

HOW good is your imagination? Try this scenario for size. You have a visitor. As you sit chatting together in the drawing-room, a young teenager looks in, says: "I am off to lunch to my friend's" and withdraws. Looking at the receding form, your visitor says indulgently; "That's a smart lad. He looks very promising." You smile and reply: "That is not my son; that's my daughter. You know how children dress these..." Cutting you short with a loud exclamation, your visitor rushes out and grabs the youngster as she clatters down the steps, crying: "No, no my child, you mustn't go out dressed like that. The police will put you in jail!" What would you do? Would you rush to force your daughter's boyish figure into more feminine clothes and clamp a pigtailed, beribboned wig on her short hair? Or are you more likely to rescue your daughter, pack her off to lunch, and cross your mad visitor off your list? Think again, as I did when I met Savitri.

"Can you do something for a young girl we have here?" the jailor of Dumka jail asked me. This is the district jail of Santhal Parganas. "What is the matter with her? Protective custody?" That seems to go on merrily in Bihar, despite the supreme court judgement in the case of Hussainara Khatoun (1979), denouncing the practice as completely illegal. But Savitri was not in protective custody. She was in jail because she had been passing herself off as a boy. She was remanded to jail under sections 41 (a), 109 and 116 of the criminal procedure code. Section 41(a) permits the police to

OUR RIGHTS AND WRONGS

VASUDHA DHAGAMWAR

Savitri Is In Prison Because She Is A Girl

arrest, without warrant anyone who is reasonably suspected of being concerned in a cognizable offence. Section 109 empowers a magistrate to ask anyone who is taking precautions to conceal his presence with a view to committing a cognizable offence, to show cause why he should not be required to execute a bond of good behaviour. Under section 116 such a person may be sent to jail for custody for a maximum of six months, pending enquiry into his character.

Savitri had been working as a hotel boy in a small tea shop in Dumka. One day she was caught by a policeman, produced before a magistrate, and sent to jail. That was it! Would I like to meet the girl? Yes, indeed I would, very much so.

A short, flat-chested youngster, wearing a grey shirt and striped pyjamas, with very short hair, which was just beginning to curl where it touched her ear above the lobe, was brought to me, escorted by a wardress. She walked up boldly enough, but there was a suspicious, defensive look in her eyes.

Yes, this was Savitri, the 13 or 14 year old girl, of whom the jailor had been telling me. She had been in jail since April 24, 1981. This was now August 12. Enough time for her hair to grow into a short bob. She must have come in with a boyish haircut.

This was the story that Savitri told me. It is supplemented and supported by the jailor. Savitri lived in a village in the Sunderpahadi block of the Gudda sub-division in Santhal Parganas, with her widowed stepmother and siblings. Last year she had gone to stay with her mother's brother, in Gudda. One day her uncle slapped her and she ran away to the bus station, intent on going home. But the last bus in that direction had already left. As she sat in the bus station and wept, a bus conductor came up and asked "the boy" why he was crying. Savitri must have told him some cock and bull story about having no one and nowhere to go so Rajinder said that the boy could come and live with his family in Bhagalpur, as a domestic servant. Savitri said that she gave him her real name but that may not register, in a state

WHAT THE LAW SAYS

Code of Criminal Procedure

Section 41 Any police officer may, without an order from a magistrate, and without a warrant, arrest any person who has been concerned in any cognizable offence, against whom credible information has been any received reasonable suspicion exists, of his having been so concerned ...

Section 109 When a judicial magistrate of the first class receives information that there is within his local jurisdiction a person taking precautions to conceal his presence and that there is reason to believe that he with a view to committing a cognizable offence, the magistrate may... require such person to show cause why he should not be ordered to execute a bond for his good behaviour for a period not exceeding one year.

Section 116 The magistrate, if he considers that immediate measures are necessary for the prevention of a breach of peace . . . may . . . direct the person to execute a bond . . . for keeping the peace. . . and may detain him in custody until such a bond is executed.....or till the inquiry is concluded . . . The enquiry shall be completed within a period of six months...

where Bimla Prasad and Janaki Singh are more likely to be hirsute men than blushing damsels. Savitri said that she was paid Rs 25 and food. The family included Rajinder's wife and sister-in-law. According to the jailor, Rajinder's father came on a visit and he spotted the truth. He told his son that he would be purchasing trouble by keeping the girl, so Savitri was asked to leave. Savitri maintained that she had gone home for a holiday and did not go back. After a few months, when she had a tiff with her stepmother, Savitri set out again. This time she landed in Dumka. She found a job, serving at a tea and snacks shop opposite the bus stand. The owner, a man called Prayag, paid her Rs 20 and food. Here again she said that she gave her real name, but the changing clientele of a tea shop is not likely to bother with the names of the servants. "Hey you, *chhokra*" is good enough.

The *chhokra* ran errands for the patrons to the nearby *paan* shop, which was just across the road from the Dumka police station. One day while she was at the *paan* shop, a man in plain clothes ordered her to go away with him. He turned out to be a police havaldar. He took her to the daroga, the officer-in-charge of the police station...at this point this wary, self-contained girl burst into impassioned sobs. I drew her to me; she stood stiffly within my encircling arm, as though tolerating my encroachment upon her privacy. After a few moments she collected herself. She would not say why she had cried. What had they done to her? "Nothing." How did they know that she was a girl? "They knew. They just knew." The daroga is a decent sort of man. Otherwise her weeping would have thrown me into a frenzy. It is likely that she was undressed to verify her sex—something that would naturally humiliate her very much. Perhaps she was also bewailing that last moment of freedom. In any case she had decided not to confide in me—a total stranger—and with half a dozen jail staff looking on.

