

THE HINDU

Government urged to redefine sexual assault

NEW DELHI, July 19, 2012

DIVYA TRIVEDI

Pressure on the Union Government to amend the law on sexual assault is gathering steam with women's rights groups writing to the Prime Minister, the Union Home Minister and the UPA Chairperson to address the issue in a time-bound manner.

At the moment, there is no penal provision to redress the harm, injury, humiliation and trauma suffered by the young girl who was publicly molested in Guwahati, according to women's rights activists. "Only two provisions of the Indian Penal Code primarily deal with the issue of sexual violence against women. Section 376 IPC punishes rape and Sec. 354 IPC punishes outraging the 'modesty' of a woman. Sec. 354 IPC applies to routine incidents of molestation and certainly does not respond to aggravated sexual assault by a mob, accompanied by public stripping and parading," says advocate Vrinda Grover.

Section 354 IPC offers no commensurate penalty nor is a deterrent. It is a bailable offence and allows the court to award a maximum of two-year imprisonment or at its discretion, a mere fine as a minimum sentence, says Madhu Mehra of Partners for Law in Development. The problem with legal provisions relating to sexual violence is that the law attaches gravity only to rape, that is, penile penetration of the vagina. All other forms of sexual assault find no specific mention and fall into the residual category of Sec. 354 IPC, which trivialises the crimes.

The Criminal Law Amendment Bill initiated after the case of tennis player Ruchika Girhotra has been waiting in the wings since 2010.

Urging the Centre to immediately initiate a dialogue on the Bill, the statement has been signed by hundreds of individuals and organisations including Farah Naqvi, Uma Chakravarti, Sharmila Rege, Lawyer's Collective, Sangat South Asia, North East Network, Action Aid, Assam Mahila Sangha, Women Legal Aid Cell, Loreto Shillong Alumni Forum and TISS-NE.

LINK: <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/government-urged-to-redefine-sexual-assault/article3655724.ece>