



Rashtra Mahila

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Editor's Column

The recent Supreme Court judgement has held that the demand for money by a husband from his in-laws for meeting domestic expenses will not come under the ambit of dowry, warranting criminal prosecution.

The judges set aside a verdict of the Bombay High Court that upheld a trial court's judgement sentencing a man to seven years' rigorous imprisonment in a case of dowry death. The man and his mother were convicted under section 304B (dowry death) of the IPC after the wife died after consuming poison.

Quashing the conviction, the judgement cited Section 2 of the Dowry Prohibition Act, which defined 'dowry' as any property or valuable security given or agreed to be given either directly

or indirectly by the girl's side to the boy's at or before or any time after the marriage in connection with the proposed marriage. Therefore, the judges opined that "a demand for money on account of some financial stringency or for meeting some urgent domestic

FOCUS

DOWRY JUDGEMENT

expenses or for purchasing manure cannot be termed as a demand for dowry, as per Section 2 of the Dowry Prohibition Act".

The judgement has understandably created a stir in the legal circles and social and women's organisations. Critics have argued that the dowry seekers have been given the loophole that they were looking for.

The All India Democratic Women's Association (AIDWA) has, therefore, decided to file a review petition as they feel that the judgement was based on a flawed interpretation of the Dowry Prohibition Act. Moreover, the interpretation, they thought, would impact adversely on a large section of women and give rise to increased violence that many already face in their matrimonial homes.

Admittedly, the judgement needs to be reviewed, specially, in view of the alarming rise of dowry harassment and dowry deaths throughout the country. It has not only set a wrong and dangerous precedent, but would also encourage coercion, extortion, in the name of dowry after marriage.

Ethiopian Delegation Visits NCW

An Ethiopian delegation comprising Mrs. Netsanet Asfaw, Member of Parliament, Ms. Bagoletch Gebre, Chief of Kambatta Women Self-Help Centre and Mrs. Mehdre Paulos of the Ethiopian Women's Lawyers Association visited the Commission and interacted with the Members and the officers of NCW.

The delegation said that the problems faced by the women in India and Ethiopia were almost the same except that due to low level of education and abject poverty among their women, domestic violence was more rampant there.

Moreover, harmful practices like physical disfigurement and mutilation of women was also common there. The delegation felt that women's movement

was more active in India and there was more transparency in the govt. with the public due to public awareness whereas

Ethiopia did not have many independent women's organisations though they have 22% women in the Parliament.



The Ethiopian delegation with the Members and Officers of NCW

Deputy Secretary attends Workshop at Pretoria

Ms. Gurpreet Deo, Deputy Secretary NCW, attended a 3-day Strategy Workshop organised by the United Nations Department of Peacekeeping operations in Pretoria, South Africa, from 7-9th February. Ms. Deo, as a delegate from India made a presentation on the Topic "Good Practices in Partnership Building between Women Constituencies and the Defence/Security Sectors in India". The conference was organised as an effort by the UNDPKO to strengthen the efforts of Government Machineries to increase representation of women in the Defence/Police.



Ms. Gurpreet Deo addressing the workshop (left). Ms. Deo (in sari) with other foreign delegates.

59% Women Victim of Domestic Violence

According to the latest National Family and Health Survey (NHFS), 2005-06, overall 59% married women were subjected to violence either by husbands or his family. Domestic violence against married women was more prevalent in urban areas where the percentage stood at 62.2. In rural areas, the percentage stood 58.5%. Report says that younger women were at greater risk, especially those aged between 25 and 34. According to the survey report, reasons for wife beating are, negligence of house and children, leaving home without husband's permission, disrespect for in-laws and lack of interest in cooking food.

Women, who are childless, are also victims of domestic violence. However, the proportion of domestic violence declined with the improved standard in the living conditions of

women, the report said. Women in the lower socio-economic level were more exposed to beating by their husbands, the report said. According to the analysts, improving the status of women, especially through education will help in reducing domestic violence.

Help for Women Deserted by NRI Husbands

The Ministry of Overseas Indian Affairs has finalised the scheme wherein counselling and legal aid would be provided to the distressed women by a panel of community advocates through credible Indian associations and women's organisations empanelled with the country's Missions. To begin with, the service will be provided in the US, UK, Canada, Australia and the Gulf where majority of the Indian expatriate community lives.

The scheme would cover women deserted in India or overseas within

one year of the marriage and divorce proceedings initiated by the spouse within one year of the marriage.

Legal aid will also be provided if there an exparte decree of divorce or annulment of the marriage is obtained by the spouse and a case of maintenance or alimony is required to be filed.

Special Ambulances to Carry Pregnant Women to Hospital

The Delhi Government's Health Department has launched 72 Centralised Accident Trauma Services (CATS) ambulances to help reach pregnant women to hospital in time. The ambulances can be hailed by ringing up 1099.

The launch of the ambulances will encourage women to deliver children at hospitals. Those availing of the CATS ambulances will be entitled to a Rs. 5,000 deposit in their child's name if they happen to have a girl.

Members' Visits

- Member Malini Bhattacharya went to Bongaon in North 24 Parganas, where the administration along with Durbar Mahila Samannaya Samiti had organized a meeting of NGOs, women's organizations and Panchayat personnel to discuss the problems of child marriage, dowry and trafficking. A note prepared by the Member in Bengali relating to trafficking in women and children along with some of NCW's recommendations was circulated among the participants. At the meeting, a resolution was taken to adopt necessary steps at the Panchayat level to keep an account of women moving out of the locality either for work or after the marriage and set up an Advisory Committee at the block level to facilitate action in cases of child marriage, dowry and trafficking.

