



Editor's Column

The Supreme Court last week expressed its displeasure over the failure of the Union Government to come up with a clear stand on framing a stringent law or making amendments to the existing ones to deal with acid attacks which are on the rise in the country.

What is terrible about these horrific incidents is that it will be easy for the perpetrators to get out on bail while the victims struggle for their lives. And even if they do survive, their trauma will last a lifetime as such incidents leave behind permanent scars on the body and soul of the victims, often resulting in disfigurement and even blindness. In a society, where people have little respect for the disabled, one can easily imagine the plight of the acid attack victims.

Rehabilitation of acid attack victims also becomes difficult as plastic surgery, skin grafting or reconstructive surgeries are not only expensive but chances of complete correction are minimal. Even educated and previously employed women lose their jobs and suddenly become financially dependent.

Considering the gravity of the crime, the National Commission for Women prepared a draft of the Prevention of Offences (by Acids)

Bill, 2008. The Bill proposes to classify acid attacks as a separate offence. The Bill, which has been sent for approval to the Union Ministry of Women and Child Development, specifically deals with acid attacks. It includes schemes to treat and rehabilitate victims. The NCW's

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Quick
Legislation of
Acid Attack Bill

proposed amendments to the IPC will make acid attacks a cognizable, non-bailable offence, which will attract a prison term of not less than 10 years.



The NCW has also suggested amendment of the Evidence Act and Section 35 of the Cr.P.C. to make the survivor's statement good enough to book the accused and empower the authorities to recover the compensation paid to the victim from the assets of the accused.

The guilty is also liable for a fine that will be minimum of Rs. 2 lakh and may extend to Rs. 5 lakh. The Bill

also envisages constitution of a national Acid Attack Victims' Assistance Board which could grant an interim financial relief of Rs. 5 lakh within 30 days after being 'prima facie' satisfied that a case of acid attack has been made out.

It is only hoped that in view of the Supreme Court directive, the Centre will push through the legislation quickly and the Bill will not suffer the same fate as that of the Women's Reservation Bill.

Woman stripped in full public view in Patna

The National Commission for Women sought a report from the Bihar Government about a woman, who was allegedly beaten and stripped by a group of people in full public view, after they came to know that she was an alleged sex worker and had a tiff with a man, suspected to be a pimp, over remittances.

The incident, shown live on several TV channels, appalled the National Commission for Women, who denounced the public humiliation of the 20-year-old woman. Chairperson Dr. Givija Vyas said, she was "shocked to see TV footage of the incident adding not only its perpetrators but also the spectators ought to be punished."

Deeply disturbed by the rising incidents of rape, gang-rape, the National Commission for Women has asked for early implementation of the scheme for relief and rehabilitation of the rape victims. NCW has written to the Prime Minister to make the anti-rape law effective by extending it to cover the heinous nature of sexual crimes against women and children.

Briefing media persons, NCW Chairperson Dr. Girija Vyas said that the need for a review of laws on sexual assault was felt by NCW as the present law does not define and reflect newer forms of sexual assault on women and children. She urged the Govt. to change the definition of rape to include in it various other types of sexual assault. The recommendations were based on national consultations held on the issue organised by NCW.

The scheme, which the Supreme Court had directed the NCW to evolve, recommended a rehabilitation scheme for rape victims by way of financial support. "For rehabilitation of rape victims it is necessary to set up Criminal Injuries Compensation Board (CICB) in every district that will look after financial matters relating to the victims. Besides suffering mental



Dr. Girija Vyas at the Press Conference

anguish, sometime the victims are so financially weak and in some cases, too, traumatised to continue to provide for themselves. CICB will monitor the implementation with the state governments", Dr. Vyas said.

The scheme for rehabilitation and relief for rape victims will be monitored by NCW and cover all cases where an application is filed either by the rape victim or by anybody on her behalf. The provision for budgetary requirements for the CICB scheme would be transferred to the states as grants-in-aid. After being satisfied that *prima facie* rape has been committed, the CICB will order an interim financial relief of a minimum of

Rs. 20,000 and a final relief of Rs. 2,00,000 to the victims, when the person accused of rape is proven guilty.

"In our recommendations on amending rape-related laws, we have suggested more stringent punishment for rape of minors, gangrape, sexual assault in custody and even rape by employer. In case, the rape is committed by a person in a position of trust and authority, he would be liable to be punished with an imprisonment not less than 10 years and which may be extended to life imprisonment along with fine. These changes would go a long way in curbing child pornography and abuse", said Dr. Vyas.

Important Decisions

● H.C. widens scope of maintenance

The Delhi High Court has said that the maintenance amount granted to a wife should be sufficient to allow her lead a life with facilities that she was living with before separation.

