



Rashtra Mahila

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Editor's Column

History is repeating itself. Despite all major political parties' commitment to give political space to women, the long-pending Women's Reservation Bill ensuring 33% reservation for women in Parliament and State Legislatures failed to figure in the list of legislative business to be taken up in the winter session of the Parliament.

Notwithstanding Prime Minister's repeated assurances and continued lip-service by all political parties to the cause of women's reservation, the Bill was not listed, ostensibly, as further consultations were needed at the home and law ministries' level as well as with political parties to reach a consensus.

It is thus quite obvious, that no political party is keen to ensure the passage of the Bill and the men in Parliament, would always backtrack, refusing to surrender their seats of power. For, if the three major political parties - the Congress, the BJP and the Left had come together, the Bill would have become a reality long ago.

The three parties together constitute the required two-thirds majority for passing any Bill and there was no need for support from other alliance partners to pass the Bill.

It is indeed a shame, that though women constitute nearly 50% of the population, there are only 8.2% of women in the Parliament. It is worse

FOCUS

**WOMEN'S
RESERVATION
BILL**

in the States; the average percentage of women elected to State Assemblies is just 6.62%.

In comparison, Pakistan has 22% women representatives and Afghanistan 27.3%. While Nepal has declared one-third seats for women in the next election, China has more than 20% women deputies in the National People's Congress.

Worldwide, countries with quotas, have a high representation of women in Parliament. The Unicef's 'The State of the World's Children' report, released globally on December 12,

2006 - with its focus on gender - has underscored the efficacy of reservation in political empowerment of women. Of the 20 countries, with more than 30% representation of women in Parliament, 17 are using some form of quota.

Therefore, there should not be any further delay in introducing the Bill and there is no need to hold another all-party meeting on the Bill as many such meetings had been held in the past. The need of the hour is to take the issue on a priority basis and ensure its passage in the Parliament. The Bill would not only revolutionise electoral politics in India but would be a harbinger of social change ending age-old discrimination in the political system.

Now the ball is in the government's court. But if various kinds of objections are raised wherever a consensus is sought, the Bill would die a natural death. Can the government allow that to happen? When will India's women, who hold almost 'half the sky' would find their place in the nation's decision-making process?

INITIATIVES BY THE HARYANA GOVERNMENT; CAN BE FOLLOWED BY OTHER STATES

- **Women committees** set up in all villages to guide development of women and children.
- **Ladli** scheme introduced to bring about a radical change in the mindset of the people towards women. Under this scheme, on the birth of second girl child, the mother as well as the new born girl child gets an incentive of **Rs. 5000 per year for 5 years.**
- **Ladli Social Security** Pension Scheme introduced for parents of 2 daughters.
- **Rebate of 2%** on stamp duty in registration fee at time of transfer of property in the name of women.
- Reservation of **33%** posts of teachers for women.
- Reservation of **33%** for women in the allotment of houses constructed by the Haryana Housing Board.
- **25% seats** reserved for girls in Technical Institutions.

Chhattisgarh Govt. to Make Marriage Registration Mandatory

The Chhattisgarh government has decided to bring in a legislation to make registration of marriages mandatory in the State to check child marriages and improve the status of women in the State.

Investigation into the Baba Balnath Ashram Case

A correspondent from a news channel alongwith NGOs, *Stop* and *Shaktivahini* approached the Commission for immediate intervention of the NCW to save girls including minors from torture, wrongful confinement and sexual abuse at the Baba Balnath Ashram, Ghaziabad. Immediately Ms. Malini Bhattacharya, Member NCW accompanied by NGOs went to Ghaziabad to inspect the premises of the Ashram. They observed that -

- There were more than 60 girls/women in the Ashram; majority of them were minors; some women were mentally challenged.
- Two girls complained to the Member about physical and sexual abuse by Baba.
- There were no female attendants in the ashram although the children in the institution were pre-dominantly girls.
- There was no system of providing formal education.

- It was also not clear if the institute was recognized and had permission to keep children.
- The ashram seems to be well connected with the local administration.
- Even though the FIR was registered, statements under Section 161 of the Code of Criminal Procedure were not recorded.
- The children were not sent to any doctor for medical examination.

The member submitted an application to DM Ghaziabad requesting for transfer of girls from the ashram to Nirmal Chaya, in Delhi, for safe custody and proper monitoring by NCW. The rescue operation was done next day when Dr. Girija Vyas, Chairperson, NCW alongwith the Member visited the Ashram. The Chairperson, after speaking to the girls, insisted that all girls should be accomodated at one place. The Uttar Pradesh administration decided to shift the girls to Mathura. An FIR was

registered by the police and the Baba was arrested the next day. Following recommendations were made by the Commission in an affidavit submitted before the Supreme Court of India.

- The girls should not be released at any cost by the authorities unless specific orders are obtained from the Court.
- The trial should be conducted by a fast track court and the case be transferred to a court of competent jurisdiction in Delhi.
- A complete rehabilitation plan should be submitted by the concerned ministeries of Government of U.P. and the Union Government to the Court. Alternatively the commission can make a plan and submit to the Court.

