



# Rashtra Mahila

Volume-1, Number-231, Oct-Nov-Dec 2018

NATIONAL COMMISSION FOR WOMEN

## Sexual Harassment of women at work place –Review of the Law



NCW, in terms of Section 10 (d) of the NCW Act, 1990 decided to hold series of consultations with stakeholders, so as to review the Sexual Harassment of Women at Work Place (Prevention, prohibition and Redressal) Act 2013.

The present Act is based on a draft prepared by NCW in 2010 drawing on Supreme Court's Vishaka's Judgment 1997 and inter alia provides for the constitution of an Internal Complaints Committee (ICC) at all work places, where the number of employees is 10 or more. In cases where the number of employees is fewer, there is a provision for Local Complaints Committee (LCC) under the District Collector. The law also provides for the complainants to be penalized, under Section 14 of the Act, where ICC or LCC arrives at a conclusion that the allegation is malicious. Similarly, there are issues of implementation. As such, broader consultations were essential to understand the nature of emerging issues so that the appropriate action could be initiated regarding strengthening of implementation mechanism or amendment to the law.

One-day consultation on law review of "Sexual Harassment of Women at Workplace" (Prevention, Prohibition and Redressal) Act, 2013 was, therefore, held in the Commission's Conference Hall on 17<sup>th</sup> November 2018 wherein experts including Justice Sujata V Manohar (Retd.), Justice G. Rohini (Retd.), Prof. (Dr) G. S. Bajpai, Registrar, NLU, Delhi Prof. (Dr) Pam Rajput, Prof. (Dr) Mrinal Satish. Adv Hitesh Jain,

Dr L R Agrwal, Ms Sunita Dhar, Advisor Jagori, Ms Anuradha Kapoor Activist Swayam, Adv Anutosh Singh, Adv Ms Madhu Mehra Adv. Ms Flavia Agnes, Ms Annie Raja of NFIW, Ms Vani Subramaniam Activist Saheli, Adv. Madhu Mehra, attended the consultation.

Following Recommendations were made by the participants after due deliberations:

- i) NCW should organize regional consultation across the country before making recommendations to the Government.
- ii) There is a need for greater clarity on the point of prevention.
- iii) Proper mechanism is needed for monitoring the implementation of the Act with a specified authority.
- iv) Inquiry process in such cases should adhere to the provisions of the Act.
- v) Conciliation clause in the Act needs to be reviewed.
- vi) Options need to be available with a well defined Appellate authority in case of the victim being dissatisfied with the enquiry.
- vii) Regular training of the members of Internal Committee/Local Committee and evolving a standard training module.
- viii) Details of IC/LC with their contact number to be made available on an e-portal.

### Information and Broadcasting Ministry urged to constitute ICC in media houses

In the month of October 2018, NCW urged I&B Ministry to direct print, publication and production houses to form the Internal Complaints Committee, to probe complaints of sexual harassment at work place. NCW urged Secretary I&B to issue directions to ensure that the organizations such as printing/publishing/production Houses involved in TV/ film production need to put in place an effective mechanism for addressing complaints related to sexual harassment through the mechanism of constituting Internal Complaints Committee under the provisions of the Sexual Harassment of Women at Work Place (Prevention, prohibition and Redressal) Act 2013.

### NRI marriages- NCW writes to Hon'ble Minister of External Affairs

NCW wrote to Smt. Sushma Swaraj External Affairs Minister regarding plight of Indian women in NRI marriages on 3.10.2018. In its letter to the Minister, the Commission wrote that despite the marriages having been solemnised in accordance with Indian laws, foreign courts often decide the cases and dissolve marriages and pass ex-parte divorce decree in many cases. The decisions are taken on the ground of 'currently not available' by misusing the provision in the foreign laws. The Commission highlighted its view that dissolution of marriages in such cases should take place in accordance with the laws and in the country where the marriage was solemnised, as the Indian women in NRI marriages are often left without any financial support. The Commission, therefore, suggested to the Ministry of External Affairs to explore the feasibility of bilateral treaties with countries having sizeable presence of India diaspora.

