



Rashtra Mahila

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Editor's Column

Endorsing the views of the National Commission for Women that compulsory registration of marriages is of critical importance to safeguard the rights of women, the Supreme Court in its latest judgment has made it clear that all marriages, irrespective of religion, will have to be compulsorily registered.

The Apex court has also asked all States to comply with the directive on a uniform basis rather than in a limited way. Till now, several states, which had enacted a legislation towards mandatory registration, had done so under the Hindu Marriage Act, leaving Muslims, Christians and other communities out of the ambit of the legislation.

Leaving no scope for ambiguity or confusion henceforth

and at the same time ensuring that the directive applies to all marriages performed under any religion, the Court has ordered all States and Union Territories to furnish an affidavit complying with it within eight weeks and also give specific reasons for non-compliance.

FOCUS REGISTRATION OF MARRIAGE

Indeed, the Supreme Court's decision is a welcome breakthrough in the right direction. The official record of marriage will help in curbing violation of laws in areas of marriage, maintenance, bigamy, dowry, inheritance, custody of children and their rights etc.

It is also well known that a large number of marriages in India take place in violation of the existing provisions of the law.

Despite the Child Marriage Restraint Act, which penalizes underage marriage, social sanction for such marriages persists, mainly in states like Rajasthan and Uttar Pradesh, and ceremonies are performed openly and in large number. In the case of bigamy and trafficking, it often gets difficult for the complainant wife to prove her marital status in the absence of a proof of marriage. And this lacuna is also widely misused to deny marriage and, thus, escape from paying maintenance or prevent women from inheriting their husband's property.

The Court has given three months time to all the states to enact their laws. Once the law is enacted, it will go a long way in ensuring gender justice long denied to the women of this country.

Sati law to get tougher

A group of ministers (GoM) approved amendments to the Commission of Sati (Prevention) Act, 1987 that allows the police to press charges against communities where sati takes place and prohibits any legal action against the victim. With these changes, women who attempt sati will be treated as victims and not as offenders and the entire community will be held accountable for any incidence of sati under the new amendments.

The proposed changes seek to make the-law act as a strong deterrent to the crime while protecting unwilling women, who are forced into the funeral pyre. Under the amendments, the act of coercing a woman to commit sati has been made a non-bailable offence. Imprisonment under the law has been increased to a minimum of three years, going up to 10 years, and the fine has been enhanced from Rs. 10,000 to Rs. 50,000.

Furthermore, the panchayat functionaries will be responsible for the implementation of the Act to make it more effective. It will be mandatory for them to report on their part any incident of sati to the police or action can be taken against them.

36 health vans for women

Now, women from weaker sections would not have to walk all the way to the dispensary to get medicine. The Delhi government has decided to make 36 mobile health vans available for gender resource centers (GRCs) functioning under Stree Shakti programme.

Workshop on Domestic Violence Act

The National Commission for Women sponsored a two-day workshop on the Protection of Women against Domestic Violence Act at Bangalore, the

She said Bills regarding sexual harassment at work place, trafficking and witch-hunting need to be relooked into. "Even the urban woman is not aware of the law. The Commission has recommended a change in the school syllabus to include the provisions of the



At the workshop (from left) Mrs. Nirmala Venkatesh, Ms. Indira Jaisingh, Dr. Girija Vyas, Mr. H.K. Kumaraswamy and Ms. Pramila Nesargi

second since the Act came into force in October 2006, to increase awareness about the recourses women could take against domestic violence.

Speaking on the occasion, the NCW Chairperson Dr. Girija Vyas said the States should appoint protection officers mandated under the Act to prevent domestic violence. She said that though Karnataka and Andhra Pradesh had fulfilled the requirements but had appointed people with heavy work load. She suggested that service providers such as the NGOs should be registered too so that women could access various services they were entitled to. There was also need to set up public healthcare facilities, counseling services, shelter homes etc. Dr. Vyas said that most police officers denied having any role to play under the PWDVA Act.

