



# Rashtra Mahila

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## Editor's Column

The recent decision of the Central Government to give legal sanctity for employing women in night shifts is a victory not only for women empowerment but will also give a boost to women, who are fighting for their right to equal employment opportunities.

A few months ago, when the Karnataka Govt. banned women from working at night shifts, there was tremendous uproar from the activists, working women professionals, women organizations, and the civil society at large, calling it a most retrograde step in depriving women their fundamental right to work. However, in the wake of all-round criticism, the Karnataka Govt. was forced to scrap the discriminatory notification banning night shifts for women.

Now the Centre plans to amend the outdated provisions of the Factories Act of 1948 with regard to night shifts. The Union Cabinet cleared introduction of further amendments to an amendment Bill, the Factories (Amendment) Bill 2005, pending in the Lok Sabha. This seeks to amend Section 66 of the Factories Act, 1948

### FOCUS NIGHT SHIFTS FOR WOMEN

to lift the ban on employing women in night shifts.

Earlier, the law allowed women to work in late night shifts only if they were in a managerial or very responsible position or employed in the health sector. With the amendments, women can now work late night shifts in any sector. The

only exemption available at present under the Act is that the State Governments can relax the law a bit.

The move would also help such industries which require a large women work-force and would give a big boost to the textile sector which employs a huge section of women workers.

The amendment Bill also proposes that employers must protect women employees' dignity, honour and safety and provide transportation from the factory premises to the nearest point of their residence. All these are welcome steps and should help women report for night duty without worrying about their safety or security.

Admittedly, the new changes will allow a woman to work without fear of losing her job or worse still, being exploited by her employer, because she chose to work at night shifts.

*The Chairperson Dr. Girija Vyas alongwith the Members, Member-Secretary and the Joint Secretary called on the President Smt. Pratibha Patil to discuss various women-related issues*



## New Member Secretary joins NCW

Shri Samirendra Chatterjee, till recently Additional Chief Secretary, Govt, of Meghalaya, has joined as the Member Secretary of the National Commission for Women with effect from 10th September, 2007.

A 1976 batch IAS officer, allotted to the Assam cadre, Shri Chatterjee has had varied administrative experience, having worked in the sub-divisions and districts of Assam and Meghalaya and in the State Secretariat in the departments of Industry, International Trade, Finance, Rural Development Transport, Social Welfare at the levels of Joint Secretary, Commissioner, Secretary and as Additional Chief Secretary. He was also the Chief Executive of several PSUs of the State Government.

He also served in the Govt. of India at various levels from Under Secretary to Joint Secretary in the Ministries of Industry, Commerce, Labour, Tribal Affairs and also worked as Member (private investment) in the National Highways Authority of India.

In between, on study leave, Shri Chatterjee did MA and M.Phil in economics from Boston University and later on taught managerial economics to MBA students in the same university for two years. In 1997, he received MBA degree from the South Cross University in Australia.

We welcome Shri Chatterjee to the Commission.



## NCW seeks rules for domestic workers

The NCW is considering a set of rules to govern domestic workers that will ensure a minimum wage and reasonable hours of work following complaints of exploitation, trafficking and abuse. A draft law governing domestic workers' rights is also on the anvil.

Other recommendations include setting up of a monitoring agency to keep tab on unscrupulous placement agencies and recruitment. In fact, rampant exploitation of domestic helps sourced from poor states like Jharkhand, Bihar and West Bengal is the reason behind this set of recommendations.

In a nation-wide study conducted by the Commission, it was found that placement agencies brought migrant workers from poor regions to metro cities. These women are either purchased from their families or relatives or brought under false pretext. They are then put through sub-human conditions.

Registration of placement agencies with a monitoring authority is likely to be made mandatory. This would ensure that agencies are subject to verification. The placement agency will also be required to keep names and addresses of employers and employees. A contract system will be put in place so that terms and conditions are clearly laid down.

The Commission also plans a comprehensive legislation that will mandate penal punishment and fines in cases of violation of workers' rights.

## From the Complaints Cell

Ms. Champa Thapa from Sukhia Pokhri, Darjeeling, was found wandering around Delhi alongwith her daughter, Tinkle, in a mentally disturbed state. They were handed over to the National Commission for Women by the Delhi State Women's Commission. NCW Member Malini Bhattacharya arranged for them to stay at Bapnu Ghar. Later, Ms. Bhattacharya arranged for them to go to Kolkata with the assistance of STOP, an NGO. On arrival, they were taken to All Bengal Women's Union Home. On the same day, psychologists from SEVAC examined Champa and found that continuous treatment would be necessary. Since, she was unwilling to be parted from her daughter, both of them were taken by SEVAC to their half way home *Samali* at 24 Parganas.

Meanwhile, Ms. Bhattacharya has written to S.P. Darjeeling, requesting him to inform Champa's brother about her arrival in Kolkata. She has also requested the S.P. to trace out the whereabouts of Champa's husband, who is said to be in the army. Counsellor Pramila Rana assisted the Member in this case.

## No sex selection tests

The Bombay high court upheld an amendment to a law banning sex-determination tests, equating pre-natal sex determination with female foeticide and observing that the tendency not to have a girl child offends a woman's dignity.

Pre-conception sex determination meant going against the nature, the judges opined, adding it violated a woman's right to live and was against the spirit of the Constitution.

