June 2004 — 130 children ranging from 3 to 18 years of age were kept in three rooms whose combined size does not exceed 700 sq. feet (about the size of a normal one-bedroom apartment). Of them, only 9 were awaiting trial.¹⁷ The squalid rooms were gloomy and unadorned: the shelves were

¹⁷The *Juvenile Justice Act* defines “juveniles” as individuals who have not attained the age of eighteen years; it does not specify, however, the minimum age at which the children

empty, the walls desolately bare. The children looked weak and emaciated; scars, rashes, and skin infections were scattered throughout their faces and bodies. Dark circles tellingly framed their sunken, faraway eyes.

In June of 2004, the *Observation Home* Superintendent granted *Care & Share*'s repeated requests and released ten children, primarily because of overcrowding and persisting food shortages. The first to be released were the smallest children among the orphans and those whose parents had never reclaimed. On July 3, the first group got ready to leave; on them, the tattered clothes they were wearing when they were first taken to the *Observation Home* months earlier. We get in the car. The children look around, giggle, and point to everything they recognize. They have no idea where they are going, but they appear serene nonetheless. We take them to *Daddy's Home*, where for the first time in months they would eat a hearty meal and spend the night in a safe place.

Our interviews begin here. Once the children had adjusted to the new surroundings, we tactfully and discretely discussed with them various aspects of their lives in the *Observation Home*. Contrary to our expectations, the boys proved hardly reticent. They answered each of our questions — even the most personal and embarrassing — with surprising loquacity and candor. Unfortunately, in spite of our translators' best effort, we could not completely overcome the language barrier. In some instances, we were not able to resolve evident contradictions; in others, we could not clear up obvious misunderstandings. Nonetheless, while significant details ended up lost in translation, the number of interviews we conducted allows us to trace a detailed and highly corroborated account of life in the *Observation Home*. In the span of two months, during which about three dozen children were released, we interviewed 31 boys ages 4-14. Time and time again, we heard the same, grisly stories.

What we have found in our interviews can be summarized in a single sentence: the *Observation Home* — also known as *pilla jail* or children's jail — effectively operates as a gulag for street children. Life there is horrible. In sharp contrast with the ambitious goals outlined by the Indian government in the *Juvenile Justice Act*, the life of children who have the misfortune of ending up there is frequently more horrifying than the family environment they escaped and often more wretched than the life on the streets from which

may be confined in government homes.

the government supposedly rescued them.

The *Juvenile Justice Act* invests the government with the responsibility to care, protect, and work for the development and Rehabilitation of Neglected and Delinquent Juveniles. Every *Observation Home* to which a juvenile is sent under the Act shall not only provide the child with accommodation, maintenance, and medical assistance, but also provide him/her with facilities for useful occupation. No such thing is available in Vijayawada's *Observation Home*. The children are never allowed outside. Often, they are packed in one room, where the guards can control them more handily. They spend most of the day sitting cross-legged in silence; they can only get up to go to the restroom and pick up their food rations. Many suffer from the back aches and joint pains that inevitably derive from maintaining the same position for hours.¹⁸ They cannot play, speak, or joke with one another. Neither can they gaze out the window for too long, as this invariably leads to accusations of planning an escape. The only entertainment offered is a few hours of television in the afternoon, but the kids are not allowed to laugh.

Even more than the perpetual inactivity, hunger is cited by most of the children as the worst aspect of their detention. The government supplies food for three meals a day. Breakfast consists of some milk with a fistful of *gondunrava* (similar to cornflakes); for lunch and dinner, they receive a meager portion of steamed rice and vegetable curry. Clearly, the children do not receive a sufficiently diversified nutrition. In addition, the government only supplies the *Observation Home* for a maximum of 100 boys. When their numbers exceed 100 — as they often have in recent years — the children eat much less than a full ration. If they plead for more food, they run the risk of being beaten. Many of them display obvious signs of malnutrition; hunger gives them painful stomach cramps.

The little food they get is virtually inedible. Reportedly, the dishes are not always washed after every meal. With the stale rice they are given for lunch and dinner, the children often find worms and cockroaches crawling over the leftovers from previous meals, still stuck to the plates. One child remembered learning that a few years ago a boy had committed suicide in the *Observation Home* of Vijayawada. He said: "I think that boy killed himself because he couldn't bear being hungry all the time."¹⁹

¹⁸One of the boys told us — weeks after his release — that he still wasn't able to walk normally.

¹⁹In fact, the circumstances of 14-year-old Shaik Kaleshvali's death in 1997 remain unclear. Officially, the boy hung himself. However, when Shaik — who had previously



Overcrowding, the *Observation Home* of Vijayawada in July 2004.



