



## Editor's Column

Justice D. Devadass's preposterous suggestion that a rape victim and the person convicted in the case, should settle the issue through mediation is not only bizarre but also affronts the dignity of all women. The Madras High Court Judge, while giving a judgement on a bail plea from the accused said that it was a fit case "for attempting compromise between the parties". He even cited religion as the foundation for dispute resolution. Mediation has its place and justification but cannot be contemplated where crimes of murder and rape are involved.

The girl was a minor when she was raped and delivered a child next year. After 6-years of trial, the perpetrator was found guilty and was sentenced to 7-years of imprisonment with fine. After conviction, the

accused has offered to marry the victim. Would he have agreed for a compromise had he been acquitted from the rape charge by the trial court? The fiery girl has turned down the outrageous offer, even if it would have brought her relief from a hard life.

Admittedly, she has been doubly traumatized, first by rape and then by

### FOCUS

### Marriage with a Rapist

this court verdict. It is also against the law that an accused of such a heinous crime can be absolved of his guilt by agreeing to marry the victim.

The National Commission for Women, women activists, academicians, advocates and the civil society at large have dubbed the court's directive as "insensitive and patriarchal", highlighting the lack of

say the victim has over her life post-rape. The court did not even ask her what she wanted. It assumed she, as a single mother, needed help, and it was the rapist, who could help her through mediation.

However, good sense has prevailed. The Supreme Court has intervened in the matter and said that it would be "a spectacular error" for judges to adopt such a liberal approach in case of sexual assault as there could not be any compromise in such instances as it would be against the victim's honour, which matters the most.

The National Commission for Women commends the clear verdict of the apex court, which removes confusion and obfuscation over this issue while upholding the dignity and human rights of not only a rape victim but of women in general.

## Girl moves court to annul child marriage

A 19-year old Rajasthani teenager has decided to move court to annul her marriage that was conducted by her parents when she was 11 months old. While child marriage is banned in this country, it is not "void" and has to be dissolved, should either partner or both wish to do so. The Prohibition of Child Marriage Act defines child marriage as one in which either the girl is under 18 years or the boy below 21. Meanwhile, the panchayat has ordered her to go to her so called in-laws' home or pay a penalty of 16 lakhs. The community has boycotted her family but her father said he was ready to face opposition of his community for the good of his daughter. The girl now lives in Jodhpur and is pursuing her graduation at Jai Narayan Vyas University. The Rajasthan government must find out as to how and why the panchayat imposed such a fine on the girl and punish the decision-makers for their illegal stand.

## Making a Difference

In a unique gesture, a mother-in-law donated her kidney to her daughter-in-law, who needed a renal transplant, when the patient's mother refused to donate her kidney just before the transplant. The mother-in-law said "She is my daughter, not daughter-in-law". The doctors were amazed to witness such a relationship.

## War Against Acid Violence



*NCW Chairperson addressing the gathering*

NCW Chairperson Lalitha Kumaramangalam participated at the launch of the campaign “War Against Acid Violence and a Trauma Informed Care Kit (TICK)” supported by the Acid Survivors Foundation of India (ASFI) in New Delhi.

Speaking on the occasion, she said “the acid attack survivors lack social support and people are not empathetic towards them. There is need to train and rehabilitate them so that they can stand on their own feet. The government and private players need to step in to help them lead a normal life with dignity and self-esteem”.

The Chairperson also stressed the need to introduce stringent laws to stop acid attacks and quick implementation of existing laws to combat such heinous crimes. She also stressed the need to curtail free sale of acids in retail shops.

The newly launched TICK is the first of its kind and introduces the first holistic methodology for tackling the trauma consequent to acid attacks.

## Global Initiatives for Safe Cities

UN Women Safe Cities Global Initiative and UN Women’s Multi Country Office, India, hosted a two-and-a-half day Safe Cities Global Leaders’ forum in New Delhi. The forum brought together 180 participants from 24 countries from cities where the Safe Cities Global initiative is being implemented. The initiative, launched in 2010, facilitates global commitment to make cities smarter, safer and more sustainable through partnership and collaboration – between residents, government, the private sector and civil society.



*NCW Chairperson Ms Lalitha Kumaramangalam addressing the UN Women Safe Cities Global Leaders' Forum*

Addressing delegates during the inaugural session of the conference, NCW Chairperson, Lalitha Kumaramangalam said “we must deal with culture, which sometimes suppresses women, if we want to have safe cities, and we can address this in large part through education.”

Eminent speakers at the inaugural session included Ms. Lakshmi Puri, Assistant Secretary General and Deputy Executive Director UN Women, Shri Venkaiah Naidu, Union Minister for Urban Development, and Ms. Preeti Sudan, Additional Secretary, Ministry of Women and Child Development, Government of India.

## NCW's Intervention

The National Commission for Women received a complaint from a girl alleging threat to her life. In her complaint, the girl said she got married to a boy from Jind in Haryana against the wishes of both the families. The family of the girl had filed an FIR u/s 363, 366 IPC for kidnapping, abducting/inducing women to compel them to marry.