### Seminar in Chandigarh on Economic Rehabilitation of Women aggrieved in NRI Marriages

The Commission organized a consultation meeting on 31.10.2018 at Punjab University Chandigarh, with concerned stake holders and deliberated on the issue of economic rehabilitation of women aggrieved of NRI marriages. The important participants in the meet were academicians from Department of Social Work and Punjab University, representatives from socio religious organizations like Shiromani Gurudwara Prabandak Committee, DAV management Committee and representatives from civil society organizations of 13 districts of Punjab. The meet discussed the possible role of different stake holders and prepared a tentative plan of implementation and monitoring of the programme of economic rehabilitation of women aggrieved in NRI marriages.

## The Know India Programme (KIP)



A flagship initiative of the Ministry of External Affairs, for Diaspora engagement is to familiarize the Indian-origin youth (18-30 years) with their Indian roots with contemporary India, through a three-week orientation programme. Participants of this programme called on Smt Rekha Sharma, Chairperson NCW on 15.11.2018. The group comprising of 39 students and young professionals of Indian Diaspora also interacted with employees of NCW to appreciate the role and functioning of the Commission.



## Digital Shakti: In collaboration with facebook



NCW in collaboration with facebook launched the digital shakti programme on 5.12.2018 for North East States in Imphal, Manipur. Dr. Najma Heptulla, Hon'ble Governor of Manipur was Chief Guest on the occasion, which was attended by Hon'ble Chairperson Ms. Rekha Sharma, Smt. Soso Shaiza, Member, Shri. A. Asholi Chalai, Joint Secretary, NCW and Ms. Nemcha Kipgen, Minister of Women and Child Development, Manipur. Digital Shakti is an initiative that will enable young women of Manipur to have a better understanding of how to use the internet and stay safe online.

## Security of Women in Sabarimala Case

NCW urged the Kerala Police to ensure security of Women, who wish to enter the Sabarimala temple and demanded stringent action against those taking the law into their hands.

## Review Meeting of State Commissions for Women of NE States

The National Commission for Woman, in association with Manipur State Commission for Women, organized a review meeting of State Commissions for Women in the North East at Imphal, Manipur on 05.12.2018. The meeting was chaired by Ms. Rekha Sharma, Chairperson, NCW and attended by Member and Officials of NCW namely Smt. Soso Shaiza, Member, NCW, Shri. A. Asholi Chalai, Joint Secretary, NCW and Ms. M. Lilabati, Sr. Coordinator, NCW Delhi, Ms. Pauline, Media Adviser and Geeta Rathi, JTE. The participants from the SCWs included Dr. M. Binota, Chairperson, Manipur; Ms. Yheilin Phanbuh, Chairperson, Meghalaya, Ms. Barnali Goswami,

Chairperson, Tripura; Ms. Chikimiki Talukdar, Chairperson, Assam; besides Ms. Niyati Dey, Member, Assam; Ms. S. Neelima Devi and Ranjita Golmei, Members from Manipur, Ms. Zodinthangi and Ms. Lalrinnaemi Members from Mizoram.

Dr. M. Binota, Chairperson, Manipur SWC, welcomed the august gathering as the host of the meeting and emphasized the need for legal awareness among Women and prevention of crime against them. Smt. Rekha Sharma, Chairperson, NCW, appreciated the hospitality skills of the women in the North Eastern States and its remarkable potential for tourism. She referred to the earlier training given in July 2018, by NCW, in collaboration with Airbnb and expressed the desire to organize more such training, depending upon the feedback about their utility.

The SCWs raised the need for having full time Member Secretaries as in most of the States, they were having dual charge. After detailed deliberations the actionable points were identified as:

- i) State Commissions to organize LAPs and submit the details of the expenditure for release of the second installment, so as to settle the accounts before further programmes are approved by NCW.
- ii) Capacity Building programme for Assam Police shall be taken up by NCW.
- iii) Members, NCW will visit the State to ensure grant and infrastructure for SCWs.



