



Editor's Column

Last week, the Union Cabinet cleared the new draft Surrogacy (Regulation) Bill, 2016, that bans commercial surrogacy but allows altruistic surrogacy, in which no charges, expenses, fees, remuneration or monetary incentive will be allowed except medical expenses or insurance incurred for the surrogate mother, while legally carrying someone else's child.

Currently, there is no legislation for regulation of surrogacy in India, resulting in exploitation of poor women, particularly in rural and tribal areas, who for monetary considerations agree to become surrogate mothers.

Under the proposed law only infertile Indian couples, who had been married for at least five years can opt for surrogacy with the condition that the surrogate mother for their child could only be a close relative. However, couples, who have a child or have adopted a child, cannot use surrogacy. The Bill fixes the age

of the commissioning parents - female between 23 and 50 years, male between 26 and 55 years. The surrogate mother has to be a married woman with at least one healthy biological child. But the Bill bans a woman from being a surrogate for more than once in

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SURROGACY REGULATION BILL

her life time.

While commercial surrogacy is banned in countries such as the United Kingdom, Canada, France, Sweden, Germany, New Zealand, Japan and Thailand, among others, the proposed law also bans commercial surrogacy in India and bars foreigners, gay couples, live-in partners, single parents, homosexuals, non-resident Indians from having children through surrogacy.

The Bill also proposes to punish surrogate parents with fine and imprisonment upto 10 years for abandoning their child, as it happened in 2014, when an Australian couple, who had surrogate twins, took the girl and

left the boy behind. In the recent past, there have been a number of cases, where a commissioning parent had abandoned the surrogate child because he or she had some abnormality. The Bill also makes it mandatory for all surrogacy clinics to register with the Government. Violators will face jail term upto five years and a fine of upto Rs. 10 lakh.

The National Commission for Women taking up the issue of surrogacy in earnest had organised consultations and discussions with women groups, NGOs, lawyers and government officials, in order to get ideas and diverse views on the subject. It is heartening to note that many of its recommendations have been incorporated in the draft Bill.

However, the draft Bill approved by the cabinet, has also created controversies with regard to many provisions of the Bill and the government has promised to examine these concerns and finetune the Bill with appropriate changes and amendments before presenting it in the Parliament.

Important Decisions

- An Ahmedabad-based hospital has launched a special offer of paying the bill if a baby girl is born, to make parents value the girl child in a State reeling under a skewed ratio of 890 girls per 1,000 boys.
- The Central Government's women employees, who have filed complaints of sexual harassment can now get paid leave of three months while the enquiry is pending as there have been complaints against accused persons of trying to influence or threaten the victims in some cases. The leave will be in addition to those already given to Central Government employees.

Engage men to curb violence against women

Till now, women empowerment not having achieved the desired societal change, experts have called for a re-orientation of approach and methodology, which include engaging men and boys as change-agents for combating violence against women. With this objective, the Centre for Social Research (CSR) unveiled a 10-point charter for men on preventing violence against women. The experts, who participated included MP Rajeev Gowda, NCW Joint Secretary Vandana Gupta, CSR Director Ranjana Kumari, etc.

Conference on Crimes against Women

NCW Chairperson addressed the 6th International Media Conference on Curbing Crimes against Women. The Chairperson in her address expressed concern over the alarming rise in crimes against women and asked NGOs to take an active part in helping to curb this hideous menace, which has shaken the roots of the country. She blamed the patriarchal social structure for being the main reason behind the assault and atrocities on women. She also condemned the society and the police for being a part of the vicious circle. However, she requested the media not to sensationalize some issues, which could be counter-productive.



NCW Chairperson addressing the Media Conference

Endometcon Trichy 2016



The Chairperson addressing the gathering

NCW Chairperson Lalitha Kumaramangalam delivered the keynote address at a Conference on the disease endometriosis at Trichy to commemorate the beginning of Endometcon Trichy 2016. Addressing 2,000 doctors, she expressed her willingness to create awareness about the disease as well as redress the day - to - day problems faced by women in the country.

Jan Sunwai at Lucknow

The Chairperson along with Member Sushma Sahu, Ms. Kanchan Khattar and Counsellors attended a Jan Sunwai on 12th and 13th August at Lucknow. Out of 44 cases that were taken up, 16 were closed and 16 were disposed of through mediation. The remaining cases are pending as Action Taken Reports are awaited.



The Chairperson, Member Sushma Sahu, police officers, Kanchan Khattar at the Jan Sunwai

Intervention by NCW

The NCW has summoned a doctor, who conducted medical examination of the minor victim of the Bulandshahar gangrape for allegedly ill treating her and asking 'awkward' questions. It slammed the police for not including Sections of Protection of Children from Sexual Offences (POCSO) Act in the FIR.

NCW Chairperson Lalitha Kumarmangalam said the family had told the NCW team that when the girl was taken for medical examination, "she was abused by the doctor, who asked her a number of awkward questions and berated her and when NCW members asked why the FIR had no Sections of the POCSO Act, the police officials could not give a concrete answer.

