

# CHILD PROTECTION BULLETIN

STATE CHILD  
PROTECTION  
SOCIETY, ASSAM

MONTHLY BULLETIN OF ACTIVITIES CONCERNING CHILD PROTECTION IN ASSAM

## EDITORIAL

This month's Child Protection Bulletin once again brings to the readers some very important topics which speak about our responsibility in keeping our children safe and Supreme Court's judgment on criminalization of conjugal relationship with a wife who is below 18 years. This is a landmark judgment which has termed the relationship as rape. If all of us think about children's safety most of the problems regarding children will be solved. Therefore, it is high time that we all became responsible citizens and build a better world for everyone to live in.

As child protection activists it is our responsibility to create awareness among the people so that our children can live in a protected environment. And we have to develop a sense of responsibility and belongingness in the minds of the people.

Children are curious. To address their curiosity its important to engage the children in creative activities. We should try to encourage the creativity in the children. In fact today's children are full of creativity. Therefore, its important to tap their creativity and nurture them.

Editorial Board,  
State Child Protection Society, Assam

## To keep our kids safe, all have a role to play

In India, where the general standards of personal security and protection of human rights are low and public resources are stretched, child abuse can easily become just another statistic.

Violent crimes against children are grabbing headlines. The latest is the sexual assault and murder of a student in a private school's toilet in Haryana's Bhondsi, near Gurgaon. However, Haryana is not the most dangerous state for kids. That dubious distinction belongs to Delhi, with a crime rate (crimes against children per 100,000 population) of 169. Chandigarh follows at 68. The safest states for kids, per the National Crime Records Bureau data, are Jharkhand, with a child crime rate of just three, followed by Bihar, at four. The World Health Organisation estimates that in developed countries, six per cent of adult depression, alcohol and drug abuse; eight per cent of suicide attempts; 10 per cent of panic disorders and 27 per cent of post-traumatic stress disorders are due to abuse during the first decade of the victim's life.

But there is scanty scientific evidence, in developing countries, of the drivers — the sources and location — of child abuse. David Finkelhor, a sociologist, tellingly comments that "there is more experimental science in the toilet paper we use every day, than in what we have to offer abused children or families at risk of abuse".

In India, where the general standards of personal security and protection of human rights are low and public resources are stretched, child abuse can easily become just another statistic. Crimes against children increased from 14,975 in 2005 to 94,172 in 2015. Over the same period, violent crimes increased at the rate of 5.5 per cent per year — much faster than the growth of the population. Sadly, the proportion of crimes against children to total violent crimes, increased from seven per cent in 2005 to 28 per cent in 2015. Our children are increasingly more unsafe.

Preventing such crimes is a shared responsibility. Initiatives include regular oversight and counselling of risky families by specialised agencies; early identification of high-risk adolescents to aid them through high school;

imparting life skills training to make children street-smart and reducing access to alcohol, drugs and weapons.

Inevitably, poorer kids are more at risk than rich kids. The same applies to other population segments at risk — senior citizens and women. The well-off can cocoon themselves from a prevailing ecosystem of insecurity. But for other vulnerable groups, it is the State which must step in to offer protection.

First, increasing the effectiveness of policing aimed specifically at controlling crime on the street and in public spaces is the key.

Predators seek out low-security havens - parks, lonely lanes and unoccupied spaces to strike. India is historically under-policed. The UN standard is 222 police personnel for every 100,000 population. India has never crossed 140. Singapore — that haven of orderliness, which all Indians marvel at — has 1,074; disciplined Japan has 207; the European Union has around 347 policemen per 100,000 population.

Even this aggregate data exaggerates the level of police available for citizen-centric, local policing — beat patrols, traffic management, crime prevention, detection and investigation. In India 60 per cent of the police are occupied guarding government buildings and assets (such as CISF & RPF); patrolling the borders (BSF, ITBP, SSB); quelling riots, fighting insurgency or doing VIP bandobast (CRPF and state armed police). Local policing must be strengthened much, much more.