## Second Consultative Meeting of Experts on Inspections/ Survey of Swadhar Greh

A Second "Consultative meeting for finalizing the tools of Swadhar Greh Survey/ Inspection" was held in the Commission itself on 12.12.2018. The meeting was chaired by Smt. Rekha Sharma, Chairperson and attended by the Members, Member Secretary and other officials of the Commission along with the Experts/ Academicians having background in law or social work and selected from NGOs, e.g. Ms. Sunita Dhar, Advisor, Jagori; Ms. Meera Khanna, Executive Vice President, Guild of Services; Ms. Sunita Dhal, Asst. professor IGNOU; Dr. Manjeet Bhatia, Director, Dept. of Women Studies, DU; Prof. Sabiha Hussain, JMI and Dr. Anuja of JNU. The group consultation helped in evolving a comprehensive plan of undertaking survey/ inspection of the Swadhar Grehs in the country. While finalizing the tool/ Questionnaire the Expert group had the feedback on the visit of 25 Swadhar Grehs in four states by Dr. V.R. Tripurana, Advisor NCW.



## Ms. Tikhala Itaye visits the Commission

Ms. Tikhala Itaye, a human /women right activist from Malawi, co-founder of a youth led organization called Her Liberty, President of the African Youth and Adolescent Network that co-ordinates youth-led networks and organizations in East and Southern Africa visited the Commission on 13.12.2018. Smt. Rekha Sharma, Chairperson NCW, Smt. Chandramukhi Devi, Member, Smt. Meenakshi Gupta, Member Secretary, Shri. A. Asholi Chalai, Joint Secretary along with other officials had an insightful discussion with Ms. Tikhala on various issues related to women and exchanged views on the best practices available in this regard.



## NCW Gets New Joint Secretary



Shri. A. Asholi Chalai: He assumed the charge of Joint Secretary, National Commission for Women on 26<sup>th</sup> November, 2018. He belongs to Central Secretariat Services (Civil Service Examination, 1987) and has been appointed vide DoPT Order No. 3-5/09/2019-EO (SM1) dated 13.11.2018 for a period of 5 years or till further orders. He earlier held important positions as Joint Secretary in DoPT and Ministry of Corporate Affairs and as Director/ Deputy Secretary in the Ministry of Development of North East Region.

## Shri. Alok Rawat, Member, NCW- Farewell on completion of tenure

The Commission bid a farewell to Shri Alok Rawat, Member, NCW on completion of his 3 years tenure in the Commission on 31.10.2018. His valuable contribution to NCW was appreciated by all.



## Shri. K. L. Sharma, Joint Secretary, NCW & Others- Farewell

The Commission bid a farewell to Shri. K. L. Sharma, Joint Secretary, NCW, who retired from Govt. of India on attaining the age of superannuation on 31st October 2018. His valuable contribution and dedication towards NCW was appreciated. It was a joint farewell for other three officers of the Commission, who completed their tenures on the day, namely Shri R.C. Ahuja, Under Secretary, Ms. K. Lalita, Assistant Law Officer, and Shri. V. K. Jaggi, Pay & Accounts Officer.

## New Members Joined NCW

New Members joined the National Commission for Women during the month of November namely Smt. Kamlesh Gautam, Smt. Soso Shaiza, and Smt. Chandramukhi Devi.



**Smt. Kamlesh Gautam:** She assumed the office of the Member, National Commission for Women on November 19<sup>th</sup>, 2018 for the tenure of 3 years. She has a Post Graduate degree from Kanpur University and has been an active member of various youth and women centric organizations at the district level in Uttar Pradesh since 1995. She has also held the post of President, Shri Sai Seva Shikshan Sanstha, an NGO that works towards empowering children through education.



