



# Rashtra Mahila

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## Editor's Column

The Cabinet's approval of the Protection of Women from Domestic Violence Bill 2005 pertains to a subject that has been receiving increasing attention during the last two decades. Growing awareness of the need to curb violence at home led to its recognition as a criminal offence through incorporation of section 498A into the Indian Penal Code as early as in 1983. Dealing with cruelty by a husband and his family towards a married woman, it provided for imprisonment upto three years and a fine.

The current Bill has been hanging fire since 2001 and has lapsed with the fall of the 13<sup>th</sup> Lok Sabha. The Bill was further modified in December, 2004. The present Bill envisages further improvement on the earlier one. The definition of domestic violence has been extended to include not only actual abuse but also the threat of abuse, that is, physical, sexual, verbal, emotional or economic and what is more, it covers single women in a live-in relationship and women living in joint

families - sisters, mothers, widows - often physically and emotionally abused. Harassment by way of dowry demands to the woman or her relatives would also be covered by this definition.

The most empowering clause, however, relates to women's right to residence in shared households. The Bill seeks to protect the rights of a woman to live in her matrimonial home or shared accommodation, whether or not she holds

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any title or rights. This right will be secured by an order passed by a magistrate.

The draft Bill also provides for appointment of protection officers and NGOs to provide assistance to the victims with regard to medical examination, legal aid, safe shelter, etc. The relief also includes power of the court to pass protection orders that prevent the abuser

from aiding or committing an act of domestic violence or any other specified act, entering a workplace, or any other place frequented by the abused, or attempting to communicate with the abused, etc.

In a patriarchal society, where women's rights are often denied, the Bill is a progressive piece of legislation, providing much relief to the victims of domestic violence. Statistics reveal that 45% of Indian women are slapped, kicked or beaten by their husbands and 75% of battered women contemplate suicide.

The protection officers drawn from NGOs will hopefully be more responsible and sensitive to their needs than the police is in most such cases. Some may say that the provisions, as they stand, can be exploited by avaricious elements, but that is true of all laws. However, laws alone cannot change the society but legal protection, to a large extent, can give women confidence to fight the injustice they have been so long subjected to.

## NCW sends draft of harassment bill to the Union Cabinet

The National Commission for Women has recently presented a draft bill on Prevention of Sexual Harassment of Women at workplace for Cabinet and parliamentary approval.

While speaking at the panel discussion on "Can Mere Enactment of Laws Ensure Women's Security Sufficiently?" organised by FICCI Ladies Organisation in New Delhi, the NCW Chairperson Dr. Girija Vyas said that the draft bill has recommended measures to prevent the occurrence of sexual harassment to working women both in the organised and unorganised sectors, and suggested concrete measures for the prevention of crime at the workplace.

The Bill calls for providing facilities such as pick-up and drop conveyance for women working in night shifts.

Ms. Vyas, however, pointed out that the law itself cannot be a panacea for ensuring security for women, as the executors, be they police personnel or politicians, would always find loopholes in the law, thereby making the administration of justice a farce.

The NCW Chairperson was of the opinion that counselling and training for gender sensitisation and self-protection must begin at home for the impressionable minds, which would be an easier and effective way than to change the mindsets of adults.

Ms. Usha Agarwala, president of the FICCI Ladies Organisation said a major threat to women was the increasing incidence of rape. She said often sexual misconduct goes unreported due to lack of confidence in law enforcement and the fear of stigmatisation. "Rehabilitation of rape victims", she said, "was a challenge for the society".

Ms. Vimla Mehra, Joint Commissioner of police, crime against women cell, informed the audience that the Delhi police had initiated a gender sensitisation programme for all the station house officers and assistant SHOs so that the crimes perpetrated on women were seen in the correct perspective.



The speakers at the workshop (from left) Dr. Padma Seth, Ms. Ranjana Kumari, Ms. Amy Hamelin, Dr. Sayeda Hameed and Dr. Girija Vyas

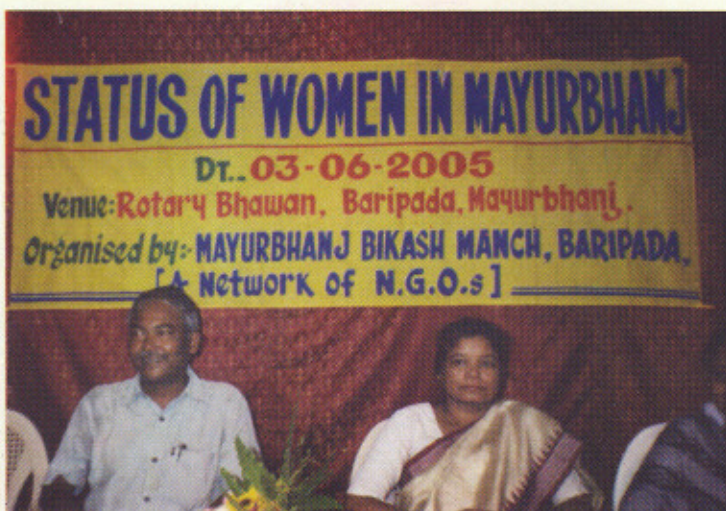
## National Democratic Institute Workshop