Later, a two-member inspection team of the NCW visited Mathura to assess the living conditions of the inmates shifted to the Balgriha.

NCW Wants Gender Budgeting in Central Ministries

The National Commission for Women has asked the Centre to include gender budgeting in all the central ministries. Dr. Girija Vyas, the Chairperson of NCW said “We have demanded 30 to 40% of the total plan outlay to be earmarked for women. The money will be spent on their education and welfare. At present, four ministries have introduced gender budgeting. We want all the ministries to initiate the same.”

The finance ministry has already issued a communique to the respective agencies for gender auditing. The Commission has also demanded increasing the strength of women in police force to around 11% in the country. In Assam, it is around only 2 to 3%.”

WOMEN DELEGATION FROM IRAN VISITS NCW

An Iranian delegation of women visited the Commission and interacted with the Chairperson, Members and Officers of the Commission.



The Iranian delegation with Dr. Girija Vyas.



The delegation with NCW members and officers.

Members' Visits

- Member Yasmeen Abrar visited Chandigarh and attended a meeting with the media persons and replied to the queries regarding NCW's various workshops, programmes, female foeticide, sexual harassment, 'Chalo Gaon Ke Ore' programme, NRI marriages, etc. Later, she attended a public hearing with regard to rural women's complaints. She urged women to send their complaints to NCW and promised that NCW would surely look into them.



Ms. Abrar (left) with Ms. Parmindar Kaur, Chairperson, Punjab Women's Commission at the public hearing

- Member Malini Bhattacharya and Manju S. Hembrom visited Dantewara in Chhattisgarh to examine the situation of tribal women in 'Salwa Jadum' camps, after receiving reports of atrocities on them. Before proceeding to the camps, the members met the Collector for his briefing. On their return to Dantewara, they were met by nearly 100 women, many of whom said that they had lost some family members allegedly due to naxalite violence. Some of them were yet to receive monetary compensation announced by the State Govt. The members immediately forwarded all such cases to the Collector for necessary action. The NCW team, also visited the Jagdalpur Central



Member Malini Bhattacharya at the awareness camp at Parbung

Jail and looked into the treatment of tribal women lodged in the jail for allegedly helping the Naxalites. The members were also disturbed by the way in which young boys and girls, some even minors, were being recruited as special police officers and given arms and immuniton. Ms. Bhattacharya also attended an awareness camp in the remote village of Parbung in Manipur.

- Member Nirmala Venkatesh visited Bangalore and enquired into a complaint by Ms. Shanthala against her brother-in-law Perumal for allegedly raping and sexually assaulting her for a long time. The member asked Shanthala to file a police complaint and also approach the concerned protection officer or Magistrate for initiating necessary action. Later, she heard complaint of Ms. Rani and Mrs. Gangamma, who are being harassed by their husbands and in-laws.
- Member Neeva Konwar visited Kotdwar and Haridwar and attended the NCW sponsored Free Legal Awareness Programme organised by Bharatiya Rashtriya Jauwan Samiti. Addressing the assembled 500 women, Ms. Konwar said that govt. has given many rights to women but women must be aware of them. She urged women to report cases of atrocities to NCW and NCW would take immediate action on them. She also visited Swami Ramdev's Patanjali Jog Pith with regard to arranging special camps for women. She attended a function at Indore on Human Rights and Women Rights and spoke about the concepts and objectives of the Human Rights Day and UN Charter of Declaration of Human Rights. Ms. Konwar attended a workshop on trafficking of women and girl child in NE region at Guwahati, sponsored by NCW. About 300 women representatives from various NGOs attended the workshop and discussed the problems of trafficking and its effects on the society.



Ms. Neeva Konwar (second from left) lighting the lamp at the Legal Awareness Camp.

IMPORTANT DECISIONS

● Maternity Leave Extension : HC Orders Relief for Sacked Teacher

The Delhi High Court has ordered reinstatement of a lecturer, who was sacked by her college for requesting extension of maternity leave. The judge ordered full payment of all salary arrears and pitched for “special care” to employees eligible for maternity benefits. The judge observed, “In spite of protective provisions on maternity and request for extended leave, which was permissible, the employer, in disdain of those norms, terminated her from service.”

● Shia Board Approves Model Nikahnama

In a major move aimed at protecting Muslim women, the All India Shia Muslim Personal Law Board unanimously approved a model *nikahnama* (marriage contract) that gives them the same rights as men for divorce.

Women can demand divorce if they are cheated or denied rights to education. Divorce can be sought against men who provide false information at the time of marriage. Applicable also if the man disappears for two years, or forces her to have sexual relations with other men. *Nikahnama* insists men cannot ask for dowry.

In this marriage contract, both bride and groom can put their conditions at the time of the wedding.

