



Rashtra Mahila

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Editor's Column

The Protection of Women from Domestic Violence Act 2005, which came into force recently is a historic law that empowers women to overcome patriarchal and feudal oppression as well as gender discrimination. What is unique about the law is that it intends to shield women not from outsiders but from their own family members.

The Act allows offenders, who hurt their wives or live-in partners to be sent to jail for a year along with a fine of Rs. 20,000.

The new law, for the first time, provides an all-encompassing definition of domestic violence; which includes not only actual abuse but also threat of abuse, whether physical, sexual, verbal, emotional or economical. Thus, the husband and the family members would be liable for punishment for dowry demands, as also for insulting the wife

or preventing her from taking up a job or not allowing her to use her salary. The new law also addresses sexual abuse of children or forcing girls to marry against their wishes as well.

An important feature of this Act is that it provides protection to a whole gamut of women facing violence,

FOCUS DOMESTIC VIOLENCE ACT

including wives, mothers, mothers-in-law, daughters, sisters and also those, who are victims of bigamous or fraudulent marriages as well as women in live-in relationships.

Most importantly, the Act gives a married woman the right to remain in the matrimonial home or under the same roof in a joint family household, even if she does not have any right to the property.

The Act also provides for appointment of Protection Officers, who have the powers to pass orders forbidding the abuser from aiding or committing an act of violence, entering a workplace or any other place frequented by the abused, isolating any assets used by both parties or causing violence to the abused or her relatives or others, who provide her assistance from domestic violence.

Admittedly, such a socially relevant law is the need of the hour but unless there are concomitant changes in the mindset of both men and women, the law will not be truly effective. Moreover, a mere piece of legislation will not bring to an end centuries - old social crimes, unless enforced by sensitized law-enforcement agencies. Finally, it is the suffering women themselves, who will need courage to take a stand and demand a halt to their maltreatment.

Workshop on Gender Sensitization and Crime against Women

The NCW Chairperson delivered the valedictory address to the participants of the two-day workshop on "Gender Sensitization and Crime against Women" at the Haryana Police Academy, Madhuban. The participants comprised (ADsG/IsG/DisG/SPs/ DSPs), drawn from all over Haryana. The workshop covered a good range of issues, including status of women in India, relevant laws and their implementations, social dimensions and police strategies, male prejudices/misconceptions and their removal, identification of tools for sensitizing police persons, etc.



The Chairperson at the Workshop. Addl. DG Shri V.N. Rai is on her right

Chairperson Visits UK

NCW Chairperson Dr. Girija Vyas was in London recently to highlight India's voice on issues concerning women, namely broken overseas marriages, adoption, child custody and abduction.

The visit was "essentially an exchange of ideas trip". "The British government was keen to learn about our experiences and we also want to learn from them," Dr. Vyas said.

The NCW Chairperson interacted with women members of the House of Commons and officials working on women's issues.

On her visit to the House of Commons, she met Baroness Patricia Scotland of Asthal QC, minister of state for Criminal Justice and Offender Management and Lord Justice Thorpe of the Royal Court of Justice.

Later, she met Indian women, who were suffering due to broken marriages.

The Indian government has begun consultations on a law to help NRI women who have been cheated or abandoned by their husbands.

Dr. Vyas also visited the University of Derby to hear out survivors of forced marriages and honour crimes.



The Chairperson in discussion with Lord Justice Thorpe of the Royal Court of Justice. (Below) with the Officers of the Metropolitan police and External Affairs Ministry

Parliamentarians from Europe Visit NCW

A delegation from the European Parliament called on the Chairperson and Members of NCW. The Chairperson briefed them about the role, responsibility and status of the Commission. Deputy Secretary, Ms. Gurpreet Deo made a power-point presentation on the NCW Act.

The delegation expressed interest in learning about the functions of the Commission and, in particular, expressed a desire to know about the functioning of the Muslim personal law and other personal laws in the country while referring to the current controversy on the use of veil by Muslim women. The visitors were told that in the matters of marriage, adoption and guardianship, the personal laws of the minorities were applicable, whereas, in other matters the general law of the land was applicable.

In response to queries about population perspective in India, the

Chairperson explained that in India the population policy of the govt. was non-coercive, particularly, on account of rampant female foeticide in the country. The visitors also wanted to know whether the NCW had filed any public interest litigation. Chairperson informed them that the NCW had appealed in the Supreme Court against a Delhi High Court judgement which had accorded

validity to an underage marriage.

While discussing reservations for women in Parliament, the visitors informed that in most of the European countries, there was 33% reservation of women in Parliaments, as well as emphasis on equality of women with men, though in some countries, the reservation was to the tune of 10% only.



Chairperson interacting with the European delegation

Members' Visits

- Member Malini Bhattacharya visited Bolpur in West Bengal for a meeting with the District Panchayat Sabhadhipati to discuss schemes for the upliftment of tribal women in the district. Later, she held a hearing on a case of dowry torture and exploitation. The case has been referred to the State Women's Commission.

The member attended a meeting at the West Bengal State Commission for Women to discuss the proposed regional workshop on trafficking to be held in Kolkata in January. She also attended a lecture on laws relating to gender justice and their implementation at the National University of Juridical Sciences at which police officers of the rank of DG and ADG were present. The member spoke about the steps taken by the NCW for implementation of such laws.

Thereafter, she visited the All Bengal Women Union (ABWU) to discuss the question of citizenship of Jayanti Bala and her rehabilitation. It was decided that the case of rape against BSF personnel should be pursued.

