



## Editor's Column

Deeply disturbed by the indecent representation of women in television, the National Commission for Women, in a fresh draft of the Prohibition of Indecent Representation of Women and Child Act, 2008 suggested an amendment in the existing Indecent Representation of Women Act, 1986. The NCW has suggested portraying women in negative roles, or showing scantily-clad women in clips advertising men's products may require the Government's approval before being aired or publicised because the existing Act does not have enough powers to deal with the electronic media, the internet and mobile phones.

Widening the scope of the Act, the definition of advertisement will now include any notice, circular, label, wrapper or other document, besides visible representations made by means of any light, including, laser, electronic or any other media.

It has been seen that advertisers, of late, are using women as objects to promote their commodities. For example, there is no need for women to be there in an advertisement to promote male perfumes but the advertisers use their explicit pictures to boost the sale of their products.

Therefore, the NCW has proposed certain amendments in the Act to provide stringent punishment for those violating it and making the law applicable to television channels.

The Commission has also proposed a fresh penalty for the offenders in place of the existing penalty of Rs. 2,000, which may go up to Rs. 1 lakh in case of subsequent offences.

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## Indecent Representation of Women and Children Act

In the event of second or subsequent conviction, the NCW has proposed imprisonment for a term of not less than six months, which may extend up to five years and also imposition of a fine of not less than Rs. 50,000, which may extend to Rs. 5 lakh.

In this context, it is proposed that the Central government shall appoint a central authority to govern and regulate the manner in which women are represented in any document, published, broadcast or telecast. The authority shall be headed by the Member Secretary of the NCW and have representatives from the Advertising Standards

Council of India, the Press Council of India, Ministry of Information and Broadcasting and one other member experienced in working on women's issues.

The proposals, which have been sent to Information and Broadcasting Ministry assumes significance because the Commission has been regularly receiving complaints regarding indecent advertisements. Now it is up to the central government to take specific action on these recommendations.

## Navy's first women combatants to take to the skies

Putting an end to debates over the induction of women into combat roles in the Armed Forces, the Navy will script history when it enlists two women officers as observers on board its fleet of maritime patrol aircraft (MPA).

With the coveted 'wings' conferred on them at a passing-out ceremony, Sub-Lieutenants Ambica Hoods and Seema Rani Sharma, both 22, will become the first women airborne tacticians of the Navy, which has taken the lead in according equal opportunities by starting entry for women in the observer cadre as Short Service Commissioned Officers.

The Lawyers Collective, in collaboration with the National Commission for Women organised the 3rd National Conference on the Implementation of the Protection of Women from Domestic Violence Act, (PWDVA), 2005, in New Delhi.

In her welcome address, Ms. Indira Jaisingh of Lawyers Collective said that prior to 2005, there was no law in India that specifically addressed domestic violence and hence there was a need for a law which dealt with what constituted domestic violence. The revised PWDVA has also addressed women's right to residence in the shared household and has



*At the inaugural session of the conference Dr. Girija Vyas, Shri Veerappa Moily, Smt. Pratibha Patil and Smt. Krishna Tirath*



*Smt. Pratibha Patil releasing the book 'Staying Alive'. Ms Anne Stenhammer, Ms. Indira Jaisingh, Dr. Girija Vyas, Shri Veerappa Moily, Smt. Krishna Tirath look on*

provided women facing domestic violence easier access to court, as well as has imposed an obligation on State govts. to provide protection officers, service providers, shelter homes, medical facilities, counsellors, she added.

Delivering the keynote address, NCW Chairperson Dr. Girija Vyas said that from cradle to grave women were subjected to emotional, physical and psychological violence. She said UP topped the list of domestic abuse cases across India with 3,892 cases registered under the Act. Delhi was second with 3,463

cases while Kerala with 3,190 cases occupied the third slot.

While speaking of appointment of protection officers mandated by law, Dr. Vyas said that most states have been tardy. In fact, only after three years since the law was passed that all states appointed protection officers. As of now, Maharashtra has the highest number of officers followed by Rajasthan and Himachal Pradesh.

Speaking on the occasion, Ms. Krishna Tirath, Minister of Women and Child Development congratulated the Lawyers Collective for drafting, analysing

and monitoring the Domestic Violence Act to remove the lacunas. She said that there was need of fast-track courts to deliver speedy justice to women.

In his address, the Law Minister Shri Veerappa Moily assured that whatever proposals came from NCW and the Ministry of WCD would be implemented forthwith and cases of women and children would get priority in all courts of India.

Admitting that gender equality was still a distant dream in India, President Smt. Pratibha Patil called for effective implementation of laws aimed at empowering women. She said, the enactment of Protection of Women from Domestic Violence Act in 2005 was an important step towards ensuring the safety of women and that of the whole family. The President also emphasised that the effective implementation of the Act was the need of the hour and added that proper evaluation of its effectiveness was also required.

Citing a WHO report, the President stressed the need for imparting education as a means of empowering women along with enacting laws because education for women had a protective effect and resulted in less violence.

## Seminar on Proposed Amendments to Sections 125 and 126, Cr.P.C.

The National Law School in collaboration with the National Commission for Women organized a seminar to discuss the amendments proposed to Sections 125 and 126 of the Code of Criminal Procedure, 1973 (Cr.P.C.).

