



Editor's Column

The recent Dehi High Court ruling that the marriage of a girl above the age of 15 is legally valid provided she does it of her own free will has created serious consternation among the social workers and activists working for the empowerment of women. The women groups feel the ruling will further encourage child marriage, with all its deleterious consequences, for the development of the girl child.

However, the court has said that a girl above 15 years can be said to have reached the "age of discretion" and any wilful marriage by her would be considered "valid, enforceable and recognisable in courts of law".

The court was considering cases where minor girls had eloped and charges of kidnapping had been levelled by the girls' parents against the men concerned. As the age of marriage for girls is 18, men who eloped with minors faced stiff sentences, including likely charge of statutory rape.

Quashing criminal cases pending against the 'beaus' of two girls, a bench felt that the instances "amply demonstrated" the truth of the adage that "love is blind" and "all is fair in love and war". They further quoted from Francis Bacon to say "you cannot love and be wise".

Apart from being seen promoting child marriage, the ruling is also likely to have a far-reaching impact on cases where minor

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girls elope with men of their choice. The High Court has held that in such cases, a girl cannot be detained in a Remand Home against her wishes but be sent to her husband's home.

Ironically, the Child Marriage Restraint Act was enacted to protect young, immature girls from the perils of motherhood and to ensure that girls receive adequate education and nutrition securing their mental and physical development before entering the state of matrimony.

Justifiably, shell-shocked women's groups which gathered at the recent consultation on the Sexual Harassment Bill 2005 organised by NCW, passed a resolution criticising the court judgement. The National Commission for Women, on its part, has decided to appeal against the High Court judgement which at one stroke renders invalid or at least ineffective, the existing law on the age of marriage which as of today stands at the age of 18 for girls and 21 for boys.

Admittedly, child marriage continues to be one of the major reasons for the high rate of maternal and child mortality in the country affecting women's education and social status.

Therefore, the government should intervene and ensure that the provisions of the Child Marriage Restraint Act are not flouted and there is no lowering of the minimum age of marriage. For the judgement sends a wrong signal by condoning a violation of the law and could very well be used to legitimise child marriage.

Conclave on Combat HIV/AIDS

A two-day conclave on Combat HIV/AIDS A Uniformed Intervention was recently held at Shillong under the aegis of *Maitri* an NGO and the Assam Rifle's Wives Welfare Association.

Delivering the keynote address, Hon'ble President of India, Dr. APJ Abdul Kalam expressed his commitment to and solidarity with the cause of reining in AIDS pandemic in the country.

Speaking on the occasion, NCW Chairperson Dr Girija Vyas informed the audience of the programmes organised by NCW in the North Eastern region and highlighted the alarming rise of HIV/AIDS in the region. Member Neeva Konwar also addressed the gathering.



Dr. Girija Vyas addressing the Conclave on HIV/AIDS

Harassment at Work Law Soon

The National Commission for Women is finalising the revised draft of the Bill seeking to protect women against sexual harassment at work place on the basis of the Supreme Court guidelines in the 1997 Visakha case.

The draft bill on “The Protection Against Sexual Harassment of Women-2005” had been submitted to the Centre but was returned with some alterations. The NCW was asked to get feedbacks from non-government organisations. In the wake of which the NCW held a two-day consultation to elicit views from women’s groups. NCW would submit the revised draft to the centre shortly after incorporating suggestions made by them.

Some suggestions made at the consultations are inclusion of the word “workplace” in the title of the bill, bringing anganwadi workers and crèches under the purview of educational institutions and making the law applicable to establishments employing up to 20 workers instead of the present 50. It was also said that the victim should have the right to directly complain to the proposed Internal Complaints Committee (ICC) instead of first going through various stages as proposed in the current draft.

The Bill seeks to take a comprehensive view of workplaces including the unorganised sector where a large number of women work. It would cover women in all professions - including casual labourers, prisoners and even consumers. It proposes to set up authorities for implementation of the Act - Internal Complaints Committees

and Apex Internal Complaints Committees at various departments, institutions and organisations, as also local complaint committees at the

district and block levels, so that all working women may have the opportunity to lodge complaints in the case of harassment.



