



Editor's Column

In a scathing indictment, a recently released report by the United Nations reveals that domestic violence claims more lives in India than terror strikes carried out by militants and naxal outfits.

The report says, as many as 8383 people lost their lives as a result of domestic violence as compared to 2231 deaths that occurred in attacks by militants and left wing extremists.

The India Armed Violence Assessment, 2011, says there has been a 30% rise in the reporting of domestic violence since 2005, even though the number of cases registered has not increased proportionally. "While police received over 6.6 million complaints in 2009, they received only 5 million in 2005," the report says.

The police also received about 90,000 other complaints in 2009 alleging domestic violence, which affects most women at some point in their life, regardless of their class, colour, religion or culture, which can be equally devastating, even life-threatening. Every day, women are

battered, sexually harassed, abused, raped and psychologically tortured in the home, the workplace and society. This happens despite India having a watershed Domestic Violence (Prevention) Act, 2005.

The fact that domestic abuse by fathers, husbands, in-laws and other family relatives is generally condoned by social customs and considered part and parcel of marital life rather than a crime is in itself a grim indication of its high incidence.

Despite these revealing findings, the extent of violence against women at home is largely hidden and widely denied by communities that fear that

FOCUS

Domestic Violence Kills More than Terror Strikes

an admission of its incidence will be an assault on the integrity of the family.

The reason as to why so many women put up with abuse in the home is primarily due to their unequal status in the society and the

fact that they have no viable alternatives available to them. They are caught in a vicious circle of economic dependence, fear for their children's lives as well as their own, and repeated pregnancies.

It is also well-known that the figures of domestic violence most probably represent the tip of the iceberg considering that only a fraction of all cases are ever reported. It is particularly ironic that in spite of impressive economic technological and social progress world-wide, millions of women around the world are routinely abused within their own homes—a tragic crime which needs to be urgently addressed and vigorously tackled.

Therefore, what is necessary is that women should be made aware of the various laws which give them protection from domestic violence, and be made economically self-reliant to withstand such abuses. Without adequate legal protection and a social system opposed to domestic violence, women will remain helpless before their spouses and before the society as a whole.

Chairperson Meets the President of India

NCW Chairperson, Ms Mamta Sharma called on the President Smt Pratibha Patil and apprised her of the activities of the Commission and the steps being taken to ameliorate women's grievances.

Chairperson Visits Kota, Jaipur

The Chairperson visited Kota and Bundi to discuss women - related issues with local officials. Later, she visited Jaipur and held meetings with senior police officers and officials of the State Women's Commission and discussed the problems faced by women and their redressal.



Chairperson NCW with the President of India

Compensation to Women Victims

A National consultation on compensation to women victims of crime was organized by Majlis in association with the National Commission for Women in Mumbai.

Delivering the key-note address Justice A.K. Ganguly, Judge, Supreme Court said that a victim of rape needs rehabilitation and the law introduced in December 2009 to provide compensation to the victims of the crime was a much-needed rule to serve social and economic justice.

Introducing the theme, Ms. Flavia Agnes, Director, Majlis gave an overview of the scheme for relief and rehabilitation for the rape victims as recommended by the National Commission for Women and forwarded it to the Ministry of Child Development. She said that the burden of making the claim must not be thrust on individual victims. Information must be provided to police stations and public hospitals, where a victim first goes and at least an interim compensation must be paid to the rape victims.

Chairing the inaugural session, Ms. Charu WaliKhanna, Member NCW, spoke on the mandate of NCW and the various steps taken by it to redress the



At the consultation (from left) Ms. Flavia Agnes, Justice A.K. Ganguly, Ms. Charu WaliKhanna

sufferings of women victims of crime.

Later, the consultation discussed the various schemes adopted by different states and explored whether the present scope of the scheme could be expanded to include victims of crime other than rape.

The consultation was attended by over 80 participants, including lawyers, social workers, academicians and NGOs.

Members' Visits

Member Charu WaliKhanna visited Dehradun to participate in the legal literacy awareness programme on domestic violence organised by the Uttarakhand State Commission for Women. During her visit to

Bhagwatpur, she heard the woes of single women, who said they were discriminated at home, stigmatized by society for not getting married and viewed suspiciously by brothers for staking claims to the family property.

She also met the Chief Minister of Uttarakhand and discussed the issue of increasing cases of domestic violence, specially, in Haldwani, Udham Singh Nagar, etc.

In this context, the matter was taken up by the Uttarakhand State Commission for Women and a copy of the representation has been forwarded to NCW. The Commission felt that this was a new and important subject and a regional consultation must be held in collaboration with the Uttarakhand State Commission for Women with a view to assessing single women's needs in terms of monthly social security pension, free health care, right to work, right to property and government allotment of a plot to build a house.