Later, she gave a lecture on globalization of media and representation of gender at the Calcutta University. Ms. Bhattacharya went to Farbesh Ganj and had meeting with members of the Nut community among whom, the practice of selling girl children in prostitution prevails.

Returning to Calcutta, she attended a UGC seminar on women's empowerment and spoke on the legal and social aspects of women's empowerment and the role of the NCW.

Later, she attended a regional workshop for prevention of trafficking of women and children and on the integrated plan of action organized by the West Bengal State Commission for Women with NCW assistance. Ms. Bhattacharya delivered the key-note address at the inaugural session and also chaired a working group on rescue and rehabilitation. There was a gathering of about 80-90 people from West Bengal, Bihar, Orissa and Jharkhand. The participants included Police Officers, Lawyers, Public Prosecutors and NGOs. After a very fruitful discussion, a small committee was formed to finalize the recommendations emerging from discussions from the working groups.

The Member also attended the NCW Conference of North-Eastern States in Shillong on the powers of Civil

Court given to the National Commission and the State Commissions for women.

- Member Yasmeen Abrar attended the first legal awareness programme at Roshanpura Village, Najafgarh organized by the Guild of Service.

The inaugural session was addressed by Ms. Abrar, Dr. V. Mohini Giri, Chairperson, Guild of Service and War Widows Association and Smt. Pushpa Arora, President, War Widows Association.

Ms. Abrar applauding Mrs. Giri's efforts to organize such awareness programmes from time to time explained the working of NCW and said that it was the right platform to solve the problems of the distressed women.



Ms. Abrar addressing the legal awareness programme

- Member Nirmala Venkatesh attended the Tamil Nadu Women Bank Employees Convention at Dasprakash Hotel, Egmore in Chennai. Several union leaders of the Bank Employees and nearly eight hundred women bank employees attended the convention. She spoke on women's issues and assured them that NCW would look into the matter of appointment of women, who lost their husbands while on duty.

Later, at Tirupathi, she attended a programme on "Domestic Violence Act" conducted by Shakthi Development Society and 'RAAS' organization.

During Pregnancy, ensure the following

- Register your pregnancy with the nearest health centre as soon as you know.
- Atleast have 3 antenatal checkups during pregnancy.
- 2 doses of injection TT and 100 tablets of Iron & Folic Acid, available free of cost at all government health centres.

Adultery Won't Be Crime

The draft national policy on criminal justice, authored by the Madhava Menon committee, has responded to the demand of the National Commission for Women (NCW) to decriminalise adultery by recommending that it should be treated as a social rather than a criminal offence.

While listing adultery among the offences that should be removed from the category of criminal acts, the Madhava Menon panel has said that treating an adulterer as a criminal actually becomes an obstacle in any rapprochement between husband and wife, besides making the accused vulnerable to extortionist policemen.

At present, Section 497 of the IPC provides for jail up to five years as well as a fine for adultery. The NCW has opposed a proposal to amend Section 497 to bring women also under the purview. IPC provides expressly that the wife shall not be liable even as an abettor, based on the reasoning that a woman involved in an illicit relationship with a married man is a victim rather than an author of the 'crime'.

Recently, NCW had made out a case for treating adultery as a civil wrong, saying that there may be many instances where the woman wants to save the marriage and sees the adulterous relationship as an aberration rather than the norm.

Important Decisions

Court Ruling on Maintenance for Remarried Muslim Divorcee

The Kerala High Court held that a Muslim woman who was remarried and had received reasonable and fair provision and maintenance from her former husband was entitled to claim maintenance again under Section 3 of the Muslim Women Act, 1986 from the next husband, who divorces her.

HC Upholds Right to Self-Defence

Upholding the right to self-defence, the Delhi High Court recently acquitted a 30-year-old woman, who was sentenced to life imprisonment by a lower court last year for killing a man who tried to rape her.

Differing with the lower court's conclusion Justice R.S. Sodhi and Justice P.K. Bhasin held that her act amounted to self-defence alone and not murder.

Triple Talaq not Good Enough for Divorce

The Bombay High Court has ruled that the three words, 'Talaq, talaq, talaq' are not enough for a Muslim husband to divorce his wife, unless the husband goes through the preconditions of arbitration and reconciliation prescribed by the Muslim Law.

Married off Minors can Apply for Annulment

A girl or boy, married off by family while as a minor, can now appeal to the court to annul the marriage.

If the marriage was solemnised by force or inducement, it would be legally null and void. Offenders, including an adult groom, the priest, who conducted the marriage and family would be punished with rigorous imprisonment upto two years or a fine of one lakh.

In-Law's House is not Home for Harassed Wife

In the Supreme Court first judgement involving the recent Protection of Women from Domestic Violence Act, the definition of 'shared household' - mentioned in the Act - has been clarified. A shared household is only property owned by a woman's husband, or by a joint family of which the husband is a member. It does not include the self-acquired property of any of the woman's in-laws.

Centre to Adopt Girl Children Now

To check the alarming rise in female foeticide, and set the skewed sex-ratio right the Centre is planning a "cradle scheme" for abandoned girl children. Under the proposed Palna scheme, the government plans to open a centre in each district where parents can leave their girl children if they do not want to bring them up.

Under the proposed scheme, the government would bear the cost of upbringing. Parents, who give up their children would also have the option of taking them back if they want to, later on.

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