



# Rashtra Mahila

JULY 2006

Published by the National Commission For Women

## Editor's Column

Few crimes can be compared to rape in brutality and viciousness. However, the crime is compounded many times further, when the perpetrator offers to marry his victim in order to evade punishment.

Recently, in a Chennai case, a rapist escaped punishment by agreeing to marry the twenty-five year-old speech impaired victim. A compromise on this point was reached between the accused and the victim's family. However, it is most unfortunate that a criminal committing a barbarous crime has managed to go scot-free by adopting this strategy.

Rape is a cognizable, non-bailable and non-compoundable offence. Therefore, the perpetrator cannot and should not escape punishment even if he gets married to the victim.

A criminal offence is an offence against the State and hence, the rapist should be severely punished and no heed should be paid to his offer of marriage.

Incidentally, it bears recall that in the Shanti Mukund Hospital rape case in Delhi, the accused wardboy offered to marry the nurse, he had

**FOCUS**
**MARRIAGE  
WITH RAPISTS**

raped and grievously injured. The girl outright refused this outrageous suggestion. But the crux of the problem lies in the typical Indian mindset, which considers a girl as defiled if she has been raped. Consequently, her marriage later becomes near impossible.

Instead of bolstering her up emotionally, she is shunned by the society. The family members, in

turn, consider marriage with the perpetrator as a lesser evil forgetting that she may be abused and victimised more viciously after the so-called marriage.

The need of the hour, therefore, is to generate societal awareness that rape victims are victims of circumstances, with no fault of theirs. Instead of being ostracised, a victim should be supported and helped to lead a normal life. In addition, there should be provisions for compensation to the victim as there has been a failure on the part of the state to protect a woman's life and dignity.

Finally, for the rehabilitation of the victims, we need a progressive society and broad-minded young men who could offer unconditional marriages to these unfortunate women, so that the families are not compelled to reach a compromise with the perpetrators.

## NCW Seeks Report on Orphanage

The National Commission for Women has sought a report from the Rajasthan Government on the recent alleged attempt at molestation of girls and police harassment of the inmates at the Emmanuel Mission-run orphanage in Kota, currently taken over by the State's Social Welfare Department.

The NCW has asked the Rajasthan Women's Commission to look into the matter and make sure that the children in the orphanage are safe.

## From the Complaint Cell

One Prem Narayan, a resident of Agra approached NCW's Public Relation Officer, Ms. Romi Sharma with a complaint that his niece, Uma, a minor girl of 15 years, was being married off by her father on the assurance of Rs. 50,000/- from the groom's side. Prem Narayan requested Ms. Sharma to stop this marriage as Uma was a minor.

Ms. Sharma immediately got in touch with DCP and SHO Bhajanpura and requested them to take necessary action in the matter. The SHO reached the spot with police personnel and was able to stop the marriage just in time.

## Workshop on NRI Marriages

A two-day workshop on the problems of NRI marriages was recently jointly organised by NCW and the Ministry of Overseas Indian Affairs in Chandigarh.

The workshop was shocked to learn that 1,200 women from Punjab were living in shelters across Britain.

The NRI marriage racket also involves Indian grooms, who see their marriage with a NRI girl as a passport to the good life abroad.

Speaking on the occasion, the NCW Chairperson Dr. Girija Vyas said that at the moment the problems related to NRI marriages could not be tackled effectively for lack of treaties with various countries.

She expressed concern over the rising number of cases, particularly in Punjab, where “holiday wives” are becoming victims of the “pleasure seeking NRI, who comes to India, marries the girl in a hurry and then dumps her here never to return”.

She said that problems relating to NRI marriages persisted in countries like UK, USA, Canada and even in some parts of Europe, Australia and New Zealand.

She said during her recent visit to some of these countries she got massive support from associations of Indians who agreed to display details of those NRIs, who had deserted their legitimate wives and families back in India in temples and gurudwaras. She suggested that the High Commissions and Indian Embassies abroad could be actively involved in the process.

Dr. Vyas said that the Commission would also recommend that those NRIs, who marry Indian girls would be made to sign affidavits declaring their antecedents.

Such marriages, she said, should be registered within a specified period of time, which could be up to three months and a dual photograph of the

NRI husband and his Indian wife be incorporated in his passport in order to curb the tendency to break the marriage to marry someone again, she added.

She also called for establishing women’s cells in Indian embassies abroad to tackle offences in NRI weddings. She pointed out the need to enhance support systems for women trapped in distress situations in alien lands. The State Department had long

ago issued an advisory on US citizens of Indian origin, who came to India to marry.

Addressing the workshop, the Haryana Chief Minister Bhupinder Singh Hooda said that the problems relating to marriages with Non-Resident Indians could not be solved through legislation alone but also through creating an awakening and changing the mind-set of the people.



At the workshop on NRI marriages NCW Chairperson, Dr. Girija Vyas and Haryana Chief Minister Bhupinder Singh Hooda. (Below) participants having a group discussion

## Visit to Adarsh Mahila Jail, Lucknow

A Committee of the Commission comprising Mrs. Nirmala Venkatesh, Member and Ms. Gurpreet Deo, Deputy Secretary, was constituted to inspect Adarsh Mahila Jail, in Lucknow. The Nari Bandi Niketan also called the Adarsh Mahila Karagar was set up in 1954 in U.P. It is a corrective and reformatory jail for women convicts sentenced for more than three years. Therefore, there are no undertrials. At the time of inspection, there were 211 women convicts and 35 children under the age of 6, who were staying with their mothers. Overall condition of the prison was found to be satisfactory. The kitchen was clean and hygienic, six bed hospital facility was there and provision for crèche and nursery for taking care of children was also available.