**Smt. Soso Shaiza:** She assumed the office of the Member, National Commission for Women on November 19, 2018 for the tenure of 3 years. She is a prominent educationist from the State of Manipur, where she has worked extensively on bringing quality education to all the people, especially the tribal women of Manipur and the youth in the district of Ukhrul, since the early 1980s. Smt. Shaiza is the Founder and Advisor of Hunphun Shanao Long's (Ukhrul Women Union) Education Project. She is also the founder of the first private-run CBSE-affiliated Little Angels' English School in Ukhrul, which has seen more than 7000 students successfully complete their high school since its inception over 30 years ago. She is credited for her role in the inclusion of the Tangkhul language in the CBSE curriculum; making it the first tribal language recognized as a 'Modern Indian Language' by the CBSE. In 2011, she was conferred the "Best Educationist Award" and a "Certificate of

Education Excellence" for her outstanding achievements by the International Institute of Education Management, New Delhi. She was also conferred the 'Asia-Pacific Gold Star Award' by the Global Achievers' Foundation in Dubai, UAE in 2011. Through her various projects, Smt. Shaiza has been actively engaging with young girls, women, widows and orphans in Manipur. She has organized numerous seminars, workshops, conferences and youth camps on subjects related to personality development, adult literacy, drug abuse & its effects on the family, women empowerment and various other women related issues in the state.



**Smt. Chandramukhi Devi:** She assumed the charge of Member, National Commission for Women on 26 November 2018 for the tenure of 3 years. She is a graduate of Hindi Sahitya. She has been involved with various women-related organizations in different capacities since 1988. In 1995, she was elected to the then undivided Bihar State Legislative Assembly, making her the first woman MLA from Khagria constituency in Bihar. The same year, she was nominated for the Women and Child Development Committee. She also served as a Member of the Social Welfare Board Committee, NIPCCD. In 2010, she was made a Member of The Council for Advancement of People's Action and Rural Technology (CAPART). She has also previously held the post of Vice-President, Twenty Point Programme, Government of Bihar. Smt. Chandramukhi Devi was a Member of the Bihar State Commission for Women from 2011 to 2014.

## Smt. Meenakshi Gupta joined as Member Secretary



**Smt. Meenakshi Gupta** assumed the charge of Member Secretary, National Commission for Women on 27<sup>th</sup> November, 2018. She belongs to 1984 batch of the Indian Audit & Accounts Service. She has held a number of important assignments in Government of India including those in the Ministry of Science & Technology, Ministry of Labour & Employment and Ministry of Chemicals & Fertilizers. Her major assignments in the Indian Audit and Accounts Department included Director

General in the office of the C&AG of India, Accountant General, UP and Accountant General, Delhi.

Smt. Meenakshi Gupta has graduated from Delhi School of Economics, University of Delhi and subsequently Masters in Development Economics from University of Bath, United Kingdom. She is also a Certified Fraud Examiner and Certified Internal Auditor. Ms. Gupta brings with her vast and varied experience of auditing and administration in various capacities across the Ministries.

## Activities by NCW Administration

### Smt. Rekha Sharma Chairperson, NCW

- Interacted with beneficiaries of various women empowerment and welfare schemes on 08.10.2018 in Patna, Bihar and reviewed the progress of implementation of these schemes by Dept. of Women and Child Development and Dept. of health, Govt. of Bihar. Also, visited the helpline and One Stop Centre in Patna and reviewed its functioning by interacting with counselors and victims of domestic violence.
- Met DGP Bihar on 08.10.2018 and discussed at length the pending cases in the State from 2014-2018, wherein, intervention of Bihar police was essential. Also, discussed the need and modalities for better coordination between NCW and Bihar police.
- Attended Hope Awards at Gurgram on 25.10.2018, where people working for the betterment of society were awarded and appreciated. The Function was organized by Hope Communication (Research).
- Administered the 'Integrity Pledge' by the employees of the Commission on 01.11.2018, affirming their commitment to eradicate corruption and to uphold the highest standards of honesty and integrity for all the times.
- Attended a program organised by Samartha on 17.12.2018 in Jhajjar, Haryana with Hon'ble Minister Shri O.P. Dhankar. Nearly 2000 women & girls were provided training and free sewing machines during the function.
- Presented NCW's coffee table book that chronicles NCW's journey over the years, published on the occasion of its 25<sup>th</sup> Anniversary to Smt. Rita Bhaguna Joshi, Hon'ble Minister WCD, Govt. Of Uttar Pradesh on 11.12.2018.