Justice Manmohan, while hearing a review petition said, “While granting maintenance, the court does not have to grant mere sustenance amount, as maintenance directed to be paid is meant to ensure that the spouse enjoys the same facilities as she was enjoying prior to separation.

● Mangalsutra not a must for Hindu Marriage : HC

A woman’s 21-year legal quest to prove that she was married bore fruit with a Madras High Court Bench upholding the validity of her wedding saying “It is not

mandatory for the groom to tie ‘mangalsutra’ around the bride’s neck to prove a marriage between Hindus. It was sufficient to prove solemnisation of marriage in any recognised form as per the Hindu Marriage Act Section 7”, dismissing an appeal challenging a lower court order upholding the validity of the marriage.

● Try servicemen in regular courts for rape, murder: HC

The Madurai bench of Madras high court has ruled that soldiers accused of crimes like murder or rape could be tried in a court other than a court martial.

Passing orders on a revision petition filed by a soldier accused of killing his wife, Justice A. Selvam said both the criminal court and the court martial enjoyed concurrent jurisdiction to try criminal offences.

From the Complaint Cell

● The NCW took *suo moto* cognizance of an incident which occurred in June, 2009, wherein a 17-year-old schoolgirl was allegedly abducted, gang-raped and filmed in a moving car in Surat District of Gujarat.

The inquiry Committee after spot visit and enquiry deplored the fact that the incident occurred in broad daylight and in a moving vehicle, which shows laxity on the part of the administration and reflects poorly on State Government’s intent to provide security to women.

- (a) The committee recommended that the Government should compensate the victim and may consider giving a grant of at least Rupees two lakh;
- (b) The case to be strictly monitored till it is charge-sheeted in the Court;
- (c) The statements of the victim to be recorded U/s 164 of the Criminal Procedure Code as expeditiously as possible;
- (d) The State should ensure proper safety and security of the victim and her family members. In addition, every possible help and support from the Local Administration/Police should be provided to the victim and her family.

● The incident, wherein some disabled girls were reportedly raped in the Rehabilitation Centre, Shimla

in Himachal Pradesh, was taken up by NCW. On NCW’s intervention, following actions have been taken.

- (a) The police have registered an FIR U/s 376(2) of IPC against the accused persons;
- (b) The medical examination of all the six victims has been conducted and their statements have been recorded through a speech therapist;
- (c) On further investigation, Sections 377, 354 & 511 of IPC have also been added in the case;
- (d) All the four accused persons have been arrested.

● The NCW took *suo moto* cognizance of an incident, wherein a 12-year-old minor girl was reportedly raped in a moving car by a traffic constable at Swaroop Nagar in Outer Delhi Area. On NCW’s intervention, the following actions have been taken :

- (a) An F.I.R. has been registered against the accused persons. The police swung into action and two accused persons i.e., the constable and one other accomplice were arrested.
- (b) The accused traffic constable has been dismissed from service. The vehicle used in the commission of the crime has been seized by the Police.

Members' Visits

- Sponsored by the National Commission for Women, a 2-day Legal Awareness Camp was recently held at Guwahati, organized by North-East Women Entrepreneurs Association (NEWEA).

The camp was inaugurated by the Deputy Commissioner of Sibsagar District. In his inaugural address, he explained about the facilities and schemes undertaken by the Govt. for the welfare of the women in Assam. Ms Neeva Konwar, Member NCW, attended the programme as the Chief Guest.



Ms. Neeva Konwar (right) at the Legal Awareness Camp.

About 600 women from different parts of the district came to attend the Awareness Camp. Legal experts and social workers were present as resource persons. There was fruitful interaction among the legal representatives on legal matters. Three cases of family disputes were discussed and heard by the legal professionals. Counselling was also done with the assistance of the Local Mahila Samity. The participants were also made aware of the legal provisions in the Prevention of Domestic Violence Act, 2005.

- Member Wansuk Syiem attended as chief guest the State level Workshop on Economic Development of Women held at Aizwal.

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

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Speaking on the occasion, Ms Syiem said that even after 30 years, Mizo women had not made much progress in respect of employment and self-sufficiency. While women play a very important role in economic development, in society and in the family, they have not been given any powers.



Ms. Wansuk Syiem (third from left) at the workshop.

She said that according to the customary law, women are not entitled to inherit family or ancestral property. Even in the absence of a male child, a daughter can not claim, as a matter of right, the family property, which would normally go to the nearest male relatives. Codification of the Mizo Customary Law is a pre-requisite for the upliftment of the status of Mizo women, she added.

She urged that the Central Govt. schemes for the development of women be quickly implemented and other suggestions in this regard could be sent to the National Commission for further action.