



## Editor's Column

The Supreme Court's recent ruling that an accused held for rape and murder of minor victim should be hanged as such offences henceforth will fall in the "rarest of rare", category is a well thought-out decision as many lower courts were giving lesser punishment to the perpetrators, who commit brutal and heinous crimes.

Treating minor victims as a special class, the Supreme Court, for the first time, has carved out a special category among rape followed by murder offences, where death penalty will be mandatory. Giving the order, the apex court has also taken note of the nationwide public outrage and anger against criminals, who are committing such barbarous crimes with impunity.

The Supreme Court held "heinous rape of minors followed by murder is a crime that shocks the

collective conscience of the society and creates extreme revulsion in the minds of the people and should be treated as a 'rarest of rare category'".

The Supreme Court made this observation while taking up the case against a 19-year-old, who had raped a 5-year-old child on December 23, 2002, wherein the victim was later killed, packed into a sack and dumped in a

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## Death Penalty for Rapists of Minors

train. The accused was sentenced to death on April, 2004. However, seven months later, the Rajasthan High Court commuted his punishment to life imprisonment. Though, the supreme court was convinced that such a crime fell into the "rarest of rare" category and deserved death penalty, it did not reimpose the trial court verdict because

9 years have passed after the Rajasthan High Court delivered its judgement. But for the future, the court said where cases dealing with enhancement of life sentences to death is asked for, the cases must be decided on priority.

In this context, one can quote the celebrated judge Lord Denning, who when questioned whether death penalty was an adequate deterrent against murder, said "it is a mistake to consider the objects of punishment as being a deterrent or reformatory or preventive and nothing else ..... the truth is that some crimes are so outrageous that society insists on adequate punishment, because the wrongdoer deserves it, irrespective of whether it is a deterrent or not". Admittedly, the society demands just punishment from the court and the court is bound to respond within legal parameters.

## Consultation on Women Reservation Bill

The National Commission for Women recently organized a consultation on Women Reservation Bill in New Delhi. The Commission invited the State Commissions for Women, representatives of women organizations, women activists and others, who are deeply concerned that the 33% Women Reservation Bill has not been brought into the Lok Sabha Agenda in the current session of Parliament, despite having being listed. Women thought that the passage of the bill in the Rajya Sabha in March, 2010 would be logically followed by its passage in the Lok Sabha.

The consultation passed a resolution reiterating that reservation for women in Panchayats and local bodies have enabled lakhs of women to enter the political arena. The experience also paved the way for women from the minorities into the political sphere. However, resistance from patriarchal forces is still prevalent and several diversionary tactics are being adopted to stall the passage of the Bill in the Parliament. The participants requested that the Women Reservation Bill passed in the Rajya Sabha, be passed in the Lok Sabha as it is, without any delay.



Ms. Mamta Sharma addressing the consultation. Members of the Commission are on the dias.

● A programme was organized by Faridabad police on the topic "Building a safe city for women". Speaking on the occasion, the Chief Guest Ms. Mamta Sharma, emphasized the need to empower rural women. She said that prior to her joining the Commission, English was being used extensively but now-a-days Hindi is being also used to reach out to the grassroots levels. She suggested that the police, press and politicians must unite to combat crimes against women and there should be no pressure on the police as the law must take its own course.

Delivering his address, the Commissioner of Police, Faridabad, Shri H.S.A. Chawla, said that for the first time during the 20 years of his service, he felt the need to think of the safety of women due to the present rise in crimes against them and the society must also think of the same and change its mindset. He assured that Faridabad police would make all efforts not only to reduce incidence of violence but ensuring safety of women.



*The Commissioner presenting a memento to the Chairperson*

● NCW Chairperson attended a seminar on "Women are not Commodities, they are human", in Kolkata. All the speakers agreed that in India there were plethora of laws to safeguard and protect the rights of women but the need of the hour was to spread awareness on women-related laws and issues. People must know the consequences of abusing women and the police and the criminal justice system must be sensitised to help women in distress. Cases dealing with crimes against women must be completed within a time-frame, the speakers added.

● The Chairperson participated in a seminar organized by the National Commission for Minorities on the "Problems of Minority Women of Ladakh Region" at Leh. Around 250 women of Ladakh participated in the seminar. Speaking on the occasion, the Chairperson said she appreciated the harmonious family and social atmosphere which existed in Ladakh and the absolute absence of domestic violence, gender discrimination and dowry system. The other issues highlighted by women participants included reservation for women in Ladakh Hill Area Development Council, lack of healthcare and education facilities in Ladakh, absence of suitable hostel facilities for girl students and the need for specialized coaching centers for girl students for preparing for civil services examination, etc.

● The Chairperson visited Muzaffarnagar in UP, that witnessed killing of nearly 50 people and displacement of over 40,000 in the wake of widespread clashes between two communities. The Chairperson said in all communal clashes, it is the women, who suffer most, irrespective

of their caste, creed and religion. She urged the State government to provide safety and security to women as well as provide all essential items. The Chairperson directed the CMO to provide milk and ghee to



*The Chairperson consoling a woman while team Members Shamina Shafiq (left) and Ms. Srirupa Mitra Choudhary (right) look on*

pregnant women and new mothers. She and her team heard the grievances of women and also visited relief camps set up by the state government.

● National Commission for Women organized the regional conference on "Muslim Women : Challenges and Solutions" in Hyderabad. Speaking on the occasion, NCW Chairperson said that providing mere education or making policies for the minority community will not lead to any change. "There is a need to bring them into the mainstream and create awareness about their religious and constitutional rights. There is need for empowerment, growth and development, we need to rehabilitate deserted women and men must encourage their wives and daughters to study and make them feel like a part of the evolving society".