Comprehensive police reform has never been tackled seriously despite a series of commissions — starting with the National Commission on Police Reform, 1978, and ending with the Second Administrative Reforms Commission, 2007, all of which recommend broadly similar measures. The police mandate is fractured between states and the Centre, leading to silo functioning. The Central police forces are significantly better resourced than the state police forces, though the latter are directly concerned with controlling crime. The buck often stops with the police. But they are poorly led. Senior police officers skip from helming one complex area to another, where they may have no prior experience and no long-term allegiance to the specialised force they command. Even junior officers



*Every child is innocent, save them from the fear, that is a responsibilities of you too.*



and constables are neither specifically recruited nor are they permanently slotted in specialised areas, like crime detection and investigation; communications; community policing; traffic management; cyber security or intelligence and riot control.

Second, the use of technology to identify high-risk locations and victim behaviour and profile potential predators is constrained by the low educational qualifications of the personnel. 86 per cent of the force consists of constables who have merely passed their Class 10 or at best Class 12 exams. The officer cadre is thin and inadequately skilled. Service conditions are terrible. Police personnel regularly do 10-hour to 14-hour long shifts, with no weekly time off. Police housing, of indifferent quality, is available only for just one-third of the personnel. Worse, the police force is highly politicised and tends to rely on fear and the use of brute force, rather than by earning the respect of citizens — a colonial hangover. These conditions are not conducive to attract committed, qualified recruits.

Third, improving the first responder reaction, can save lives and minimise damage by getting victims to healthcare facilities. But there are just 15,500 police stations across more than 650,000 villages and road links may not be

the best. Of these nearly 10 per cent lack even a wireless link. There are only 164,000 vehicles with the state police forces. Their spread across locations is likely to be highly uneven and concentrated in the major cities. Other than improving policing, viable short-term options include better oversight by the government education departments over school administrations. Value-add community participation, like authorising Parent Teacher Associations to certify the school's adherence to minimum safety and security standards, can help.

But the biggest bang for the buck is if kids themselves use technology to collaborate and collectively enhance their own security. Readers may remember the captivating proactivity of kids in outwitting, admittedly bumbling, adult, minor criminals from the 1950s era, in Enid Blyton's Secret Seven and Famous Five series. Fiction can become a reality — once the imagination and interest of the kids is ignited. Herein lies the fastest and most effective route to making our kids safe.

**SANJEEV AHLUWALIA**

The writer is adviser, Observer Research Foundation

Courtesy: <http://www.deccanchronicle.com/opinion/columnists/150917/to-keep-our-kids-safe-all-have-a-role-to-play.html>

#### Context:

The Supreme Court on Wednesday (October 11th, 2017) held that sexual intercourse by a man with his wife, who is below 18 years of age, is Rape.

With this judgment, the court ended the decades-old disparity between Exception to Section 375 IPC and other child protection laws like the Prohibition of Child Marriage Act of 2006, Protection of Children from Sexual Offences Act and Juvenile Justice Act, all which define a "child" as someone who is below 18 years of age. The court has sought to harmonise the various laws in which any person under 18 is a minor.

The court held that the exception clause to rape, carved out in the IPC, created an unnecessary and artificial distinction between a married girl child and an unmarried girl child.

#### Introduction

A girl child below the age of 18 cannot be treated as a commodity having no say over her body or someone who has no right to deny sexual intercourse to her husband.

The harsh reality is that most of the child brides are even below the age of 15 years. There is a practice in many parts of the country where children, both girls and boys, are married off, even before they attain puberty. They are innocent children, who do not even understand what marriage is. By ruling that marriage cannot be a licence to have sex with a minor girl, the Supreme Court has corrected an anomaly in the country's criminal law.

#### Why does the SC judgement a major relief to the child bride?

Though child marriage is prohibited, it is not automatically void under India's civil laws. The court criticized the fact that PCMA (Prohibition of Child Marriage Act of 2006) makes child marriage only voidable, that is, the burden is placed on the child bride to approach a court to declare her marriage a nullity. She has to do this within two years of attaining majority that is by the time she is 20 years old. If not, the marriage continues.

Human rights of a girl child are very much alive and kicking whether she is married or not and deserve recognition and acceptance.

