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Updates from the UN

OHCHR submits summary report in pursuance of the controversial HRC resolution on traditional values

Since 2009, the Russian Federation has tabled three resolutions at the HRC attempting to give legal force to the concept of ‘traditional values’. The third resolution, adopted in 2012, affirmed ‘traditional values’ as a vehicle for promoting human rights and fundamental freedoms, and called on the OHCHR to report on ‘best practices’ in their application. The OHCHR summary in pursuance of these resolutions shows that although traditional values are closely related to human rights and dignity, they are also invoked to maintain the status quo and undermine the rights of marginalized groups. The OHCHR’s response to the Human Rights Council Resolution of October 2012 (A/HRC/RES/21/3) submitted a summary of information from state members of the United Nations and other relevant stakeholders on the best practices in the application of traditional values while promoting and protecting human rights and upholding human dignity. The report highlights that traditional values are invoked equally in order to justify the status quo and undermine the rights of the most marginalized and disadvantaged groups. Of significance are the examples that indicate that in a conflict between liberal approaches and traditional values, it is traditional values that gain ideological monopoly.

The complete summary can be accessed [here](#).

The HRC resolution can be accessed [here](#).

UNODC submits report on human trafficking in India

The United Nations Office on Drugs and Crime (UNODC) has submitted a report on the status of victim service providers and criminal justice actors in India. This report captures a brief situational analysis of 13 forms of human trafficking and highlights broad trends. The report elaborates responses and initiatives by 21 State Governments in India to counter trafficking; it lays down constitutional and legal provisions including the latest Criminal Law Amendment Act 2013, landmark judgements, and government sponsored protection schemes. The report also identifies key areas that require attention and concerted action to strengthen services for trafficking survivors.

The report blames skewed sex ratio in states like Haryana for large scale trafficking of girls from other states for forced marriages and bonded labour. It identifies the North East of India as an area of concern from where girls are trafficked in large numbers.

The complete report can be accessed [here](#).

Vienna +20 considers ways of ‘strengthening the human rights movement globally’

Vienna + 20, comes 20 years after the Vienna Conference on Human Rights in 1993, that highlighted indivisibility of human right to address the separation between civil, political and the economic, social and cultural rights, and most significantly, by declaring women’s rights as

human rights. It also called for the creation of the office of the UNHCHR. Twenty years later, on June 25-26, CSO's once again met in Vienna to consider challenges and propose ways of 'strengthening the human rights movement globally,' particularly in respect of the gaps for complaining against transnational violations of ICESCR. The CSO's Vienna+20 declaration demands accountability and binding regulation of transnational corporations and intergovernmental organizations and reminds States of their human rights obligations in the context of international cooperation and assistance. It further demands that trade and investment laws, policies and agreements be assessed from the human rights perspective, the need to anchor extraterritorial human rights obligations in national laws; and amongst other things, to establish a World Court on Human Rights. The declaration also calls for a third world conference on human rights to be held in 2018. The CSO declaration clarified that civil society organisations be clearly distinguished from corporate sector or even, philanthropic foundations sourced by the corporate sector.

Source: <http://www.theguardian.com/sustainable-business/human-rights-charities-business-partnerships?INTCMP=ILCNETTXT3487>

Op-ed: <http://www.apark.net/2013/08/14/civil-society-to-foundations-we-reject-you/>

<http://www.etoconsortium.org/en/news/detail/vienna-20-cso-declaration-issues-call-to-strengthen-etos-21/>

The Declaration can be accessed [here](#).

International Developments

Asia

Afghan appellate court releases in-laws of child bride despite conviction by lower court for torturing her

In a decision that constitutes a serious blow to the hopes of a large number of women fighting cases of domestic and sexual violence in Afghanistan, an Appellate Court ordered the release of three members of a family who had been convicted and sentenced to ten years imprisonment by a lower court for torturing and attempting to murder child bride Sahar Gul, married into the family at the age of 14. Her husband has not been arrested by the police and is still at large.

Sahar was confined, starved and tortured in the most horrifying manner by her in-laws, after being forced into prostitution. The lower court sentenced the in-laws to 10 years before they were released by the appellate court. Sahar is now planning to challenge the decision in the Supreme Court.

Source- <http://www.theguardian.com/world/2013/jul/11/afghan-judges-free-sahar-guls-torturers>

You can also access a detailed report translated from the Persian by human rights activist Mohammad Danish [here](#).

UN High Commissioner for Human Rights Navi Pillai flags serious concerns on conclusion of her mission to Sri Lanka

Upon conclusion of her country mission to Sri Lanka, the UN High Commissioner for Human Rights Navi Pillai was sharply critical of growing authoritarianism and military presence. In a press conference after the mission, she highlighted the main areas of concern, particularly regarding the vulnerability of women and girls to sexual harassment and abuse, especially in female headed households. She raised the issue with several ministers and provincial governors, and asked them to rigorously enforce a zero tolerance policy for sexual abuse.

