

M E M O R A N D U M

F R O M

JOINT ACTION COMMITTEE AGAINST RAPE AND SEXUAL HARASSMENT, NEW DELHI

We, the representatives of women's and students' organisations in Delhi, feel deeply concerned about the increasing incidence of rape in our society and we urge you to take decisive and immediate steps to check it.

No woman is safe from rape, anywhere, at any time - in the streets, in factories, in the fields, in police stations, in hospitals, in hostels, in her own home. So ineffective are our laws and law enforcers that brutal incidents of mass rapes regularly occur, as at Basti, Bailla Dilla, Hissar. The Narainpur atrocity underlines the contempt and sense of impunity with which the police, instead of preventing rape, perpetrate it. The law is framed and applied in such a way as to benefit the rapist and humiliate his victim.

Nothing illustrates this situation better than the Supreme Court judgement in the case of Tukaram vs. State of Maharashtra (1979) 2 SCC 143. Despite overwhelming evidence to the contrary, the Supreme Court acquitted two policemen on the charge of raping Mathura, a minor. Mathura was illegally detained at the police station. Her submission was considered sufficient grounds for rape to be disproved, even though Section 375 of the Indian Penal Code states that a minor's consent cannot invalidate a charge of rape.

The verdict passed on Mathura is not a sentence on her alone, but a setback for all Indian women. The Supreme Court's interpretation of the law amounts to a refusal to protect women. Rape is not only a crime against a woman's body; it is an outrage against human dignity. We can no longer tolerate such assaults upon human rights and call upon you to accede to the following demands :

1. We support the petition to re-open the Mathura case filed by Drs. Upendra Baxi, Vasudha Dhagamwar, Lotika Sarkar and Raghunath Kelkar. The case should be heard by a larger bench or by the full court.
2. The two policemen in the Mathura case should be suspended and a departmental inquiry into their conduct should be held.
3. We demand a change in the rape law. It is almost impossible to prove the allegation of rape as the law stands today. The fact of submission does not mean consent, and the onus of proving innocence should be on the man, not the woman. Also,

the victim's past history should be considered irrelevant to the case, as otherwise the opportunity to cast deliberate slurs on her character is maliciously exploited, making her appear the accused rather than the accuser.

4. We demand strict implementation of Section 160(1) of the Criminal Procedures Code, which states that no woman can be called to the police station for interrogation but must be questioned at her residence in the presence of a policewoman. Officials flouting this law should be severely punished.
5. No woman who is arrested should be kept in police lock-up unless there is a policewoman present.
6. We demand stiffer sentences in rape convictions.
7. Any government servant convicted of rape should be dismissed from his job.
8. To aid those millions of Mathuras in whose cases FIRs are not filed, medical investigations not made in time, who have no access to legal services and rarely have the privilege of vocal community support, we propose that social work organisations be given statutory rights to prosecute such cases.
9. To prevent the emotional trauma of long-drawn-out cases, we want special courts to be set up for the quick disposal of rape cases.
10. We want the government, Delhi Administration and the police to chalk out effective measures to ensure the safety and security of women in public places and to safeguard them from sexual harassment.

National Federation of Indian Women  
Mahila Dakshita Samiti  
Stree Sangharsh  
Bharatiya Mahila Jagriti Parishad  
Bharatiya Grameen Mahila Sangh  
Manushi  
Young Women's Christian Association  
Action India  
Indraprastha College Women's Committee  
Delhi Schoolteachers Association  
Education to Reality Network

Abner School Memorial  
Adult Literacy Project  
Delhi University Students Union  
Progressive Students Organisation  
All India Students Federation