



Editor's Column

The recent ruling by a Sessions court in Haryana's Karnal District, in a three-year old murder case, has set an example by taking on the medieval justice system in the villages of India, when it sentenced to death five members of a girl's family, because a young boy and a girl had dared to elope and had broken the time-honoured custom by marrying within their "Gotra". Their marriage was against the wishes of the girl's family, simply because the girl belonged to the same *Gotra* as the boy, and this, according to the prevailing social system, was akin to a marriage between a brother and his sister.

Weeks later, an FIR was filed against the boy and his family for kidnapping the girl but no complaint was lodged by the other side. The newly-wed couple appeared in court on June 15, 2007, and was given police protection, considering the danger to life they faced. But on the same night, the couple were dragged out of a bus and killed. A week later, their bodies were found in a canal.

The murders had been committed following a decision by

"*Khap Panchayat*" (Caste Council), an institution of Jats, spread across several north Indian states, which rests on linkages determined by "*Gotra*". Their social tyranny has become a byword for cruelty and superstition, as no one has yet challenged them officially, not even the modern state. Consequently, these courts had literally become Kangaroo courts, sometimes meting out death sentences and getting them carried

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out as well. It was exactly such a court which was responsible for the murder of the couple, who married in defiance of caste convention. But justice was done recently, when the Karnal Court convicted seven people for the murder of the young couple. Death sentences were awarded to five of them with the sixth one getting a life sentence and the seventh one was given seven years imprisonment.

Admittedly, in Haryana, Western Uttar Pradesh and parts of Rajasthan, the "*Khaps*" also exert a fair amount of political influence on account of their considerable

following. This is part of the reason why the Taliban-like codes of conduct sought to be enforced by the "*Khaps*" have generally gone without challenge from established modern institutions such as political parties and the police which is a part of the criminal justice system. Given the existing state of affairs, it is not just the exemplary harshness of the sentence - which will have its own salutary impact - what is more important, at long last, a clear message has gone out that the caste court cannot have a juridical status and cannot punish individuals. Thus, the verdict is expected to deter panchayat leaders from exercising extra judicial powers and supporting criminal acts that are disguised as justice. While the ruling is to be greatly lauded as a forerunner of change, social and political pressures also need to be kept up in favour of the desired change. The fact that the centre is said to be giving thought to toughening the law to deal with "*Khaps*" and other similar bodies, is most encouraging and this conviction could even be the beginning of the end for the *Khap* panchayats' oppressive orders.



A 1979 IAS officer, allotted to the Uttar Pradesh Cadre, Ms. Zohra Chatterji has held various important assignments in the social sector in Uttar Pradesh, in areas, including Rural Development, Agriculture, Panchayati Raj and Women & Child Development. She has also served in the industries and labour sector for ten years, occupying key posts in UP, such as Commissioner & Director Industries, Labour Commissioner, Secretary, Small Scale Industries, MD of UP Small Industries Corporation and UP Handloom Corporation. As Secretary & Director General, Tourism, she spear-headed the celebration of 350 years of the Taj Mahal. She also served as Principal Secretary, Finance, Industries, IT & Electronics, Government of Uttar Pradesh, before joining Government of India on central deputation in May, 2007.

Before joining the Commission on 26th March, 2010, Ms. Chatterji was serving as Joint Secretary in the Ministry of Information & Broadcasting, Government of India. During her tenure, the IPTV Policy & the HITS Policy was declared, and the electronic Media Monitoring Centre for 24x7 monitoring of TV Channels was established. The Community Radio Scheme gained considerable momentum through organization of awareness workshops under a new plan scheme introduced during her tenure and the encouragement given by her to the participation of NGOs in the scheme. Other important policies like the FM Phase-3 Policy and Mobile TV Policy were also firmed up during her tenure. Important decisions, pertaining to status of employees of Prasar Bharti, were also taken. On promotion, she joined as Member Secretary in the rank of Additional Secretary to Government of India.

Ms. Chatterji played a pivotal and proactive role during her stint as Secretary, Women & Child Development to the Government of Uttar Pradesh during 2001-2002. She extensively visited juvenile & protective homes, organized awareness workshops with police & judiciary and focused attention on issues of trafficking and the plight of widows in Mathura.

In 2008, she received the Prime Minister's Award for Excellence in Public Administration for the year 2006-07 for project "LOKVANI" - a team effort to empower the citizens in Uttar Pradesh". She pursued B.Sc. (Hons.) Physics in Miranda House, New Delhi and did her post graduation in English literature from Aligarh Muslim University.

We welcome Ms. Chatterji to the Commission.

A national seminar on 'Child Marriage' was organised recently by the National Commission for Women in association with Mewar Educational Society at Chittorgarh.

Speaking on the occasion, the NCW Chairperson Dr. Girija Vyas appealed to everyone to make efforts to uproot the social evil like child marriage. She also laid great emphasis on girls' education and said that parents should



NCW Chairperson and Joint Secretary (4th & 3rd from right) with other dignitaries

allow their girl children to be educated. She said that it was a matter of shame that even after 62 years of independence, child marriage was rampant throughout the country and 41% of such marriages takes place in Rajasthan. She said for the last five years, the NCW was waging a relentless war against child marriage and has succeeded in persuading the Parliament to review the Child Marriage Act to make it more stringent.

During the first session, NCW Joint Secretary Ms. S.S. Pujari expressed her grateful thanks to the gathering for their presence. She urged the audience to make all-out effort to combat the evil practice of child marriage.