Dr. Girija Vyas addressing the consultation. Sitting on the dias are Ms. Neeva Konwar, Ms. Nirmala Venkatesh, Ms. Indira Jaisingh, Ms. Yasmeen Abrar, Ms. Sushila Tiriya. (Below) Ms. Renuka Chowdhury, Ms. Brinda Karat, Ms. Reva Nayyar and a view of the audience.

NCW Scheme to Register Marriages

The National Commission for Women has prepared a draft bill to make registration of marriages compulsory, cutting across religion and region. The move, would help check bigamy, child marriages and trafficking of women. The draft of the "Compulsory Registration of Marriages Act" will be sent to the government for consideration after the NCW consults NGOs and experts to remove infirmities in the bill. The first such consultative exercise took place recently in New Delhi.

The dialogue is likely to extend to religious leaders as well because Muslims and Christians, for instance, are guided by their own personal law. The Bill proposes a four-tier structure with a registrar-general (Mariages) at the Centre, chief registrars in states, district registrars in districts and registrars at the municipality, panchayat or at other local authority level.

The registrar will issue a certificate as conclusive proof of marriage once the couple signs and submits a memorandum of marriage along with proof of age and a prescribed fee. Any delay in submission of the memorandum beyond the stipulated 30-day period after the marriage would attract a penalty of Rs. 2 per day and a fine of Rs. 500.

Registration will be refused if the information is incomplete, the bride and groom are below 18 and 21 years or when either party is already married and has a living spouse. The register and indices of marriages maintained under the Act would be open to inspection. Any evidence of destroying, tampering or fraudulently altering the register would invite imprisonment up to five years and/or fine of Rs. 5,000. A similar fine and imprisonment up to two months is stipulated for providing false information in the memorandum.



Dr. Mohini Giri addressing the meeting. Sitting from left are Shri N.P. Gupta, Ms. Sushila Tiriya, Ms. Yasmeen Abrar, Ms. Nirmala Venkatesh, Ms. Malini Bhattacharya.

Workshop on Migrant Workers

Deputy Secretary, Ms. Gurpreet Deo, recently attended two-day workshop on Protecting the Rights of Migrant Workers jointly organised by the International Labour Organisation (ILO) and Centre for Research in Rural and Industrial Development (CRRID) at Chandigarh.

The workshop discussed the various problems faced by the migrants from the Punjab, Kerala and other Asian countries.

Ms. Deo, spoke on Migration for Employment with focus on Gender Issues, highlighting the problems faced by women married to NRIs.

NCW's State Visit to Karnataka

The National Commission for Women comprising the Chairperson, Members and the Member Secretary visited Karnataka on a two-day state visit and held discussions with the Chief Secretary, DGP, officials of the Women and Child Welfare Department and representatives of non-governmental organisations. The Commission has asked the Government to revamp the family courts. It has given three months time to the authorities in that regard and also suggested that the budgetary allocations for the State Women's Commission should be increased from Rs. 60 lakhs to Rs. 3 crores a year.

The Commission expressed concern over the negligence by the State police in prosecuting those involved in dowry death offences and said that domestic violence against women and children was growing at an alarming rate. During the past year, 1,551 cases of domestic violence were reported.

The DGP promised that a special Women's desk will be set up in all police stations within a month. The State has also agreed to set up courts near jails for the speedy trial of women prisoners. There are 374 women prisoners in the State.

To check female foeticide and effectively implement the Pre-Natal Diagnostic Techniques (PNDT) Act, the Commission has asked the Government to set up a multi-member committee which should enforce strict implementation of the Act. Legal Awareness Programmes and Parivarik Mahila Lok Adalats should be organised in the districts. The Commission suggested female literacy, direct recruitment of members of women's self-help groups and problems being faced by women entrepreneurs should also be tackled.

Members' Visits

- Member Malini Bhattacharya inaugurated Parivarik Mahila Lok Adalat organised by the West Bengal State Commission for Women in collaboration with NCW at the district Howrah Court. 70 cases were dealt with.