From the North-East Cell

In view of escalating crimes against women from the North-East, the National Commission for Women in association with Indraprastha College organized a Legal Awareness Programme for women and students from the North-East residing in Delhi. The programme was graced by NCW Chairperson Lalitha Kumaramangalam, Member Laldingliani Sailo, Member Rekha Sharma, Dr. Babli Moitra Saraf, Principal, IP College and Dr. Nalini Deka.

The Chairperson in her address encouraged the students to stand up against injustice and realize that law alone was not enough but its proper use would help them to access justice. Later, discussions were held

on 'cyber crime & women' initiated by Mr. Gurucharan Singh, Faculty Member, Central Detective Training School, Chandigarh. A session on 'criminal laws and women' was taken up by Prof. Ved Kumari, Faculty of Law, University of Delhi. Thereafter, in an interactive session on equal rights to co-exist in the context of regional pluralism in Delhi as well as on problems faced by the North-East people were discussed by Ms. Alana Golmei from North-East Support Centre Helpline.



Member Laldingliani Sailo addressing the gathering. Sitting on dais, NCW Chairperson, Dr. Saraf and Member Rekha Sharma

Members' Visits

❖ Member Rekha Sharma along with a team visited Ghaziabad for a Jan Sunwai in which about 50 cases that came up for hearing were all settled and closed by the Commission. ● The Member visited Mathura to enquire into a report, "Two BSP Members arrested for gangrape in UP" published in



Member Rekha Sharma with the complainants at the Jan Sunwai in Ghaziabad

the Times of India. ● The Member alongwith Ms. Lilabati visited Manipur's 'Ima Keithel' and assessed the make-shift market as the original market had been damaged by severe earthquake in January, 2016. The following day, the Member interacted with representatives of the civil society, NGOs, Manipur State Commission and representatives of Meirapaidi Women's Movement. In the meeting, the participants discussed (a) crimes against women committed by security forces, (b) insensitiveness of the police; (c) negligible conviction rate; (d) costly and cumbersome judicial process, (e) lack of infrastructure, toilet in police stations; (f) lack of night shelters for sex workers and lack of forensic laboratories. Thereafter, the Member interacted with Anganwadi workers, who do not get pension and suffer great financial hardship. Later, the Member met DGP Manipur and discussed issues of crimes against women and the need for sensitization of the police. ● Member Rekha Sharma alongwith Avni Bahari Jte (Legal) visited

Members' Visits

Bulandshahar to enquire into a report, "Robbers waylay car, gang rape woman and daughter" wherein it was reported that a family of six from Noida, travelling in a car to Shahjahanpur was waylaid by robbers, who took their car to a nearby field and gangraped the woman and her daughter. After which the robbers decamped with cash and jewellery, leaving the family stranded, with their car stuck in the muddy fields. The incident came to light the next morning, when the family reached the nearest police station and lodged an FIR. ● The Member also visited Bangla Sahib Shelter Compound, New Delhi, for a surprise check to see the condition of people living in the shelter.

- ❖ Member Sushma Sahu alongwith technical expert (Legal) Geeta Rathi Singh and Counsellor Varun Chhabra visited Meerut to enquire into the rape of a 4-year-old girl. The team met the family of the victim and also spoke to the doctors handling the case. They confirmed sexual assault and said the girl would be under medical supervision for another seven to eight days. The Hapur DSP was asked to provide up-dates on the case. The team castigated the lackadaisical approach of the police and administration in dealing with cases against women and children in general. The team recommended psychiatric counselling and nutritious food for the girl and suggested strict action against police officers, who did the investigation in a shoddy manner.



Member Sushma Sahu (right) at the JNU symposium

● Ms Sahu along with Counsellor Varun visited Dr. Ambedkar Hospital in Rohini to enquire into the case of a 4-year-old rape victim. They met the victim and the family members and sought a detailed report from the SHO alongwith the status of all crimes registered in his Police Station relating to atrocities against women. ● The Member also recommended proper medical attention and nutritious food for the victim. ● Ms Sahu along with Ms Geeta Rathi visited Mohan Garden in Uttam Nagar to enquire into a complaint of violating the modesty of a woman and police apathy. The team visited Ranhola Police Station and urged that proper investigation be carried out in the case, without political interference. After the visit, the police acted promptly and the matter was settled amicably between the parties. ● The Member participated in a symposium organized by the magazine 'Streekaal' as a panelist on 'Women reservation – Hurdles before it' at JNU in New Delhi.

- ❖ A three-member team comprising NCW Member Alok Rawat and counsellors Varun Chhabra and Neha Mahajan Gupta conducted a Mahila Jan Sunwai at Rampur in Uttar Pradesh. The team met the victims, respondents and concerned police officials. The team took up 45 cases, out of which 37 cases had been disposed of and in the remaining 8 cases, directions were issued to the Additional Superintendent of Police for further action.



Member Alok Rawat with Counsellor Neha Mahajan Gupta at the Jan Sunwai

for further information visit our website at : www.ncw.nic.in

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