



JUSTICE VERMA COMMITTEE RECOMMENDS CHANGES IN CRIME AGAINST WOMEN AND RIGHT TO PRIVACY

[Home](#) → [Justice Verma Committee recommends changes in crime against women and right to privacy](#)

February 2013

On December 23, 2012, a three member Committee with Justice Leila Seth, former judge of the High Court, Gopal Subramaniam, former Solicitor General of India and headed by Justice J.S. Verma, former Chief Justice of the Supreme Court was constituted to recommend amendments to the criminal law to improve the justice delivery system in cases of sexual assault against women. The Committee submitted its report on January 23, 2013. The major recommendations suggested by the committee were on the laws related to rape, acid attack (Criminal Laws Amendment Bill, 2012), sexual harassment (Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill, 2012), trafficking (Immoral Trafficking Prevention Act, 1956), child sexual abuse (Juvenile Justice Act, 2000), medical examination of victims, police, electoral (Representation of People Act, 1951) and educational reforms. New definitions of stalking and voyeurism have been recommended and, in turn, have introduced the elements of privacy. The definition of voyeurism borrows elements from section 66E of the Information Technology Act and improves it further. Certain suggestions are in line with the Criminal Laws Amendment Bill, 2012 which is currently pending in Parliament.

PSA view – Indeed failure of governance is the root cause of crimes and while suggesting changes in the existing laws emphasis should be put on the ways to improve governance and address the issue by keeping contemporary as well as futuristic perspective in consideration. The internet has made the right to privacy extremely susceptible to erosion by diminishing the control over personal information and the recognition of the right to privacy in the absence of any laws so far is a welcome step. The recommendations aim to provide quicker trials and enhanced punishment for criminals accused of committing sexual assault against women.

DoT and TRAI mull options for refunding money to subscribers

The telecom ministry and the TRAI are looking into options for refunding money to subscribers. This has been caused by certain telecom operators who do not have spectrum or reprieve from the Supreme Court to continue operations. Due to this, approximately 2.5 crore customers across India are likely to lose phone connections due to telecom operators shutting shop based on the Supreme Court's order. Now the DoT and TRAI are contemplating how to refund the money put in by the subscribers will be returned to them as well as facilitating switch over to new telecom operators through mobile number portability.

PSA view – While it is a good move by the TRAI and the DoT in trying to secure refunds to subscribers, the TRAI will face issues in refarming spectrum that it had planned to in November 2012. Pursuant to the order to the Supreme Court, the DoT and TRAI need to auction the remaining 450 MHz airwaves under the 2G

spectrum before refarming the 900 MHz and accordingly the refarming planned by the DoT and TRAI could get potentially jeopardized. Both the DoT and the TRAI needs to expedite the process of refund and migration to other operators with minimal disputes as any dispute will fall before an arbitral tribunal and not as consumer disputes.

Explicit consent to be obtained by telecom operators for activating value added services

The Telecom Disputes Settlement and Appellate Tribunal had upheld the directions issued by TRAI asking the telecom operators to obtain explicit consent of their consumers either by way of consumer originated SMS or e-mail or in writing within 24 hours of activation of value added services (“VAS”) including mobile internet, caller tune. In view of the said decision, the telecom consumers can now register complaints about wrongful activation of VAS on a new common number, “155223”, for all mobile networks and the telecom operators will have to refund the amount charged for such activation of services if consumers inform about it within 24 hours on this common number. The consumers shall also deactivate the said services after 24 hours but they would not be entitled for refund.

PSA view – The TRAI has issued the aforesaid directions in response to the outcry of the consumers against the telecom operators for activating unsolicited value added services in a deceitful manner. It would be a welcome change, it is beneficial for both sides, as it would protect the consumers from the telecom operator’s abuse and safeguard the telecom operator from falsified complaints or allegations of the consumers.

Delhi District Courts introduce e-stamping

In an attempt to bring about hassle free payment of court fees, the districts courts in Delhi have introduced electronic stamping facilities. Delhi is the first state to have introduced e-court fees in all six of its district courts. It is a system that enables the lawyers to pay court fees and receive receipts of exact denomination electronically. Thus, making the entire process of remitting court fee simple and at the same time eradicating presence of the stamp papers entirely.

PSA view – All Indian States are expected to get e-stamping introduced within the next three years. With Delhi being the first state to undertake e-stamping at district level, the High Court should also follow suit. E-stamping helps in reducing fraudulent practices and make the process easier and simpler.

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