



Editor's Column

Giving a new meaning to the 'rarest of rare cases', the Supreme Court in a recent ruling said that offences relating to bride burning and killing for dowry, must be treated as the 'rarest of rare ones', and extreme punishment of death should be awarded to the offenders.

A bench comprising two justices, while upholding the life term for the husband and mother-in-law given by a lower court cancelled the bail granted to them for allegedly killing a 24-year old woman for dowry.

In this instance, the husband for the murder of his wife and sentenced to life by the trial court after the medical evidence clearly stated that she was strangled so badly that her neck broke and then kerosene was poured on her body and set a fire.

The judge said that "although bride-burning or bride-hanging cases have become common in our country, in our opinion, the expression the 'rarest of rare' does not mean that the act is uncommon; it means that the act is brutal and barbaric."

"Crimes against women were not ordinary crimes committed in a fit of anger or for property. They are social

FOCUS Bride Killing

crimes. They disrupt the entire social fabric. Hence, they call for harsh punishment", the Bench noted.

Observing that the "hallmark of a healthy society is the respect it shows to women", the judges felt that "Indian society has become a sick society. This is evident from the large number of cases filed in the supreme courts and

other courts across the country. These mostly pertained to killing of young women by husbands or by in-laws by pouring kerosene and setting them on fire or by strangulating them", the Bench pointed out.

"What is the level of civilisation of a society in which a large number of women are treated in this horrendous and barbaric manner".

"The time has come when we have to stamp out this evil from our society with an iron hand", they said.

The National Commission for Women wholeheartedly endorses the observations of the Supreme Court and feels that the civil society and the law enforcement machineries must work in tandem to ensure that perpetrators of these vile crimes get the starves punishment that they deserve.

Delhi Police Commissioner meets NCW Chairperson

Delhi Police Commissioner, Shri B.K. Gupta met the NCW Chairperson Dr. Girija Vyas at the Commission. The wake of recent rise of crimes against women in the capital. Mr. Gupta said that the police have taken several steps to make the city safer for women, including recruitment of more police women.

He also said that all PCR vans had been ordered to help stranded women at night, who would simply have to dial 100 to get dropped at the nearest safe spot. PCR vans commanded by women police officers would also be deployed around schools and colleges, he added.



Dr. Girija Vyas with the B.K. Gupta

Regional Consultation on Marriageable Age

A one-day regional consultation to discuss issues regarding marriage contracted by a boy with a girl below 18 years of age was organised by the National Commission for Women in coordination with the Kerala Women's Commission and Puducherry Women's Commission at Thiruvanthapuram and Puducherry respectively.

Inaugurating the seminar, NCW Chairperson Dr. Girija Vyas said that the percentage of under-aged girls getting married in the country was alarming. She said a similar trend was prevailing in all parts of the country.

Pointing out to a number of states where instances of child marriage were high, she said that the NCW, in its submissions to the Supreme Court, was of the view that the minimum eligibility age for marriage - 21 for male and 18 for female - should not be reduced.

The issues before the Commission were whether a marriage contracted by boys less than 21 years with girls less than 18 years could be said to be a valid marriage and the custody of the said girl be given to the husband; whether a minor could be said to have reached the age of discretion and thereby walk away from the lawful guardianship of her parents and refuse to go to their custody; whether she should be kept in



Dr. Girija Vyas lighting the lamp at the regional consultation at Puducherry. Lt. Governor Shri Iqbal Singh is on her left.

protective custody of the State or whether the FIR under section 363 IPC could be quashed on the basis of the statement of such a minor that she has contracted the marriage of her own will.

Dr. Vyas expressed the need for uniformity in every marriage law. Pointing out the ambiguity in the Hindu Marriage Act, 1955, and Prohibition of Child Marriage Act, 2006 and Hindu Minority and Guardianship Act 1956, she said that this should be removed to bring uniformity. She said that NCW after consultations with several state units would submit a report to the Centre.

She commented that the Commission felt that the marriageable age of girls should be increased to 21 and for boys 24. But in any case, the age of 18 for girls and 21 for boys should not be lowered. Stating that when

atrocities prevail in such marriages, the punishment should be enhanced.

Lauding the excellent data in Puducherry, which shows that the marriage age of female is 20 and male 26.4, Dr. Vyas said that women should fight against other atrocities facing them. Strong law, legal education, awareness programmes by Women's Commission and the media should go together, she added.

Speaking on the occasion, UT Lieutenant, Governor Iqbal Singh advised NCW not to limit its consultancy process to the urban areas but to extend it to the vast rural pockets as well. Welfare minister M. Kandasamy said that parents should act as guide to girls. Ms. Kamalini, Chairperson of Puducherry Women's Commission, highlighted the activities of the Commission.