Thereafter, she went to Guwahati to deliver the golden jubilee lecture at the Deptt. of English, Guwahati University and also visited the Women Study Centre. Later, she visited the State Women's Commission to discuss ways in which joint programmes by the NCW and grassroot activists can be organised.

Ms. Bhattacharya, leading a team of the National Inspection and Monitoring Committee of PNDT visited Gujarat to see implementation of the PNDT Act and the directions of the Supreme Court in the state. The team visited the districts of Gandhinagar, Mehsana and Ahmedabad and held meetings with the State Health Secretary, FW Secretary and other concerned officers.

- Member Sushila Tiriya led an NCW team to Damodar Valley Corporation, Chandrapura Thermal Power Station at Jharkhand to enquire into alleged sexual harassment at workplace of Ms. Poonam Pandaya. Ms. Tiriya has asked the administration to quickly investigate into the allegation and take appropriate remedial measures.
- Member Neeva Konwar attended a two-day Legal Awareness Camp sponsored by NCW at Kokrajar. About 200 tribal women participated in the camp. At Guwahati, along with Member Malini Bhattacharya, she held a meeting with the NGOs of Kamrup. Later, she had a meeting with Director Social Welfare to discuss welfare programmes for women. Ms. Konwar also met the Deputy Commissioner Sibsagar to discuss district welfare schemes for women. Later, she visited the District Jail and recommended that there should be more toilets for women prisoners.

The Chairperson NCW and Ms. Konwar visited Guwahati to discuss Action Plan for Women of North East and Assam with the NGOs and the Assam State Commission for Women.

Ms. Konwar also attended the Legal Awareness Programme at Sibsagar and Amguri respectively and later held a meeting with the NGOs of Kamrup district to discuss the issue of female foeticide.

- Member Nirmala Venkatesh visited Repalle and held a meeting with NGOs working for Dalit women. Later, she visited Bridge school hostel run for backward Dalit girls alongwith local MP and MLA where she heard that previous watchmen often sexually assaulted the girls. She asked the MP and the MLA to be vigilant so that these kinds of incidents do not recur.

Ms. Venkatesh along with NCW Chairperson and Member Secretary Shri N.P. Gupta attended a meeting with NGOs, at Hyderabad. Later, they had a meeting with the State officials, including the Chief Secretary, the DGP, DG Prisons, Principal Secretary Home, Secretary Health, DGP Crime, etc., in which decision was taken to start a women desk in police stations and set up two separate jails for the children of the convicts.

Thereafter, the team met the Chief Minister and discussed gender budgeting, trafficking of women and allocation of funds to the State Commission for Women.

Ms. Venkatesh visited Bangalore and enquired into the dowry death case of B.N. Jayashree. She also met the DGP to discuss the case of Neetu Sharma, who was being harassed for dowry. Thereafter, she visited Kolar district and attended the marriage of Sadika, a rape victim. At Chennai, Ms. Venkatesh attended a Public Hearing on Tsunami Relief and Rehabilitation for the Coastal women of Tamil Nadu. Member Secretary, Shri N.P. Gupta was also present.

Well Done NCW

Sadhika from Shiddalagatha town in Kolar district was raped in a car by Amad, Shahid and others. NCW Member Nirmala Venkatesh inquiring into the incident convinced Sadhika's would be father-in-law to go ahead with the marriage as fixed earlier. Due to Ms. Venkatesh's unrelenting efforts, the marriage was solemnised on 30th September amidst tight police security. Meanwhile, all the accused have been arrested.



Ms. Nirmala Venkatesh with the newly weds

Talaq Thrice Not Enough

The Kerala High Court has ruled that merely saying 'talaq' (divorce) three times is not sufficient to effect a divorce under Muslim laws.

The bench had also pointed out there should be an attempt of mediation by two mediators, one from the husband's side and the other from the wife's, and only in case the mediation is a failure, the husband is entitled to pronounce talaq to divorce his wife.

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