Dr. Vyas highlighted the recommendations made by NCW to change some of the existing Bills. She said, "the sexual assault Bill needs to be changed to include eve-teasing and molestation. We have proposed to make punishment severe and offer rehabilitation packages to rape victims."

Act, so that every girl is aware of her rights," she added.

The workshop was inaugurated by Shri H.K. Kumaraswamy, Minister for Women & Child Development, Karnataka.

Mr. Kumaraswamy said Karnataka has allocated Rs. 2.65 crore for appointing protection officers (POs). "POs have been appointed in 176 taluks. The focus is to rope in as many as possible. The state has asked the Centre to grant Rs. 10 crore every year for effective implementation of the Act."

State Women's Commission Chairperson Ms. Pramila Nesargi suggested that assistant public prosecutors be appointed as POs, instead of other officers. She further said that a gender-sensitisation programme for around 70,000 police personnel would begin in July in four divisions of Gulbarga, Mangalore, Mysore and Hubli and workshops would also be held with women's organizations.

Ms. Indira Jaising from the Lawyers' Collective suggested that free legal services should be provided to the victims.

From the Complaint Cell

The Commission received a complaint from Jaswanti Devi w/o Col. Sushil Giri, r/o village Bhangela, P.O. Khatauli, District Mujaffarnagar, U.P. regarding falsification made by her husband in his service records so that the complainant would not get pension benefits etc. from her husband. Sushil Giri has removed the name of his wife from his service records and put the name of another lady in the records with whom he is staying illegally.

The Commission took cognizance of the case and wrote to the Director, Discipline And Vigilance Directorate, Adjutant General's Branch, Army Headquarters, DHQ, PO, New Delhi.

On NCW's intervention, a grant of maintenance allowance has been made to the complainant by deducting 22 percent per month from the pay and allowances of Sushil Giri. The deduction of maintenance allowance will continue till the marriage of the complainant with the husband subsists or till her death. Besides, arrears of maintenance allowance are also sanctioned to the complainant. However, the arrears will not exceed a total of 50% of the pay and allowances of the complainant's husband.

During the months of April to June, 2007, 3876 complaints were registered in the Complaint and Investigation Cell. The complaints were received under the various heads such as Dowry, Dowry death, Sexual Harassment at Workplace, police apathy, etc.

Child Rape Cases

In an effort to make child rape trials as painless as possible for the victim and to ensure the culprit is brought to book, the NHRC has come up with a set of guidelines :

Complaints : These could be filed by the victim, an eyewitness or anyone with information of the offence. They should be recorded promptly and accurately by plain-clothes officers not below the rank of sub-inspector, preferably lady officers.

Recordings : These should be done through video conferencing, to ensure the victim does not face the accused. They need not be done at a police station and could be done at the victim's residence instead. There should ideally be a psychiatrist at hand. The victim and the family's identity should be kept secret and given protection. Telltale signs of resistance by the victim or use of force by the accused should be photographed.

Medical examination : Both the victim and the accused should be examined preferably within 24 hours of the crime; the gynaecologist should ensure recording of the incident history. The investigating officer should send the clothes of the victim and accused for forensic tests within 10 days, and obtain reports on blood groups and DNA profiling. The forensic report should be ready within a couple of months.

Case registration : After this is done, investigators should visit the crime scene to secure evidence. The probe should be taken up on priority and, should be completed within 90 days of the registration.



At the book release function Dr. Girija Vyas, (third from left)

World Hindi Conference

The 8th World Hindi Conference was organized by the Government of India in collaboration with the Bharatiya Vidya Bhawan and other organizations based in US in New York. The theme of the Conference was 'Hindi on a World Stage'. The inaugural function was attended by very high dignitaries from all over the World, including the UN Secretary General.

Dr. Girija Vyas, Chairperson, National Commission for Women, India, Chaired the session 'Hindi in the United Nations Organizations'. She said the at India was continuing in its efforts to get Hindi recognized as one of the official languages of the U.N., as Hindi is spoken by millions of people around the globe and has the standing of an international language. She said many Hindi Chairs have been established in foreign universities.

