

This Law/Act can be the basis for structuring similar Laws for 'Nari Niketan', orphanage, handicap and Helpless people Homes and Government / Non Government support system for these people

Draft Law/Act : Law/Act for Child abuse prevention

Note : The provisions contained herein can be added to the present Laws

The present judiciary system is designed, that too, incomplete and partly effective manner, to punish the culprit after it has committed the crime. That too, the punishment is rendered only if the CEJ system proclaims the culprit as criminal after long trial in the court, causing great harassment to the victim during all these years.

The present system has no consideration for an advance action and strategy to prevent a crime. Most unfortunately, no one ever tried to develop such systems and procedures which would effectively prevent the crime to occur. Helplessness of the government and its organs have been expressed, even publicly, that crime prevention is not possible, may be, under the excuse that no one can read anybody's mind. It's much relevant here to discuss about yet another **unwanted 'PHILOSOPHY'** of present judiciary, CEJ, that one should hate the criminal but not the crime. It has been elaborated in other chapter that 'corruption' is an intention, act is the result of such intention, against the present philosophy that 'corruption' is an act namely taking bribe, breaking rules etc. The derivation of the above philosophy regarding crime and criminal, would be very interesting. What is 'crime'. As per present belief, it is a irregularity becoming known after having committed and having come to existence, although very much unwelcome, but it has come to reality. So there has to be a victim visible to the world for recognizing a crime. Can it be a belief of sensible and intelligent people? No!. After someone has become a victim, the loss and damage has occurred. **Many such victim of rapes and other crimes causing permanent loss, commit suicide. Can any system on earth render justice to them? No, never.**

The Laws MUST aim at prevention and at least citizen deserves best sincere try from government.

If necessary separate laws need to be structured. There have been cases of child abuse by teachers in the school and such cases are coming to the light for last 30-40 years. The children in school are powerless and fully dependent upon their teachers for their dreams and career. They are weak both physically and psychologically. Thus worst situation. If a government, after coming to known about exploitation of girl child for decades, did not device a change in existing laws or tried to develop new law, the government is highly MUBI.

It has been explained that the girls, women, children and handicap including helpless, are most vulnerable to be victim of a crime. Thus a girl child is extremely vulnerable to be a victim.

Let we outline a new law which would prevent such severe distress to 'vulnerable citizen' whom the government proclaim as 'future of the country'.

This Act can be used as 'baseline' for developing Acts for prevention of abuse to helpless children in orphanage, helpless women in 'Nari Niketans', handicaps in blind welfare centres, centres for mentally retarded.

Law/Act to prevent Child abuse in School

- 1) This Law/Act would be called 'Preventing Child abuse, Tracking and Punishing the culprits.
- 2) The Law/Act No.....
- 3) It shall be the responsibility of the government to protect child from such abuse by teachers and school staff and other inside school against whom the children remains under pressure and subordination.
- 4) The government shall be proclaimed as 'supporting criminal' if no action taken by government even though the crime still occurring for more than five years.
- 5) The school area shall be covered under surveillance of CCTV except the toilets, dress changing zone and Provision of CCTV in these areas shall be an offence. The staff rooms and rooms of all the faculty including Principal/ Director/ Chairman etc shall have CCTV coverage. A senior faculty at the level of Vice Principal or above shall verify working of CCTV each day and record in a register.
- 6) If the residences of faculty are in campus area the CCTV coverage shall cover the outside area of residences from all sides
- 7) There would be a unit under District Administration (treating a district as a unit zone) as District Head is the Accountable Government representative. This unit shall be called 'Monitor to Prohibit Child Abuse' and the representatives of this unit shall be called 'Monitors and Counsellors' (MAC). MAC shall be a female.
- 8) These MAC shall be allotted schools by name and address. It shall be the responsibility of MAC to visit allotted schools twice a month. It shall be desirable that the MAC are qualified psychologist
- 9) There will be an enclosed earmarked space away from the building/ area where Principal and teachers chambers are, towards exit gate of the school. The space shall be designed in consultation with team of psychologists and sociology experts. This space may be termed as 'my friend's space' MFS
- 10) During visits the MAC shall contact all students. It would have separate classes with the students in isolated place like auditorium or meeting room etc. The objective of this meeting will be to transpire confidence and support to the students from the government and MAC must be in a position to achieve. If desire, parents can attend the meeting.
- 11) MAC shall remain same for the students for minimum one complete term of one year so that they build confidence in MAC
- 12) MAC shall get predesigned Performa filled up by the students to analyze their state of mind if anyone having unusual stresses.
- 13) The MAC shall sit in the MFS and all students shall come one by one to meet her. There will be a space through which the students shall move. There will be a slip of paper, many copies, placed there and on which name of all teachers, principal, vice principal, and other school staff including Van drivers would be written. One box will be for tick marking if student is being harassed by some other student. The MAC shall tell all students that they only have to 'tick mark' on the name of faculty and staff, if they are facing any abuse from them. Otherwise they would mark 'X' on a box separate and in different colour
- 14) The marking on slip shall be done in a space where face of the student is visible to MAC but its hand and slip is hidden. MAC shall observe the students while they are marking on the slip.
- 15) MAC should build confidence in the students that on the basis of 'tick mark' no one can identify them and those slips would never be shown to school faculty and staff