NCW Chairperson Dr. Girija Vyas attended a regional workshop conducted by the National Democratic Institute (NDI) in New Delhi as a part of its "Supporting Women Political Leaders in Muslim South Asia" program. The Chairperson spoke on "Reserved Seats for Women" in the Indian context. The objective of the workshop was to bring women together across parties and countries to form a regional network. Women political leaders from Afghanistan, Bangladesh, Pakistan and India participated in the workshop.

## Members' Visits

- Member Yasmeen Abrar visited Muzaffarnagar (UP), as one of the members of the Inquiry Team to inquire into the alleged rape of Ms. Imrana by her father-in-law. Ms. Abrar also visited Lucknow alongwith Ms. Neeva Konwar to inquire into a case of alleged gang-rape of a domestic help.
- Member Sushila Tiriya visited Bhubaneswar, Orissa to attend the Legal Awareness Programme and the Lok Adalat organised by the State Commission for Women. Thereafter, she attended a Legal Awareness Programme at Dhankanal. The workshop discussed Property Rights, Drugs and the role of women to prevent alcohol consumption, Economic Development of Women, Registration of FIR and women in police custody, etc.

The member also visited Baripada in Mayurbhanj District to attend a conference on the status of women in Mayurbhanj and later held discussions with the District Welfare Centre and with the Superintendent of Police regarding the Sharat rape case. She was informed that an FIR had been lodged and the investigation was in progress.



Ms. Sushila Tiriya at the Mayurbhanj conference

Ms. Tiriya also attended a workshop on the role of Govt., NGO and corporate sector regarding trafficking of women and children at Bhubaneswar in Orissa. The workshop emphasised on job opportunities and economic rehabilitation of the

## Project raksha to ensure safety of girl students

The Delhi Government has embarked on "project raksha" to impart training to nearly 6 lakh girl students to defend themselves against eve-teasers and molesters.

The Education Department, in close-association with the Delhi police, has prepared an elaborate plan to prepare the girl students in self-defence to take on the anti-social elements in view of the increasing incidents of crime against women.

## NCW wants security forces sensitized

Expressing concern over the increasing cases of sexual exploitation and trafficking of women and girl children in the north-eastern states, the National Commission for Women has suggested gender sensitisation of the armed and paramilitary forces.

At a meeting with the Commission, members of the expert committee on north-eastern states also decided to study the extent of trafficking of women in the region and the impact of HIV/AIDS.

Chairpersons of State Commissions for Women from Arunachal Pradesh, Sikkim, Meghalaya and Tripura said there was a need to study the condition of women engaged in agriculture, handicrafts and weaving sector vis-a-vis the impact of globalisation on them.

victims as well as underprivileged and backward women and maintenance of a register by the local NGO for monitoring migration of people for prevention of HIV. The workshop also suggested that the traffickers should be punished with life imprisonment and there should be more rehabilitation centres.

- Member Malini Bhattacharya held a meeting with Chairperson and Members of the West Bengal State Commission for Women in which some initial planning for programmes to be organized in West Bengal was undertaken. The State Commission for Women has agreed to organise Parivarik Mahila Lok Adalats with assistance from NCW and a meeting with NGOs, academics and activists in Kolkata. The Member suggested that the focus of the programme could be "Women's Work and Women's Health".

Ms. Bhattacharya visited Siuri town at Shanti Niketan and Tumbani village at Rampur hat where she met about 100 tribal school girls from the local Don Bosco Residential School and Nagari Girls' High School. She had a discussion with the school girls regarding their family background and food and other facilities available at the hostel and also on the problem of drop-outs. Some teachers were also present. At Tumbani, there was a large gathering of tribal men and women. The Member held a meeting with about 100 women who had gathered there and discussed various problems with them. Later, she had a meeting with the Vice Chancellor and the Registrar of Vishwabharati University and discussed with them the possibility of conducting studies on the relationship between work and health in the two adjoining districts of Birbhum and Murshidabad with the help of the University. The Vice Chancellor promised to identify departments who might be interested in helping with the study.

- Member Neeva Konwar attended a Conference on Women Development in North-East at Tezpur. The main thrust of the conference was on the operationalization of cluster based development of credit driven planning in Karbi Anglon district.

Later, she went to Sibsagar and attended a meeting of self help groups. About 1500 women from four Talukas in the Thowra constituency of Sibsagar participated. The Member explained about the aims and objectives of NCW.

