



Rashtra Mahila

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Editor's Column

The Center is considering amending the Dowry Prohibition Act so that the seven-year limit on registering cases under the Act no longer remains in force. This would effectively mean life-long extension of the Anti-Dowry Act.

The National Commission for Women has asked the Women and Child Development Ministry to amend the Dowry Prohibition Act, 1961 to remove the restriction of seven years in the law for booking a person under the Act because it has come across many cases of dowry harassment of women, who have been married even for 25 to 30 years.

There can be no doubt that the practice of dowry and the occurrence of dowry deaths is the most heinous blot on Indian society. To mention statistics, according to the National Crimes Records Bureau (2005 figures), there has been 6786 dowry deaths in India under IPC and 3204 dowry harassment cases in India under the Dowry Prohibition Act, 1961. 38% of dowry deaths and harassment cases have been reported from Bihar and UP.

At present the Dowry Prohibition Act is applicable only if a married woman dies under suspicious circumstances within the first seven years of her marriage. Under the Act - the accused - usually the husband and sometimes in-laws-have to prove themselves innocent instead of the prosecution proving them guilty. Under

FOCUS Anti-Dowry Provisions

Section 498(a) of the Indian Penal Code, the offenders are liable for imprisonment as well as a fine for an offence deemed to be matrimonial cruelty. The offence is non-bailable, non-compoundable and cognizable on a complaint made to the police by the victim or her relatives.

The NCW has also proposed that the victim or her family should have the right to claim the gifts received during the wedding in addition to the existing provision of seeking stridhan (gifts given by the bride's parents). A list of the gifts received in the marriage will be prepared and vetted by the service

protection officers to be appointed as per the proposal. The proposed amendment by the NCW also wants to make the brides' parents liable for paying dowry which will act as a deterrent.

Parents, on the other hand, will have to submit proof of income, like Income Tax Return, while claiming the amount of dowry given. This will prevent some fraudulent claims under Section 498(a) of IPC.

The proposals also seek to make the appointment of service officers and protection officers, similar to the ones under the Domestic Violence Prohibition Act, mandatory for state governments. With their appointment, the government intends to provide protection to victims through legal and financial aid. The protection officers will fight cases for victims in court.

It is indeed heartening to know that the major changes proposed by the NCW have been accepted by the Women and Child Development Ministry and will be soon sent with other amendments for approval of the Law Ministry.

Workshop on Powers of the Civil Court vested in Commission

A two-day workshop was organized by the National Commission for Women and the Tamil Nadu State Commission for Women on "Powers of the Civil Court vested with the Commissions" in Chennai.

Speaking on the occasion, NCW Chairperson Dr. Girija Vyas observed that though powers of the civil court were vested with the Commissions, there were variances with regard to issuing of summons, examining witnesses or procedures to be adopted when witnesses have to be summoned from other states. Despite numerous laws for the protection of women, crimes against them had been increasing. She said that with more 'main' and financial powers, the Commission would be empowered to do more for women.

Dr. Vyas congratulated Tamil Nadu for setting models for women's development that other states could follow, specially, its attempts to bring down inequalities in sex-ratio, providing equal inheritance rights and marriage and pregnancy assistance to disadvantaged groups as well as giving cycles to school children, etc.

Members of NCW, Chairpersons of Southern State Commissions and NGOs participated in the consultation.

Later, the Chairperson NCW and other members held a meeting with the Chief Secretary, Tamil Nadu, to discuss issues relating to position of crime against women in Tamil Nadu, implementation of Domestic Violence act, 2005, implementation of PC & PNDDT Act; compulsory registration of marriages, implementation of the Supreme Court guidelines on Sexual Harassment at Workplace, gender budgeting and rehabilitation of Tsunami victims.

Women Savings Day

The Chairperson, Dr. Girija Vyas attended a function to observe Women Savings Day, in New Delhi. Speaking on the occasion, Dr. Vyas spoke on the need to inculcate the habit of thrift among households and self-employed people. She said that Mahila Pradhan agents were doing good work to secure investment in the 5-year Post Office Recurring Scheme Deposit from small savers and women, which would generate additional resources for financing developmental plans.

Baroness Ashton visits NCW

A British delegation comprising Baroness Ashton, Under Secretary of State for Constitutional Affairs, UK, Ms. Anne Marcs, Secretary BHC, visited the Commission and interacted with the Chairperson on issues common to both countries, such as forced marriages, NRI marriages, sexual harassment at workplace, domestic violence, etc.