Boys disfigured by scabies in the *Observation Home* of Vijayawada, July 2004.

The children's health conditions are a major cause of concern. Scarce hygiene, insufficient nutrition, and the lack of space render the children easy prey to a variety of highly contagious diseases. The children "bathe" every day. Nonetheless, the boys must share a single bar of soap and are each provided with an amount of water that hardly exceeds one quart. Also, the boys are allowed to change clothes very infrequently — once a week or less — even though *Care & Share* had supplied three sets of new clothes per child. The guards do not bother to clean the halls and bathrooms, which are infested with cockroaches and lice. As a result, the stench is unbearable. All of the children have scabies. Some suffer from severe cough and fever; many others have skin infections, dysentery, herpes zoster, genital warts, and sexually transmitted diseases. The Home, however, does not have sufficient funds to provide medicines or the manpower to take the children to the Government Hospital. A doctor employed by *Care & Share* visits the home once a week to attend on the needy and administer vaccines, but such intervention cannot completely offset the consequences of the neglect to which the children are subjected.

We have also established that systematic physical abuse takes place in the Home. Some of the guards, who are for the most part solely trained as corrections officers, regularly beat the boys with belts, bent telephone wires,

been savagely tortured for refusing to perform sexual favors for the elder inmates — was found, his feet were still touching the ground. *Indian Express*, "Suicide" opens Pandora's box in AP Home for Boys, July 16 1997.

and the long bamboo sticks that can be found everywhere on the premises. Often, such beatings are inflicted as punishment for having fallen asleep during the day or having requested additional food or soap. Some of the children are forced to stand in uncomfortable positions for up to two hours as punishment for small violations such as laughing too loud or speaking to other boys when forbidden to do so. They are beaten if they fail to maintain the position.²⁰ In addition, the guards frequently coerce the boys — even 4-5 at a time — to massage them throughout their bodies.

The guards R. and M. have distinguished themselves for sadism and cruelty. As punishment, R. has occasionally forced the children to eat their own excrements. In addition, these individuals have reportedly subjected the boys to various forms of sexual abuse. Shortly after his release, a boy stated that M. generally chooses to have sexual liaisons with the older boys. Another confessed to having been raped by R. — who also appears to habitually masturbate in front of the television — and added that other boys had suffered the same fate. Nagunath — who is only 13 — revealed to us the lurid details of his ordeal:

R. took me to the bathroom on the first floor and raped me from behind. I started vomiting. When he was finished, he forced me to eat my own vomit.

The smaller children are frequently tormented and abused by the older boys. To work less and spend less time in children's quarters, the guards confer the title of "leader" to five or six boys chosen from among the oldest and often the most feared because of their size or the reputation that derives from having committed a heinous crime. With the role of leader comes the responsibility for enforcing silence and order. However, such a position is also one of privilege. The little *kapos* are entitled to more food, can stand and move around at their own pleasure, and can smoke the cigarettes supplied to them by the guards.

²⁰The *murga* or *cock* position is infamous throughout India: the boy is forced to bend over; his hands must hold the ear lobes while the arms are wrapped around his thighs.

The Observation Home Boys



Papa Rao: Papa Rao has been taking care of himself since the age of 5, following the death of both of his parents. When he was about 11, some friends persuaded him to help them rob a local store. The following morning, Papa Rao awoke to the blows that the store owner was inflicting on him. He was taken to the police station, where he was beaten for days until he revealed the identity of his accomplices. Then Papa Rao was moved to the *Observation Home*, where he spent an entire year. Time went by slowly. He was even hospitalized once because — he claims — he couldn't stop vomiting due to the unbearable stench. He was finally released, as those who had pressed charges against him failed to show up to his trial. Today, Papa Rao is 19, lives in *Daddy's Home*, and attends eleventh class.



Avinash: At the age of 8, Avinash was forced by his mother — a local prostitute — to quit school and start selling tea in the streets of Vijayawada. Some years ago, the mother — who suffered from a serious heart condition — was rushed to the hospital. As she lay on her death bed, Avinash stole the Rs. 200 she had with her to pay for her medicines. He never saw his mother again. The same night, the police found him loitering in the vicinities of the hospital and took him to the *Observation Home*. Only a few weeks after, Avinash was noticed by *Care & Share* staff members, who immediately sought his release. Since his mother had in the meantime passed away, *Care & Share* tracked down one of his uncles, who agreed to sign his release paper only under the stipulation that he would no longer have anything to do with the boy.



