



Rashtra Mahila

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Editor's Column

Women from all walks of life should be grateful to the Supreme Court for taking affront at the order of a Madhya Pradesh High Court judge, who let off a rape convict with a meagre less than three months sentence on the ground that he was 'an illiterate rural agriculturalist.'

A sessions court had earlier sentenced the man to seven years imprisonment for raping a woman in broad daylight. But the High Court had allowed his release by ruling that his stay in jail for two months and three days was enough punishment. Taking a stern view of rape, the apex court increased the two-month jail-term to seven years earlier awarded by the Sessions Court.

Expressing concern over the MP High Court's insensitive attitude in reducing the sentence, the apex court said any liberal attitude of imposition of a meagre sentence or

too sympathetic view may be counter-productive in the long run. The court said that lenient approach towards rape convicts is against social interest which needs to be cared for, protected and strengthened by strings of deterrence

FOCUS LENIENCY TO RAPISTS

in-built in the sentencing system. Elaborating its view, the apex court said that punishment is the sanction on the offender for infringement of the law. "The award of sentence is consequential and incidental to conviction. An undeserved indulgence amounts to encouraging potential criminals. Sexual violence, apart from being a dehumanizing act, is also an unlawful intrusion on the right to privacy and sanctity of a woman, offending her self-esteem and dignity."

Only recently, the Supreme Court upheld the compulsory retirement of a judicial officer for showing undue leniency to a convict in case of sexual assault of a minor. The judge released him on parole under the Probation of Offenders Act after finding that he had already served a sentence of more than 15 months. He, however, ignored the fact that the law viewed the crime - raping a minor girl - very seriously and provided a minimum sentence of 10 years of rigorous imprisonment extendable to life sentence and a fine.

Admittedly, many judges are in the habit of reducing the sentence, 'to the period already undergone' even in serious offences, including rape, where, in essence, adequate punishment should be meted out to the offenders so that public abhorrence of the crime is reflected through imposition of sentence matching with the gravity of the offence.

Dr. Girja Vyas was the chief guest at the Diamond Jubilee Celebration of SMS Medical College, organized by National Academy of Medical Sciences at Jaipur.

Speaking on the occasion, Dr. Vyas said that there was a thin line of similarity between the medical profession and hers; doctors served the people by treating ills of human beings while her work was to eliminate the ills of ignorance and superstition from the minds of people and creating awareness among the rural people, particularly, women. She urged the medical practitioners to have high moral standards so that they may act in the best interest of their patients.

NATIONAL ACADEMY OF MEDICAL SCIENCES (RAJASTHAN CHAPTER)



Dr. Vyas addressing the gathering

50 pc quota for women in govt houses

The Centre has decided to provide 50 percent of the government housing to women during 11th Five Year Plan. The Government also decided to give priority in housing to single women, widows and women in difficult circumstances.

According to the 11th Plan document, all housing provided by the government should either be half in the name of the woman in the household or in the single name of the woman.

The plan document says, "Home ownership not only provides shelter but also serves as collateral in credit markets and increases social status and security in the event of natural or man-made disasters."

Implement sexual assault bill : NCW

The National Commission for Women (NCW) has written to the centre for the speedy implementation of the Sexual Assault Bill which proposes to bring changes to include any sexual assault on women under the definition of rape.

The NCW has suggested some changes in the definition of rape. NCW Chairperson Dr. Girija Vyas said molestation and eve-teasing will also be considered at par with rape. The Bill also recommends changes in the CrPC and the Evidence Act in order to make the procedures fair and sensitive to victims of sexual assault, including minors.

Dr. Vyas said the NCW has also suggested an annual mandatory training course for police on various laws related to women.

Wakf pays Rs. 1,200 to Muslim women divorcees

The Andhra Pradesh State wakf Board is offering a monthly sum of Rs. 1,200 to Muslim women. Women, who are divorced, not remarried and who are not supported by their relatives, children or parents and unable to maintain themselves are eligible for this monthly amount. The Board has requested all eligible women to approach the local magistrate court to avail of the benefit, or contact special helpline number set up by the Board. The numbers are : 9866070442 or 98490-79535 or 040-23233811. Women can also e-mail to apwakfwomen@yahoo.com for further details

Making a difference

A group of vegetable vendors in Gulzarbag district of Patna are trying to improve the lot of children by sponsoring an all-girls school.

