



Editor's Column

The Union Cabinet has approved the Women's Reservation Bill 2008, aimed at providing 33% reservation for women in the Parliament and the State Assemblies.

Earlier, the Parliamentary Standing Committee approved the 108th Constitutional Amendment Bill in its original form with minor changes.

The Bill has been hanging fire for the last 14 years while repeated attempts to arrive at a consensus proving futile due to stiff resistance from political parties like the Rashtriya Janata Dal, the Samajwadi Party and the Janata Dal(U).

Scuttling the government's earlier attempts, the supremos of the three parties were demanding that one-third of the proposed quota be earmarked for the OBCs and minorities among them. Their contention was that unless

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Quota for Women

reservation was provided to OBC women, it would remain confined to women from the elite classes.

Now that the Bhartiya Janata Party, the Left and the DMK have pledged support to the Bill, there should be no problem for the Government to ensure its smooth

passage in Parliament. As such, there is no problem in the Lok Sabha, since major parties put together easily add up to the required number. As for the Rajya Sabha, to meet two-thirds mark in the Upper House, with effective floor management, the government can successfully rope in more members to pass the Bill.

The passage of the Bill, easily one of the most contentious pieces of legislation, will be a triumph for women's movement and usher in gender balance in politics. This will not only empower women in real sense but also give them a forum to participate in policy formation and decision-making.

Trial in sexual offences within 2 months

Taking a stern step, which seems to be a fallout of the Ruchika molestation and suicide case, the Union government has carried out crucial amendments to the Criminal Procedure Code (CrPC) that will enable speedy trials in all sexual offences, including rape. Presently, there is no time-bound trial and cases linger on for years.

The target is to complete trials within two months as far as possible. Also, the victims will have the right to appeal against a court order. The amendments also lay down a provision for providing funds to victims as compensation.

The amendments, which came into effect recently, would come as a big relief to the complainants as till now only the State could file an appeal against an order. The victims will now be allowed to engage an advocate to assist the prosecution.

It also prescribes that the statement of a victim of rape shall be recorded at her residence and as far as practicable, by a woman police officer, in the presence of the victim's parents or guardian, or a social worker. The amendments also enable recording of statements or confessions by audio-video electronic means.

It also stipulates that the trial of an offence under Sections 376 (rape) to 376D IPC (the entire section deals with sexual offences) shall, as far as possible, be completed within two months.

The amendment also incorporates a new Section 357A directing every state government to prepare a scheme for providing funds for compensating the victim of a crime or his dependents, besides providing for execution of a bond by a person seeking bail, pending an appeal.

Dr. Girija Vyas, Chairperson, National Commission for Women and Ms. Anne F. Stenhammer, Regional Programme Director, UNIFEM South Asia recently signed a Memorandum of Understanding to combat increased trafficking of women and girls as well as feminization of the HIV/AIDS pandemic.

This move gives a boost to anti-trafficking and HIV and AIDS prevention work and marks a deepening of the partnership between UNIFEM and NCW.

Speaking on the occasion, Dr. Girija Vyas said that NCW in partnership with UNIFEM would reach out to women in the source areas from where they were trafficked. The partnership

would entail working on prevention, protection, rehabilitation and reintegration of trafficked victims in the states of Andhra Pradesh, Bihar and West Bengal. She said that the over-reaching goal was that by 2015, Govt. of India's efforts would be at creating institutionalised prevention mechanism to stop trafficking at source areas through community action at the Panchayat level. She said that there would be one Mahila Vikas Centre for three Panchayats at the district level and at least 600 women and girls under the aegis of these 3 panchayats would be self-reliant.

Ms. Stenhammer in her speech said that women were primarily trafficked from the rural areas, where there was a



Dr. Girija Vyas speaking on the occasion of exchanging MOU with UNIFEM

dearth of institutionalized prevention mechanisms in these source areas. The program was an attempt to bridge that gap and make prevention services accessible and eventually institutionalized at the Zilla and Panchayat level.

Though a great deal of work has been done on anti-human trafficking over the years, stereotypical attitudes that exacerbate gender inequalities within communities and societal institutions of protection have not been addressed. This programme would get to the root of changing these attitudes so that communities act as change agents and bridge the gender gap and gender-based violence of women.