This is India

A Muslim man has divorced his wife by sending her a telegram with the word 'talaq' written thrice.

He sent the telegram to his wife, who has been staying at her parents' house at Seelampur in Delhi, where he mentioned that he divorced her in a court in the presence of witnesses. The 124-words telegram also said the wife can collect the mehar (alimony) amount, dowry items and iddat (maintenance) amount from him.



Dr. Vyas addressing the function (Below) a view of the audience

National Conference on 'Dayan Pratha'

Realizing the plight of women declared as witch and to facilitate capacity building and creating awareness, the National Commission for Women had organized a Conference on Dayan Pratha at Udaipur, Rajasthan. The Conference was attended by academicians, activists, NGOs, leaders of SHGs and the officers of Central/State Govts. Some of the women branded as witches spoke about their miserable condition and the ill-treatment meted out to them by the villagers and the society.

Vivah Shagun Yojna

The Haryana Government has made a budget provision of about Rs 21 crore under the scheme "Indira Gandhi Priyadarshani Vivah Shagun Yojna" to benefit 8,176 beneficiaries during the current financial year.

Under the scheme, a grant of Rs. 15,000 was being given to the persons belonging to Scheduled Caste, Denotified Tribes, Tapriwas Jatis living below the poverty line and Rs. 5,100 was being given to other sections of the society living below the poverty line on the occasion of the marriage of their daughters, who must be minimum 18 years of age.

The grant was made available only up to the marriage of two daughters in a family. Any widow or divorced woman, who wants to re-marry was also eligible to get benefit under this scheme. The applicant should be a bonafide resident of Haryana State.

Women Judges are in a minority

The country has a meagre 6.5 percent women as judges in Supreme Court and 21 in High Courts.

The High Courts and the Supreme Court have a total of 597 judges, out of which only 39 women had made it to these slots in the country's judicial system.

There are no women judges in the Supreme Court which has 23 judges. Also, in six High Courts, there are no women judges.

High Courts of Chhattisgarh, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Sikkim and Uttaranchal, with a total strength of 45 judges put together, have no presence of women judges.

Delhi and Bombay High Courts, which have strength of 32 and 56 judges respectively, have the largest presence of women judges-five each-followed by Allahabad, Madhya Pradesh, Madras and Patna with four judges each.

Gujarat High Court has three women judges out of the total strength of 31.

Rly. Quota for pregnant women

Travelling with the Indian Railways will now be easier for pregnant women, women above 45 years and senior citizens. Passengers who fall in these categories will be offered a quota of two lower berths per coach in AC 3, AC 2 and sleeper class trains when travelling alone.

The decision will be implemented for six months from August 1 on an experimental basis.

However, women would be required to submit a certificate of pregnancy certified by a registered medical practitioner at the time of booking tickets.

Members' Visits

- Member Malini Bhattacharya attended the regional seminar on NCW Act at Chennai. Thereafter, she visited the West Bengal Commission for Women in Kolkata, where the report on the regional workshop on trafficking held in Kolkata was finalized in her presence. Later, she visited the All Bengal Women's Union to monitor the case of Jayanti Bala Das. She apprised the All Bengal Women's Union that through NCW's efforts the husband of Renu Thakur, who have been rescued by the GRP at the Howrah station a few years back, has been traced.

Ms. Bhattacharya and member Neeva Konwar also went to Nandigram to investigate into cases of atrocities against women committed on 14-3-2007 by the police. She also heard the case of Shruti Gupta, who had lodged a complaint against her husband and in-laws under section 498A, alleging police inaction.

The member also visited short stay home of Apna Aap, where a minor girl, Naina, rescued at Khatihar in Bihar, was lodged. Later, she went to Gurudas college to speak on women's rights at Women Empowerment Cell. She also inaugurated the legal awareness camp sponsored by NCW, organised by Joykrishnapur Rural Welfare Society, attended mostly by Muslim and poor women connected with agricultural work and domestic labour.

Ms. Bhattacharya went to Bhubaneswar to investigate into the murder of a lady constable and the subsequent acquittal of the accused by the first track court at Cuttack. She met the Home Secretary and IG, CID and informed them of the public outrage created by the acquittal. The Home Secretary said they had appealed against the decision and further necessary action would be taken. Returning to Kolkata, she went to a meeting with licence holders of clinics doing ultra-sonography on pregnant women under the PNDDT Act.

She also attended the meeting of Bank of India women cell in Kolkata and discussed the problems of the working women. Later, the member visited two camps, where people ousted from their villages in Nandigram block, a result of violence, were lodged.