Profile in Courage

A groom from a village in Orissa was confined in the bride's house by her relatives and villagers after he and his friends accompanying him in the barat created nuisance in an inebriated condition at the bride's village. Later, the bride refused to marry the drunken groom.

The bridegroom was released from the villagers' clutches after he apologized and the barati had to return empty handed after all the dowry articles, including ornaments, which were earlier provided by the bride's family, were returned back.

Do You Know ?

- In Supreme Court, all the 23 judges are male.
- In Delhi HC, only five of the 32 judges are female.
- In Bombay HC, only five of the 56 judges are female.
- In Allahabad HC, only four of the 81 judges are female.

Important Decisions

- **Married woman has a right to live in household of husband :** The Madras High Court had ruled that a duly married woman gets a statutory right to live in the shared household of her husband even if she does not live in the house. The court opined that it is not necessary for a woman to establish her physical act of living in the shared household, either at the time of institution of the (legal) proceedings or as a thing of the past. If there is a relationship which has legal sanction, a woman in that relationship gets a right to live in the shared household. Therefore, she would be entitled to protection under Section 17 of the Protection of Women from Domestic Violence Act 2005.

- **Rise in maintenance with salary hike :** The Mumbai High Court hearing a petition filed by a government employee, gave a significant order that every time a man gets a salary hike, the maintenance he pays to his former wife should also be enhanced.

- **Delhi HC to have creche :** The Delhi High Court Administration is toying with the idea of opening a crèche in its premises for the day-care of children in the age group of up to 3 years for the benefit of women lawyers. The court was hearing a PIL filed by an NGO which pointed out that many established women lawyers had to give up their practice as the absence of a proper care center meant they had to stay at home with their babies.

- **Islamic court allows woman to remarry :** An Islamic court at Muzaffarnagar has allowed a Muslim woman, whose husband has been missing for the last five years, to remarry.

The woman in her deposition, said she had been living with her parents ever since her husband went missing.

Members' Visits

- Member Malini Bhattacharya visited Viswabharati at Santi Niketan and had a meeting with the Women's Study Cell regarding various proposals to the NCW.

Returning to Kolkata, she attended a meeting organised by the District Information and Cultural officer at Alipur DM's office on child marriage, dowry and trafficking for the media persons.

Later, she had a meeting with the Investigating Committee in the Saha Institute of Nuclear Physics on a gender harassment case. She also gave a lecture on the representation of women in the media at the Nandan Film Centre.

- Member Neeva Konwar attended the two-day regional seminar on 'Land Rights of Indigenous Women in North East India' at Itanagar. Speaking on the occasion, Ms. Konwar said that the state Govt. should formulate a state policy for women



*Member Neeva Konwar (2nd from Right) in the Seminar
Mr. N.P. Gupta is at the Centre.*

and establish village level trade centers to help women engaged in agriculture, weaving and textile business in order to make them economically empowered. NCW Member Secretary Mr. N.P. Gupta also addressed the gathering.

Later, Ms. Konwar visited the SHG production Centre at Ziro, a district of Arunachal Pradesh. She also visited Appatani village, where she saw a unique combination of paddy and pisci culture. Thereafter, she visited a destitute home run by an NGO.

- Member Yasmeen Abrar had a meeting with DM and S.P. of Lucknow regarding the problems faced by the casual workers of the National Botanical Research Institute, Lucknow.
- Member Nirmala Venkatesh visited Bangalore and held meetings with women organizations regarding programmes on Domestic Violence Act. She also attended the Conference on Domestic Violence Act organized by NCW at Bangalore. Later, she attended a programme on Trafficking organized by APSA at Hyderabad and attended a meeting of women bankers at Canara Bank, Bangalore.

Member Manju Hembrom attended a workshop on trafficking organised by the Women Power Connect at Ranchi. Apart from the Chairperson of the State Women's Commission, Secretary, Women Power Connect, many NGOs and women's organizations participated in the workshop. She spoke about the current scenario of trafficking and of the difficulties in implementing laws on trafficking and discussed proposals as to how to prevent it.

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