

URGENT PRESS RELEASE

We welcome historic bill but decry tenor of parliamentary debates

New Delhi, 23 Mar 13: The passing of the Criminal Law (Amendment) Bill 2013 in both houses of Parliament is historic and India has taken one step forward in its journey to justice for women. Even as the Bill signals a step forward, the process of its passage shows us that degrading attitudes to women persist at the highest levels of legislative decision-making. With notable and welcome exceptions, the general tenor of debates in Lok Sabha on this Bill has deeply troubled us, as women and as citizens. The nation watched with shame many of our honorable Members of Parliament freely express sentiments that undermined the dignity of all women, unmindful of the gravity of issues of rape and violence. Coming, as this Bill does, after the brutal homicidal gang rape of a young woman in the heart of the nation's capital, the level of parliamentary debate dishonored her memory, and dishonored the public outpouring led by thousands of our young people demanding greater dignity and more safety for women.

As representatives of women's rights groups, lawyers and activists from across the country who have worked hard, campaigned for decades, and particularly vigorously in the last three months, to reform laws on rape and sexual assault we, therefore, welcome even more that in such an anti-women environment we have wrested significant gains for women in the CLA Bill 2013, including,

- Denting of impunity enjoyed by police and public servants – Section 166A of the CLA Bill fixes a minimum mandatory sentence for dereliction of duty. No prior sanction under 197 (1) CrPC will be required for public servants charged under this Section. We hope this will be a strong legal deterrent against police dereliction to make our streets and our lives safer.
- Expanded definition of rape beyond peno-vaginal penetration
- Definition of consent and a crucial proviso to Section 375 (*Provided that a woman who does not physically resist to the act of penetration shall not be reason only of that fact be regarded as consenting to the sexual activity*).
- Inclusion of crimes like forced disrobing, acid attacks and stalking that destroy women's lives, and can lead to their rape and brutal murders.
- Free, immediate treatment to victims of acid attack and sexual violence to be given by all Health service providers, with penalties for refusal.

At the same time,

- We are deeply disappointed by the widening of the age net for statutory rape to 18 years, when it has stood at 16 years for 3 decades. We are worried that this provision will criminalize our young boys, tainting them as rapists for life, when what we need is discussion and education on issues of sexual contact. We ask Parliament to revisit this provision and to amend it.
- We are disturbed that yet again rape within marriage finds no acknowledgement in the Bill
- Systemic sexual violence against dalit and tribal women is not acknowledged as aggravated rape
- We find it incomprehensible that in a Bill which clarifies that no sanction for prosecution under 197 (1) CrPC is required for public servants charged with sexual offences, a similar clarification regarding 197 (2) CrPC covering armed forces is excluded.
- Why, when all persons can be victims of rape committed by men, does the Bill define the victim as woman only? We urge government and Parliament to revisit the Bill at an early

stage, to recognize the reality and vulnerability of transgenders and men to sexual abuse by other men, and amend the definition of victim to make it 'person'.

We now ask Government to take the next step towards comprehensive reforms outlined in the Justice Verma Committee report, and amend the Armed Forces (Special Powers) Act, 1958 and the Representation of People Act, 1951 to erase immunity and instill accountability across all institutions.

Finally, we call upon the government, upon all political parties and all citizens to join us in continuing this journey to justice and equal rights for women, and in vigorously implementing these laws we have fought so long and so hard to get.

Dated and signed by:

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