A view of the audience

NCW holds press conference on the court verdict on honour killing

The NCW Chairperson holding a press conference said that the Karnal Court verdict sentencing five persons to death for honour killing of a couple would prove a “strong deterrent”.

Talking to journalists, Dr. Girija Vyas said, the entire community panchayat should be held responsible for such illegal acts.

She said, “the acts of khap panchayats (caste councils) have been causing concern to us as well as to the civil society and the media for quite some time. We feel this verdict will give a new direction”.

The Commission was undertaking a study on the issue and would, along with NGOs, hold public awareness workshops to curb such incidents. The landmark judgement not only awarded capital punishment

to five persons but also gave life sentence to one and seven years of imprisonment to another for murdering a couple on the diktats of a self-styled community panchayat for marrying against societal norms.

Dr. Vyas said no caste panchayat could take the law into its own hands. If the illegal action of such panchayats led to the death of any person, the death penalty or life imprisonment should be imposed.

Asked about reports that a newly-married couple, who belonged to the same family, were shot dead by assailants in Amritsar district on the same day the Karnal court ruling came, Dr. Vyas said “that is why such strong judgements are needed. They will act as a deterrent”. “There should be fear of law among people and at the same time awareness should be



NCW Chairperson Dr. Girija Vyas addressing the press conference

created to prevent such incidents by holding workshops and other programmes”.

Asked about the need for a separate law to deal with honour killing, Dr. Vyas said “We have our laws and we have full faith in the judiciary. They give judgements according to the severity of the crimes”.

Foreign Visits

Ms. Nada Drobnjak, a senior member of Parliament from Montenegro visited the NCW and interacted with the Chairperson and the Members of the Commission.

Ms. Drobnjak said that the percentage of women parliamentarians in their country was 11 but there was only one woman in the government.

Dr. Vyas explained the composition and working of the Commission. She emphasised that our Constitution had granted equal rights to women and men and the concept that women’s rights are human rights has gained acceptance.

Ms. Drobnjak said that as in India, the main problems in their



Dr. Girija Vyas with Ms. Nada Drobnjak (third from right). Also present in the picture are NCW members Ms. Wansuk Syiem (extreme left) and Ms. Yasmeeen Abrar (extreme right).

country with regard to women were domestic violence, apart from trafficking, child marriage, etc. She invited Dr. Vyas to her country and

expressed the hope that India and Montenegro would work together in future to combat problems that were common to both the countries.

● A woman from Muzafarpur, Bihar, approached the NCW alleging that she was being harassed by her parents as she had married as per her own choice. Her parents were trying to implicate her husband and her in laws in a false case of kidnapping. She filed a complaint before NCW praying for saving her matrimonial life.

The matter was taken up by the Commission and a letter was sent to I.G.P. Muzafarpur Range, Bihar, along with the statement of the complainant, with a proof of her age. The Commission also spoke to the police, mentioning that the complainant was a major being above 18 years of age and she had personally appeared in the Commission and gave statement about her marriage as well as provided proof of her age. Thereafter, the police did not register F.I.R. against the husband and her in laws.

● A lady approached the National Commission for Women alleging that one Mr. 'Y' impersonated as an AIIMS doctor and provided wrong medication to her son; due to which, her son's kidneys failed. An FIR was registered against the fake doctor in Hari Nagar Police Station, West District, New Delhi, against which Mr. Y filed for anticipatory bail. The bail was, however, denied by the court but the police did not arrest him.

The matter was taken up by the Commission and SHO of Hari Nagar Police Station was given a notice to appear before the Commission for a personal hearing along with the detailed ATR on the said complaint. The SHO deposed before the Commission and submitted an Action Taken Report wherein it said that the alleged accused had been arrested and presented before the court and the court had sent him to judicial custody for two days. Thereafter, at Commission's intervention, the accused medical representative was removed from service by his company.

● A woman complainant had alleged that she was subjected to physical and mental torture by her in-laws and her husband also was not interested in continuing the marital relationship. As a result, he did not take care of her. She appealed to the Commission to get her 'Stridhan' back.

The Commission called both the parties for a personal hearing. After 5-6 hearings in the Commission, both the parties reached an amicable settlement wherein the couple agreed for a mutual divorce and the groom's side returned the 'Stridhan' to the complainant at the Commission.

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● Domestic Violence Act applies retrospectively : HC

The Delhi High Court has ruled that women were entitled to all kinds of relief under the Protection of Women from Domestic Violence Act even if the complaint pertained to a date prior to October, 2005, when the law came into force.

● No divorce to wife beater : SC

The Supreme Court has turned down the grant of divorce to a man who beat up his wife, forcing her to desert him and live separately. A bench headed by justice P. Sathasivam dismissed the husband's plea for annulment, claiming his wife had subjected him to cruelty by desertion. However, the court concluded that under such circumstances the wife cannot be held guilty of cruelty or desertion.

● Right to live in is right to life, says apex court

The Supreme Court observed that living together by a man and a woman without marriage cannot be construed as an offence, and there is no law prohibiting pre-marital sex. A three judge bench ruled that "living together is a right to life... when two adults want to live together, it is not an offence".

NCW petition to be heard in open court

The Supreme Court had stirred up a controversy by ruling that a mother-in-law, who kicks her daughter-in-law or repeatedly threatens her with divorce attracts no punishment for cruelty under Section 498A of the Indian Penal Code. However, the Supreme Court has agreed to take a second look after the NCW moved a petition requesting reconsideration of the judgement.

The National Commission of Women said the ruling would defeat the purpose of the provision to protect women from cruelty and harassment in matrimonial homes.