



# Rashtra Mahila

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## Editor's Column

As we reach the end of the year, it is very disturbing to note that incidence of crimes against women has escalated to an alarming proportion.

Figures given by the National Crime Record Bureau Publication of 2010, show that a total of 2,13,585 incidents of crime against women under the Indian Penal Code and Special and Local Laws were reported in the country in 2010 as compared to 2,03,804 in 2009, recording an increase of 4.8% during 2010.

Data with regard to crimes against women also revealed some distinct trends: (a) there has been an increase of 3.6% in rape cases in 2010 over 2009. Madhya Pradesh has reported the highest number of rape cases (3135) accounting for 14% of the total rape cases reported in the country and almost 97% of the rapes were committed by persons known to the victims with about 7% committed by family members and 35% by neighbours. (b) there has been an increase in dowry deaths by 0.1%, cases of torture by husband or relatives (under 498A, IPC) are up by 5% over that of the previous year. West Bengal

reported the highest number of these cases (17796) (c) though trafficking in women and children has increased sharply, only 2474 cases were registered all over the country. Majority of these cases were reported from Tamil Nadu (567) and Andhra Pradesh (548).

Among the cities of the country, Delhi has accounted for 60% of the total crimes (3886) followed by Hyderabad. (d) Incidents of sexual harassment has increased by 9% over the previous year.

## FOCUS

### Rising Crimes Against Women

These figures pertaining to crimes against women is disturbing but it has to be borne in mind they represent only the tip of the iceberg. Large numbers of cases go unreported and unregistered because police attach very low priority to registration and investigation of such cases.

Experts believe that while some of these alarming rise in crimes could be explained by increased reporting

as awareness has grown among women victims and families, the scale of increase undoubtedly reflects increasing violence against women in the society.

Another worrying trend is that disposal of cases by the police and the court is worsening over the years. In 1972, (the first year for which disposal data is available), the police investigated and chargesheeted 71% of the rape cases brought before it. But in 2010, they could manage only 64% disposal. Conviction rates have dropped from 41% in 1971 to a meagre 27% in 2010.

Thus, it is time the authorities think beyond having PCR vans to drop women home at night or suggest that they be accompanied by men, when moving around the city at night. Women in the city are not looking for bodyguards but they want to remain safe, when they step out alone or with friends.

It is also time that the administration think of introducing some practical steps to make the cities of the country safer for women. instead of telling them to mind their dressing and timings.

## Making a Difference

Three years ago, a movement against child marriage was started by three girls from Purulia district in West Bengal. Hailing from the backward classes, they stood against their family and social guardians, who fixed their marriage before they attained the official age of 18. Impressed by their courage, the President of India felicitated them at Rashtrapati Bhawan.

History has repeated itself. A new initiative against child marriage has been started by three other girls – Bina Kalindi, Mukti Majhi and Sangita Bauri from the same village of Purulia district. Active participants of the “Child

Activists Initiative” of the National Child Labour Project, they, too, resisted all attempts by their family members to marry them off before attaining the age of 18.

The District Magistrate of Purulia said that the girls have been invited by President Smt. Pratibha Patil to the Rashtrapati Bhawan as she expressed her wish to meet the role models of the society and honour them personally.

Deeply appreciative of the stand taken by them he said, “these girls are the real heroines of our degenerating society. They are not only assets of Purulia but the country itself takes pride in its brave daughters”.

## Preventing and Combating Human Trafficking in India

A National Seminar on "**Preventing and Combating Human Trafficking in India**" was jointly organised by the National Commission for Women and the National Human Rights Commission on 23rd November, 2011 in New Delhi. The seminar was attended by senior govt officials, Chairpersons of State Commissions for Women and representatives of NGOs.



*Ms. Mamta Sharma delivering the inaugural address*

Delivering the inaugural address, Ms. Mamta Sharma, Chairperson, National Commission for Women said that to combat human trafficking, several short-term and long-term measures were needed to be taken up at all levels. There was also an urgent need to create awareness among the public about human trafficking, in which the Media could play a very effective role. Poverty-alleviation measures, too, were necessary to combat it, she added.

Ms. Sharma also informed that the National Commission for Women had entered into partnership with UNIFEM by signing a Memorandum of Understanding (MOU) to jointly work on the issue of combating trafficking in women and girls by addressing the problem at the source itself, from where women are trafficked. The project has been taken up in 6 states to mobilize community action for stopping trafficking. One of the priority exercises would be mapping of the source areas by way of studies and creating awareness through seminars. Vulnerability Mapping has been conducted in the States of Rajasthan, Bihar, Jharkhand, Orissa, Andhra Pradesh & West Bengal.

