**Delhi Domestic Working Forum vs Union of India**

**ABSTRACT:**

This case was filed as Public Interest Litigation by Delhi Domestic Working Women’s Forum representing six women who were sexually assaulted and harassed and raped by seven/eight army personnel. This PIL was bought by the Delhi Domestic Working Women ‘s Forum under the provision of Article 32 of the Constitution of India. This Petition was filed by Petitioner seeing the heart-wrenching and unfortunate situation of six women who were brutally sexually assaulted and raped by seven/eight army personnel.

The Supreme Court recognized the multifaceted challenges these marginalized women faced, including social stigma, economic hardship, and systemic barriers within the legal framework. The Court issued directives emphasizing the need for:

* Immediate legal representation for victims at police stations.
* Mandatory police duty to inform victims of their right to legal representation before any questioning.
* Maintenance of victim anonymity during trial proceedings.
* Establishment of a Criminal Injuries Compensation Board to provide financial redress, considering factors such as pain, suffering, shock, and loss of earnings.

These directives aimed to uphold the constitutional rights of victims under Articles 14 and 21, ensuring equality before the law and the right to life and personal liberty.

**KEYWORDS:**

* Sexual Assualt
* Public Interest Litigation
* Victim Compensation
* Legal Representation
* Constitutional Right
* Article -14 and 21
* Supreme Court of India
* Marginalized Women

**INTRODUCTION:**

This case was a public interest litigation filed by the Delhi working women’s forum on behalf of six working women who were harassed, sexually assaulted, and were raped by seven Army personnel. Public interest litigation was filed by the Delhi working women forum under article 32 of the constitution. This petition was filed by the Delhi working women’s forum seeing the pathetic plight of the six women who were subject to brutal harassment and indecent sexual assault.

**RESEARCH METHODOLOGY :**

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This analysis is based on a doctrinal approach, employing the following sources:

* **Primary Sources**: The original judgment by the Supreme Court *(*[*Indian Kanoon),*](https://indiankanoon.org/doc/1765970/) which outlines the legal reasoning, factual findings, and directives issued.
* **Secondary Sources**:
  + Legal commentaries from ***HeinOnline and Cornell’s Legal Information Institute.***
  + Journal articles discussing the procedural and legal barriers faced by rape victims in India.
  + Reports on the role of the National Commission for Women in addressing gender-based violence.

The methodology focuses on textual analysis of judicial pronouncements and statutory provisions, coupled with a review of scholarly interpretations of the case.

**REVIEW OF LITERATURE :**

**Modem Legal Studies Rape and the Legal Process by Jennifer Temkin, 1987**-

Firstly, complaints are handled roughly are not given such attention as is warranted. The victims, more often than not, are humiliated by the police. The victims have invariably found rape trials a traumatic experience. The experience of giving evidence in court has been negative and destructive. The victims often say, they considered the ordeal to be even worse than the rape itself. Undoubtedly, the court proceedings added to and prolonged the psychological stress they had had to suffer as a result of the rape itself.

**Shapland concludes** -

The most common cries were for more compensation and personal treatment from

police officers. Victims remarked that, While they recognised officers had many cases

to handle, they felt the officers did not seem sufficiently concerned with their

particular case and trauma,.

The changes in the criminal justice system necessary to approximate more closely to

the present expectations of victims are not major or structural. They are primarily

attitudinal. They involve training the professional participants in the criminal justice

system that the victim is to be treated courteously, kept informed and consulted

about all the stages of the process. They involve treating the victim as a more equal

partner . This might include a shift in working practices of the professional

participants that might initially appear to involve more work, more difficulty and

more effort, but paradoxically may result in easier detection, a higher standard of

prosecution evidence and fewer cases thrown out at court.

**O'Reilly stresses the attitudinal training thus -**

We are now victim-oriented and have taken an active role in getting the entire

helping network lawyers, doctors, nurses, social workers, rape crises centre workers

to talk and to interact together . We are then in a position to concentrate fully on

the primary goal that unites us all helping victims of sexual assault to get their lives

back together.

**METHOD :**

1. The complainants of sexual assault cases should be provided with legal

Representation :

It is important to have someone who is well acquainted with the criminal justice system. The role of the victim's advocate would not only be to explain to the victim the nature of the proceedings, to prepare her for the case and to assist her in the police station and in court but to provide her with guidance as to how she might obtain help of a different nature from other agencies, for example, mind counseling or medical assistance. It is important to secure continuity of assistance by ensuring that the same person who looked after the complainant's interests in the police station represent her till the end of the case.

1. Legal assistance will have to be provided at the police station since the victim of sexual assault might very well be in a distressed state upon arrival at the police station, the guidance and support of a lawyer at this stage and whilst she was being questioned would be of great assistance to her.

1. police should be under a duty to inform the victim of her right to representation before any questions were asked of her and that the police report should state that the victim was so informed. Delhi Domestic Working Women'S Forum vs Union Of India And Others on 19 October, 1994
2. A list of advocates willing to act in these cases should be kept at the police station for victims who did not have a particular lawyer in mind or whose own lawyer was unavailable.
3. The advocate shall be appointed by the court, upon application by the police at the earliest

convenient moment, but in order to ensure that victims were questioned without undue delay,

advocates would be authorised to act at the police station before leave of the court was sought or obtained.

1. In all rape trials anonymity of the victim must be maintained, as far as necessary.

1. It is necessary, having regard to the Directive Principles contained under Article 38(1) of the Constitution of India to set up Criminal Injuries Compensation Board. Rape victims frequently incur substantial financial loss. Some, for example, are too traumatised to continue in employment.
2. Compensation for victims shall be awarded by the court on conviction of the offender and by the Criminal Injuries Compensation Board whether or not a conviction has taken place. The Board will take into account pain, suffering and shock as well as loss of earnings due to pregnancy and the expenses of child birth if this occurred as a result of the rape.

**SUGGESTIONS :**

Some of the suggestions to provide assistance to a victim could be through the way of facilitating access to services that already exists, police officer should become more responsible and should take the case of the victim seriously and a victims support unit should be located in the police department, preferably at the sub-divisional level to co-ordinate matters relating to crime victims.

For balancing, a law should be introduced in India to make all the sexual offences gender neutral. In July 2019, a bill was proposed which says that the words “any man” or “ any women” in the provisions relating to sexual offences should be changed to “any person”. Because every human being needs to be protected because anyone can be a victim of sexual offences.

**CONCLUSION :**

It is important to have someone who is well:

(1) Legal assistance will have to be provided at the police station since the victim of sexual assault

might very well be in a distressed state upon arrival at the police station, the guidance and support

of a lawyer at this stage and whilst she was being questioned would be of great assistance to her.

(2) The police should be under a duty to inform the victim of her right to representation before any

questions were asked of her and that the police report should state that the victim was so informed.

1. Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws.
2. Call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal.
3. Having regard to the above provisions, the third respondent will have to evolve such scheme as to wipe out the tears of such unfortunate victims. such a scheme shall be prepared within six months from the date of this judgment. Thereupon, the Union of India, will examine the same and shall necessary steps for the implementation of the scheme at the earliest.
4. The writ petition is disposed of subject to above directions.

**REFERENCE :**

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