● Family Liable for Death of Woman Within 7 Years of Marriages

The Delhi High Court has held courts can charge the husband and his family members with abetment to suicide if a married woman dies within seven years of marriage.

● Remarriage No Bar for Child's Custody

The Supreme Court has ruled that a divorced woman is entitled to the custody of a minor child even after remarriage, notwithstanding the fact that the father is the natural guardian of the child under the Hindu law.

WOMEN'S RIGHTS AND THE POLICE

At the time of arrest



YOU HAVE THE RIGHT :

- To ask for the reasons for your arrest.
- Not to be arrested after sunset and before sunrise except in exceptional circumstances. In unavoidable circumstances also, can be arrested only by female police officer after obtaining prior permission of the Judicial Magistrate of the 1st Class.
- To demand that you be produced before the Magistrate within 24 hours of your arrest.

At the time of search



YOU HAVE THE RIGHT :

- To demand that your bodily search be carried out only by another female in a discreet manner.

At the police station



YOU HAVE THE RIGHT :

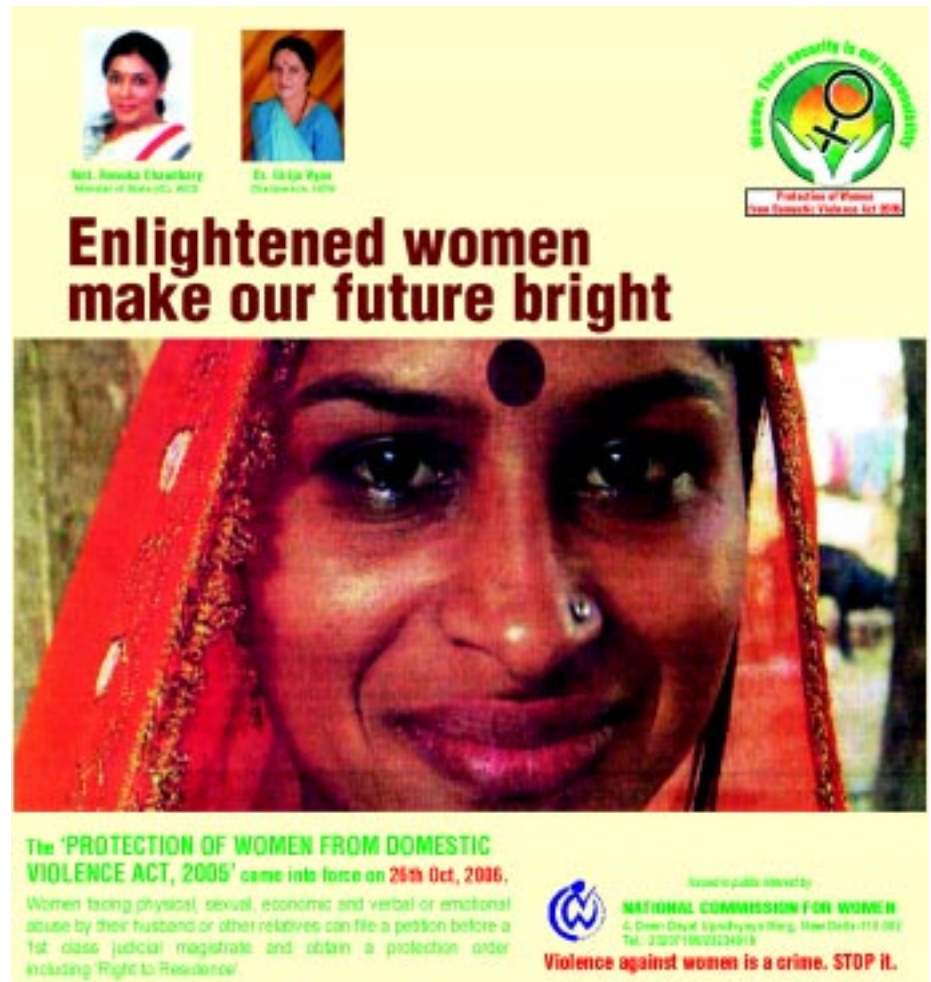
- To demand that you should be placed in a female lockup.
- To ask a Magistrate for your medical examination.

At the time of filing First Information Report (F.I.R.)



YOU HAVE THE RIGHT :

- To demand that your F.I.R. be registered.
- To read the F.I.R., or have someone else read it to you before you sign it.
- To receive a free copy of the F.I.R.
- To approach senior police officers or your area Magistrate if the police refused to register your F.I.R.



Enlightened women make our future bright

The 'PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005' came into force on 26th Oct, 2006.

Women facing physical, sexual, economic and verbal or emotional abuse by their husband or other relatives can file a petition before a 1st class judicial magistrate and obtain a protection order including 'Right to Residence'.

NATIONAL COMMISSION FOR WOMEN
4, Deen Dayal Upadhyaya Marg, New Delhi-110 002
Tel. 2302150/23234913

Violence against women is a crime. STOP IT.

for further information visit our website at : www.ncw.nic.in