A couple who already has two daughters aged 14 and 6 and wanted to have a boy as the third child challenged the "Prenatal Diagnostic Tests (Regulation and Prevention of Misuse) Act" of 2002, saying it was a constitutional right of parents to select the sex of their child. But the judges said that sex selection would be as good as female foeticide.

## Aid for deserted wives of NRIs

With complaints of women being deserted by their NRI husbands on the rise, the central government has launched a scheme to provide them with financial assistance and legal aid overseas.

Under the scheme, counselling and legal services would be provided through credible Indian women's organizations or Indian community associations and NGOs that will be empanelled with the country's missions.

The scheme has been launched in the US, the UK, Canada, Australia, New Zealand and the Gulf and is aimed at helping women, who have been deserted by their overseas Indian spouses or are facing divorce proceedings.

## Convention on Legislative Coordination

Women Power Connect (WPC) working for women's empowerment and gender equity in India recently organized a National Convention on Legislative Coordination for Action on women's issues in New Delhi. The Convention was attended by nearly 300 people from outside and within Delhi.

In her inaugural address, Ms. Renuka Chowdhury, Minister for Women & Child Development said that the Ministry had received a number of abusive e-mails from men after the implementation of Domestic Violence Act, which tries to counter violence at home, She also said that the legislation has proved to be a boon for many women.



*Dr. Girija Vyas lighting the lamp. Dr. Ranjana Kumari, Ms. Maxine Olson, Ms. Renuka Chowdhury look on*

Speaking on the occasion, NCW Chairperson Dr. Girija Vyas and other women's groups present expressed their dissatisfaction over the pace at which Domestic Violence Act was being implemented in India. Dr. Vyas said "while the law has been enacted in a number of places, it has failed to have much impact. In 90 percent of the States, no protection officers have been appointed."

Later, a plenary session was conducted on "Right to Equal Representation for Women in Parliament" and the panel consisted of Ms. Madhu Yakshi, Dr. Ranjana Kumari, President (WPC) and Ms. Aditi Mehta, Joint Secretary, Ministry of Panchayati Raj.

The other issues discussed included : Declining Child Sex Ratio, Implementation of Domestic Violence Act, Gender Just Budgeting and Protection of Women against Sexual Harassment at Workplace.

## Do you Know ?

Despite crime against women on the rise, the number of women in the police force continues to remain low. Shockingly, out of a total of 10,46,575 police personnel in the country, only 40,101 are women. Which means the Indian police force comprises only 3.83 per cent women.

## Important Decisions

- **Second wife entitled to maintenance says Supreme Court :** A husband has to "maintain" his second wife in case he "induces" her to live with him as his wife. The Supreme Court on this ground dismissed the petition of a man who did not want to pay maintenance to his second wife on the ground that his marriage with her was not legitimate as per Hindu customary laws.

- **Consensual sex isn't rape : SC :** The Supreme Court has ruled that a man having sex with a girl after obtaining her consent on the promise of a marriage does not necessarily constitute rape even if he retracts on his pledge.

It said that such retraction by the accused would amount to rape only if the consent was obtained by coercion or threat.

- **Varsity quota for girl child :** Girl students, also the only children of their parents, will soon have seats reserved for them in all teaching departments of the Punjab University.

With Chandigarh ranked among the cities with the lowest sex ratio at 777 girls for every 1,000 boys, the University's proposal is aimed at encouraging families not to resort to the pernicious practice of female foeticide.

- **Court to be tough on rape of minors :** The Supreme Court said that crime against women, especially rape cases against minor girls, need to be severely dealt with as "showing mercy" in such heinous cases would be a "travesty of justice".

A two judge bench reversed a Karnataka High Court order that had reduced the punishment given to a man accused of raping a 10-year-old-girl, from seven to three-and-half-years on the ground that the accused was just 18 and illiterate.

The judges said that the measure of punishment in a rape case cannot depend upon the social status of a victim or an accused.

## Members' Visits

- Member Yasmeen Abrar attended a public hearing on Muslim women at Lucknow and heard their complaints. She directed the local administration to take necessary action to redress their grievances.

Ms. Abrar also visited Trilokpuri to attend the Legal Awareness Camp on legal rights of women. She

addressed a gathering of about 200 women and spoke about the rights of women and their duties within the family and the society. Later, she listened to the problems of women and directed the officers to take necessary action.

- Member Malini Bhattacharya attended a Panchayat Mahila Shakti Abhiyan Programme in West Bengal organized by the School of Women's Studies, Jadavpur University, Sachetna, an NGO and the State Women's Commission. She presided over one of the sessions attended by over 200 representatives of Panchayats from 12 districts of West Bengal.

The Member delivered a lecture on Women and Media at Kalyani University, attended by the teachers and students. Later on, she left for Bolpur in Birbhum District and visited schools in Kotasur tribal area and interacted with children attending the teachers' day programme.

She also had a meeting with the Minister for Welfare of Backward Classes regarding tea garden workers at Jalpaiguri.

- Member Neeva Konwar attended a convention on women empowerment at Varanasi.

Speaking on the occasion, she said that women must strive to be self reliant in order to raise their status in the society. She also said that women must play a leading role in the national politics and be included in decision making.

- Member Manju Hembrom recently attended a seminar on female foeticide at Cuttack. Earlier, a rally was held against female foeticide in which about 1800 women, including girls from schools and colleges participated. The Member flagged off the rally.



Ms. Yasmeen Abrar addressing the public hearing



Ms. Neeva Konwar addressing the Convention



Ms. Manju Hembrom flagging off the rally.

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