



# Rashtra Mahila

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## Editor's Column

So long the streets of Delhi, which recorded more cases of rapes than any other metros of the country, were considered unsafe for women. But now horror of horrors, schools, too, have become places of sexual abuse of girl students and the offending monsters in many cases are school principals and teachers.

The recent brutal gangrape of a girl student by the principal and vice-principal of government schools and two of their associates, have sent shock waves throughout the country and speaks volumes about the safety of the girl students in schools.

Earlier, also, cases of sexual harassment, rape and molestation of girl students had been reported in schools. But in its grotesqueness, this case, where the principal, who should have been a role model, being the main culprit, surpasses all others.

When education of the girl child remains a top priority of the Govt., this kind of betrayal of trust is bound to affect enrolment and increase the dropout rate.

Unfortunately, exemplary punishment of the rapists have been few and far between; less than 20% of the cases end in conviction, largely because of the complex criminal justice procedures. However, this case is a reminder that it is the certainty of punishment that is crucial to restore public confidence.

The Delhi Govt.'s initiative to set up sexual harassment cells at the district level, too, is welcome. In addition, the guardians and school authorities should also formulate

preventive mechanism to deal with sexual misconduct of the teachers. Students should also be made aware of what constitutes rape and molestation so that these heinous acts do not go unreported. Finally, the teaching fraternity should exercise their peer influence to ostracise those, whose work and conduct bring disgrace to the noble profession.

### Do you know?

**26 million - 20%** of world's babies - are born in India each year.

**1.2 million - 30%** of the world's total- die within a month of being born.

**Kerala** has the lowest neonatal mortality rate at **10** deaths per **1,000** births.

**Orissa** has the worst neonatal mortality record, with **61** deaths per **1,000** births.

### Focus

## Rapists in Schools

### Make Registration of Marriages Compulsory: NCW

The National Commission for Women has demanded that registration of marriage should be made compulsory to provide social security to women. The Commission also sought a ban on bigamous marriages performed after conversion to a faith that allows more than one wife.

In its report on Personal Laws, the NCW has suggested several reforms in favour of women but clarified that the issues taken up did not pertain to a uniform civil code. Instead, it stressed the need to bring about reforms in the

respective personal laws by removing discrimination based on religion as well as gender.

"However, reform in the statutory law will be meaningless without change in the attitudes of the law enforcers. Equally important is the need to provide for simple, swift and inexpensive court procedures, where a woman doesn't feel harassed, humiliated or threatened," it said.

The report recommended that marriage in contravention of the minimum age requirement should be completely banned and until that is done, punishment should be stringent. Adequate provisions need to be made for settlement or division of matrimonial assets in case of divorce or separation. The wife should be provided proper shelter and security.

The report said that adoption was legally permitted under the Hindu Succession Act only. A Parsi or a Christian enjoys no adoption law. "There is need for a uniform adoption law or in any case a law enabling Parsis and Christians, to adopt, too, it pointed out, while drawing attention towards "a clear gender discrimination" in the Hindu Marriage Act in the matter of the right to give and take a child in adoption. Both mother and father should have equal right in the matter.

The report said that while a Hindu woman can seek maintenance under personal law even without recourse to matrimonial litigation, a Parsi or Christian wife has no right unless she files a matrimonial case under her respective personal law, which amounts to discrimination based on religion.



### Dr. Girija Vyas NCW's New Chairperson

from Udaipur City, Rajasthan and served as a Minister in the Rajasthan Cabinet till 1990.

In 1990, she was elected to the Parliament and joined the Union Cabinet as a Deputy Minister. From 1996-2004, she was a Member of the Parliament and from 2001-2004, she was also the President, Pradesh Congress Committee, Rajasthan. Currently, she is Chairperson, Media Department, All India Congress Committee and Member, Indo-EU Civil Society.

Profusely honoured for her academic attainments and excellence, she visited Chicago, Ohio, Pennsylvania to deliver lectures at various universities and academic institutions, on 'the role of Indian Women', 'The song of Mahandura', 'Hindu

Philosophy', 'Love and Sex', respectively.

Widely travelled in India and abroad, Miss Vyas has visited the USA, Canada, Mauritius, Berlin, Srilanka, Cairo, Beijing, Taiwan, Spain, U.K. etc. either to attend conferences or to deliver lectures.

A prolific writer, she has several publications and books to her credit, which includes amongst others, *Ethical Teaching of Gita and Bible*, *Philosophy of Shuddhavaita*, *Seep*, *Samandar*, *Moti*, *Nostalgia & other poems*, *Philosophy of Democracy*, etc.

We welcome Miss Vyas to the Commission and hope that she will have a successful tenure as the Chairperson of the NCW and provide a pro-active and dynamic leadership.

Dr. (Miss) Girija Vyas took over as Chairperson of the National Commission for Women on 16<sup>th</sup> February, 2005.

