



Editor's Column

The Supreme Court's recent ruling that any compromise between a rape convict and a victim cannot be a ground to reduce the sentence of imprisonment is extremely pertinent. The rapist's offer to marry the rape survivor could never be a basis for letting him off lightly nor does it minimize the gravity of the offence, even if the survivor forgives the accused.

The Court said "rape is a non-compoundable offence and it is an offence against the society and not an individual and, therefore, it cannot be left for the parties to compromise and settle". Moreover, there is always an apprehension that the victim might have been pressurized by the perpetrator to marry him to reduce the sentence. At times, it could be

the pressure by the parents to go for a compromise to overcome the social stigma of rape or coercion exerted by the Khap Panchayats to force a union. Sometimes, it could be also due to financial compensation provided by the rapist's family, in exchange for not

FOCUS MARRYING THE RAPIST

pressing charges.

The Supreme Court has rightly expressed serious concern about the tendency of many trial courts to impose lighter sentences on rape convicts once they offer to marry the survivor. The Court said that punishment should always be proportionate and commensurate with the gravity of an offence.

Moreover, unions forged in brutality rarely have happy endings.

A girl from Ranchi recently lodged a rape complaint against her living partner. She married the accused and within a month came back to her parent's place claiming that her husband and his friends gang-raped her every night after drinking. Many-a-times, after marriage, the girls are either tortured by their husbands or thrown out of their houses.

Thus, Supreme Court's directives to subordinate courts against any casual or cavalier use of judicial discretion to reduce the quantum of punishment is timely and laudable. As ninety percent rape cases in the country end in acquittal, it has expanded the scope of plea for justice on behalf of a gangrape survivor and has also sought responses from all state governments on the question of rehabilitating such victims.

Status of complaints received in the month of July, 2013

Month	Opening Balance	Complaints Received	Number of complaints on which action taken	Complaint cases closed	Complaints pending for action
July 2013	Nil	1,377	1,377	405	Nil

Commission took suo motu cognizance of 17 cases in August, 2013

Enquiries undertaken by NCW

- Dr. Charu WaliKhanna as Chairperson of an enquiry committee enquired into a media report titled "Two year old murdered by inmate in Gwalior Jail."
- Dr. Charu WaliKhanna as Chairperson of an enquiry committee enquired into a media report titled "Another woman student attacked in JNU."
- Member Shamina Shafiq alongwith advocate Abhishek Gupta and social activist Yogita Bhargava visited Pali in Rajasthan to enquire into a complaint regarding gangrape of a girl.

Chairperson's Page

● NCW Chairperson Ms. Mamta Sharma inaugurated a two-day workshop on “How to Make the Workplace Positive, Healthy, Ethical and Safe” organized by the Airports Authority of India (AAI) in New Delhi.



Ms. Sharma inaugurating the workshop

Inaugurating the workshop, Ms. Sharma emphasized the rights of women mandated in the new Act related to sexual harassment of women at workplace and appreciated the efforts of AAI in creating awareness on the subject among its workforce. Later, Member Adv. Nirmla Samant Prabhavalkar discussed the various legal aspects related to the Act.

● The Chairperson was the Guest of Honour at the annual event to award prizes to top ranking students from the minority communities held at Mumbai. Lauding the efforts of Babloo Aziz, President of Bless Minorities Development



BMDF President with the Chairperson

Foundation (BMDF), she said “it is sad that even in today’s world, many people, especially women, are not aware of their rights. There is an acute lack of awareness which affects implementation of government laws, schemes and policies. Sound education is necessary for all round growth and development among women. She applauded the academic excellence shown by the students of the minority community.

● Ms. Mamta Sharma was the Chief Guest at a programme organized by the Rotary Club, Padmini at Kota in Rajasthan.

● The Chairperson as the Chief Guest inaugurated the Janamashtmi celebration organized by Uma Sharma and her group in New Delhi.

● The Chairperson released the book ‘Awakening Thoughts ... Ek Koshish’ authored by Sakhamitra Ashwini in New Delhi. ‘Awakening Thoughts’ is a tribute to women of the world, who have been victims of harassment and



Chairman, Timeless Mahatma Trust, Shri A.G. Khokar and Ms. Mamta Sharma displaying the book

crime. The book is an attempt to change the thinking of human civilization.

● The Chairperson released a booklet “Policing and Human Rights” prepared by Human Rights Mission, an NGO, working in the field of human rights. The National President Dr. Mahendra Sharma, State and Districts Presidents and several other office bearers were present on the occasion.