This locality boasts of a huge vegetable market. And, its vendors belonging to the Kushwaha community have founded an exclusive Girls Senior Secondary School in the area, opposite to their vegetable market, to educate deprived girl children. Their objective is to enable the deprived girls acquire basic education and progress in life.

All funds are from the revenue generated from selling vegetables in the vegetable market and through collection on the gate. The three-story building with 32 classrooms provides all facilities to the students without any discrimination on the basis of caste or creed. With varied facilities ranging from library and computer education to science laboratories, the students are confident of doing well in their studies.

Expert Committee on domestic workers meets Labour Commissioner

The Sub Committee of experts appointed by NCW to look into the problems of domestic workers handed over a letter containing some recommendations to the Labour Commissioner, Delhi Government.

These recommendations as finalized by NCW Member Malini Bhattacharya, Ms. Bharati Sharma, Chairperson, Child Welfare Cell, Delhi, Mr. Subhash Bhatnagar, Nirmala Niketan, Mr. Ramendra Kumar, Forum for part-time domestic workers and Mr. Yogesh Mehta, Law Officer, NCW, included the following :-

- a) registration of employers as well as of placement agencies.
- b) special provisions to address the needs of domestic workers in the rules and regulations.
- c) Arrangement for manual registration side-by-side with online registration.
- d) A multi-member authority, including official and non-official members, to monitor whether the law is being observed.

In the mean time, the Sub Committee is working towards formulation of a comprehensive bill on domestic workers through a workshop and a national consultation.

Marriage registration to be made compulsory

Upholding the Supreme Court's order on compulsory registration of marriage, the Delhi government will introduce a Bill in the coming session of the Delhi Assembly. The Bill will help put a check on child marriage, bigamy and polygamy. It will also help women in exercising their right of maintenance from the husbands, custody of children, and enable widows to claim inheritance.

A Registrar General of Marriage for Delhi will be appointed by the government. The registrar will act as the Chief Executive for executing the provisions of this Act. Couples who fail to register their marriage will be fined and imprisoned for a term, which may extend to a year.

Incentives for girl child

The Union Ministry of women and child development (WCD) will launch a Conditional Cash Transfer Scheme called *Sampda* and families that live below the poverty line will be the beneficiaries initially.

Under the scheme, cash will be provided to the family of the girl child preferably, the mother, if the family fulfils certain conditions. These include registration of the birth of the girl child, immunization, enrollment into school, at least 85% attendance in school, and the deferral of marriage beyond 18 years.

The scheme grants incentives at every stage of the girl child's life, from her birth to the time she turns 18. Rs. 5000 will be deposited in her name at the time of the registration of birth. An insurance cover of Rs. 1 lakh will be provided to the newly born girl at the time of birth registration with the government paying the premium.

Thereafter, during the course of immunization, the government will pay Rs. 200 each time the girl child is taken

for vaccination. A sum of Rs. 250 will be paid when the child is taken for her last vaccination.

The government will also support the schooling of the girl child: Rs.1000 will be given at the time of her admission, and Rs. 500 will be disbursed every year from standards I to V, provided she meets the attendance requirement.

To curb the substantially high dropout rates of girls at the secondary school level, the government will pay Rs. 1500 to girls, who reach up to standard VI, and Rs. 750 every year thereafter till they graduate to standard X.

In standards XI and XII, girls will get Rs. 2000, besides an additional Rs. 1500 every year for books and other material. Finally, Rs. 7000 will be paid to girls after they complete higher secondary or vocational education.

The money provided under *sampda* will be exclusive of the various other incentives offered by the Centre and States.

NCW takes up Jenita's case

The National Commission for Women, has *suo motu* taken up the case of Smalin Jenita, who was allegedly tortured and harassed by her husband and in-laws in the United States.