She also expressed concern at the level of militarization, even of civilian activities and urged the government to speed up the process of de-militarization in the war affected provinces. She also stressed the need for an independent judiciary, and a strong witness and victim protection legislation. She also highlighted the state harassment that was visited upon the human rights activists who had met with her, or planned to meet with her.

Source- <http://www.bbc.co.uk/news/world-asia-23899082>

For the entire press release, click [here](#).

The Afghan Independent Human Rights Commission reveals widespread sexual violence perpetrated by the Afghan Police

The Afghanistan Independent Human Rights Commission has revealed in a report that almost 15% of all sexual assaults and honor killings in Afghanistan are carried out by the police. For over two years the Commission documented 124 cases of violence against women by police: 41 murders and 83 cases of rape. The report, rejected by the Interior Ministry, reflects the culture of impunity around sexual violence that exists not just within society but also structures meant for the protection of women.

Op-ed: <http://www.asiapacificforum.net/news/afghanistan-commission-releases-inquiry-report-of-violence-against-women>

You can access the summary of the report [here](#).

Malaysian High Court delivers landmark judgement ruling religious conversion of a child without the mother's consent as unconstitutional

The Ipoh High Court in Malaysia in a landmark decision quashed the Muslim Conversion certificates of three children, declaring it unconstitutional and against the laws of natural justice to convert children without the mother's consent. The Court noted that the country's federal constitution gives the mother the equal right to raise her children according to her own religion, and held that conversion of the child must be decided by both the parents together, not the mother or the father in isolation. The High Court based its judgement on the CEDAW, citing provisions from it, pointing out that the convention guarantees equality to both men and women in family matters.

The judgement can be accessed [here](#).

Source-<http://www.themalaymailonline.com/malaysia/article/muslim-conversion-of-indiras-children-unconstitutional-court-rules>

Two women arrested in Bangladesh for marrying each other

Police in Dhaka have arrested two women for eloping and marrying each other. The girls, one of whom is a Muslim and the other a Hindu, moved into Dhaka of their own accord and were living with each other after exchanging garlands. The girls were arrested after one of the girl's fathers filed a complaint stating that his daughter had been abducted.

It is noteworthy, that while there is nothing in Bangladesh's law that recognises such a 'marriage', there is nothing that prevents a social/non-legal ceremony of this kind from taking place either. Yet the police have arrested the two for something that is not a crime. Also, there is no law in Bangladesh that prevents any two persons, whether of the same or opposite sex, from living together. Yet the police have arrested the two in contravention of all legal provisions. This is in a context where custodial violence of women is common and there is a genuine risk that the arrested girls may be subjected to sexual and/or physical assault under detention.

The Bangladesh government had committed to the UNHRC at the time of its last Universal Periodic Review that it would protect LGBT people from state abuse. In spite of the commitment, ground realities continue to be difficult for the LGBT community in Bangladesh, estimated to be 1.6 to 4.8 million people strong.

Source: <http://www.asianews.it/news-en/Same-sex-marriages-in-Bangladesh:-two-girls-arrested,-threatened-with-life-imprisonment-28560.html>

Beyond Asia

England and Wales pass Marriage (Same Sex Couples) Bill, legalizing same sex marriage

England and Wales became the 10th European jurisdiction to introduce marriage equality, as the Marriage (Same Sex Couples) Bill received assent from the queen after it was passed by both houses of the Parliament. The new law will allow same-sex couples to marry in civil or religious ceremonies. However, religious organizations must explicitly "opt in" if they want to perform such ceremonies, and the religious minister conducting the ceremony must also agree. The law also protects religious organizations and their representatives who don't wish to conduct marriages of same-sex couples from being challenged in the courts

It will allow couples in civil partnerships to convert to marriage if they wish. The new law also allows married men or women who wish to change their gender to do so without ending their marriage.

This Bill comes close on the heels of the Marriage and Civil Partnerships Bill passed by the Government of Scotland recently.

Source : <http://www.bbc.co.uk/news/uk-politics-23338279>

Op-ed: <http://www.secularism.org.uk/news/2013/07/same-sex-marriage-legalised-in-england-and-wales>

Brazil legislates a protocol for treatment of rape victims in public hospitals

The new law, passed by President Dilma Rousseff, guarantees the rights of women who suffered sexual violence to access health care and emergency contraception in public hospitals. It introduces regulations for authorised procedures for multi-disciplinary care in the public health system for female victims of sexual violence, without actually modifying the country's law on abortion.

In Brazil, abortion is illegal, except only in exceptional cases when the mother's life is at risk; when the foetus has been confirmed by three doctors to be anencephalic (lacking a large part of its brain and skull); or when the pregnancy is the result of rape.

This law is very significant for women in the context of rising cases of sexual violence in Brazil. According to reports, in the last 5 years, the number of reported rape incidents has increased by 168% there.