NCW contacted SP Jind, who called the couple to the Police Station for interrogation. Fearing threat to their lives, they declined to go to the police station. In view of the threat perception, the NCW sent a letter to SP Jind to record her statement u/s 164 CrPC 1973, through video-conferencing. Further, to ensure her safety the NCW arranged for her stay in a shelter home. The Commission duly received a letter from the SPs office, annexing the orders of the District Magistrate, Haryana, who fixed the date for video-conferencing on 9/6/2015. The Investigating officer was also directed to be present in the Commission on that day, to identify the complainant and to maintain secrecy of her identity as per law. The law officer NCW was present during the video-conferencing. With the combined efforts of NCW Member Laldingliani Sailo, NCW Law officer, NCW counsellor, SP Jind and the judicial magistrate, the statement of the complainant was successfully recorded. Meanwhile, NCW ensured the safety and security and financial stability of the girl. The husband of the complainant assured the Commission that he would deposit Rs. 500,000 in the individual account of the girl within six months to ensure her well-being. The girls' family expressed satisfaction at NCW's intervention.

Incidentally, this was the first case, after Criminal Amendment Act, 2013, wherein the statement of the complainant under Section 164 CrPC has been recorded through video-conferencing. The police has assured to take further necessary action appropriate as per law with reference to the said FIR under Section 363 and 366 of IPC.



(from left) Counsellor Neha Mahajan, Member Sailo, Law officer Sudha Chowdhury with the victim (face concealed)

## Profile in courage

Cheated and brought to Delhi two years ago, two courageous girls, have overcome all odds and are using education as a key to counter human traffickers.

One of the girls, hailing from Assam, then a minor, was lured by a trafficker and brought to Delhi with the promise of marriage and a good life. She was married to one Ismail, who introduced her to several men. However, at that time, she could not understand his motive.

Meanwhile, her parents lodged a complaint in the local police station in Assam, following which, the police swung into action. In an operation in 2011, with the help of NGO Shakti Vahini, the girl was rescued when the trafficker was trying to sell her off for Rs. 1.5 lakh. The girl who wants to be a police officer says "I wanted to fight against the people, who put me through inhuman conditions but while doing so I did not stop studying and cleared my Class 12 exam". She recently appeared for Assam Police Constable Recruitment Test. Though she was not selected due to her height, she said she would not stop but try again to fulfil her dreams.

The other girl, who was trafficked from Jharkhand, when she was 17-years old, managed to escape from the clutches of her traffickers and has cleared Class 12 Board examination under the Jharkhand Board. Like the other girl, she, too, wants to be a police officer so that she can help save other girls from being trafficked.

NCW applauds the indomitable spirit of the two trafficked victims and hopes their courage and grit would enthuse and inspire other trafficked victims to fight against injustice and exploitation.

## Important Decisions

- In a move to empower women working in the private sector, the Centre has made it mandatory for private companies in India to inform the government about constitution of internal complaints committee (ICC) as mandated under the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- A Delhi court has said that in-laws cannot be burdened with any kind of liability towards a woman, directly or indirectly, and all such liabilities should be of her husband and all such direct liabilities are to be directed against her husband and the estate of her husband.
- The first One-Stop Crisis Centre for Women in distress out of the proposed 660 will be inaugurated in Chattisgarh at the end of June under Nirbhaya Fund, with the initiative of Women and Child Development Ministry. The Crisis Centre will provide all kinds of aid to women in distress, including, medical help, counselling, legal and police assistance, while ensuring anonymity of the victim.
- In a move towards financial empowerment of women from the economically weaker sections and lower income groups, the government has made a mandatory provision of making the mother or the wife to either be the sole or co-owner of flats along with the beneficiary under the affordable housing scheme. Their names have to be included during registration under the affordable housing scheme.
- A Delhi court has said even a working wife is entitled to maintenance from her estranged husband irrespective of differences in their earnings and the amount of maintenance should be such that the wife is able to live in "reasonable comfort" considering the "status and lifestyle" she had while living with her husband.

## Congratulations Ira Singhal !

Ira Singhal became the first physically challenged candidate to top the Civil Service Examination 2014, in which, astoundingly, the first top four positions in the prestigious competition to pick India's top administrators, police officers, diplomats and other officers have also been bagged by women. What makes it truly remarkable is that the topper is the first differently-abled person to qualify in the open category. Her story indeed is an inspirational tale of human endeavour and indomitable spirit.

### Complaints Received by NCW in writing and online in May, 2015

| Month<br>May, 2015 | Opening balance<br>(Pending of previous<br>month) | Complaints received | Number of complaints<br>on which action taken | Complaints pending<br>for action |
|--------------------|---|---------------------|---|----------------------------------|
| In writing         | NIL   | 1337                | 1332  | 5                                |
| Online             | NIL   | 269                 | 267   | 2                                |
| Cases closed       | In writing - 181                                  | Online - 58         |   |                                  |

NCW had taken up 18 suomoto cases in May, 2015.

## Do you know?

The Delhi Police's crime branch has revealed that in Delhi every day 5 women are raped, 12 molested and 26 targeted by snatchers. Interestingly, the report said that most rape and molestation cases occur in posh areas of south Delhi.

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