Some problems faced by the women convicts were brought to the notice of the Committee, such as inability to obtain copies of judgement from the trial court. Some women expressed their anguish at not being able to meet their family members because they were residing in other districts. The Committee recommended that :

- The convict should automatically obtain all documents, including copy of the judicial pronouncement for remission of sentence.
- Women should be allowed transfer to the jail of their home district to enable them to meet their children and relatives easily and frequently.
- Segregation of women prisoners according to age and gravity of crime is essential and there should be a separate daily schedule of activity, study, recreation for each.
- The jail superintendent should compulsorily hold welfare meetings with the women inmates every month to listen to their grievances and redress the problems.

## Members' Visits

- Member Malini Bhattacharya visited Siuri in Birbhum, to discuss the State-level workshop for women folk artists to be held at Durgapur, Dhanyasara, village in Birbhum from 6-8 July, 2006.

On 2nd July, she went to Agartala to inaugurate the 'Chalo Gaon Ki Ore' Programme to be implemented in the State. Shri Manik Sarkar, Chief Minister, Tripura, Shri Manik De, Minister for Social Welfare, Govt. of Tripura and Smt. Tapati Chakraborty, Chairperson, Tripura State Commission for Women (TSCW) were present at the function. Ms. Bhattacharya reminded the CM about the case of the alleged rape of three tribal women by Assam Rifles personnel in Tripura. He said he had instructed the Home Department to send an Action Taken Report to the Commission.

In Calcutta, she met the Secretary, Social Welfare, at the office of the WBSCW where the Chairperson, WBSCW and other members were also present. A plan was made for the implementation of 'Chalo Gaon Ki Ore' which would be inaugurated by the Chief Minister, West Bengal.

- Member Neeva Konwar visited Sikkim to create awareness about social malfunctions. On the 1st day, she attended a meeting presided over by the Secretary, Women & Child Welfare Development Society. Ms. Konwar, elucidated the objectives of the NCW as well as the 'Action Plan' for the year 2006-2007, especially, for the state of Sikkim. She also discussed the 'Chalo Gaon Ki Ore' programme of NCW to be organised by the State of Sikkim in collaboration with NCW and different departments of the Central and State government.

Ms. Konwar, later held talks with the Chief Minister, Mr. Chamling, the Chief Secretary, the Commissioner as well as the Secretary of Social Welfare and the Secretary of the State Women's Commission.

She requested the C.M. to launch the 'Chalo Gaon Ki Ore' programme with greater fanfare as this would promote awareness among the masses, especially, among rural women and also ensure that constitutional and legal safeguards are being given to these women.



NCW Member Ms. Neeva Konwar (fifth from left) with Chief Minister, Chief Secretary and other senior officials at Gangtok.

## NCW Gets a New Member



Ms. Manju Snehlata Hembrom, currently, Vice President, All India Mahila Congress, Member AICC task force on naxalite violence and President, Rashtriya Mahila Sansthan (Jharkhand Unit) has joined the Commission, as a member, on 30th June, 2006.

Hailing from a political family, Ms. Hembrom has been working for the progress and upliftment of women, particularly tribals, for several decades. With her experience in administration and social welfare work, she will be an asset to NCW. We welcome Ms. Hembrom to the Commission.

## Complaint Against Dainik Jagaran

The NCW has drawn attention of the Press Council towards an advertisement of Bajaj Motorcycle appearing in *Dainik Jagaran*. The Commission has opined that the advertisement in question was a direct encouragement to dowry prohibited under the Dowry Prohibition Act, 1961.

On consideration of the material, the Chairman of the Press Council has written to the Editor of *Dainik Jagaran* that since the impugned advertisement has a tendency to encourage social evils, the newspapers should observe due caution in accepting advertisements that may militate against social ethos and the provisions of law

## Important Decisions

### A Woman cannot be Accused of Rape : SC

A woman can be accused of abetting rape but not of rape itself. Settling this law, the Supreme Court has held that a woman's role in a gangrape is only that of a victim and if her involvement is proved in a case, she could at best be punished for abetment.

### Govt. Plans Cash Incentives for Girl Child

To counter the growing menace of female foeticide and discrimination against women, the government plans to start a scheme by which parents will be given cash incentives for taking care of their girls.

The ministry of women and child development (WCD) is considering a proposal under which poor families will be given money for certain milestones in their daughters' lives, including sending her to school, regular health check-ups, ensuring that she passes school exams.

## Legislation in the Pipeline

### The Immoral Traffic (Prevention) Amendment Bill, 2006

The Immoral Traffic (Prevention) Amendment Act (ITPA), 1956 is being further amended to widen its scope, focus on the trafficker and to make its implementation more effective. It is also proposed to prescribe more stringent punishment for offenders under the Act and at the same time, omit those Sections which penalise the trafficked victims. The ITPA Bill 2006 was introduced in Lok Sabha on 22 May, 2006.

### 'Rape' may be replaced by Sexual Act in IPC

After bringing the amended Criminal Procedure Code into force, the Centre is planning to make changes to the Indian Penal Code by redefining rape to introduce more stringent punishment of the accused.

"A draft bill is being prepared to change the definition of rape", which is also examining if marital rape should be included. The government has also decided to make "plea bargain" - a US concept - a part of the statute to allow settlement of cases between the accused and the victim through various measures, including compensation.

Besides plea bargain, the Act has clauses to prevent witnesses from being threatened to give false evidence in criminal cases. It prohibits arrest of a woman after sunset and before sunrise other than in exceptional circumstances, makes it mandatory for police to give information about the arrest of a person as well as the place where he is being held to anyone, who may be nominated by the arrested for sending such information.

for further information visit our website at : [www.ncw.nic.in](http://www.ncw.nic.in)