After a brilliant academic career, armed with a Doctorate in Philosophy, she taught at the University of Udaipur and also at the University of Delaware, in U.S.A. In 1985, she was elected as an MLA

### Law Board Exclusively For Muslim Women

Oppressed Muslim women, mostly unsuspecting victims of triple *talaq*, now have a forum that will take up their cause.

Within a week of the formation of the Shia Personal Law Board, women have taken the lead and constituted the All India Muslim Women's Personal Law Board, protesting against the All India Muslim Personal Law Board's (AIMPLB) inability to address issues related to Muslim women.

On its part, the Women's Board has vowed to take up these issues in the right earnest and on the appropriate forum.

The president of the newly-constituted Board, Shaista Amber said that even though in Islam women have been granted equal status but the fact was that they have been denied their rights by the ulemas and other Muslim religious leaders. She charges the

AIMPLB with ignoring women issues and said the Muslim women were not fully aware of matters relating to *talaq* and *nikah*.

The new Board has been constituted specifically for women and will ensure they are given their rights within the framework of Islam.

### Gender Bias in Laws

In accordance with UPA's common minimum programme, to ensure a gender-equitable legislative regime, the law ministry has started the process of scanning laws for any gender bias in them.

Various women groups and organisations, including the National Commission of Women, are being contacted for inputs and suggestions to help streamline legislations, which are not gender-sensitive.

The Cabinet's clearance to amend the Hindu Succession Act so that women also get a share in their father's property is part of the move to make

laws equitable. So is its decision to amend the Prevention of Child Marriages Act.

Child marriage is a cognisable offense and parents and priests solemnising these marriages are also liable for punishment according to the proposed changes in the law. Similarly, children involved in such marriages may have the choice of opting out of it. In areas where child marriages are rampant, 'councillors' would be appointed to create public awareness against the practice.

The NCW had, forwarded to the Centre a list of 42 gender-related laws, which needed correction as the Indian Panel Code has been amended only twice since it was enacted in 1860. The NCW has also sought redefinition of terms like bigamy and rape.

The Women's Reservation Bill the Domestic Violence (Prevention) Bill and the Bill against sexual harassment at work-place, too, need to be implemented.

## NEWS FROM ABROAD

### Pregnant women in UK forced out of jobs : survey

About 30,000 working women in Britain are sacked, made redundant or leave their jobs every year because they are pregnant. A survey by the Equal Opportunities Commission (EOC) as part of an EOC campaign for the rights of pregnant women, showed widespread discrimination against them in the workplace.

Of those questioned, nearly half reported experiencing some form of discrimination because of their pregnancy and a fifth lost their jobs or missed out on pay rises or promotions. The EOC said research for its campaign had unearthed many forms of pregnancy discrimination ranging from denial of promotion, payrise, bonus and training opportunities and changes in job descriptions to being left out of decisions and even verbal abuse.

### Instant triple *talaq* banned in many Islamic countries

Seeking divorce by uttering the word *talaq* thrice is banned by law in many Islamic countries, including Pakistan, Bangladesh, Turkey, Turisia, Algeria, Iraq, Iran, Indonesia.

In fact, the practice was banned in Pakistan way back in 1961, when family law ordinance was promulgated making registration of all marriages compulsory and making it mandatory for a couple to go through a reconciliatory process under the supervision of a government official before seeking divorce as a last resort.

While Turkey, Egypt, Sudan, Indonesia, Iraq and Pakistan have put in place strict judicial and administrative regulations regarding polygamy, the practice is banned in Malaysia and Brunei.



### New Member Secretary Joins NCW

Mr. N.P. Gupta, till recently Special Commissioner in the Tamil Nadu Government, has taken over as Member-Secretary of the National Commission for Women with effect from 17th February, 2005.

An electrical engineer by education, Mr. Gupta joined the Indian Administrative Service in 1972 and was allotted to Tamil Nadu Cadre. Starting his career as a sub collector, then collector, Mr. Gupta rose to the rank of Secretary to the Govt. and has held various important assignments in the State Government as Secretary, Animal Husbandry & Fisheries, Handloom and Textiles, PWD and Water Resources, as well as Managing Director, Co-optex.

We welcome Mr. Gupta to the Commission and hope that with his multi-dimensional experiences, he will be able to further promote the cause of women in the country.

### Members' Visits

- Member (Dr.) Sudha Malaiya, attended the National Workshop on 'Tribal Women and Forest Produce', organized by the National Institute of Forest Management at Bhopal on 18.01.2005. She chaired the first Business Session. Later, she had a meeting with women entrepreneurs and industrialists of Govindpura Industrial Sector along with the Commissioner, Industries, Director, DUDA. She stressed the need for greater coordination between the Deptt of Industry and Deptt. of WCD.