Ms. Stenhammer of UNIFEM and Dr. Girija Vyas exchanging MOUs, flanked by Member Yasmeen Abrar and Member-Secretary Shri S. Chatterjee

Holding a press conference on the issue of NRI marriages, NCW Chairperson Dr. Girija Vyas suggested that there should be a comprehensive separate legislation for Non-Resident Indian (NRI) affairs as the phenomenon of holiday husbands - NRI grooms, who marry in India for dowry and desert their wives - was on a steady rise.

This legislation should address matrimonial issues, maintenance of spouses and children, child & custody, adoption, settlement of matrimonial property and transfer of property, etc. This can serve as a comprehensive ready reference for foreign courts deciding litigation between NRIs and Indians etc.

Dr. Vyas said the Commission's NRI cell, which was set up six months back, had received as many as 177 complaints relating to marital discord. About 331 such complaints have been received by the Ministry of overseas Indian affairs in the past one year. "A maximum of 130 complaints were received from the



At the press conference on NRI issues, Ms. Yasmeen Abrar, Dr. Girija Vyas, Shri Samirendra Chatterjee.

US followed by Britain (44) and Canada (37). Among the states, maximum of 87 complaints were received from Punjab, followed by Delhi (59) and Haryana (21)," Dr. Vyas added.

The NCW has also recommended compulsory registration of NRI marriages and has appealed to the Centre to effectively represent to governments of all foreign countries, particularly those with a large NRI presence, to give effect to international law like

provisions in the Hague Convention which deal with issues of overseas marriages.

The Commission said the Ministry of external affairs through its embassies abroad should sensitize the home departments of foreign countries about issues regarding dowry demands and other problems faced by women. Dr. Vyas also suggested an amendment in the Hindu Marriage Act to ensure protection of the rights of victims of failed marriages.

NCW writes to I&B ministry about Mahajan reality show

National Commission for Women has written to I&B ministry asking it to ensure prevention of indecent portrayal of women in a forthcoming reality show on a bride hunt for Rahul Mahajan.

NCW Chairperson Dr. Girija Vyas also took exception to the use of 'swayamvar' in its title, saying it suggested commodification of women.

Members' Visits

Member Yasmeen Abrar as the Chief Guest attended the Manav Adhikar Utsav at Indore organised by the Human Right Association of India.

Speaking on the occasion, Ms. Abrar said that strict implementation of law was necessary to safeguard human rights of men and women. She said that the Human Rights Association of India could work in collaboration with NCW to combat domestic violence, female foeticide, non-registration of marriages, etc.

Members of Bihar Legislative Council Visits NCW

The Chairperson and the Members of Bihar Legislative Council visited the National Commission for Women and interacted with the Commission Members and officers to discuss bilateral issues.

Some of the suggestions that emerged after the meeting were :

- The Commission would write to the Ministry of Railways to reserve separate compartments for women in trains which apparently is being discontinued in many trains.
- The Commission would write to the Bihar Government for implementation of Compulsory Registration of Marriage.

- Implementation of Swadhar Yojana may be taken up with the State Government.
- The Commission would extend support in organizing

Seminars and Conferences on women issues to the State Commission for Women, who will send proposals in this regard.



Bihar Legislative Council Chairperson (right) in discussion with (from left) Law Officer Shri Yogesh Mehta, Member-Secretary Shri S. Chatterjee, Members Wansuk Syiem, Yasmeen Abrar and Neeva Konwar

Important Decisions

● Sex workers victims, not accused : Court

A magistrate court in Coimbatore has asked the city police not to arrest commercial sex workers under the Immoral Trafficking (Prevention) Act and send them to jail as they were only “victims” and should not be treated as “accused”.

When bail application of two women, who were arrested under Section 8(B) of the Immoral Trafficking Prevention Act came up before the judicial magistrate court, the magistrate, ordered their immediate release. In a significant observation reflecting a definite change in judicial perception of commercial sex workers, the magistrate remarked that they were “debt-bonded, choiceless and hapless”

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victims forced into the trade.

● Age relaxation for women

The Haryana Government has raised the upper age limit from 40 years to 45 years for entry into government service for unmarried women residents of the State.