Source: <http://www.ipsnews.net/2013/08/new-brazilian-law-guarantees-protocol-for-rape-victims/>

Op-Ed : http://www.stopvaw.org/brazil_new_law_guarantees_protocol_for_rape_victims.html

Feminist and human rights activist, Aminata Touré named Prime Minister of Senegal

In a very significant and remarkable development, noted feminist, human rights and reproductive rights activist Aminata Touré has been named the new Prime Minister of Senegal. Before this, she was the Minister of Justice in Senegal, and was also a champion of the anti corruption movement within the country. She was also a strong advocate of reproductive rights of women, arguing that women's empowerment and gender equality are key to any health process. She was also the Chief of the Gender, Human Rights and Culture Branch at the UNFPA (United Nations Population Fund).

She has appointed Sidiki Kaba, former head of the International Federation of Human Rights, and a proponent for decriminalizing homosexuality as the new Minister of Justice in her cabinet.

Aminata was also a footballer, playing for the Dakar Gazelles- another feather in her illustrious cap.

Source- <http://www.theguardian.com/world/2013/sep/05/senegal-prime-minister-aminata-toure>

<http://www.euronews.com/newswires/2097304-senegals-sall-appoints-aminata-toure-as-prime-minister/>

LGBT community faces societal backlash and state repression in different countries worldwide

Recent global developments – both positive and negative are an outcome of the increasing LGBTI mobilisation, with movements calling for recognition and equality. Parallel to the positive legal developments, are also accounts of backlash by non-state actors and repression by the state that continues across the globe. Arrests, killings, draconian laws are a brutal reminder of the high and

indeed growing risks faced by LGBT activists. As some argue, this backlash in part is the fallout of foreign policy approaches of some western countries that are pushing for visibility of gay rights in political contexts historically hostile to real or perceived western agenda. This has only reinforced the myth that homosexuality is a western agenda destroying local cultures. Such foreign policy approaches fail to recognise that robust cultures of activism among local LGBT communities require sincere forms of global solidarity rather than diplomatic strong arming. The following examples sadly, are only indicative of this alarming trend.

Cameroon- Cameroon has seen a string of violence against members of the LGBT community over the last few months. With seven people in prison and fifteen awaiting charges, prosecution and persecution under the anti gay law is rampant here. Gay rights activist and journalist Eric Ohena Lembembe was found beaten and tortured to death in his house. He was the executive director of CAMFAIDS, a civil society organization in Yaoundé, Cameroon, and dedicated his life to defend the rights of homosexual and AIDS affected people in Cameroon, where homosexual conduct is criminalized. Brutal repression continued with the conviction of two men - Joseph Ombwa, 48 yrs and Nicholas Ntamack, 19 yrs, under the country's draconian anti homosexuality law.

Haiti- According to reports from Inter American Commission on Human Rights (IACHR), there has been a rapid increase in incidents of violence and aggression against members of the LGBT community there. As many as 47 such cases have been reported between July 17 and 24 alone. The President and Prime Minister of Haiti have issued a joint statement denouncing the killings and violence, and asking for tolerance and peace

Jamaica- A cross dressing teen was set upon and killed by a mob in St James in a gruesome act of homophobic violence. Dwayne Jones, 16, was attending a party dressed as a woman. Upon being identified as a male, he was killed violently by a mob.. Earlier, we had covered the story of Javed Jaghai, a gay rights activist who is fighting a case in the Jamaican Supreme Court against the constitutionality of the country's anti sodomy law. Javed is facing strong opposition from the religious anti gay lobby as well as the state.

Russia- A 24 years old gay rights activist was arrested by the police, and is likely to be the first person to be convicted under Russia's new anti gay propaganda law. Dmitry Isakov was arrested by the police who were assisted by his own parents. The anti gay propaganda law criminalizes propaganda of 'non traditional sexual relations' to minors through the internet or any other media, and as was widely feared, this law is being used to stifle all forms of homosexual expression and activities.

Source-http://www.huffingtonpost.com/2013/07/16/eric-ohena-lembembe-killed-dead_n_3604460.html

<http://www.gaystarnews.com/topics/Joseph%20Ombwa>

<http://www.pinknews.co.uk/2013/09/02/russia-first-person-to-be-convicted-under-anti-gay-propaganda-law-arrested-by-his-own-parents/>

<http://www.hrw.org/news/2013/08/01/jamaica-cross-dressing-teenager-murdered>

Op-Ed : <http://paper-bird.net/2013/07/19/eric-ohena-lembembe-not-again-or-never-again/>

http://www.oas.org/en/iachr/media_center/PReleases/2013/054.asp

US courts extend and build upon historic Supreme Court ruling in US v Windsor

After the US Supreme Court struck down Section 3 of the Defense of Marriage Act as unconstitutional in June, thus paving the way for same sex marriage equality, lower court judges are building upon and extending the ruling in hearings. A Federal judge in Detroit, relied partly on the Windsor case to temporarily strike down a Michigan law denying domestic benefits for gay and other unmarried couples. Days later, a different federal judge in Detroit cited the Windsor case in allowing a lawsuit challenging Michigan's ban on same-sex marriage to move forward, over the state's objections. This comes in the wake of Minnesota and Rhode Island becoming the 12th and the 13th states to legalize same sex marriage

