

February 4, 2013

Press Statement

The National Platform for the Rights of the Disabled condemns the opaque manner in which the Government has introduced an Ordinance to give effect to some of the amendments recommended by the Justice Verma Committee, to the law governing sexual offences, despite opposition from women's organisations and some political parties.

The Justice Verma Committee had recommended a range of amendments to the criminal law, in order to protect the rights of women against sexual violence. The Committee recommended a number of amendments to the substantive and procedural law specifically addressing the needs of disabled victims of sexual assault. The Ordinance introduced by the Government has included a few of these changes:

- The disabled may not be required by the Police to go to any place other their residence in relation to investigation
- Specific provisions for the disabled in Test Identification Parades for identifying the accused
- Assistance to be provided to the disabled while recording statement before the Magistrate and such statement to be considered adequate for the purpose of examination in chief during the trial
- The phrase 'dumb witness' in Section 119 of the Indian Evidence Act has been replaced with 'persons who are unable to communicate verbally'

While these are indeed important changes in the law, which could positively impact the experience of persons with disabilities while dealing with the legal system, we feel the changes are piecemeal in nature and do not address the more substantive concerns that both women's organisations and disability groups had expressed.

Making the offence of sexual assault gender neutral would harm disabled women disproportionately. There is a widespread belief that disabled women are unable to control their sexual urges and hence make sexual advances on men, who are then wrongly charged with sexual offences. Our experience of handling cases of sexual assault on disabled women shows that even the police and heads of institutions share this belief, and hence do not take steps against the wrong doer. Making sexual offences gender neutral with respect to both the victim and perpetrator would result in situations where the male assaulter would be able to file counter-allegations of sexual assault against the disabled women, which would add to their further victimization.

The NPRD expresses its strong opposition to the selective manner in which the Government has incorporated the recommendations of the Verma Committee into the law. Since Parliament is scheduled to begin its next session shortly, it is inexplicable why the Government should resort to the Ordinance route, in a non-transparent and undemocratic manner, keeping key stakeholders in the dark.

(Muralidharan)

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