

THE STORY OF RAKESH AND KHUKUMANI



The First Step

It is 7.45 in the morning at Alipore women's Correctional Home. The guarding staff gears up to send two children, Khukumani Khatun and Rakesh Mistry, both about 4 years old, to school. The children's mothers get them ready and hand them over to female warder Lila Biswas. Biswas makes entries in the Gate Register and holding hands of the two children steps out of the main gate where a vehicle has already arrived and is waiting to take them to school. The children wave to their mothers and the smiling staff and get into the car. This has been the daily routine at Alipore Women's Correctional Home since last July.

Khukumani arrived in Presidency correctional home as a 3-month-old child on the lap of her mother, Rashida Bibi, a 26-year-old woman, married to a man named Sk Saidul, who is from Rabindranagar, Akra. She was arrested in a kidnapping case and sent to Presidency Correctional Home in June 2005. Her husband Sk.Saidul, also arrested in the same case,

was sent to Alipore Central Correctional Home by the Court. For little Khukumani the Jail is her home as she has not seen any other home.

Similarly Rakesh arrived at Presidency Correctional Home as a one-year-old child with his mother Jyotsna Jagulia, arrested by Police from her home in Canning when she was just 20 years old. She was also arrested in a kidnapping case like Rashida. Her husband Palash Mistry, a mason, never visited Jyotsna and Rakesh during the last 3 years that they have been with us.

With the opening of the new Alipore Women's Correctional Home in March 2008, both Rashida and Jyotsna were transferred to Alipore Women's Correctional Home along with their children.

The Supreme Court of India has very categorically stated in a landmark judgment in April 2006 in R.D.Upadhyay -Vs- State of Andhra Pradesh & Ors that a child shall not be treated as an undertrial/convict while in jail with his/her mother. We have been making arrangements for education inside the jail itself for the unfortunate children of prisoners who have to accompany their parents to Jail. The question, however, is, do children like Khukumani and Rakesh not have the right to mainstream education like the other children of India? After all we have adopted the 'Sarbasiksha Abhiyan' for the whole country sometime back. Also the Supreme Court of India has made it clear that children like Khukumani and Rakesh, who are forced by circumstances to accompany their parents to Jail are not themselves prisoners.

We therefore, decided to implement this direction of the Supreme Court of India in both letter and spirit. We also asked the two mothers whether or not they would like to send their children to mainstream schools outside the jail. The mothers agreed. Though surprisingly enough initially they were reluctant and only agreed when we were able to explain to them the significance of mainstream education. After that, it was the turn of Sister Alexia of Apostolic Carmel, our partner in the programmes for prisoners' children, to do the running around and meet the authorities of different schools in the neighbourhood. The formalities including affidavits for birth certificates, etc were carried out and both the children were admitted in a reputed school in Alipore, Kolkata. The school authorities, somewhat hesitant in the beginning since they had never dealt with such admissions cases before this, eventually agreed, after a few meetings. Matrisangha Janakalyan Ashram, another of our valuable partners, readily offered to provide a vehicle for the journey of the children to and from the school regularly.

July 22, 2008 was not only an important day in the lives of the two children Khukumani Khatun and Rakesh Mistry but also a historic day in the annals of jails of India as it was on this day that any child lodged in a jail set foot outside the Jail for going to a school like any other child and return after the school hours. The two children now go to their school from Alipore Women's Correctional Home. The staff of the correctional home are concerned about the future education of the two children in case the two mothers are released, since they are under-trial prisoners. But this is a happy concern.

We hope that this example becomes a Rule in all the prisons of India. Now that there are no legal hurdles, we hope that the Government adopts a policy for the education of such children. After all, it is for no fault of theirs that such children land up in the Jails. Even if they reside in Jail, they have as much right to education as any other children in the country.