*(From left to right) Chairperson Andhra State Women Commission, Dr. Tripurana, Mr. Khwaja Shahid, P.V.C. Mannu, Ms. Shamina Shafiq, Mr. Khaleek-ur-Rahman and Chairperson Mamta Sharma*

NCW Member Shamina Shafiq said "The Muslim women are subjected to an interface between gender, citizenship and community within the Indian social, political and economic context". She said that Indian Muslim women have been targets of violence and communal riots. Every state has its own acute disparities that have to be identified and worked upon to arrive at effective solutions.



❖ NCW Member Advocate Nirmala Samant Prabhavalkar addressed a national consultation on “Beyond 40 years of Legal Abortion in India: Committing to Women’s Health Rights”, organized by Ministry of Health and Family Welfare & IPAS. She spoke on expanding safe abortion provider base. She said that India was playing a leadership role in bringing amendment to MTPA Act 1972 at par with other countries, and as such, there is need for a dialogue with the doctors, nurses, NGOs, State governments, State Commissions for Women, as the present Act was doctor-centric. Legal abortion was the right of a woman to save life and PCPNDT Act must be strictly implemented to stop sex selective abortions.



*Member Nirmala Samant Prabhavalkar addressing the gathering*

❖ Member Dr. Charu WaliKhanna was the Guest of Honour at “Valmiki Janjagriti Sammelan” at Neemuch in Madhya Pradesh, organized by Akhil Bhartiya Safai Mazdoor Sangh. Speaking on the occasion, the Member said that setting up of Valmiki Community Centre will contribute to the development and environmental wellbeing of the community. The book titled “Her Kaam Mein Hei Samman”, released on the occasion, highlighted the rights of women safai karmacharis. ●



*Dr. Charu WaliKhanna at the Self-defense Training Program*

● Dr. WaliKhanna interacted with students at Nathdwara in Rajasthan and said that NCC training for girls was necessary to combat crimes against women. ● The Member was the Chief Guest of Honour at the closing ceremony of Self-Defense Training Programme organized by Task Force for Women and Child Development in conjunction with PHD Family Welfare Foundation in New Delhi. She said self defense training would build confidence among girls and would act as a deterrent against physical assault. ● The Member was the Guest of Honour at a seminar on “Burning Issues related to Women and Girls” organized by Bhagidari Jan Sahyog Samiti, New Delhi.

❖ Member Hemlata Kheria accompanied by social activist Manasi Pradhan visited Jakeda village, in Nayagarh District of Odisha. The area is primarily inhabited by poor, uneducated and malnourished Adivasis. She found there were no primary healthcare facilities available for women, except a single untrained ASHA worker. Women complained that Janani Suraksha Express was not plying at night time causing inconvenience to pregnant women for delivery in the hospital. ● The Member alongwith Manasi Pradhan



*Ms. Hemlata Kheria at Jakeda village*

also visited Sewashram SC/ST Residential School, Nayagarh. With no security system, no beds for boys, no medical facilities, the condition of the school was deplorable as well. ● The Member was the Chief Guest at Shakti Sadbhavna Sammelan at Gandhi Ashram organized by Harijan Sevak Sangh at Kingsway Camp in Delhi. ● Ms. Kheria visited the district jail at Puri and held a meeting with the Superintendent of Jail, officials and discussed the problems faced by women inmates.

❖ Member Shamina Shafiq attended a Programme on “Self-Employment of Women/Youth” organised by Sidhivinayak Sanstha at Hingan Ghat, Wardha, attended by more than 8,000 unemployed boys and girls from adjoining areas. ● The Member also visited the Nagpur Jail. Later, she had a detailed discussion with the jail authorities on hygiene and sanitation problems of women inmates and problems of female staff. ● Ms. Shafiq attended a seminar on problems of tribal people organised by Hindi Vishwavidhlaya, Wardha, Maharashtra. She visited the Seva Gram Ashram, and Paunar Ashram at Wardha. ● Member Shamina Shafiq was the chief guest at a seminar organised by MIT, Pune on “Increasing harassment and violations of women’s rights, problems and solutions’.



*Ms. Shamina Shafiq addressing the students at Pune*

## Important Decisions

- ❖ The Kerala High Court has said that if a Hindu woman dies without leaving a will and is not survived by her husband or children, legal heirs of the husband’s family would have the right over the women’s property.
- ❖ The Supreme Court has held that temporary ill health, including schizophrenia, a mental illness, which is curable, cannot be a ground for divorce under section 13(1)(iii) under Hindu Marriage Act.

## Enquiries undertaken by NCW

- ❖ Member Hemlata Kheria as Chairman of an enquiry committee, along with Manasi Pradhan enquired into a media report “Deaf and Mute Girl Raped in Odisha”. They also enquired into media report titled “Minor tribal girl gangraped in Odisha in Nayagarh district”, as well as enquired into a newspaper report titled “Kendrapara rape victim passes away in Bhubaneshwar”. The girl died after being set on fire by three people. The committee held discussions with the police, NGOs and parents of the victims.
- ❖ A three-member committee was constituted under the Chairmanship Nirmala Samant Prabhavalkar to enquire into the gangrape of an intern photojournalist at Shakti Mills near Mahalaxmi station. The team met the doctors, survivor and her relatives at Jaslok Hospital. Later, the committee met the Police Commissioner of Mumbai requesting for speedy investigation and early trial. They also visited the NM Joshi Marg Police Station at Mahalaxmi and met the ACP incharge of the case and also the Addl. CP.
- ❖ Member Shamina Shafiq alongwith Advocate Abhishek Gupta and social activist Yogita Bhayana enquired into an incident of abduction and gangrape of a girl at Jodhpur, Rajasthan.
- ❖ Member Shamina Shafiq alongwith Advocate Vinay Preet Singh enquired into a horror killing case at Rohtak, Haryana.

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