- 16) If any slip received with any tick mark on any slip, it will be the responsibility of MAC for tracing the student, confidently and talking to him/her. Many alternatives can be worked out to make provisions so that the marking on the slip, if not normal, would get communicated to MAC. Ideally the confidence level in MAC should be so high that the students would communicate with MAC about any problem they are facing.
- 17) After getting details of the problem being faced by the student the case shall be build up by DH taking parents into confidence and handed over to police.
- 18) A card shall be handed over to all students mentioning objectives and purpose of MAC and the same shall be shown and got signed from the parents by the students. The card shall be dropped in a locker with a slot of suitable size so that the card can be dropped in but cannot be removed. The parents shall be urged to tell their children that MAC are their friends and they should feel free with MAC.
- 19) Parents should frequently attend meeting/ assembly of MAC in the school. This would keep MAC alert for its duties.
- 20) There should be a sealed box under personal control of MAC Placed in the school near exit accessible to parents at least 7AM to 8PM with slot through which they can slip in their information if they happen to learn from their child.
- 21) The MAC shall meet all faculties in open area briefing about the law/act and objectives of its visit just for few minutes but shall not talk to them. This will be just to have observations about the faculty and staff if anyone of them is looking with different behaviour, shy, hiding face or eyes under the feeling that the name might have been communicated through the slip.
- 22) MAC shall also meet all female faculty and the staff and advise them about objectives of her visit. MAC would try to find out if anyone of them is having any problem of harassment by male counterparts
- 23) MAC would also advise the female faculty and staff to visit and mark on the slip as done by the girl students and the MAC shall have its observations. Other actions shall be similar as in the case of girl students
- 24) MAC would make sure that all girl students and female faculty or staff should visit..... and tick mark the slip. The students and faculty visiting..... shall be assured by MAC and to be properly displayed, that they would not be required to write any thing in hand writing which can lead for their identification by other senior faculty. They would only tick mark and MAC should have enough judgement to read the face and behaviour of child/female faculty.
- 25) There may be technology based means to understand the tick marking done by someone signifying problems being faced by her and may be used. However, it should be completely hidden and no one should come to know about it otherwise girls under the fear of being caught would avoid reporting the harassment.
- 26) It would be the responsibility of MAC, after coming to know about an harassment/abuse, to have report from the child and convert it into FCR/FIR alongwith report of MAC. This would be done invariably. The report shall be submitted to the highest person in the institution, but erasing name of the student. If name of the student gets known to anyone, the DH shall have to fix up responsibility and announce action taken on public domain.
- 27) On coming to know by a complainant that her complaint has got known to outside world, she and her parents shall lodge a complaint direct to DH and DH shall be accountable to give

them personal hearing. The complaint shall be registered and DH shall find out the person/ staff of its establishment responsible for leaking out the information.

- 28)** In cases where the girl student or the female faculty have been sexually harassed previously and/or being harassed, the DH shall involve its authority directly. There shall be a team of experts under DH, who would be responsible to lay a proper trap with proper planning so that positive and conclusive evidence against the culprit can be created. One of the way may be to keep everything hidden so that the culprit again try to harass the girl child/ female faculty without knowing about the trap and the evidence in the form of audio/ video recording, however, not beyond the point where the 'Ijjat' of the victim gets compromised, etc can be created to proceed further to punish the culprit.
- 29)** It shall be the responsibility of DH to create evidence, reports and FIR/FCR to start the case and hand over to police for action against culprit.
- 30)** It will be the responsibility of DH and later DPH to keep identity of the victim totally confidential and put up the case to the court without disclosing identity of the victim. Becoming known to outside world before case is firmed up and presented to JDS, shall be a failure of DH personally and to be reported in its performance report.
- 31)** The judge should also, to the extent possible, keep the identity of the victim confidential and decide the case within three months.
- 32)** If the case is not decided by JD within three months, it would be reviewed by JD if the evidence created by DH are insufficient to prove the case and punish the staff. If JD conclude that more evidences are required, it would be advised by JD to DH and the concerned MGG, as senior as possible, as to what more is required and DH would make all MAC and concerned staff aware. MGG shall also advise all DH and MGG at state/ regional basis regarding such requirements, so that no such failure occur further.
- 33)** DH shall critically review the failure of proving the case in the court and be dutiful to workout additional/ new action plan, strategy to avoid repeating such failure.
- 34)** Both success or failure of getting punishment to the culprit, shall be placed on public domain of DH without disclosing name of the victim or culprit.