Source- <http://online.wsj.com/article/SB10001424127887323971204578630261068093272.html>

US Court allows crimes against humanity case brought by Ugandan NGO against US anti gay religious leader to proceed

A US federal judge rejected a motion to dismiss crimes against humanity case brought by Sexual Minorities Uganda (SMUG) against evangelical Pastor Scott Lively of Massachusetts. The judge ruled that persecution on the basis of sexual orientation and gender identity is indeed a crime against humanity and that the fundamental human rights of Lesbian Gay Bisexual Transgender and Intersex [LGBTI] people are protected under international law. The lawsuit alleged that Lively's actions over the past decade, in collaboration with key Ugandan government officials and religious leaders, were responsible for depriving Ugandan LGBTI people of their fundamental human rights and persecuted merely on the basis of their identity, which is deemed a crime against humanity under international law. The Ugandan anti homosexuality law was a result of this collaboration.

Sexual Minorities Uganda is an NGO based in Kampala, Uganda, working for the protection of the human rights of LGBT persons in Uganda.

Source- <http://blogs.montrealgazette.com/2013/08/14/case-against-evangelical-pastor-scott-lively-to-proceed/>

National

Judgments/Orders

SC affirms Mumbai High Court's rejection of the Maharashtra Government's ban on dance bars

The Supreme Court in a landmark judgment struck down the ban on the dance bars which had been sanctioned by the Maharashtra Government since August 2005 under Sec. 33(a) and Sec. 33(b) of The Bombay Police (Amendment) Act of 2005. The Act had prohibited 'any type of dancing' in an "eating house, permit room or beer bar" while allowing dance performances in three star upward hotels and other 'elite' establishments. The Bombay High Court lifted the ban on the grounds that the ban amounts to an unreasonable restriction on the fundamental right of the bar owners and bar dancers of freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution. The Government of Maharashtra filed an appeal in the Supreme

Court contending that the performances were vulgar and left women performers vulnerable to trafficking and exploitation. The Supreme Court while admitting the appeal issued a stay order on the dance bars until the final verdict was out.

The apex court upheld the judgment of the High Court allowing for licensed dance bars to be reopened. The ruling was primarily based on the bar dancer's right to livelihood as under Art. 19(1)(g) of the Constitution; the Court took cognizance of the loss of livelihood of 75,000 women who were employed in the dance bars in various capacities. The judgment marks a nuanced approach by the court where the rights of the bar dancers gained priority over discourses of what is considered immoral and vulgar.

Source: http://articles.timesofindia.indiatimes.com/2013-07-17/mumbai/40634155_1_dance-bars-dance-girls-bar-girls

<http://www.ndtv.com/article/india/maharashtra-minister-defies-supreme-court-order-says-dance-bars-will-remain-closed-395535>

<http://www.firstpost.com/india/supreme-court-overturns-maharashtra-ban-mumbai-dance-bars-to-reopen-958313.html>

The judgment can be accessed [here](#).

Delhi Sessions Court holds that consensual sex with a minor is not rape

A Session's Court in Delhi acquitted a 22-year-old man on charges of kidnapping and statutory rape of a 15-year-old whom he subsequently married. Since no form of assault had taken place and consent had been obtained lawfully, the court found that no offence had been committed under Protection of Children from Sexual Offences Act, 2012. The judgment came in the wake of a police complaint filed by the girl's mother on March 5, 2013 about her daughter going missing since February 26, 2013.

The age of consent has been increased by the POCSO Act, 2013 from 16 to 18 years. Any act of a sexual nature with a person below the age of eighteen a sexual offence. The Court while delivering the judgment noted that if this interpretation of the POCSO Act is allowed, 'it would mean that the human body of every individual under 18 years is the property of state and no individual below 18 years can be allowed to have the pleasures associated with one's body.' The court believed the testimony of the minor and decided that the minor had on her own will gone with the man and they had gotten married at a temple in Kolkata and it didn't want to impose the heavy hand of the state on their married life. The Court also urged state authorities to spread awareness related to unsafe sex and early marriage.

Source: <http://www.firstpost.com/living/consensual-sex-and-minors-court-wades-into-tricky-terrain-1063801.html>

http://articles.timesofindia.indiatimes.com/2013-08-26/delhi/41454391_1_minor-girl-15-year-old-girl-18-years

Supreme Court gives order for regulating the sale of acid and increasing compensation

The SC issued directions to States and Union Territories to frame rules to regulate sale of acids and other corrosive substances within three months and make acid attack a non-bailable offence. The directions came in the wake of the struggle launched by acid-survivor Laxmi and her advocate Aparna Bhat who had filed a petition in the SC in 2006 seeking for the ban of over-the-counter acid sales.