### Smt. Soso Shaiza, Member

- Had a meeting with the Union Minister Shri Dr. Jitendra Singh on 03.12.2018 in New Delhi to discuss livelihood programmes for women through skill development and specialized training in North Eastern States.



- Visited Tabitha Children Home at Mantripukri, Imphal, Manipur on 06.12.2018 and appreciated the services for welfare of the orphans, especially to those living with HIV/AIDS.
- Attended felicitation programme on 06.12.2018, hosted by Hon'ble Shri N. Biren Singh, Chief Minister of Manipur and his cabinet ministers in Imphal.
- Attended the 'Observation of 16 Days Activism of Gender Based Violence' as chief guest in Ukhrul, Manipur, on 08.12.2018, organised by Action of Women in Development (AWID) in collaboration with Department of Social Welfare, Ukhrul.
- Held meeting on 08.12.2018 with the Ukhrul District Level Officers in Manipur and discussed women-related issues and various government developmental schemes.
- Attended 'Justice for Millions' function on 10.12.2018 as chief panellist on 'Appeal for Action Against Human Trafficking' in New Delhi, organised by Prayas, an NGO based in Delhi.
- Attended the Broadcasting Content Complaints Council (BCCC) meeting, chaired by Justice Vikramajit Sen (Retd.), on 13.12.2018, as a representative of NCW along with Shri Priyank Kanoongo, Chairperson, NCPDR in New Delhi.
- Visited Swadhar Greh, a shelter home, in one of Kabui village at Keikhu on 21.12.2018 in Imphal, Manipur along with the Chairperson of the Manipur State Commission for Women. Run by an NGO, named as Environment & Economic Management Association (EEMA), this shelter home needs attention from the concerned authorities.
- Met Union Minister Shri Kiren Rijiju at his office on 30.12.2018 and discussed on issues of northeast women living in metropolitan cities among others.

### Smt. Meenakshi Gupta, Member Secretary

- Was invited by the Hansraj College, University of Delhi to speak on "Role of NCW in Women Empowerment on 28.12.2018.



## SUO- MOTO Cell

Some of the important cases on which the Commission took suo-moto cognizance are mentioned below :-

### "A.P. woman alleges forced surrogacy"

The Commission took cognizance of the media report published in The Hindu, Delhi dated 9.10.2018 wherein it was alleged that a woman was lured for surrogacy and subsequently had been detained and given injection when she refused.

### "Man throws acid on Assam student for refusing marriage"

The media report appeared in Hindustan Times, Delhi dated 09.10.18. The Commission sought detailed action taken report from Assam State Commission for Women.

### "Death of a child and mother during delivery at General Hospital"

The news was published in various national dailies dated 28.11.2018 wherein, it was reported that a pregnant woman and her baby died after she was operated by an inebriated doctor. The Commission sought detailed action taken report from the State Govt. of Gujarat. The Commission was informed that an inquiry was conducted and gross negligence on the part of Doctor and staff was proved, leading to arrest of the accused doctor.

### "On her way to police station, women set ablaze by harassers"

The news was published in various national dailies dated 03.12.2018 wherein, it was stated that a woman was burnt alive while she was going to the police station in Sitapur. The Commission sought detailed action taken report from the Police Department, Uttar Pradesh. The Commission was informed that the accused was arrested pursuant to a complaint registered against him. Also, a departmental inquiry was conducted against the callous Police Officials, where they were found to be negligent and as a result they were suspended.