Speaking on the occasion, Shri Rajiv Sharma, Secretary General, NHRC emphasized the need for drawing a specific Action Plan to combat this menace and



*Shri Rajiv Sharma addressing the gathering*

and nab those persons, who are engaged in this heinous work. Ms. Charu WalikKhanna, Member NCW, deliberated upon the seriousness of the issue and cited some case studies. Ms. Anita Agnihotri, NCW Member Secretary, welcomed the participants and emphasized on the need for continued efforts to check trafficking. Ms. Minakshi Ghose, Joint Secretary NCW, proposed a vote of thanks.

Later, three panel discussions were held on issues of Human Trafficking -Vulnerability Mapping, Dealing with Human Trafficking: Legal Framework and Programmes/Schemes for Empowerment of Trafficked Victims and Integrated Plan of Action to combat Human Trafficking.

The speakers, who spoke in various technical sessions, included Shri Sankar Sen, Prof. Mondira Dutta, Shri Ravi Kant, Smt. Indrani Sinha, Ms. Rosanna Lyngdoh, Ms. P.M. Nair, Ms. Roma Debabrata, Dr. Praveen Kumar, Dr. Savita Bakhry, Dr. Sunita Krishnan, etc.

**Some of the important observations and recommendations that emerged out of deliberations are as follows:-**

- (a) Rehabilitation, reintegration and repatriation of trafficked victims with special focus on child victims
- (b) Witness protection and support to victims
- (c) Training, sensitization, education and awareness of all stakeholders



*Member Secretary Ms. Anita Agnihotri summing up the deliberations flanked by Shri J.P. Meena, Joint Secretary NHRC and Ms. Minakshi Ghose, Joint Secretary NCW,*

- (d) Need for convergence with various stakeholders.
- (e) Need for Inter-State investigation as well as mapping the source and destination
- (f) Need for a national nodal agency
- (g) Need for regional initiatives to establish a central database and holding regional seminars at vulnerable areas to assess the nature of the problem.

### Observations

- (h) An important observation was that the age of the victim was coming down.
- (i) Trafficking has become a high-profit and low risk venture with enormous earnings for the traffickers and brothel-keepers
- (j) Trafficking of human beings does not draw that much attention as that of illicit trade of drugs and arms.
- (k) Information is lacking at different stakeholders level; there are no policies available to provide that information. Hence, need for more awareness, better documentation and sensitization programmes.

## Zero Tolerance for Sexual Harassment at Workplace

The National Commission for Women has taken a step forward in promoting women's right by developing a "Code of Conduct" for protection of women against sexual harassment at workplace. A poster detailing the "Code of Conduct", was released by NCW's Chairperson Ms. Mamta Sharma on 29th November, 2011 at a seminar organized by the Standing Conference of Public Enterprises (SCOPE) in collaboration with NTPC.

Voicing concern over incidents of sexual harassment at workplace, including in private sector firms, Ms. Sharma asked women to adopt zero-tolerance against such offences. Releasing the poster, highlighting Do's and Don'ts for women and employers in order to check the menace, she said that NCW has received several complaints, from private companies, where women were threatened that their career would be destroyed for refusing sexual favours.

Dr. Charu WaliKhanna, Member NCW made a presentation on the proposed bill on sexual harassment and SCOPE Chairman and CMD NTPC, Shri Arup Roy Choudhury and Dr. U.D. Choubey, DG SCOPE also spoke on the occasion.



*Shri S.P. Singh, Dr. U.D. Choubey, Shri Arup Roy Choudhury, Ms. Mamta Sharma, Dr. Charu WaliKhanna with the posters*

## Regional Workshop on 'Political Participation of Women in Decision-Making'

The Academy of Grassroots Studies and Research of India (AGRASRI) organised a two-day regional workshop sponsored by NCW on 'Political Participation of Women in Decision-Making for Inclusive Growth in India: Policy Initiatives and Implementation', at Tirupati.

The workshop was inaugurated by Dr. V. Shanta, Chairperson Cancer Institute, Chennai. Smt. K. Shanta Reddy, former Member NCW, delivered the key-note address.

The workshop formulated the following 5 resolutions, for strengthening political participation of women in decision-making process in India: i) impart a vigorous capacity building and training programme, exclusively, for women in administrative skills and political management; ii) improve the literacy-rate among women in rural areas; iii) bring awareness and sensitization for SC, ST, BC and minority women on government schemes and programmes towards women empowerment by civil society organizations at the grassroots level; iv) establish network between the University and Research Institutes, intellectuals and NGO representatives for utilizing their expertise and counsel for women empowerment; and v) drive a massive campaign against abortion.