According to the directions, only licensed retail shops can sell acid and non-compliance would amount to fines and possible imprisonment. Acid sold in retail must be so diluted that it does not have any corrosive effect on humans. All dealers should sell the chemical only after the buyer, who must be above eighteen years of age shows a government-issued photo identity card and specifies the purpose of purchase. The seller should submit the details of sale to the local police within three days of the transaction; no acid should be sold to any person under 18 and all stocks must be declared with the local sub-divisional magistrate in 15 days. Undeclared stocks can be confiscated and the defaulter fined up to Rs.50,000. While welcoming the step, it is also important to for law enforcement mechanisms to take swift cognisance of the build-up to such incidents, and evolve preventive interventions to ensure action is taken before the attack occurs.

The court also said compensation by state governments was 'grossly inadequate', and prescribed Rs.3 lakh as the compensation to facilitate immediate medical attention and relief. Out of this, Rs.1 lakh will be paid to the victim within 15 days of the incident and the rest will be paid 'as expeditiously as possible' and possibly within two months. Acid attack victims have to undergo years of painful surgeries including facial and bodily reconstructions which are extremely expensive costing much more than Rs.3 lakhs. There have been demands from other quarters for free treatment of the victim in addition to compensation as a more just alternative, as to cover the multiple kinds of damage suffered by the victim.

Source: <http://www.thehindu.com/news/national/no-acid-sale-sans-id/article4927343.ece>

<http://www.hindustantimes.com/India-news/NewDelhi/Supreme-Court-steps-in-to-stop-acid-attacks-help-victims/Article1-1094323.aspx>

<http://www.theguardian.com/global-development/poverty-matters/2013/jul/23/india-acid-attack-survivors>

Op-ed: <http://blog.tehelka.com/combating-acid-attacks-step-by-step/>

Supreme Court holds that compromise must not be a mitigating factor in rape cases

In a significant ruling, the Supreme Court held that rape cases cannot be compromised or condoned even if the victim forgives the accused for the offence. The judgement was given on an appeal filed by the accused(s) who had gang-raped a minor girl in a village on December 28 and 29, 1995. The appeal was filed against the ruling of the Punjab and Haryana High Court which had affirmed the conviction and punishment of 10-years rigorous imprisonment awarded by the trial court in Haryana. The appellants contended that the case had been settled out of court between the parties as the victim was married, leading a peaceful life with four children and had no objection to their sentence being reduced to the period already undergone.

Rejecting the plea for the reduction of sentence, the Court held that any form of compromise must not be a mitigating factor for lesser punishment. Taking cognisance of the immense pressure and

trauma that may coerce the victim into a compromise, the court deemed the consent to compromise not genuine. As rape is an offence against the society, and the proviso under Sec. 376(2) IPC through the Criminal Law (Amendment) Act, 2013 being deleted, it was held that a punishment should always be commensurate with the gravity of the offence and that an exception clause requires a strict interpretation and must not be used by the courts in a cavalier manner. Any mitigating factor such as ‘religion, race, caste, economic or social status of the accused or the victim or the long pendency of the criminal trial or offer of the rapist to marry the victim or the fact that the victim is married and settled in life cannot be construed as a special factor for reducing the sentence prescribed by the statute’.

Sources: <http://www.thehindu.com/news/national/no-compromise-in-rape-cases-even-if-victim-forgives-accused-sc/article5064363.ece?homepage=true>

<http://freepressjournal.in/no-compromise-in-rape-cases-sc-2/>

Mumbai High Court directs Maharashtra Government to implement schemes for compensation of victims of rape and acid attack

The Mumbai HC gave the state government a maximum period of 2 months to implement the schemes of compensation framed for the compensation of victims of rape and acid attack by the Government of India on December 9, 2010, citing it to be of “utmost priority”.

The court was hearing a public interest litigation (PIL) filed by city NGO Forum Against Oppression of Women, seeking directions to implement the provision of section 357(A) of the Criminal Procedure Code, which mandates that state governments formulate a scheme to compensate victims of crime and disburse the compensation amount through District Legal Aid Authorities.

Sources: <http://www.hindustantimes.com/India-news/Mumbai/Compensation-for-rape-victims-in-2-months/Article1-1098508.aspx>

<http://www.indianexpress.com/news/hc-gives-state-8-weeks-to-implement-scheme-to-compensate-rape-victims/1146996/>

Uneven gains for sexual autonomy and choice for adult women in Kerala High Court.

Two adult lesbian women in a relationship had moved to Bangalore only to have their choice challenged in the court by their disapproving families. Fearing retribution, the two women, Sruthi and Saranya left their native places, and sought shelter from Sangama, a Bangalore based sexuality rights NGO. The Kerala High Court’s conflicting decisions exhibit just how tenuous the legal terrain is, in upholding the right to sexual autonomy and choice, especially in the context of sexual minorities.