Dr. Mahendra Sharma, the Chairperson, Ms. Shamina Shafiq displaying the booklet

Members' Visits

❖ NCW Member Dr. Charu WaliKhanna inspected the Gwalior Central Jail, which housed 2322 inmates, out of which 87 were females. She observed the need for a dedicated child-friendly space for children and suggested education and extra curricular activities for them. It was also essential to provide healthcare to women suffering from mental health problems.



Dr. Charu WaliKhanna, with female inmates and their children at Gwalior Central Jail

● Dr. WaliKhanna was the Chief Guest at a program on “Women’s Empowerment” organized by the Lion’s Club, Delhi. ● She was the Guest of Honour at the National Consultation on “Protection of Dignity and Rights of Sex Workers” organized by All India Network of Sex Workers in New Delhi. The Member chaired the session on “Legal Reforms to Prevent Conflation of Sex Work and Trafficking”.

❖ Member Shamina Shafiq attended Pratibha Samman Samaroh 2013 organised by Rajesh Pilot Shiksha Samiti at (Greater Noida) in U.P. She applauded the efforts of the Samiti in recognizing young budding talents, especially of girls. ● The Member visited District Palwal in Haryana to inaugurate a Padayatra on ‘Beti Bachao Andolan’ organised by Indian Human Rights Front, Haryana. ● Ms Shafiq attended a public



Ms. Shamina Shafiq inaugurating the padayatra

programme on Self-Employment of Youths, (women) organised by Siddivinayak Sanstha at Wardha. Later, she visited the Nagpur jail to assess the condition of women inmates.

● Member Hemlata Kheria alongwith social activist Mansi Pradhan conducted an enquiry into a newspaper report “Blind Minor raped, killed in Puri” wherein reportedly a 13-year-old girl of a blind school of Bhubaneshwar was raped and murdered. A report has been submitted.



Ms. Hemlata Kheria with Mansi Pradhan conducting the enquiry

❖ NCW Member Adv. Nirmala Samant Prabhavalkar visited the Crime against Women Cell at Amritsar. The Cell was found working actively under a woman DCP. The majority of



Ms. Nirmala Prabhavalkar (centre) alongwith officers of crime against women cell.

complaints related to domestic violence, divorce, maintenance and child custody. Some cases of rape and molestation were also being reported. ● The Member addressed a conference organized by “Majlis” in Mumbai on “Negotiating Spaces, Fine tuning our demands of Rape Law”. Speaking on the occasion, she said that rape not only caused physical injury but affects a woman’s status and dignity and violative of her human rights.

From the Complaints Cell

The Commission received a complaint from Mr. X on behalf of his daughter alleging domestic violence by her husband and in-laws. Prior to this, the complainant alongwith his son went to Gandhi Nagar Police Station, Delhi and lodged a verbal complaint that he was not able to contact his daughter for the last 2-3 days. Thereafter, one police constable went with them and rescued the complainant's daughter from her matrimonial home where she was locked up by hers in-laws. Taking cognizance of the matter, hearings were conducted at the Commission. The complainant's daughter requested the Commission to get back her dowry articles and her 'streedhan' from the respondent as she did not wish to continue her marriage.



Photograph of dowry articles being returned

With the intervention of the Commission, two hearings were held, where it was decided by both the parties that they would file for divorce with mutual consent, wherein the respondent will pay Rs. 4,90,000 as full and final settlement to the victim. All dowry articles, such as clothes etc. along with gold jewellery were returned to the complainant at the Commission.

List of Abandoned Brides by NRIs

States	No. of complaints	States	No. of complaints
Delhi	59	Haryana	29
Uttar Pradesh	38	Maharashtra	23
Andhra Pradesh	35	Gujarat	19
Punjab	30		

Complaints registered with the NCW by women deserted by their Non-Resident Indian husbands during 2012-13.

Important Decisions

- ❖ From now onwards marriage registration in South West Delhi will require couples to take an oath - that they will never go for sex determination of their children. This will be attached to the marriage certificate, too. The district advisory committee came up with this initiative to prevent female foeticide and has also decided to make it mandatory for all pregnant women to submit address and ID proof at the time of hospital registration so that all births will be recorded accurately.
- ❖ To curb child marriages that are rampant in Rajasthan's rural areas, the state government has issued a directive that the date of birth of the bride and the groom should be printed on the invitation cards. If the printing press owners find either the bride or the groom is not of legal age, he should turn down the print order.

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

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