## Member Secretary visits Yerwada Women Prison

NCW Member Secretary Ms Anita Agnihotri recently visited Yerwada Women Prison in Maharashtra.

The prison has a total of 340 inmates; out of which 17 women have children with them. Their socio-economic profile suggests that majority of them are poor and uneducated. Their offences comprise murder, dowry-related offences, theft, robbery, pick-pocket, abduction, kidnapping, etc. There are 33 foreign nationals, including, Bangladeshis, and 66 under trials. 274 have been convicted.

The jail premises are functional and reasonably adequate but grossly overcrowded. Inmates have to face the inconvenience of getting adequate space to sleep at night and also in using common facilities for baths and toilets. The medical facilities are inadequate and the jail needs a full-time doctor and another jailor in view of the large number of convicts.

The advocates engaged by the inmates are either too-busy or disinterested in the cases. Therefore, the inmates are unable to know the present status of the appeals filed by them. It is suggested group interfaces with legal experts (as per directions of High Court) with the help of NGOs should be arranged regularly in the jail. There is also a need to conduct immunization programmes for the children of the inmates as well as arrange some supplementary food for lactating mothers and small babies. The idea of ANMs and Aangawadi workers counselling the mothers and children could be a workable idea.

## IMPORTANT DECISIONS

### ◆ 'Unemployed' man asked to pay alimony to his wife

Rejecting the plea of a man that he cannot pay maintenance to his estranged wife as he was unemployed, a trial court has said the “general tendency” of avoiding paying maintenance to an estranged wife by a husband on the grounds of unemployment and financial constraints is unacceptable.

“It is a general tendency of husbands to deflate their income when time comes to provide maintenance to their wife and child. In such circumstances, many times courts have to do some guess work,” the metropolitan magistrate said while directing the man to pay ₹ 4000 per month alimony to the wife as she was having the custody of their daughter and was without a source of income.

### ◆ No alimony in case of desertion, rules court

A Delhi trial court has denied alimony to a woman saying that a woman cannot claim maintenance from her husband

if she leaves him out of her own”sweet will”.

“It is a settled position of law that one cannot take benefit of his own wrongs. Wife cannot walk out of the house at her sweet will and also claim maintenance from husband,'additional sessions judge Rajeev Bansal said.

### ◆ Govt. tightens norms for women seeking jobs in Gulf

The government has tightened immigration rules for women seeking employment in the Gulf region to protect them from harassment and exploitation.

The government has taken measures, including imposing age restriction of 30 years, for allowing them to go to the Gulf region and some other countries for employment under ECR (Emigration Check Required) category. As per the guidelines, a pre-paid mobile phone will have to be given to every household worker by the employer. ECR clearance is mandatory for undergraduates seeking overseas employment in 17 countries.

## Laws and Legal Action for Crimes Against Women

Section	Offence	Punishment	Bailable/Non-Bailable
228-AIPC	Disclosure of identity of rape & certain other crime victims	Imprisonment upto 2 years and fine	Cognizable and Bailable
294IPC	Obscene acts and songs	Imprisonment upto 3 months, of fine or both	Cognizable and Bailable
304-BIPC	Death due to causes other than natural within 7 year of marriage	Imprisonment for not less then seven years may extend to imprisonment for life	Cognizable and Non-Bailable
306IPC	Abetting the commission of suicide	Imprisonment upto 10 years and fine	Cognizable and Non-Bailable
354 IPC	Assault or use of criminal force to a woman with intent to outrage her modesty	Imprisonment upto 2 years or fine or both	Cognizable and Bailable
366 IPC	Kidnapping or abducting a woman to compel her marriage or illicit intercourse etc.	Imprisonment upto 10 years and fine	Cognizable and Non-Bailable
376 IPC	Rape	Imprisonment for not less than 7 years and upto life & fine	Cognizable and Non-Bailable
406 IPC	Punishment for criminal breach of trust including non returning of Stridhan	Imprisonment upto 3 years and fine or both	Cognizable and Non-Bailable
498-A IPC	Punishment for subjecting a married woman to cruelty	Imprisonment upto 3 years and fine	Cognizable and Non-Bailable
509 IPC	Word, gesture or act intended to insult the modesty of a woman	Simple imprisonment upto 1 year or fine or both	Cognizable and Bailable

Victims of crimes against women may approach: special police unit (Women & Children), Nanakpura, Near Moti Bagh Gurudwara, New Delhi-110021. Phone Nos: 24673366,24121234 or contact **National Commission for Women**

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

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