- Member Neeva Konwar attended a seminar on Development of a Policy for Equitable Access to Justice in the North Eastern region at Guwahati organized by the National Legal Services Authority in association with Guwahati High Court Legal service Committee. Speaking on the occasion, Ms. Konwar suggested holding of sensitization and awareness programmes through statutory training and workshop on protection of women from domestic violence.

She was the chief guest at a conference organized by NAVIK, an NGO at Varanasi. Addressing the conference, Ms. Konwar said that though the percentage of women in panchayats has increased yet their presence in the national politics is still much less. For all round development of women a sense of self reliance should be inculcated in them, she added.

Important Decisions

- **New all-women panel to make 11th plan gender-sensitive :** The Centre has decided to constitute an all-women committee of 21 economists to review sectoral reports in the 11th Five-Year Plan (2007-12) and make suggestions pertaining to the issue to promote gender equality. Dr. Sayeeda Hamid, Member, Planning Commission, will head the committee, with others being drawn from academia and research organizations. Apart from reviewing all sectoral reports of the working groups and steering committees for the plan with respect to their gender content, the committee will attempt to ensure appropriate institutional arrangements and adequate financial allocations for the welfare of women by suggesting measures.
- **Pre-marital HIV tests mandatory :** Karnataka is set to bring in a legislation to make pre-marital HIV tests compulsory. The government wants that the rule should apply even when the bride and groom are from different states.
- **Certificate of marriage is now a must :** In the wake of human trafficking cases, the Hyderabad Regional Passport Office has decided that submission of marriage certificate is compulsory for couples, who are applying for passports. Affidavits will be accepted only if the marriages had taken place long ago.
- **Karnataka revokes night shift ban :** Taking note of the protests over the ban from women's organizations, including the Karnataka State Commission for

Women the Karnataka government has decided to withdraw the rules banning women from working night shifts. In addition, the law ministry would prepare detailed guidelines to ensure the safety of women working night shifts in various sectors.

The ban had raised a storm with the women's organizations terming the move as retrograde, unconstitutional and derogatory.

Steps to check female foeticide

To check the skewed sex ratio in Haryana, the Union Government has decided to give a grant of Rs. 5 lakh to each Member of Parliament in the state for the financial year 2007-08 to implement the rules of the Pre-natal Diagnostic Techniques (Regulation) and Prevention of Misuse) Act, 1994, for checking female foeticide.

The grant will be spent by the district administration in consultation with the MP and the health department for a judicious use of the funds. The funds will be spent on creating awareness about the importance of having a girl child and the harmful effects of female foeticide.

As per census 2001, Haryana had the worst sex ratio in the country. As against 1,000 men, the population of women in the state was 884, thus disturbing the balance.

Besides creating awareness about the dwindling male-female ratio in the state, the funds will be spent on conducting raids on the premises of practitioners, who conduct sex determination tests. The awareness programme includes conducting workshops, seminars, rallies and street plays.

Well done NCW!

On the first case under Prevention of Domestic Violence Act in West Bengal, a favourable order from Alipur Court was obtained by Mrs. Aparna Bharati against her husband, preventing him from displacing her from their matrimonial house in Behala within Kolkata Municipal Corporation. Mrs. Aparna Bharati, who had been at the receiving end of continuous physical, mental and sexual torture from her husband, an ex-armyman, now working in a private security agency, was being supported and protected by a women's organization in the locality. It was the latter, who brought the case to the attention of Ms. Malini Bhattacharya, member, NCW. She immediately held a consultation with Bharati Mutsuddi, member, West Bengal Commission for Women, and with Human Rights Law Network, West Bengal. In view of the fact that the husband was trying to break down Aparna's resistance against his tortures by threatening to sell off the Kolkata house and forcibly take her and her son back to his native village, it was decided to lodge a case under Prevention of Domestic Violence Act against him. The favourable order will enable Aparna to assert her right to her matrimonial home.

Maids below 30 can't migrate

In order to nip the possibility of sexual exploitation and trafficking of vulnerable Indian women, the government has banned emigration of women under 30 as domestic help to countries that require emigration clearance (ECR).

The countries for which ECR is required (or which are in the negative list) include the Gulf (Saudi Arabia, Bahrain, UAE, Kuwait, Qatar, Oman), Malaysia, Syria, Jordan, Afghanistan, Thailand, Indonesia, Iraq, Brunei, Nigeria, Sudan and Libya.

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

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