### "Crime against women in Teerthankar Mahaveer University, Moradabad"

The Commission took cognizance of a report informing that there were crimes against women in Teerthankar Mahaveer University, Moradabad, alleging that a recent incident of suicide by a student was due to this reason. The Commission constituted a two Member fact finding team comprising of Smt. Chandramukhi Devi, Member and Shri. Praveen Singh, Counselor which visited Moradabad on 14.12.2018. The team did not find any prima facie evidence about the alleged incident of rape in the University. However, the University authorities were advised to take due care about security of students and to be more sensitive towards gender issues and directed the Police authorities to expeditiously conclude the probe in the suicide case.

### "Second Woman claims HIV infection from the Blood Transfusion in Tamil Nadu"

The news appeared in various News Channels on 29.12.2018 wherein, it was reported that a 27 year old woman had contacted virus during blood transfusion procedure in Kilpauk Medical College Hospital. The Commission sought detailed action taken report from Health & Family Department, Govt. of Tamil Nadu. The Commission was informed that an inquiry was conducted and it was found that the complaint was false as the woman had not contracted the HIV infection secondary to the Blood transfusion performed at the hospital.

## Capacity Building Cell



**Gender Sensitization:** As part of an ongoing endeavor to bring a higher level of sensitivity among police personnel, a Gender Sensitization Programme was conducted by the Commission for 984 officers of Delhi Police on 29.12.2018 at Police Training Centre, Jhadoda Kala, New Delhi in two groups. The Commission's expert gender trainers namely, Ms. Chetna Soni, Research Officer, Mr. Sarvesh Pandey, Counsellor, MR. Piyush Chhabra, JTE(Legal) and Ms. Avni Bahari JTE(Legal), conducted interactive sessions on the topics; i) Gender as a social construct and accessibility of the police and ii) Crime against women and the Role of police. Shri. Nitish Chandan of Cyber Peace Foundation conducted the sessions on Cyber crime. The goal was to sensitize officers on gender issues and empower the police force with the ability to perform their duties more effectively and without prejudice and discrimination.



## Complaint and Investigation Cell

**Complaint from Udaipur, Rajasthan- Investigation by NCW:** The NCW received a complaint from a young woman resident of Udaipur, Rajasthan against her parents alleging that her family was forcing her to marry and has kept her under confinement. A two member Fact Finding Team along with the concerned police officer visited Udaipur on 8th October, 2018 to inquire into the matter and met the complainant and her family. The team was assured that the family of the complainant would not compel her to marry without her wishes. The team directed the local police officials to monitor the case.

## Legal Awareness Programmes



A two-day Legal Awareness Programme was organized by the Commission from 11.12.2018 to 12.12.2018 in Belonia District of South Tripura to enable women and girls about their legal rights, and the procedure and method of access to the legal system.



## Jan Sunwai

Considering the increase in the number of complaints and to ensure their speedy and effective disposal, the Commission conducts Mahila Jan Sunwai in collaboration with District Legal Service Authority and concerned Police Authorities at District level in different States. They are chaired by Chairperson or/and Members of the Commission. During the month of December 2018 Jan Sunwai was held in the two Districts of U.P. namely Agra and Ghaziabad on 28.12.2018. Another Jan Sunwai was held on 29.12.2018 at North Delhi. Cases were heard and in addition to number of cases closed, the Commission also issued suitable directions to DLSA/Police Authorities for taking further action expeditiously in the remaining cases.



## Psychiatric Home and Custodial Home Reform Cell:

The Commission evolved a comprehensive proforma in November 2018 to gather all the relevant information related to status of female patients in the Psychiatric Homes and sent it to 34 Government Psychiatric Homes in Govt. sector in December 2018. The information received in the proforma is being scrutinized in the Commission.