



## Editor's Column

Though long overdue, the Union government's decision to amend the country's antiquated criminal laws relating to crimes against women is a welcome step in the wake of alarming rise of offences committed against women.

For the first time, for the victims of molestation, rape, and acid attacks, fresh laws are being enacted under (Criminal Law Amendment Bill 2012. Again for the first time, the issue of sex-related crimes and the trauma of the victims have been dealt with sensitivity. The Bill will take care of the changing nature of crimes by replacing the word "rape" with "sexual assault" inviting life imprisonment. The extended definition of rape would cover different kinds of sexual assault other than only rape. The most significant aspect of the amendments are strict provisions made for sexual assault in police custody, shelter homes, remand homes and hospitals, places notorious for sexual abuse.

For victims of acid attacks, the NCW has proposed specific provisions. The IPC is likely to be amended to make acid throwing a separate punishable offence. A new section is proposed to cover injury, hurt, burns and disfigurement of any body parts of a person by acid and will be punishable with at least 10 years of imprisonment, and a fine of Rs 10 lakh.

Two other amendments regarding the marriage law will be brought about. If passed, the courts will have powers to decide how property acquired during marriage can be shared between a couple,



*NCW Chairperson Manita Sharma made a courtesy call on the President of India, Shri Pranab Mukherjee. The two discussed about the on going activities of the Commission and other women-related issues.*

### FOCUS

### Progressive Laws for Women

in case of separation, and to waive the six-month cooling off period before divorce can be granted, in case the decision has mutual consent. These path-breaking amendments will help women to get out of abusive relationships hitherto extremely difficult without financial independence. If the Marriage Laws Amendment Bill, 2010, is passed then women and children will get 50% of the property.

The other recommended amendment is with regard to dowry and dowry deaths where by the definition of dowry has been broadened to include "property or valuables as given for uninterrupted or peaceful sustenance of marriage". The National Commission for Women is seeking life term

or death for those convicted in dowry death cases as-well-as setting up of fast-track courts for quick disposal of cases. The NCW, had held a number of regional consultations on Dowry Prohibition Act followed by a national consultation and had given its recommendations to the WCD Ministry.

However, mere passing of laws cannot empower women unless they are able to access the legal system so that they can get the benefits of the amendments. Besides, legislative interventions and upscaling of punishment alone will not act as deterrents. It is equally important to implement existing laws and increase the conviction rate. That alone would really deter the offenders, who commit crimes against women with impunity.

The National Commission for Women and Women Power Connect jointly organized a national consultation on "Strategizing Advocacy for Effective Implementation of Women-Friendly Laws", in New Delhi. The meeting brought together more than 130 representatives from government agencies, legal bodies, academics and NGOs from all parts of the country.

The meeting highlighted the strengths and weaknesses of women-oriented laws such as Protection of Women Against Domestic Violence Act, Preconception and Prenatal Diagnostics Techniques Act and Prohibition of Child Marriage Act, 2006.

Speaking on the occasion, NCW Chairperson Ms. Mamta Sharma deliberated on the increasing number of female foeticide cases. "Women lacking access to legal facilities such as to filing police complaint and judicial processes, in spite of a number of women cells, is alarming. We need to educate our children about such



*Ms. Mamta Sharma inaugurating the seminar by lighting the lamp. Ms. Nirmala Samant Prabhavalkar, Ms. Ranjana Kumari, Ms. Shamina Shafiq (right) look on.*

issues at the primary level" she said.

Dr. Ranjana Kumari, President Women Power Connect, highlighted the need to amend various laws. The suggested plan of action included creating awareness about these Acts among community members by civil society groups and forging partnership

between the Central Government, NCW, the State Commissions and the civil society.

Other issues discussed included human trafficking, forced marriages, sexual harassment at workplace, and misuse of Section 498A of the Indian Penal Code.

### NCW enquires into Udaipur incident

Taking suo motu cognizance of the case, where a woman, who allegedly ran away with a man, was disrobed and beaten up by the villagers at Kolar in Udaipur after being tied to a tree, the National Commission for Women has recommended that the accused be tried in a fast-track court in a time-bound manner, and speedy justice should be rendered to the victim.

An NCW team comprising Chairperson Mamta Sharma and Member Adv. Nirmala Samant Prabhavalkar visited and interacted with the victim, a day after the incident. They also met the concerned State officials regarding the case.

Stating that the victim will also need extensive counselling to help her recover from the trauma of the assault, the Chairperson said that counselling from psychologists should be given to the victim to help her to cope with the shock and stress-related to the incident and she should be also mentally, emotionally and financially rehabilitated.

The Commission suggested stringent legal action against the culprits involved in such heinous crimes.



*Chairperson addressing the media at Udaipur. Member Nirmala Samant Prabhavalkar is on her right*

## Programme attended by Chairperson

NCW Chairperson Ms. Mamta Sharma attended a seminar on 'Female Foeticide and Gender Violence : The Human Rights Perspective' organized by Nehru Studies Centre, University of Rajasthan, at Jaipur.