A bench of the Kerala High Court dismissed a petition of Habeas Corpus brought to recover custody of Sruthi, by her mother, noting that Sruthi, an adult woman, was free ‘to go anywhere she wants’ away from all forms of ‘parental protection’. Even as the court rejected Sruthi’s mother’s allegation that Sangama, the NGO, had detained her illegally for purposes of forcing her into prostitution, another bench of the same High Court took a contrary view on the petition pertaining to Saranya (Sruthi’s partner).

A different bench of the Kerala High Court upheld a writ petition brought by Saranya's father, alleging that Sruthi and Sangama, the NGO, had illegally detained Saranya. These two contradictory orders, only underscore how arbitrary, tenuous and uneven the terrain of the law is, especially in the context of women and sexual minorities seeking control over their own lives.

Sources: <http://www.kractivist.org/press-release-sangama-wins-lesbian-case-in-kerala-high-court/>.

<http://www.gaylaxymag.com/latest-news/sangama-wins-landmark-judgment-in-lesbian-case-in-kerala/>

SC holds that there is no correct statutory age for a girl to wed

The Supreme Court held that there is no formula which can determine the statutory age of girls to wed. The National Commission of Women (NCW) had filed a case in the SC against orders given by the Delhi HC and the Andhra Pradesh HC on October 5, 2005 and February 1, 2006 respectively allowing underage girls to marry their lovers while simultaneously dropping kidnapping charges registered against the men by police. The NCW contended that such orders would establish a precedent in other courts and would legitimize the marriage of minors which is against the spirit of The Prohibition of Child Marriage Act, 2006. The NCW had also emphasized on the need to bring uniformity to the question of "what is the correct statutory age for a girl to wed" as there is wide disparity in various laws on this issue.

The SC upholding both the orders took cognizance of the right to consent of the girls and held that as long as there is no extraneous consideration, coercion, malice, misuse or assault, the HCs were perfectly placed to pass these orders.

Sources: http://articles.timesofindia.indiatimes.com/2013-07-25/india/40792255_1_marriageable-age-ncw-underage-girls

Supreme Court approves regulations to address Sexual Harassment in the Court

Pursuant to a writ petition filed by Adv. Binu Tamta and Vibha Makhija, the Supreme Court today accepted and approved the Gender Sensitisation & Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal) Regulations, 2013 for addressing sexual harassment. In the case of *Binu Tamta v. High Court of Delhi*, the petitioners were seeking a mechanism to ensure the safety of the female lawyers in the court after the publication of an article reporting a "voyeuristic and degrading incident" at the Delhi High Court.

A three-judge Bench comprising of Chief Justice Altamas Kabir and Justices Anil R Dave and Ranjana Prakash Desai, which had been hearing the matter, approved the Regulations today and also directed it to be circulated to all the High Courts in the country so that they may formulate similar regulations and also ensure that such regulations are in place at the district level.

Sources: <http://barandbench.com/content/supreme-court-approves-regulations-prevention-sexual-harassment-supreme-court-urges-all-high#.Uilk-dJWYm>

Soni Sori and Lingaram Kodopi denied bail by Chhattisgarh HC

Tribal schoolteacher Soni Sori and journalist Lingaram Kodopi, were denied bail by Chhattisgarh High Court in the Essar Steel case. The bail petition was rejected on the grounds of the seriousness of evidence and the heinous nature of the crime. The absurdity of such a rejection lies

in the fact that both of them have been acquitted in all the cases filed against them other than one minor case of allegedly torching vehicles, where Sori was granted bail. Ms. Sori has been acquitted in six other cases in the last one and half year, while Mr. Kodopi has been acquitted in the only other case of planning an attack on local Congress leader Avdesh Gautam.

The remaining case is the one of Essar Steel, in which both of them have been accused of arranging “protection money” on behalf of the company to Maoists. The main accused, D.V.C.S Verma, general manager at an Essar steel plant, and B.K. Lala, an Essar contractor, were arrested for allegedly disbursing the money. Verma got bail on grounds of ill-health and the police did not file a charge sheet against Lala within 90 days, facilitating his bail. In contrast, there are thousands of tribals languishing in Chattisgarh jails under trumped up charges, with no hope of getting bail.

Sources: <http://www.thehindu.com/news/national/other-states/soni-sori-kodopi-denied-bail/article4895096.ece#.Udq6FHFcDHU.gmail>

SC directs Centre to evolve social security schemes for welfare of rape victims

In an appeal filed by 84-year-old social activist Satya Pal Anand against an order of the Madhya Pradesh High Court which awarded Rs. 2 lakh each in ad hoc compensation to two victims of gang-rape at Betma in Indore district, the Supreme Court directed the MP government to pay Rs. 10 lakhs each to the two girls citing that the compensation fixed by the Madhya Pradesh HC was ‘very deficient’ and ‘inadequate’ for the girls who belonged to poor families.

The SC also told ordered Centre to take the lead in evolving a social security scheme and working out welfare measures for rape victims. It expressed concern at such incidents and said: ‘Trauma of rape victims continues throughout their life and such victims cannot be compensated by any amount.’ The Bench said: ‘As a matter of fact, no amount of money can restore the dignity and confidence of rape victims. However, certain measures such as adequate compensation, insurance, employment and social security scheme may help in the rehabilitation to some extent.’