Later, she visited Malda along with two members of the State Commission to enquire into the case of trafficking of a woman and her unnatural death by burning. Thereafter, they looked into the complaint of a girl, who was being forcibly married by her father to a 70-year-old man and made several recommendations to stop this kind of marriage.

- Member Yasmeen Abrar attended a public hearing on women with disability organised by Haryana Berozgar Yuva Sangathan at Panipat. Later, she explained the schemes and programmes of NCW.

The member also visited Kota and attended a meeting at the Medical College with Commissioner, SP and SSP to investigate into the case of harassment of girls by the teachers.

Later, she met the Divisional Commissioner and other officers of the department and discussed with them schemes for the upliftment of women and their implementation. She gave details about the Commission's ongoing 'Chalo Gaon Ke Ore' programme. Thereafter, the member attended the annual meeting of the Guild of Service at Sawai Madhopur and distributed certificates under the training, sewing and stitching scheme.

- Member Nirmala Venkatesh visited Bangalore and enquired into the case of Ms. Sujata, who was assaulted by some men for property at Maddhur. She also enquired into a case of trafficking of women and brought it to the notice of the police for taking necessary action. Following a complaint of negligence, Ms. Venkatesh inspected Bhagwan Mahaveer Jain hospital where a two-day old baby was allegedly disposed of with the hospital's bio-medical waste.

She also investigated into the complaints of temporary sweepers and sanitary workers of Chennai Corporation and Chennai city police that they were often sexually abused by a few low cadre officers. She promised to bring the issue to the notice of the Chief Minister and the local Administration minister and suggested legal action should be taken against the errant officers. Later, she held a meeting with the Chennai Corporation Commissioner and the city Police Commissioner.

- Member Manju S. Hembrom visited Dumka in Madhya Pradesh to attend a meeting on 'Status of Women in Jharkhand', organised by several NGOs. Speaking on the occasion, Ms. Hembrom said that NCW not only takes up big cases of rape or dowry but also all kinds of cases related to women. She said that the Indian Constitution has given many rights to women but they were not aware of them due to lack of education. She assured the assembled women that if they brought cases of atrocities against women to the notice of the NCW, the NCW would take immediate cognizance of them. She also said that there were urgent need to reform the Santhal Parganas Tenancy Act which did not provide right to women to have any share in either parental or inlaw's property in the event of separation from their husbands.

BMP Official Suspended on Sexual Harassment Charge

In a case of alleged abuse and harassment of women employees, the social welfare officer of the Bangalore Mahanagara Palike was suspended by the Commissioner, following an inquiry by the National Commission for Women member Nirmala Venkatesh.

IMPORTANT DECISIONS

● HC Ruling on Death of Woman within 7 Years of Marriage

The Delhi High Court has held that courts can charge the husband and his family members with abetment to suicide if a married woman dies within seven years of marriage.

● Fatwas Have No Legal Sanction : Govt.

To beat back clerics' attempts to have a stranglehold on the Muslim community, the Centre has held that the *mufti* has no authority to impose fine or award jail term on those who violate the *fatwa*. Even the person, who approaches a *mufti* for a *fatwa*, is not bound to obey it, the affidavit said.

It has held that the Darul Qazas or Islamic courts can merely be alternative dispute redressal mechanism, and muftis' role does not go beyond giving advice on issues brought before them.

● Husband Must Pay Alimony in Proportion to Child's Tuition Fees : HC

The Delhi High Court has ordered a proportionate increase in the maintenance allowance of a woman in a matrimonial dispute case in view of the rising expenses in children's higher education.

● Govt. to Compensate Victims of Trafficking

The Ministry of Women and Child Development will compensate victims of human trafficking in an attempt to integrate them into the social mainstream. They will now be on par with rape victims.

Under the scheme, envisaged for the 11th five-year-plan, the Centre will provide funds for the rehabilitation of the victims rescued from brothels or red-light areas and the state governments will chip in with in infrastructure and logistics.

PAK Delegates Visit NCW

A four-member delegation of Pakistan's National Commission for the Status of Women (NCSW) visited the National Commission for Women and interacted with the Chairperson and Members under the aegis of the United Nations Development Programme. The delegation comprised Ms. Simi Sadaf Kamal, Dr. Shahida Haider, Prof. Dr. Parveen Shah and Ms. Suhela Asif.

Welcoming the delegates, NCW Chairperson Dr. Girija Vyas said that the problems of women in South Asian countries were more or less similar and it would greatly help if there was an apex body of women organizations from all the nations in the region. Later, she gave a general view of the issues taken up by NCW such as Trafficking, Domestic Violence, Sexual Harassment, Health education, NRI marriages, female foeticide, etc.

Thereafter, NCW Deputy Secretary, Ms. Gurpreet Deo made a presentation on the powers, functions, activities and objectives of NCW. Shri Satish Loomba, NCW Joint Secretary briefed the delegates about the composition and functioning of the Commission.

Ms. Sadaf Simi Kamal, leader of the delegation, said that their Commission was a State Institute and reported directly to the President. The Chairperson enjoyed the status of a Minister of State while the other members enjoyed the status of Federal Secretary. Their function was mostly advisory but suo-moto cases were also taken up. The main objective of the Commission was to bring about emancipation, empowerment and equalization of women. Presently, they were working on Women's Protection Bill and the Domestic Violence Bill, she added.



The Chairperson and NCW Members with the Pakistani delegates

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