## Saving child brides - on SC ruling on sex with minor wife



The judgement is a major relief to the child bride because an unmarried girl child can prosecute her rapist, but a married girl child aged between 15 and 18 could not even do that due to the exception given to the Section 375, IPC.

#### What is the conflict between IPC 375 and POCSO Act?

In a land mark judgement SC on October 11, 2017 criminalized the sex with wife aged between 15 and 18 years.

- Till now sexual intercourse with minor wife did not amount to rape if she was over 15 years of age.
- This was in the Indian Penal code (IPC) as an exception to Section 375 which is the law of the land regarding Rape.
- This exception meant that the husband was not charged with Rape even though child marriage is a crime. Hence under previous exception minor girl's husband can have non-consensual sexual intercourse with her, without being penalised under the IPC, simply because she is married to him and for no other reason.
- This came into conflict with 2012 POCSO (Protection of Children from sexual offences) Act that defines 'children' as those aged below 18.

In January this year, Nobel Prize winner Kailash Satyarthi through his organization Bachpan Bachao Andolan appealed to the SC to clear the conflict between the IPC and POCSO Act.

- In its ruling the Apex court said the exception was arbitrary and violated the constitution and bodily integrity of a girl child.
- It had even the effect of turning a blind eye to trafficking of the minor girl children in the guise of marriage.

*Educating girls is one of the most powerful tools to prevent child marriage. — Global Partnership to end child marriage*



The SC also asked the centre and States to take proactive steps to prohibit child marriages.

#### **What is the Government's stand on this issue?**

The court slammed the government for trying to "somehow legitimise" the exception clause. The government had urged the court not to interfere with the exception clause as it was introduced keeping in view the age-old traditions and evolving social norms. The reason why Government wanted the exception to the Section 375 to stay is –

- The truth is that the minimum age of marriage of a female is 18 years and punishment has been provided in the Prohibition of Child Marriage Act, 2006 to discourage child marriages.
- However, it is also a fact that a large section of the Indian society, which is living in rural areas, continues to follow such practices as part of their tradition.
- As per the data collected in National Family Health Survey-III, 46% of women between 18-29 years in India were married before the age of 18.
- It is also estimated that there are 23 million child brides in the country.
- Hence criminalising such marriage with a serious offence such as rape would not be appropriate and practical.

#### **Why are the implications of the ruling on child marriage a cause of worry?**

The SC judgment is in keeping with the reformist view that early marriage is a serious infringement of child rights. The judges draw extensively on studies that demonstrate child marriage is a social evil that adversely affects the physical and mental health of children, denies them opportunities for education and self-advancement, infringes on their bodily autonomy and deprives them of any role in deciding on many aspects of their lives.

The practical implications of the judgment are worrying.

- Given the prevalence of child marriage in this country, it is doubtful whether it is possible to implement the statutory rape law uniformly in the context of marriages.
- Whether a person who is married a minor girl under Muslim personal law, which permits girls below 18 to be married, will be punished is still debatable.
- The age of consent under the IPC was raised in 2013 from 16 to 18 to bring it in line with the Protection of Children from Sexual Offences Act, 2012. However, the age above which marriage is an exception to rape was retained at 15, as fixed in 1940. POCSO criminalises even consensual teenage sexual activity and the latest ruling has brought this into the domain of marriage. A teenager could be prosecuted for a sexual offence under POCSO even if he was just a little above 18. In the same way, a teenage husband may now be threatened with prosecution for rape.
- Significantly, if boys under 18 but over 16 are charged with penetrative sexual assault under POCSO or rape under the IPC, which can be termed 'heinous offences', they could face the prospect of being tried as adults, according to the juvenile law as it stands now.

#### **Conclusion**

A child remains a child whether she is described as a street child or a surrendered child or an abandoned child or an adopted child. Similarly, a child remains a child whether she is a married child or an unmarried child or a divorced child or a separated or widowed child. At this stage it is reminded of Shakespeare's eternal view that a rose by any other name would smell as sweet — so also with the status of a child, despite any prefix.