NCW Member Nirmala Venkatesh recorded Ms. Jenita's statement at her house at Tiruchi.

Jenita suffered multiple fractures for being allegedly thrown out of a moving car by her husband and in laws in the United States, a few months ago.

The Commission will take up the case with the Ministry of External Affairs and the Ministry of Overseas Indian Affairs and ensure that the girl's husband Christy Danius is brought back to India.

Christy Danius, his mother Chellam and sister Leema, who are all residing in the United States at present, have been cited as accused in a case registered by the Tiruverambur All Women Police Station, following a complaint lodged by Mr. Anthony, Jenita's father.



Mrs. Venkatesh, recording the statement of Smalin Jenita at her residence.

Important Decisions

- **Women above 21 can work in bars, says SC :** Upholding a judgment of the Delhi High Court, the apex court said there should be no restriction on women above 21 years being employed in hospitality industry, including bars, banquets and restaurants, which serve liquor.
- **Adoption rules :** The Supreme Court has held that a married Hindu woman, who is living separately from her spouse cannot adopt a child without the consent of her husband. But consent for adoption was not required when the wife has taken divorce.
- **Shelter for human trafficking victims :** The centre has launched a scheme to provide shelter-cum-rehabilitation homes for victims of human trafficking for commercial sexual exploitation in order to re-integrate victims of trafficking into the mainstream and to provide them with an alternative livelihood. In the first phase, the Women and Child Development Ministry will open 45-50 homes in different parts of the country with the help of NGOs to help 2,250 victims.
- **Separated wife entitled to maintenance SC :** In an important judgment protecting the right of married women, the Supreme Court has held that a separated wife, even if having her own income, is entitled to maintenance to enable her to attain the same standard of living that she enjoyed in husband's house before separation.

Where the personal income of the wife is insufficient, she can claim maintenance under Section 125 of the CrPC.

Members' Visits

- Member Neeva Konwar was the chief guest in a meeting held at Goa Kala Academy and spoke on the role of women in Indian democracy through Panchayati Raj system. Earlier, she attended a meeting at the Chief Minister's residence, where the CM handed over awards to selected women entrepreneurs of the country. She also called on the Governor of Goa, Mr. S.C. Jamir and discussed women issues of the NE regions as well as Goa.



Ms. Konwar (left) in a meeting with CM, Goa

- Member Malini Bhattacharya attended a conference of women primary teachers at Krishna Nagar in West Bengal. Addressing about 100 teachers, she emphasised their role in bringing the girl child to school and preventing dropouts.

She also visited IDSP to speak on Women and the Media. Later, she visited the State Commission for Women to discuss the forthcoming workshop on domestic violence to be held in West Bengal.

She went to Sukhia Pokri in Darjeeling district to monitor the case of Champa Thapa, a woman who had been rescued and restored to her home through NCW

intervention. She met also Champa's family members. Champa is now settled at her brother's home, though she still needs psychiatric treatment. Efforts are being made to trace her husband, who is in the army. She also held an interactive meeting with the representatives of all the six districts of North Bengal at Jalpaiguri to discuss the status of child sex ratio and the implementation of the PCPNDT Act in their districts.

- Member Manju Hembrom addressed a workshop on 'Women and Property', at Dumka. The workshop focused on customary laws in tribal societies in the state, which do not allow women to have ownership rights of landed property, leading to various types of atrocities, including witch hunting. She said there should be amendments in Santhal Pargana Tenancy Act to curb witch-hunting and for enhancement of punishment for such a heinous crime.

She also addressed a workshop on 'domestic violence and legal awareness' at Godda. Speaking on the occasion, Ms. Hembrom said that bringing insufficient dowry was one of the reasons for domestic violence. She expressed her concern about female foeticide and infanticide.

Ms. Hembrom also attended a two-day conference on 'Dayan Pratha' at Ranchi, inaugurated by the governor. The workshop was attended by NGOs of five states.



Ms. Manju Hembrom (third from left) at the conference

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

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