Ms. Charu WaliKhanna (Centre) at the Dehradun programme

Chairperson's interaction with the press



Ms. Mamta Sharma, who recently took over as the Chairperson of the National Commission for Women (NCW), in an interview explained her plan of action and priorities to make the Commission more effective. She said that the main focus of the Commission would be on empowering more and more women by making them aware of their rights. The Commission has asked the states to advertise about various women's issues in local

languages to reach out to more people, particularly women. Besides, the Commission is also asking the state governments to implement properly the various government schemes targeting women.

Speaking about the constraints faced by NCW in day-to-day work, she said there is a need to give the Commission more power and more staff at all levels to fill up the shortages, which is affecting the hearing of cases, attending to the complainants as well as conducting counselling sessions. She has also written to the WCD Ministry requesting to expedite appointment of NCW members.

NCW to move court if FIRs are not registered against policemen

The National Commission for Women will move the court to get FIRs registered against policemen, who allegedly raped women in Bhatta-Parsaul villages in Greater Noida during the farmers' protest in May.

Upset over non-registration of FIRs, the NCW had sought reply from Uttar Pradesh Chief Secretary on September 9 but the Commission is yet to get a reply. "Taking the issue seriously, we have written to Uttar Pradesh Chief Secretary. We may now move the court, if the FIRs are not registered against the accused policemen," the Chairperson added.

NCW had submitted a report to Women and Child Development Minister Smt. Krishna Tirath accusing the policemen of raping seven women. Earlier, the National Commission for SC/ST, based on the affidavits of seven women, had ordered the Senior Superintendent of Police of Noida, to register FIRs against the accused policemen. "But Uttar Pradesh Chief Minister handed the case to CB-CID," Ms Sharma said.

Programme for Domestic Violence

The National Commission for Women in collaboration with the Social Welfare Department, Meghalaya, recently organised 'Chalo Gaon Ke ore Programme on Domestic Violence Against Women' at Tura in West Garo Hills district.

Speaking on the occasion, Dr. Mukul Sagma, Chief Minister of Meghalaya said that domestic violence was an issue that transcends boundaries of race, religion, class, sexual orientation and takes place within the sanctity of women's homes. He said it was imperative that the Protection of Women from Domestic Violence Act must be implemented properly to give relief to women, who become victims of violence.

P.H.E. Minister, Shri Shitlang Pale, in his address stressed the need for empowerment of women for the development of the family, society and the nation as a whole.

NCW Member, Ms. Wansuk Syiem while addressing the gathering said that violence against women was increasing day-by-day and women still have to face problems of desertion, broken homes, illiteracy ill-health, male brutality, etc. She said women must be made aware of their rights as well as laws and be made familiar with the procedures so that they could avail of the benefits of their legal rights. She lamented that many states have not appointed protection officers or provided adequate budgetary allocation for effective implementation of the law against violence.

The suggestions that emerged after the deliberations were: (a) need for more awareness programmes (b) legal and medical aid, marriage counselling should be strengthened (c) provision of fulltime protection officers (d) wide publicity on filing of FIRs (e) more information on free legal aid and strong net working among all gender groups.



At the seminar (from left) NCW Member Ms. Wansuk Syiem, Chief Minister Dr. Mikul Sagma and Shri Shitlang Pale

IMPORTANT DECISIONS

- **Court: Battered wives can seek help even after separation**

Empowering women to fight domestic violence, a trial court in Delhi has held that a woman can claim her rights under the law for protection from domestic violence even while living separately from her husband and in-laws.

The court held that as long as the couple is married to each other, the wife cannot be denied protection and other rights under the Domestic Violence Act. "It is not essential that on the date of filing of the complaint, the parties should have been living together and it is sufficient that they have lived together as husband and wife in the past," said the court, underlining the legal condition under the Act for filing complaint.

- **Divorcees can retain surnames**

The Mumbai additional solicitor general in a legal opinion to the Mumbai regional passport office said that "The wife has a fundamental right under Article 21 of the Constitution of India (right to life) to use any name,


including her married name, notwithstanding the fact that her marriage has been dissolved".

The passport office had earlier this year denied a woman her constitutional right to use her former married surname, even through her ex-husband had no objection to its use.

He said the passport office can issue the passport in the wife's married name, given that her reasons "appear genuine" and her husband has no-objection.

- **Medical proof not always necessary to prove rape: HC**

In a landmark verdict, the Nagpur bench of Bombay high court has ruled that medical evidence is not always necessary to prove an offence of rape. "Merely because there is no medical evidence to prove sexual intercourse, it can't be held that the accused is innocent," a single judge bench comprising justice U V Bakre ruled, adding that "this is because there is strong, truthful and reliable evidence of the victim".




It's time to change your attitude towards women

The share of unpaid activities for females was 51% as compared to only 33% for males in all the states of India.

Let's make women's work count in the economy.

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