Kali: Kali, 11, rarely speaks about his past. He doesn't know where he is from, nor does he remember his parents. His first memory is of the day he was abandoned. Of him, we only know that he spent several years in a government orphanage, whose dire living conditions induced him to escape. Kali took shelter at the railway station but was quickly noticed by police. Thinking he was lying when he told them he neither remembered his parents nor his home town, the policemen beat Kali for hours. Today, after spending a few horrifying months in the *Observation Home*, Kali lives in *Daddy's Home*. He is struggling to return to a normal childhood.



Manikanta: A native of Bangalore, he grew up in an abusive family, where he repeatedly saw his drunk father beat his mother. One day, the beatings led to tragedy: the father stabbed the mother to death, apparently in the presence of the children. Once remarried, the father turned against Manikanta, beating him time and time again, bashing his head against the wall, and even burning his hands and face with a burning iron rod. Manikanta — exhausted — couldn't take it anymore. He ran away and initially had the good fortune of being found by a family that took him into their home. After some time, however, he ran off again. This time, though, it was the police that found him and brought him to the *Observation Home*. After some weeks, he was transferred to the *Juvenile Home* of Eluru, where he stayed for four years.



Basha: Basha comes from Anantapur, one of Andhra Pradesh's most impoverished districts. After his parents — both alcoholics — sold his younger brother in temporary slavery, Basha ran away from home. Eventually, he was apprehended by the police and taken to the *Observation Home*. When his parents came to pick him up, the guards demanded that they pay Rs. 500 to obtain his release. They travelled back to Anantapur, but were only able to raise Rs. 200. Once they returned to the *Observation Home* — hungry and dressed in tattered rags — the guards refused to accept their money, given the presence of the *Care & Share* staff, and immediately released Basha. Subsequently, Basha and his parents (who were offered a job) moved to *Daddy's Home* with the sister and the younger brother, who had finally been freed. Unfortunately, the family remains in turmoil. The mother recently went back to Anantapur to escape the creditors to whom she owes Rs. 10,000.



Mohit e Rohit: They were found wandering the streets of Bombay when they were 4 years and 18 months old, respectively. After spending a whole year in Bombay's *Observation Home*, they were transferred to Vijayawada. One of them, it seems, had indicated that his parents lived in Andhra Pradesh. After 4 months of incarceration, *Care & Share* obtained their release. Little is known of their family background, as the boys have never said a word about their past.

Numerous details of the conduct of the so-called “leaders” emerged from our interviews. The leaders continuously steal food, milk, clothes, and soap. Like the guards, they habitually demand that the children massage them, as we ourselves observed during an unannounced visit, and beat them ferociously with sticks and aluminium water glasses. Beatings — most often designed to coerce the children into performing sexual acts — are the norm. Seven of the children we interviewed, in fact, confided to having suffered various forms of sexual abuse at the hands of leaders.

The *Observation Home* is set up by the government for the temporary reception of minors pending any inquiry regarding them under the *Juvenile Justice Act*. The Act provides that inquiries shall be held expeditiously and shall be completed within three months. Many of the boys, however, spend 8 months or more confined in the Home, as the *Juvenile Welfare Board* invariably fails to complete its inquiries within the time frame specified by the law. To make matters worse, when parents arrive to reclaim their children the guards often try to extort money from them, charging considerable sums to grant their release. Families that come to take their children back often go home empty handed because they cannot afford the bribe. In addition, the parents themselves often lack the means or the willingness to care for their own children. In many cases, restitution is complicated by the fact that the parents live on the streets, around garbage dumps, or in a squalid bordello.

Children who have no one to take care of them are hence condemned to languish for years in government detention facilities. Their captivity — not justified by the commission of any crime — in the *Observation Home* first and then in the *Juvenile Home* of Eluru lasts until their eighteenth birthday. Even in Eluru, where life conditions are appreciably better, children who are only culpable of being “in need of care and protection” spend their entire childhood behind prison walls.

The Role of NGOs, Past and Present

Intervening in the *Observation Home* has placed humanitarian organizations like *Care & Share* in front of a difficult dilemma with practical and moral implications. On the one hand, one may consider any cooperation with the administrators of this prison for children tantamount to complicity with the horrors that take place in the Home. On the other hand, however, while appeals to government institutions — repeatedly made in the past — and calls for the involvement of international child rights organizations have scarce

possibilities of ushering in real change, the needs of the children who at any time find themselves in this dreadful place cannot be ignored. These boys, who inevitably suffer from the psychological traumas caused by the painful events that led them to live on the streets — like abandonment or the breakdown of their families — are forced to not only live in conditions of perpetual listlessness, malnourishment, filth, and overcrowding, but also withstand constant intimidation and abuse. It is imperative that humanitarian organizations strive to improve their quality of life rather than abandon them to their own fate.