Courtesy: <http://www.insightsonindia.com/2017/10/14/insights-editorial-saving-child-brides-sc-ruling-sex-minor-wi>

## **Engage Your Child Actively**

### **Painting:**

Painting can be an effective way to engage your child's mind and also it can help in developing imaginations. Painting can also be a way to express the emotions. There are some children who are very open and can express their feelings very easily but also there are some children who cannot easily express their feelings publicly. In that case painting can be very helpful. It also helps in brain development.

### **Assisting in household chores:**

To engage the minds of the child you can also involve them in small household works which they find also interesting. For e.g. if you are cooking you can tell your child to bring lemon from the fridge which is not very difficult but which can engage your child. Simple tasks can help a lot in children. Children all the time want attention so if you are keeping them engaged they also feel important.

### **Paper Craft:**

Paper craft can also be a way to develop creativity and imagination in child's mind. You can give old newspapers and waste papers to the child from where they can make flowers, boat etc. By doing this you are also teaching your child about recycling. So paper craft can also play a significant role in engaging your child actively.

### **Reading:**

Reading is a good habit and it helps in gaining knowledge and also in development of brain. To make it more interesting you can encourage to read story books with colorful pictures and creative ideas. In that way children also find it very interesting and also they get knowledge from it.

### **Games:**

Games can also help in developing minds. There are some games which help in development of body and mind. Outdoor games have lots of physical activities which helps in growth and stamina of child. It also helps in proper development of muscle and bones. Indoor games on the other hand help in developing strategic skills. Besides, you get to spend quality time and bond better with your child.

**Two days Capacity Building Programme for Additional Superintendent of Govt. run CCIs & Superintendent cum Counselor of NGO run CCIs held on 21st and 22nd September 2017.**



*Children are great imitators, so give them something great to imitate.*

**Status Report on the functioning of the Juvenile Justice Boards and Child Welfare Committees in Assam  
for the month of August 2017**

Sl. No.	Districts	Juvenile Justice Boards			Child Welfare Committees		
		No. of cases instituted	No. of cases disposed	Total cases pending	No. of cases instituted	No. of cases disposed	Total cases pending
1	BAKSA	Cases are jointly dealt with Nalbari JJB			2	2	0
2	BONGAIGAON	0	0	10	4	4	22
3	BARPETA	4	16	130	50	26	195
4	CACHAR	2	2	24	8	4	10
5	CHIRANG	2	2	26	12	1	17
6	DARRANG	2	2	68	8	5	22
7	DHEMAJI	4	2	22	6	6	7
8	DHUBRI	1	0	111	5	6	7
9	DIBRUGARH	7	2	31	19	18	4
10	DIMA HASAO	2	0	11	3	0	8
11	GOALPARA	2	7	64	6	9	22
12	GOLAGHAT	4	6	12	9	13	12
13	HAILAKANDI	1	3	20	0	2	4
14	JORHAT	12	7	44	7	10	6
15	KAMRUP (M)	3	3	48	138	87	164
16	KAMRUP (R)	7	9	51	31	26	43
17	KARBI ANGLONG	2	2	54	4	4	5
18	KARIMGANJ	5	4	42	6	6	50
19	KOKRAJHAR	12	0	162	6	12	22
20	LAKHIMPUR	3	0	27	6	6	10
21	MORIGAON	6	3	27	7	2	15
22	NAGAON	2	0	165	73	75	26
23	NALBARI	1	0	25	3	5	79
24	SONITPUR	2	14	65	10	8	27
25	SIBSAGAR	4	3	28	23	18	29
26	TINSUKIA	6	7	42	4	4	54
27	UDALGURI	1	3	24	6	24	49
	<b>Total</b>	<b>97</b>	<b>97</b>	<b>1333</b>	<b>456</b>	<b>383</b>	<b>909</b>

For any feedback, write to :  
Chairperson, Editorial Board,

**State Child Protection Society, Assam**

46, Survey Bus Stop, Beltola, Guwahati-781028, Phone: 0361-2229275, Email: scpsassam@gmail.com, Website: [assam-scps.com/termsofuse.php](http://assam-scps.com/termsofuse.php)



DSW, Government of Assam