What had happened next? The officer-in-charge had produced her before the SDO, who is also a magistrate. He explained to the SDO that she was really a girl dressed as a boy. The SDO asked her if she had any guardians to

give a bond of good behaviour on her behalf. Savitri said, no, and the SDO sent her to jail.

There was a pause; then I began to ask her my questions. Why did she wear boys' clothes? "I just do." A perfectly valid answer to an impertinent question, except that it had landed her in jail. Why had she decided to come to Dumka? No reason. Just like that.

would rope him into a false case. A *gaonbhai*, fellow villager, had come to the jail to see her and had promised to get her out in two days, that was ten days ago. She had hoped that Rajinder would come to her rescue but he had not come either.

Savitri may stay in jail for the full six months. But now her cover story has been blown. Everyone knows that she is



Under section 116 of the criminal procedure code Savitri can be detained at the most for six months. According to the jailor the SDO was anxious to send the girl out as soon as possible—if only someone would execute the bond—her relatives, her co-villagers, an employer of good character. Prayag had done a bunk; his business had failed and he may also have been afraid that the police

a girl. While a lot of people might want to exploit her, no one in their senses would be willing to employ her. "That is the surest way to ruin your business", someone remarked. Her arrest has made things difficult, not easy.

Most probably, Savitri did try to cover up a few things. She would not say why she dressed like a boy, why she had left Bhagalpur, why she had come to

Dumka. In a few months, when her boyish figure begins to round out, she is likely to face a great many problems. She is almost certain to be sexually abused and she may turn to petty crime; later she might become a gangster's moll or even something in her own right. She might then be wanted under all the sections of the Indian penal code. But the fact remains that at the time that she was arrested by the police, her sole claim to their attention was that she dressed like a boy and in that guise earned her living by honest work. Neither qualifies her to be arrested or to be sent to jail pending enquiry into her character for vagrancy. Yet this resourceful child was in jail.

Now tell me. Do you still think me a fit candidate for the loony bin because I won't let your daughter go out in her new bell bottoms and shirt? Let me not be melodramatic—you are still entitled to cross your mad visitor off your list. Your daughter and mine are not going to be picked up by the police, whatever they may choose to wear. For one thing,

they are quite clearly under our wing. Secondly, so many girls in our cities wear unisex clothes, that any policeman who hauled in someone on this "charge" would be ridiculed and reprimanded. Even in Dumka the daughters of affluent businessmen wear the latest in jeans, bell bottoms and tops. But Savitri is like Nandi, like Mathura. Other standards have always applied to them; standards quite distinct from those which apply to us. But now even the laws that govern them seem to be different.

In mofussil areas where there is only one institution in which someone may be kept if for any reason the officialdom does not want them to be on the street, he or she goes to jail. The non-criminal lunatic, the lost child, the kidnapped girl, the raped woman. Now there is also the girl who supported herself and got employment by dressing like a boy. They all land up in jail. A handful of persons may or may not matter, depending on one's way of looking at things. What matters, what does alarm and upset is

this tendency to march people to jail, to use jails as the solution to all problems. In a corner of my room, my 12 year old niece has curled up with "Alice in Wonderland", as have generations of girls before her. At last she puts away the book in response to increasingly urgent summons and departs with a sigh: "What a lovely place that was! Look at our world. So dull and boring!" Once I had thought so too, but now I begin to wonder. Under the pretext of a children's story, was Lewis Carroll writing a serious novel after all? Otherwise, why does his wonderland resemble our country so much? "Off with his head" cried his Queen of Hearts at the slightest opportunity. "Off with him to jail!" cry our modern rulers. But the pack of cards had no heads to lose and the Cheshire Cat had no body from which its floating head could be severed. These unfortunates have both and they do go to jail. Modern India, little does my niece know, had gone one better on wonderland. □

Instead Of Suspension From Paid Jobs, Why Not Suspend Us From The Unpaid Job?

The Indian Express of December 18, 1981, reported that the Haryana education minister and health minister had conducted a "raid" of government schools in and around Faridabad. They had caught "red-handed" 26 women teachers and suspended them all on the spot. 19 of those "found guilty" (without benefit of enquiry or trial), were still on probation so their services were immediately terminated.

And what was the crime these teachers had committed? They were found knitting during school hours, in violation of a government directive which forbids knitting work to be brought to school.

Firstly, how is it that ministers can administer such arbitrary punishment which is not only out of proportion to the offence but totally disregards all set procedures? One wonders how trade unionists and defenders of civil liberties would have reacted had male employees been suspended when caught "red-handed" drinking tea or absent from their

seats during work hours. But women being suspended for knitting evokes in reporters and in most readers the feeling that "they deserved it"—because it fits in so well with the stereotype dinned into the heads of all of us that women are frivolous, non-serious about their professions, and are only fit to stay at home and gossip.

Perhaps we need to ask why women carry knitting, crochet and needlework to their jobs and can be seen knitting ceaselessly on public transport. Is it because women don't like leisure? Is knitting really such a pleasant pastime, or is it another task the woman has to somehow fit into her overworked day? A clue is provided by the newsreport itself: "...teachers were discussing a particular pattern of gents' wear while knitting." In fact, the last line clearly shows how heavily weighed down women are by their dual workload: "Many brought buckets from home to carry milk and lassi while returning home."

Significantly, villagers are reported to



be "against the posting of women teachers in boys' schools." Of course, they could hardly object to their presence in girls' schools, where not only knitting but cooking and cleaning form part of "domestic science" curricula! Our education both at home and at school, is geared to make us "good wives and mothers", then we are made to perform two jobs, and when the paid and the unpaid jobs clash with each other, it is we who are "found guilty", not the "gents" whose sweaters and socks we knit and who never have to occupy their "professional minds" with such mundane matters.