Delivering the inaugural address Shri H.R. Bharadwaj, the Governor of Karnataka, opined that the procedure for obtaining maintenance was long-drawn and delayed. Considering that the objective of the law was to prevent destitution, he was of the opinion that such delays defeated the purpose of the law. Mr. Bharadwaj also stated that there ought to be a comprehensive



*Shri H.R. Bharadwaj lighting the lamp. Prof. R. Venkat Rao, Justice Malimath, Prof. Madhav Menon, Justice Santosh Hedge look on.*



*Justice Hedge, Prof. Rao, Shri Bharadwaj, Justice Malimath, Prof. Madhav Menon at the inaugural session*

legislation covering issues of maintenance, and made a call for matrimonial property, where a wife would be entitled to fifty per-cent of her husband's property, on marriage.

In his keynote address, Justice V.S. Malimath suggested that in case there was default in payment of maintenance, interest at the rate of 18-20% or even higher should be imposed on the defaulter. He argued that the

defence of adultery should be removed and that the burden of proving assets ought to be on the respondent and not on the person seeking maintenance. He also opined that time limits should be fixed for disposal of cases.

Justice Santosh Hegde, Prof. N.R. Madhav Menon, Justice Gita Mittal, Prof. Balraj Chauhan also spoke in the first session. In the second session, chaired by Prof. Madhav Menon, the

discussion focused on the amendments proposed to Section 126, Cr.P.C.

In his valedictory address, Justice S. Rajendra Babu suggested that more discretion should be given to courts to determine maintenance depending on the facts and circumstances of each case. He was of the opinion that the defence of adultery should not be removed, just because it was being/had the scope of being misused.

Some of the recommendations that emerged include :

Expanding maintenance ambit to include adopted kids, step-children, step-parents and grandparents; Deletion of the word 'sufficient' from the Cr.P.C. as 'it's a man's duty to maintain his wife, kids and parents irrespective of his means'; Parents and kids living elsewhere can also claim maintenance; Ensuring pre-deposit of amounts would help the claimant to get speedy maintenance and put a cap on time schedule; Jurisdiction for maintenance, which is currently with the first class magistrate, could be conferred upon gram nyayalayas.

### ● **Man must explain unnatural death of wife : HC**

A man failing to explain the mysterious death of his wife in her matrimonial home can lead to his conviction, the Delhi High Court ruled.

“In case of the unnatural death of the wife in premises to which outsiders may not have any access, it is for the husband to explain the ground for unnatural death of his wife. The husband having failed to do so can be convicted under Section 302 of the IPC”, a bench comprising Justices Sanjay Kishan Kaul and Ajit Bharihoke has held.

### ● **No need for a DNA test in a divorce case : SC**

The Supreme Court has ruled that there is no need to conduct a DNA test on a child to confirm his/her paternity in a divorce case, unless the husband specifically accuses his wife of infidelity. The Bench said that such a test couldn't be ordered in a casual manner.

### ● **Court rules compensation can't be less for women**

A Delhi Court has ruled that the amount of compensation in road accident cases cannot be decided on the basis of the victim's gender. A woman's contribution to her family was on par with a man.

“Whether a man or a woman - who was earning for his or her family - dies, the value of life and contribution to the family has to be accepted equally”, the court said. It rejected an insurance company's contention that the family was not dependent on a woman as her husband was also gainfully employed and drawing a handsome salary.

### ● **Rapists cannot tarnish image of victims, says city court**

The Additional judge of a city court has held that an accused was not permitted to raise questions on a victim's character and defend himself by claiming that she was of easy virtue.

“The mere fact that she had a broken home or was wandering for a job does not give licence to anyone to treat her as a woman of easy virtue and violate her body”.

### ● **Dowry laws apply to live-in cases**

A trial court in Delhi has held that demanding money from a woman in a live-in relationship amounts to dowry

harassment and sentenced a man to life imprisonment. The court went by the woman's dying declaration that the man she lived with had set her on fire when she refused to give him money.

### ● **Second wife should also benefit : SC Bench**

In a decision that could benefit the second wife of a married man, the Supreme Court held that such women too on the husband's death are entitled to compassionate appointment in Government job, as long as the first wife has no objection to it. Under the Hindu Marriage Act, a man can have only one wife during the subsistence of a marriage as a second wedding amounts to crime under Sections 494 IPC and 17 of the Hindu Marriage Act, inviting punishment up to 7 years RI. But if the two wives come to an understanding, there could be no opposition from any quarter, the court added.

## India has highest newborn mortality rate

A survey conducted by an international NGO in 14 countries revealed that one-fifth of the world's newborn deaths are in India. What's worse is that poorer countries like Peru, Bangladesh and Nepal are faring much better than India as far as neo-natal mortality is concerned.

According to the report, over four lakh newborns die within the first 24 hours every year in India - the highest anywhere in the world. India also has the highest under-five mortality with over 2 million children dying before their fifth birthday - that's one death every 15 seconds. About 90 per cent of these deaths could be easily prevented, says the NGO.

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[www.ncw.nic.in](http://www.ncw.nic.in)