Source: <http://www.thehindu.com/news/national/rs-2-lakh-for-rape-victims-a-mockery-of-system-sc/article4993008.ece>

News

MHA directs state governments to set up funds for compensating victims of crimes, particularly acid attack

Abiding by the Supreme Court directions to ensure that state governments decide on the aspect of compensation in every criminal case, the Ministry of Home Affairs directed the state governments to set up a fund and a scheme for compensation of the victims of crime, particularly those of acid attack. The MHA gave a 4 week deadline to the state governments to finalize the schemes for compensation after relevant consultations with the central government.

The MHA gave powers to the State/ District Legal Service Authority (DSLAs) to hear cases for compensation where the offender is not traceable. The DSLA is required to complete the inquiry within two months and award the compensation. The DSLA is also empowered to decide the quantum of compensation in cases where the Court has recommended compensation but has not decided the amount of compensation.

Source: <http://www.indianexpress.com/news/set-up-compensation-fund-for-victims-of-crime-mha-tells-states/1158902/>

Centre to set up expert committee for consultation on Assisted Reproductive Technology (ART) Bill in coordination with Planning Commission

In response to the demand that came up in a meeting convened by the planning panel with stakeholders in Delhi, the central government will set up an expert committee for wider consultations on the draft Assisted Reproductive Technologies (ART) Bill to deliberate upon the very “grave and critical” concerns raised by stakeholders and explore possible ways to address these issues. The Planning Commission will coordinate the process of forming and facilitating this committee towards developing an efficient regulatory framework and legislation.

The meeting highlighted various concerns with regard to the unregulated industry, unethical practices, especially lack of protection of the surrogate women’s health and rights, sex selection, lack of employment opportunities, and other health and rights issues of children born through surrogacy arrangements, and issues related to their citizenship. The “short-sightedness” of some of the provisions, the absence of sufficient protection for surrogate women and in general the lack of transparency, consultative processes involving domain experts, including organisations in the drafting of the Bill, and lack of clarity on nodal authority, were issues raised by the members.

Commercial surrogacy is a multi-million dollar industry in India but there is no legislation to regulate surrogacy which is resulting in exploitation of poor women. The ART Bill has been hanging since 2008 when the first draft was prepared. It was revised in 2010 but is yet to get a final approval. The ART draft Bill is designed to regularise and promote the interest of the providers (mainly the private sector) of these technologies rather than regulate and monitor the current practices, or most importantly, protect and safeguard the rights and health of the women who undergo these ART procedures, surrogates, egg donors and of the children born through these techniques.

Sources: <http://www.thehindu.com/todays-paper/tp-national/of-surrogacy-and-the-law/article4976034.ece>

The Marriage Laws (Amendment) Bill passed by Rajya Sabha

The Rajya Sabha has passed the Marriage Law (Amendment) Bill to facilitate divorce among Hindus. The bill, which is an amendment of the Hindu Marriage Act, 1955, provides for divorce on grounds of irretrievable breakdown of marriage, provided the spouses have lived separately for at least three years and their differences are irreconcilable. Divorce can be granted not only on a joint petition by both spouses but also on a single party petition. The bill thus allows people trapped in unhappy marriages to part without years of litigation.

It also allows the court to order the husband to make compensation on the petition of the wife. The compensation shall include a share in his share of the immovable property (other than inherited or inheritable immovable property). She can only be compensated from self acquired or gifted immovable property. The bill has been criticized on various grounds. It addresses substantive rights of women to matrimonial property as an amendment to divorce provisions, rather than an independent law available to all women regardless of their faith or the personal law under which their marriage is solemnised. It fails to make a distinction between the rights of women based on the tenure of marriage. Further, many of these terms are unclear and therefore hard to compute. There is no provision made for women whose spouses do not have immovable property, making

security contingent upon class and status. Further, it has also been critiqued for its failure to take cognizance of the fact that even in the self acquired property of the husband, other female relatives such as the mother or sister may have claims intestate. Allowing the wife to be compensated from the property might prove deleterious to the interests of other female relatives who invested unpaid labour on that property.

Source- <http://www.financialexpress.com/news/a-house-divided/1163180/0>

Op-ed: <http://www.asianage.com/columnists/bill-without-benefits-043>

You can access a copy of the bill [here](#).

Resources

‘Breaking the Binary: Understanding concerns and realities of queer persons assigned gender female at birth across a spectrum of lived gender identities’: LABIA

Breaking the Binary is a report by Lesbians and Bisexuals in Action based on a research project which began in 2009, involving narratives and life histories of 50 persons assigned gender female at birth (PAGFB). The study explores their life choices, their circumstances, and their struggles, and how their identities undergo changes in public spaces. The report is the culmination of the study, and challenges and questions many of our basic assumptions around gender and sexuality.

The report can be accessed [here](#).