The next day, she had a meeting with the Dy. Commissioner, Sibsagar, on the issues of women, particularly, the rural women living below the poverty line. She also had a meeting with the NGOs of Sibsagar. In the meeting, some women entrepreneurs of Sibsagar said that banks were not giving loan to women entrepreneurs according to their needs and urged that the banks should be asked to allot some quota in giving loans to women entrepreneurs. The Member assured them that in the near future the NCW would arrange a programme to discuss the problems of women entrepreneurs.



Ms. Neeva Konwar addressing the SHGs awareness programme

## Special desks to check crime against women

The Orissa Government is setting up special desks in police stations to deal exclusively with crimes against women and children. The desk officers have been asked to make special efforts for collecting intelligence on trafficking of women and children by networking with NGOs and people's representatives particularly of Panchayati Raj institutions in different areas to ensure effective crackdown.

The officers attached to the Desk shall collect information regarding trafficking of women and children by way of giving false promises of marriage, employment, etc., and their subsequent exploitation.

## NCW suggests rape law changes

The National Commission for Women has suggested to the government to make a few changes in the rape laws.

It has demanded stringent punishment for the rape accused besides provision for speedy justice through fast track courts as well as state compensation for the victim.

## Contact numbers of the Chairperson and the Members of NCW

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## NCW helps NRI woman

The National Commission for Women has written to the External Affairs Minister Natwar Singh to secure justice for a woman allegedly harassed by her husband in India and Bulgaria for dowry and mentally torturing her by having an illicit relationship with a Bulgarian woman. The woman is a part-time lecturer in the Department of Indology at the University of Sofia, Bulgaria.

In a letter to Natwar Singh, the NCW Chairperson, Dr. Girija Vyas requested him to direct the Indian Embassy in Sofia to liaise with local police authorities for providing protection to her and securing justice for her.

Commission had also written to the Superintendent of Police, Ghaziabad, to inquire into the matter and take action.

## A new role for daughters-in-law in villages

The National Rural Health Mission has evolved an important role for daughters-in-law in villages - ASHA or Accredited Social Health Activist. They will be a crucial link between health centres and villages for any health-related demand of deprived sections of the population, especially women and children. They will create awareness on health and mobilise the community towards health planning. They will also ensure increased utilisation and accountability of the existing health services.

An ASHA will also counsel women on birth preparedness, safe delivery, breast-feeding, immunisation, contraception and prevention of common infections. She will arrange escort or accompany pregnant

women and children requiring treatment to the nearest pre-identified health facility.

She will also be trained to provide primary medical care for diarrhoea, fever and first aid for minor injuries. She will provide essential provisions like oral rehydration therapy, chloroquin, disposable delivery kits, oral pills and condoms. Fulfilment of these roles will be through continuous upgrading of her skills, spread over two years or more.

## Important Decisions

### HC tightens divorce laws

- Seeking to plug the loopholes in the law governing divorce, the Delhi High Court has laid down strict guidelines for spouses, who unilaterally withdraw their consent causing the other party to carry the weight of a dead marriage.

Holding the withdrawal of consent by the husband as 'malafide, baseless and unjust', the court granted decree of divorce to a woman, who was tricked into a mutual consent divorce by her husband. After enjoying all benefits of the settlement like withdrawing all criminal charges against him and foregoing maintenance claim for wife and daughter, the husband backed out of the agreement, even though the husband re-married and has a child from his second marriage.

### Court orders interim maintenance to divorced woman

- A Delhi court recently ordered payment of Rs. 700 as interim maintenance to a blind Muslim woman, who was forced to leave her husband's place after allegedly being harassed by him for dowry.

Rejecting her husband's plea that he had divorced Farzana and, therefore, she was not entitled to any relief, the additional sessions judge, upholding a lower court order, said the "larger issue cannot be taken up at this stage. Till the maintenance application is disposed of, she has to be provided interim maintenance".

## NCW writes to U.P. CM

The National Commission for Women has asked Uttar Pradesh Chief Minister Mulayam Singh Yadav to look into the Imrana rape case on "humanitarian grounds" and "ensure justice".

In a letter to Mr. Yadav, NCW Chairperson Dr. Girija Vyas urged him to ensure that the law of the land prevails and that the judgement is delivered at the earliest by taking the case to a fast track court. The Commission has also sought compensation of Rs. 4 to 5 lakhs for Imrana.

A seven-member NCW team met Imrana in her village in Muzaffarnagar in Uttar Pradesh to get a first-hand account of the incident. While Imrana expressed faith in the judiciary, she said that she would abide by the religious laws. Imrana was allegedly raped by her father-in-law and the Deobandi Muftis have issued a fatwa (edict) that she should not live with her husband following the incident. She told the Commission that she was yet to receive the edict but insisted that she did not want to stay in her in-laws' house.



Ms. Neeva Konwar, Ms. Yasmeen Abrar and Chairperson Dr. Girija Vyas with Imrana (face covered)

for further information visit our website at : [www.ncw.nic.in](http://www.ncw.nic.in)