Dr. Malaiya attended the Regional Workshop on Problems, Prospects and Policies of Women in Industry, organized by Madhya Pradesh Consultancy Organization Ltd, Bhopal, on 3-4<sup>th</sup> February. She attended a similar Regional Workshop on women entrepreneurs held by the Institute of Entrepreneurship Development, UP, Lucknow, on 10<sup>th</sup> February. In both the workshops, the subject discussed were existing women-friendly policies of the Govt., financial institutions for women entrepreneurs, product identification, marketing, capacity building, technology transfer, access to finances, non-conventional entrepreneurial activities, infrastructural facilities in the industrial areas, etc. One of the issues discussed was that though the banks claim that no collateral security was required for loans up to Rs. 2.00 lakh, many women complained that they faced lot of problems in getting loans. More awareness has also to be created about the Govt.'s schemes and the programmes for training and technology transfer.

- Member Anusuiya Uike visited Bhubaneshwar from 7<sup>th</sup> January to 8<sup>th</sup> January, to participate in a workshop on the Role of Women in Mechanized Farming, held at the National Research Centre for Women in Agriculture at Bhubaneshwar. The workshop, was sponsored by NCW. 72 participants attended the workshop, including ICAR scientists and officials from State Agricultural Universities, banks, NGOs.

Ms Uike attended the Youth Parliament organised by Koshish and a Public Hearing sponsored by NCW in Chhindwara on 11<sup>th</sup> January. Later, she met the Chief Minister of Madhya Pradesh. The Member visited Bhopal to attend a seminar on Tribal Women and Forest produce on 18<sup>th</sup> and 19<sup>th</sup> January.

## Meeting on NRI Marriages

A meeting was convened by the Ministry of External Affairs in New Delhi to discuss problems resulting from NRI marriages.

Welcoming the participants, the Secretary, Ministry of Overseas Indian Affairs (MOIA), Mr. Krishna Kumar, requested the participants to spell out the role and agenda for the Ministry to solve the problems faced by Indian women, who become victims of fraudulent marriages. He also asked the participants to give their views to the proposal of bringing out a Booklet for the guidance of parents and women with regard to NRI marriages.

Ms. Amita Punj, representative of partners for law in development, agreed that a booklet was necessary for the guidance of the general public.

Ms. Shruti Pandey, National Director, Human Rights Law Network stated that women who go abroad after marriage may not be aware of the system of obtaining help in that country, in case they are deserted or otherwise ill-treated. In such situations, Indian Missions abroad should come to their rescue. It could be very useful if the telephone and contact addresses of the missions are indicated in the Booklet.

Executive Director, MARG, stressed on preventive measures rather than curative action. She suggested verification of the background of the proposed groom, including his financial status, criminal antecedents, previous history of earlier marriage or divorce etc. It would also help, she said, if the prospective groom made a substantial deposit in the name of the wife, which could be operated by her only, thereby, eliminating chances of frauds.

Ms. Nirmala Sitharaman, Member, National Commission for Women

stated that in some cases, where they had received complaints from women in distress, they had forwarded the complaints to MEA and MEA had forwarded these complaints to the Missions abroad. However, they had to chase up the matter from one desk to another and the process was very slow and lacked the speed with which it was required to be processed. In some cases, where they were able to somehow bring the facts correctly to the notice of the Courts abroad or even to the notice of the advocate of the opposite group, the results were extremely heartening.

Director L & T Division, MEA, Dr. Neeru Chadha, stated that India had mutual legal agreements with various countries for serving court orders and summons, etc. and the Missions abroad provide necessary help and assistance to the persons, who approach them in distress. As regards verification of background and antecedents, she suggested that this could be done through NRI Associations, as the Government could not take the responsibility and liability relating to accuracy and legality of information.

Secretary (MOIA) also said that in these matters the Government could not undertake direct responsibility for verification etc. which could be done through NRI associations or NGOs.

The Secretary (MOIA) invited comments regarding Compulsory Registration of NRI marriages. Member NCW stated that registration of marriages would have to be made compulsory for all marriages and not only for NRI marriages, as it would provide additional and legal proof of marriage strengthening the case of deserted women.

Member Sitharaman also suggested that a helpline could be

established which could help the victims in local languages and guide the concerned persons about the available sources of relief.

It was agreed that requisite inputs for the preparation of Information Booklet would be sent to the National Director, Human Rights Law Network.

### IMPORTANT DECISIONS

#### Illegitimate child takes father's caste : SC

● The Supreme Court has ruled that a child born out of an illegitimate relationship would enjoy the lineage of his or her father.

By holding this in a petition involving the caste status of a legislator elected from a reserved constituency in Andhra Pradesh, a Bench upheld an Andhra Pradesh High Court judgment which had set aside the election of a TDP woman candidate at a constituency reserved for the Scheduled Tribes on the ground that her mother belonged to the Bagatha community, a notified ST community.

#### Landlord cannot evict woman deserted by husband

● The Supreme Court has held that if a husband, a tenant, deserted his wife and left the house, the landlord cannot evict her so long as she pays the rent and fulfils the conditions of tenancy.

The Bench said a wife placed in such a situation, has only to fulfil two conditions—that her husband has given up the contest for the same tenancy and her suit to retain it would not be on higher footing than that of the husband.

*For further information visit our website at :*

**[www.ncw.nic.in](http://www.ncw.nic.in)**