

Tackling Child Abuse: Madhya Pradesh

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Why are laws intended to protect the right of young women and children, so poorly implemented everywhere?

Child abuse manifests itself in several forms and dimensions - physical exploitation (child labour), emotional trauma (child prostitution) and marital harassment (child marriage). In MP the last two abuses are more rampant than the first one although the effect of exploitation is more debilitating to the child than the latter two. Passing through the national highway from Mandsaur to Neemuch in MP, we see in the months of January-February lush poppy crop and young Bachada girls smiling and gesturing at you and welcoming you at their 'dhaba's. Poppy crop brings wealth to the district of Mandsaur and the smuggling of opium is a big business in the district. The official price of opium is Rs. 300 per kg but the black-market price of Rs.10,000 per kg.

While I sat sipping a glass of tea in a dhaba, I saw a small staircase going down to the basement and I asked the middle aged lady cashier where it went. She smiled and said it was not for me. Then I asked for whom? For truckers. Then I was more curious and I ordered another round of tea and samosas. I continued the conversation. Then she said I could go down. As I stepped down the stairs I was astonished to see nice cabins laid with cots and a music system. I saw a placard that 'Sola Number' was available - that was the code word for a 16-year-old girl. I continued my road journey towards Neemuch and my Isuzu trooper was an attraction for the lady managers of dhabas. Another dhaba girl called me, "Seth, is this a phoren gadi" I said yes. Can you take me in this she asked and I said yes. Then she hesitated to get into the Isuzu. My next stop was near a shanty house and the women folk gathered and I was told, "Doctor log tang karte hai". I said "I am not a doctor". Then I asked them why they are against doctors. Then they said "they come and test us for HIV/AIDS and we are rounded up by the police". Once they found I was a non-medical person they felt at ease and permitted me to talk to young girls. Manju (a fictitious name) is 15 years and is already a mother of a girl child. I asked her whether her clients who visit her use condoms and whether she is aware of HIV/AIDS 'bemari'. She said yes and "I make them pay advance before they sleep with me and I make sure that they are using condoms". "if they are not using condoms then they go back without getting refund". Do you store condoms, I ask. Yes, she says but the ANM charges

Rs 15 per packet. She asked me whether I could supply condoms (subsequently I sent her a packet of condoms through the sarpanch of the village). I asked her whether she liked this work. She started crying. After a while she replied pointing to her small baby "Sab, this boy belongs to a doctor in Ujjain". I asked her how she could tell that. She looked at me and continued "I have put his name in the birth register of this village as the father of this child. Let him deny."

I could see the agony of Manju and several such girls all along the Mandsaur-Neemuch road. Smart innocent and simple - forced by their parents to get into this flesh trade. These Bachada girls are also involved in opium smuggling and the truckers are the conduit for these operations. But the girls are caught for several offenses - sex offence, smuggling offence, offence under Prevention of Immoral Traffic Act (PITA) and all the offences that any criminal can think of. Bachada, Bedia and Sansi are the three communities in MP who, through their wretched tradition ('parampara'), are abusing their young daughters by two expedient processes - child marriage and child prostitution former one to get rid of the girl child quite early and the latter to earn sustained income till the girl dies of reproductive health ailments.

Why do these and other communities abuse their young daughters? What is the role of the police in apprehending the culprits? What can the judiciary do in tackling these child abuses? What is the role of the government agencies, media, the panchayats, NGOs and the civil society in prevention and elimination of child abuse in MP? What are the institutional and non-institutional mechanisms for tackling child abuse in the state? These were some of the issues which came up for heated debate in the two-day joint workshop that the women and child development department of MP and UNICEF organised on May 12-13, 1997 in Bhopal. The chief minister Digvijay Singh set the tone of the debate by urging all those who have 'conscience' to stop the abuse of girl child in the state and came forward to do anything to stop this abuse. Admitting that some communities in the state have resorted to flesh trade perhaps due to economic compulsion, there is need to provide them alternative 'honourable' occupations so that they lead a dignified life and their daughters are out of such business. Home minister Charandas Mahant said that the police come after the event and the preventive part, which is more important for tackling child abuse, has to precede and should form part of the civil society's work. Yes the police come afterwards but even that follow-up work by the police is not done in MP because the necessary notification for authorising the station house officer or the police inspector to take up investigations under PITA has not been done. PITA was passed in 1956 and till now no cases have been filed under PITA in MP. These are routine notifications and the home department should have looked into this simple administrative matter. As the SP of Bilaspur Srivastav confessed when he was the ASP in Mandsaur in 1980 he moved the home department to authorise the

inspectors under PITA for investigation. This shows that the state is not serious about laws like PITA. The biggest tragedy of these soft laws like the Child Marriage Restraint Act, PITA or any other act affecting women and girls is that they are treated with casualness if not with contempt. The victim, i.e. the girl or a young woman is never given any benefits under the laws and the culprit always gets the benefit of doubt.

The science of victimology, as the jurisprudence now recognises, is never seriously applied to the juvenile victims. Girls and young women as rape victims are further harassed in court when they are subject to cross examinations and medical records after the rape are value loaded (based on how the doctor feels). All administrative and legal loopholes suits the bureaucracy and the police. The courts at present are the court of records and not of equity and in the absence of any written complaints, prosecution proceedings and witnesses, medical evidence courts are helpless and ineffective according to Renu Sharma, a district judge in MP. She amplified how under Sections 363, 367 of IPC, child abuse in the form of sexual harassment are cognisable offenses and IPC provides enough space for the police to take up these cases if they are really interested. Section 22 of PITA provides for summary proceedings of the child-related offence and if there is will on the part of the police they can still file cases. The police are busy with VIPs, with habitual offenders and law and order. How can they find time for children was the lament of one police officer in the workshop. At present the complaints are in the form of press stories and the police cannot file cases in courts on the basis of these. The NGOs in MP have not as yet shown their mettle in public interest litigation and their capacities to do so are still not clear. What then is the way out? Allow these girls to graduate to full blown prostitution and everybody then is happy with rehabilitation work. There is money, there is grant for setting up homes for these 'fallen women'. Nari niktans are a hell and no girl or woman wants to stay there. At present two very good NGOs are doing excellent work in MP for the empowerment of Bedia girls, Ram Sanhei of Abudhaya Ashram in Morena and Kumari Champa Behn of Satya Shodan Ashram in Sagar are running 'ashram shalas'. But the irony is that these ashrams are only up to VII and VIII standards and when girls reach the age of 16 they have nowhere to go except back to their homes and fall into the traps of prostitution. The best option is to extend the entire education stream to cover up to 12th standard so that they cross the critical age of 18 and are capable of self-management. These girls are anyhow smart and what they need is not pity but what is called SMART training - self-management and recognition training. Vocational education has to be combined with such leadership training so that they catch up with the turbulent times of the modern world. The idea of Bedia, Bachada, Sansi Community Development Board was mooted by the participants. But the trouble with such boards is that they become bureaucratic and over a period of time they become white elephants. Instead small grass roots NGOs

should be funded to take up small and smart ashram shalas so that more such community girls get good education and leadership training at the grass roots without uprooting them from their rural moorings but at the same time making them look beyond their huts and roadside dhabas.