Chairperson visits Italy

Chairperson NCW, Dr. Girija Vyas recently visited Italy to parliamentary leaders' conference in Rome organised by the Democratic Party of Italy. The focus of the conference was to discuss the current world political scenario and the challenges faced by political parties.



Dr. Girija Vyas second from left at the consultation



A view of Dr. Vyas with the participants

Important Decisions

● **Hindu Marriage Act means couple must be Hindu: HC**

The Delhi High Court has declared that a marriage between a Hindu and a person of another faith performed according to Hindu rites would not be valid under the Hindu Marriage Act (HMA) as it is a basic requirement of the HMA that both spouses be Hindus at the time of the solemnisation of the marriage as per Hindu customs.

● **SC sets aside adoption after 51 years**

Setting aside an adoption that took place 51 years ago, the Supreme Court in a recent judgement said the consent of the wife was a must to make the process legal.

“The wife’s silence or lack of protest also cannot give rise to an inference that she had consented to the adoption”, the Bench said, adding that in case an adoption is questioned in a legal proceeding, it must be proved that the wife participated with “an affirmative mindset to support the action of her husband to take a son or a daughter in adoption”.

● **HC rules women can seek residence in property owned by husband’s parents, if it is a shared household**

In a verdict that may accord a major reprieve to women under the Domestic Violence Act, the Delhi High

Court has ruled that a complainant’s right to residence is not confined only to cases where her husband owns or partly owns a property, but also in cases where other respondents, like her mother-in-law, is the owner.

The court also made it clear that the woman could continue residing in the mother-in-law’s house till the time an alternative accommodation was provided by her husband.

NCW members meet Banda victim

A three-member team of the National Commission for Women visit the Banda district jail to record the statement of the victim, who had alleged that she had been raped by a BSP MLA and when she tried to lodge a report with the police, she was arrested on a false theft charge and sent to jail.

The team comprising Member Wansuk Syiem, Sarla Arya and Jaya Shukla visited the jail know her side of the story. The NCW team members also noted down the version of the police officials and other persons concerned during their visit.

NCW members said they would submit their report to the Commission within the next two days.

From the Complaint Cell

● A complainant filed an application in the Commission alleging harassment meted out to her by her parents. She prayed for a shelter home for her as she had left her parent's house. She also alleged that she was an educated girl and intended to take up a job, but her parents were against it, as it would create problems while searching a good match for her because the complainant would like to marry only an educated and qualified groom.

The Commission took up the case and called the parents of the complainant for a hearing. Fortunately, the matter was resolved on the same day. The parents agreed to allow the complainant to take up a job and lead a dignified life. After a few days, the complainant sent an e-mail in the Commission, conveying her thanks.

● A complainant filed a petition in the Commission against her parents and her in-laws alleging apprehension of death, abduction and a forceful divorce, as she had married a boy of her own choice, who hails from the "Gujjar Community", whereas she belongs to the "Jaat Community". She alleged that now that her parents were aware of her marriage, they would try to kill her or force her into a second marriage.

The matter was taken up by the Commission and a letter was sent to the Commissioner of Police, Delhi for providing protection to the complainant. Since the matter was communal in nature involving the Jats and the Gujjars, it was decided to conduct a hearing in the Commission by calling the parents of the girl and the boy. The parents appeared in the Commission and after intervention and counselling, they gave in writing that they would not harm the complainant and her husband. Later, the parents of the complainant arranged a proper social marriage of the complainant with her husband. They also sent an invitation card to the Commission as a proof of solemnizing the marriage as per their customs.

for further information visit our website at :
www.ncw.nic.in

NGO Column

Roma Debabrata writes : Her organisation 'STOP' is an initiative to discover, nurture and support the indomitable spirit of trafficked women and children. STOP is synonyms with a growing movement against human trafficking led by a group of girls, who were once victims turned survivors and have now become activists.

We go through our journey against innumerable odds; ranging from collecting information through different sources, including clients, parents of trafficked children, rival brothel owners, julted mafias to recovery operations of trafficked persons from different exploitative situations. However, the most challenging job is to book the perpetrators, taking them to court, pursuing cases for compensation of the trafficked victims and finally arranging their rehabilitation.

One such trafficked girl in Angama from Nepal, who was recovered from the hall-hole of a Delhi brothel by STOP. Now, she is the leader of STOP sexual team, a successful peer counsellor working in the leather unit and in charge of organic farming. A role model for many, she has been chosen for the first time achievers award by the Government of United States of America.

NB : In order to recognise the valuable contribution of NGOs to women's empowerment, we are introducing an 'NGO column' in which inspiring initiatives undertaken by NGOs to advance the cause of women's empowerment and prevent violation of their rights will be projected. You are invited to share your experiences. *- Editor*