Addressing a gathering of social activists, college students and teachers, she said that if discrimination towards the girl child continues, very soon around two crore youths will not find brides to get married.



*Chairperson addressing the gathering*

Ms. Sharma said it is unfortunate that despite being educated, parents in urban areas indulge in female foeticide and gender violence. She said there was a need to spread awareness against female foeticide and change people's mindset.

The other speakers pointed out reasons of gender discrimination and related myths associated with girl child. They touched on various issues related to gender discrimination from human rights perspective, too.

## Important Decisions

### ● Injury marks not necessary to prove rape

The Supreme Court has held that rapists cannot defend themselves by citing absence of injuries or marks of violence on the victims. A two-judge bench explained that absence of such evidence "may not be decisive, particularly in a situation, where the victim did not offer any resistance on account of threat or fear meted out to her. In the absence of corroboration, testimony of the victim cannot be ignored unless the inconsistencies or contradictions are sufficiently serious to warrant such a course of action," the apex court ruled.

### ● Child marriage act will override personal laws, says Delhi HC

Child marriage is banned, religion of the "contracting party" notwithstanding, ruled the Delhi High Court. "Prohibition of Child Marriage Act (PCMA) being a special Act, it will override provisions of the Hindu Marriage Act (HMA) or for that matter any personal law, in case there is any conflict", a three-judge bench headed by acting Chief Justice A.K. Sikri said in a judgement on child marriage.

The verdict will have a bearing on Muslim marriages as Muslim personal law allows boys and girls to marry at the age of 15, when they are supposed to have attained puberty.

Under PCMA, marriageable age for girls and boys is 18 and 21, respectively.

### ● E-mail alert stops minor's marriage

An E-mail alert to District Collector Hanish Chandra helped stop the marriage of a 16-year-old girl at Kanchipuram. Officials warned the families of the bride and the bridegroom against conducting the marriage. The families - when they tried convincing the officials that such marriages were common in their community - were told they would be penalised if they went ahead with the marriage.

## Members' Visits

● Dr. Charu WaliKhanna was the Chief Guest at 35th OCG Lectures on "Vigilance Administration/Anti-corruption and Harassment of Women at Working place" at GSITI, Hyderabad. The programme was organised by Geological Survey of India (GSI). The Member addressed a gathering of over 240 newly inducted recruits to (GSI), to sensitise them on gender issues and appropriate behaviour.



*Dr. Charu WaliKhanna (centre) with 'Zero Tolerance Poster' along with senior officers of GSI*

Later, she released the Zero Tolerance Poster and the guideline books developed by NCW in the presence of Sri S.C. Rath, Dy. DG, GSITI, Hyderabad; Dr. A.S. Senthivadi, R.A.O. & Vigilance Officer, GSITI.

Dr. WaliKhanna was the Chief Guest at the legal awareness workshop, organized by the Marci Welfare Society at Ghaziabad. Dr. WaliKhanna released a guide on "Protection of Women and Police", complimenting the NGO for helping women and making them aware of their legal rights. The Member said that women must not tolerate domestic abuse, dowry harassment, female foeticide, etc. but raise their voice when subjected to violence. The law provides protection to women but they must be empowered enough to access justice through legal awareness, she added.

Dr. WaliKhanna was also the Chief Guest at a seminar on "Rights of Women and the Role of the National Commission for Women", organized by Citizen's Rights Trust at Hyderabad. She spoke on Article 14 and 15 which says men and women are equal before the law, and on equal wage for equal work, dowry prohibition act, rape, sexual harassment, etc.

● Member Shamina Shafiq was a special guest in Intelligence Award Ceremony and Career Counselling Meet organized by Royal Educational and Care Institute at Gulaothi, District Bulandshahar and distributed prizes to the meritorious boys and girls of Gulaothi. She appreciated the counselling initiatives taken by the Institute to guide the students to choose the right career. The Member was also the Chief Guest at a free book distribution function at Meerut. She distributed freebies to the girl students and exhorted them to achieve their objectives through constant and strenuous hard work.



*Member Shamina Shafiq addressing the gathering*

Ms. Shafiq attended the Islamic Summit 2012 organized by Markazi Majlis e Quadria at Hyderabad for the welfare and upliftment of the minorities at all levels. Later, she met the Chief Minister of Andhra Pradesh and discussed the situation of women in Andhra Pradesh. She also met the Governor of Andhra Pradesh to discuss education of the girls in Andhra Pradesh. Afterwards, she had a meeting with the office bearers of the Confederation of Voluntary Organizations, dedicated to implement social harmony, peace and justice.

Member Shafiq had an interaction with the Vice-Chancellor of Lucknow University at the college campus to discuss ways and means to avoid crimes against women and the possibility of involving girl students in spreading awareness of women's rights among the masses.

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