‘Gender and Land Tenure Security: Challenges and Barriers to women’s entitlement to land in India’: UN Women

Gender and Land Tenure Security is a report by Landesa India for UN Women in collaboration with Rural Development Initiative. The study is based on a survey conducted in September and October of 2011 with 504 women in Andhra Pradesh and Bihar regarding the number of conditions that currently hamper rural women’s land rights. The study seeks to understand women’s land rights by documenting how women acquire land, their feelings about tenure security to that land, exploring their knowledge of their land rights, and the extent to which they would like to and expect to gain access to family land through inheritance.

The study can be accessed [here](#).

‘Piecing Together Perspectives on Witch Hunting: A Review of Literature’: Partners for Law in Development

Partners for Law in Development have released their review of diverse materials on witch hunting, titled ‘Piecing Together Perspectives on Witch Hunting: A review of Literature’. The review includes scholarly articles and NGO reports, and tries to examine witch hunting and witch craft as historical belief and as contemporary practice from a feminist perspective so as to find ways forward in which to respond to ongoing attacks on women in the name of witch-hunting.

The review is a second publication by PLD on witch hunting, and part of a larger ongoing initiative for creating evidence and a knowledge base on the targeting of women as witches.

‘Women’s Human Rights- CEDAW in International, Regional and National Law’- edited by Anne Hellum and Henriette Sinding Aasen

Women’s Human Rights’ edited by Anne Hellum and Henritte Sinding Aasen on the CEDAW has been published by Cambridge University Press in Europe. The book is a compendium of several essays by different authors writing about and critically analyzing different contextual applications and areas of the CEDAW. The book seeks to situate the convention’s multiple obligations to respect, protect and fulfil women’s equality and non discrimination in a global legal landscape, and to provide an understanding of it’s potential and actual added value in relation to other international human rights and non discrimination regimes.

You can access a chapter titled ‘India’s CEDAW story’, written by Madhu Mehra, from Partners for Law in Development, [here](#).

OBITUARY

Sharmila Rege, eminent feminist sociologist and activist passes away

Sharmila Rege, one of India’s foremost sociologists of caste and gender passed away to cancer at the young age of 48. She taught at the Krantijyoti Savitri Bai Phule Women’s Development Centre in the University of Pune, and was a committed activist and a thorough academic through her life. She articulated a Dalit feminist critique of the Dalit and the women’s movement, emphasizing the need to ‘move beyond difference’, while at the same time keeping difference as the basis of politics.

She inspired many to fight the structures of inequality that exist in society, whether they be of caste, class or of gender. She brought together activism and theory, and reshaped the women’s studies movement in India with her persevering critical engagement. Her untimely death is a very painful loss to the women’s movement in the country.

Dr Narendra Dabholkar, tireless crusader against fraudulent god-men and irrational beliefs killed

Dr Narendra Dabholkar, a relentless and tireless activist against irrational myths and deceitful godmen was killed by unknown assailants in Pune, allegedly commissioned by his detractors whose death threats he paid scant attention to. For over forty years, Dr Dabolkar established a network of activists under the *Andhashradha Nirmulan Samiti* (Association to Abolish Superstition) across Maharashtra, fighting against victimisation and exploitation of thousands of women by sadhus, babas and self-proclaimed *tantriks*. His struggle was to liberate women not just from the grip of exploitative superstition, but also patriarchy in the home. Ironically, his tireless campaign for enactment of an anti superstition and black magic bill did not yield results

during his lifetime, but was passed after his death in acknowledgement of the values he fought for. His death is a great loss for all rationalists and anti-superstition activists, as well as for those in the women's movement fighting against regressive anti woman practices and beliefs.

Sunila Abeysekera, pioneering human rights and women's rights activist from Sri Lanka passes away

Sunila Abeysekera, a champion of women's rights and human rights in Sri Lanka passed away in Colombo at the age of 61. A critical voice of human rights not just in Sri Lanka but for South Asia and the global human rights movement – Sunila embodied multiple concerns in her struggle for protection of human rights. Addressing violations particular to conflict situations, she fiercely denounced abuses by both the Sri Lankan government and the armed opposition groups, despite death threats; campaigned tirelessly for women's rights, sexual and reproductive rights, for human rights defenders, sex workers, people living with HIV/AIDS, and lesbian, gay, and transgender persons. Because of her uncompromising positions, Sunila was forced to live intermittently in exile. In India she is remembered for her contribution as part of the International Initiative for Justice in Gujarat, to examine gendered impact and consequences of the carnage in Gujarat in 2002; her contribution towards feminist leadership building through Sangat in South Asia; to the work of human rights defenders and CEDAW through the regional networks: APWLD and the IWRAW Asia Pacific, are as defining of contemporary activism in the region; as is her work with Women and Media Collective and the Inform human rights documentation centre – two organisations that she co-founded in Sri Lanka.

An iconic feminist human rights activist, a compassionate woman and talented singer, Sunila leaves a void in the lives of those she touched, and the movements she enriched.