Care & Share's work in the *Observation Home* began, upon the request of the Superintendent, in May 1999. Initially, the goal was simply to render the lives of the children a little more bearable. To attenuate the devastating effects of malnutrition and lack of hygiene, *Care & Share* provided much-needed food and medical assistance. For years, its staff has been distributing milk, bananas, and biscuits on a daily basis; in multiple occasions, moreover, it cooked rice and curry meals for all the children. Subsequently, *Care & Share* has repeatedly cleaned and repainted the locales in order to render them more comfortable and sanitary and has regularly supplied clothing in the hope that the boys would be allowed to wear clean clothes with greater frequency.

In addition to attending to the children's basic needs, *Care & Share* has also provided the Home with materials and personnel to entertain the boys and occupy them with useful and constructive activities. It donated a television and some toys. More importantly, two *Care & Share* employees spend seven hours in the *Observation Home* six days a week to teach the children basic literacy and some manual skills. Their constant presence, at least during the day, is also aimed at reducing the abuses perpetrated by guards and "leaders," and hence allow the children to spend a few hours without the fear of being beaten or otherwise mistreated.

Care & Share has also worked to speed up release and transfer procedures. As said, three dozen boys were released last summer and were either taken back to their families or housed in *Daddy's Home*. Subsequently, thanks in part to a scathing report filed by a government agency denouncing the conditions in which children were being held, *Care & Share* assisted the Superintendent in the release or transfer of all the 100+ street children that had not committed any crime. While many of them were moved to the *Juvenile Home* of Eluru, to this day some are living in the *Daddy's Home* village. At the same time, the *Forum for Child Rights* has built a stronger relation-



Raju, in the *Observation Home* (left) and a year after his release (right).

ship with the *Railway Police* in an attempt to persuade law enforcement to entrust NGOs with the care of children found to be “in need of care and protection” instead of taking them to the *Observation Home*.

Care & Share’s intervention has achieved results that can only be considered satisfactory. A year after the completion of our research, today only 18 boys — all of them awaiting criminal trials — live in the *Observation Home*. However, if the short-term objective — alleviating the children’s sufferings — has certainly been achieved, humanitarian organizations still have an important role to play. Organizations like the *Forum for Child Rights* may have a decisive impact on the manner in which the *Juvenile Justice Act* is implemented. The Indian government, in fact, has recently strengthened its cooperation with NGOs, even in the management of structures — like the *Observation Home* — that once were under strict governmental jurisdiction. Locally, the *Forum for Child Rights* was invited to participate in the activities of the *Juvenile Welfare Board*. Through the direct participation in decision-making bodies responsible for the rehabilitation of street children, the *Forum* and similar groups throughout India can monitor whether the children are held in conditions that respect their rights and satisfy their necessities, can reduce the time necessary to investigate the children’s background, and can speed up the bureaucratic procedures resulting in restitution, adoption, or

transfer.

It is beyond doubt, however, that the most difficult challenges require a much longer-term commitment. It is in fact necessary that organizations like the *Forum for Child Rights* work towards the complete overhaul of the *Juvenile Justice Act* through legislative initiatives and lobbying efforts at both the local and national level. Most importantly, the distinction between children “in need of care and protection” and those “in conflict with the law” must be rendered complete and effective. Specifically, the *de facto* criminalization of street children must be ended by placing the relevant legislation outside of the criminal justice system and by transferring their care and protection to agencies — whether governmental or non-governmental — whose personnel is trained in social work, not correction.

In addition, in cases where both re-uniting the child with his/her family and adoption prove to be inadequate or impracticable solutions, viable alternatives to detention must be devised. Greater emphasis, in particular, must be placed on the rehabilitation and personal development of former street children. While the current policy of the Indian government is limited to reducing the number of children on the streets and making sure they are in no condition to harm themselves or others, the priorities must be represented by their education, their physical and mental health, and their re-entry into society as responsible and productive citizens. NGOs like *Care & Share* have been recently invited to help manage *Observation Homes*. While it is certainly auspicious that the government increasingly delegate the care and development of street children to humanitarian organizations — unquestionably better equipped to perform such tasks — their involvement cannot imply direct participation in the administration of facilities founded on detention. Care and rehabilitation cannot be pursued by depriving the children of their personal freedom. On the contrary, such objectives can only be accomplished in places where the children can be motivated, where they can be provided with the means, the confidence, and the self-image they need to fully realize their potential, and where they can feel free, cared for, and loved. Above all else, street children must be given their childhood back.