



## Editor's Column

The Supreme Court has once again come to the rescue of helpless women, who are often targets of unscrupulous men. In a recent ruling, the court has said that the Anti-Dowry Act and anti-cruelty laws will apply to any man, who lives, cohabits, and exercises the authority of a husband over any woman, irrespective of whether they are legally married or not.

The Apex court clarified that the objective of the Act is to prevent harassment of a woman, "who enters into a marital relationship with a person and later on, becomes a victim of greed for money". Can a person, who enters into a marital arrangement be allowed to take shelter behind a smokescreen to contend that since there was no valid marriage, the question of dowry does not arise? Such legalistic miceties

would destroy the purpose of the provisions", the Court added.

The Supreme Court has, thus, not only redefined the term 'husband' but also expanded the scope of Dowry Prohibition Act to cases involving

### Anti-Dowry FOCUS Law for Live-in Relationship

live-in relationships. It further clarified that the absence of a definition of 'husband' to specifically include such persons, who contracted



marriages ostensibly and co-habited with women, was no ground to exclude them from the purview of Section 304B IPC (dowry death) or 498-A of IPC (cruelty).

Admittedly, the terms 'husband' and 'wife' may require strict technical and legalistic interpretation, where claims for civil rights or right to property may be involved, but a 'liberal approach' is acceptable when the question of curbing a social evil is concerned and a narrow interpretation would defeat the purpose of anti-dowry laws, the court opined.

Thus, the Supreme Court needs to be lauded for this forward-looking judgement to check increasing cases of harassment of women engaged in live-in relationships as there was a need to interpret laws enacted to curb evils like dowry menace with 'a certain element of realism'.

It is hoped that the ruling will act as a deterrent against those men, harassing and torturing women for dowry and yet trying to escape from punishment by claiming that they are not legally married to them.

## Fast-track courts to settle cases against women

Accepting the recommendation of the National Commission of Women, the central government has decided to put women-related criminal cases on the fast track.

The union Law Minister said cases related to rape, dowry harassment, domestic violence, acid attacks and molestation would now be tried in fast-track courts so that justice can be provided to the victims within a timeframe.

The government will set up 200 more family courts to settle divorces and child custody disputes. Fast-track courts for women have been a long standing demand of NCW which argues that victims are often threatened and criminal evidence is lost during the pendency of the trial which may stretch for many years. Even the Law Commission, in its 221st report had recommended speedy trial.

## Wife to be mandatory co-owner of property

Taking women's empowerment a step further, the Maharashtra government may make it compulsory to include the wife's name in the all-important 7/12 document, which is treated as the property card. People, whose names appear on the 7/12 document are supposed to be the owners of the property.

Earlier, there was a provision to give wife the status of co-owner depending upon her husband's wish. However, the government is considering excluding the provision and making it mandatory to include the wife's name in the 7/12 document.

For this, the inheritance rights law needs to be amended. If the government goes ahead and makes the necessary changes, the wife will get equal rights regarding the dealings of the property.

## lewd remarks on campus will be crime

The Central government is planning to bring universities and colleges under the cover of the proposed law that aims to prevent sexual harassment at workplace.

Based on the suggestions made by the National Commission for Women, the Women and Child Development (WCD) ministry has asked the law ministry to include graduation, post graduation students and research scholars under the ambit of the new law by including a separate clause.

The proposed Sexual Harassment at the Workplace (Prevention) Bill, which at present covers only women employed in the government, private and unorganised sectors, would also provide protection to foreign women students in India and would be applicable to minority institutions as well.

## 'People who immolate brides must be hanged' : SC

The Supreme Court described the act of bride burning as 'barbaric' and 'uncivilised' and went on to say that people indulging in such acts should be hanged. The observation of the court came during the hearing of a bail plea filed by a convict in a bride-burning case from Bhiwani in Haryana. Refusing to grant bail to the convict, the court, however, told him that he could approach another bench for relief.

## Global recession will hurt women more

- Women more likely than men to lose jobs.
- More than half of working women will be forced to take up informal and vulnerable jobs with lower pay.
- Longer hours of work without reduction of household commitments
- Equality gains at workplace and home will be jeopardised
- Women will have weaker control over property, resources
- Women will be worst affected in Latin America and the Caribbean; least affected in East Asia, developed economies and southeast Europe.

## Women's Reservation Bill likely to get delayed

The much-delayed Women's Reservation Bill may not come up in the Budget session of Parliament as it has to be scrutinised by a new Parliamentary panel.

The first job needed to be done is to urgently reconstitute the committee which has been given the task of going into the bill already introduced in the Rajya Sabha. The reconstitution is necessary as the committee's tenure ended with the dissolution of the previous Lok Sabha.

The reconstituted committee will have to deliberate on the issue and submit its report to Parliament to enable it to complete the process within 100 days in office of the new government.

The present government had made passage of the bill in Parliament as one of the priority issues on which it has promised to initiate action within the first 100 days. The committee also had discussions with chief secretaries.

## Do You Know?

Very few women make it to the board of directors globally and India is no exception to the trend as a study says only 5 percent of directors on boards of the 1,500 Indian companies surveyed are women. Besides, only 26 percent of these companies have women directors.

## Shiney Ahuja Case

A three-member NCW team led by Dr. Girija Vyas visited Mumbai to take stock of the Shiney Ahuja case and talk to the victim. Ahuja has been arrested earlier for allegedly raping his maid.

At a press conference called by NCW, wherein the Chief Minister of Maharashtra was also present, Dr. Vyas said that she perused the medical report and it confirmed rape. She said that the police had also recorded the statement of the victim in front of a magistrate under Cr.P.C. 164 and she was satisfied with the investigation and had full faith in the judiciary. She also spoke to Ahuja's wife, who reiterated her husband's innocence and demanded that the maid's background be checked.

Dr. Vyas also said that the NCW had chosen the Ahuja incident as a test case to press for stricter laws against sexual harassment at workplace and for protection of maids and domestic workers.

The CM said they would be setting up a fast-track court for speedy trial of the case as demanded by NCW and would provide financial assistance and best possible support to the victim so that she would be able to resurrect her life.



*Dr. Girija Vyas, Mahesh Bhatt and Maharashtra Chief Minister Ashok Chavan leave after the press conference.*

## Working Women's Tools

1. Put up a verbal boundary and look straight in the eyes. Most aggressors would leave the woman alone if they feel she is not afraid to fight back.
2. Know your safety props – always carry a deceptive weapon, be it a pepper spray, air pistol or an aerosol deodorant as a deterrent.
3. Be vigilant of your surroundings and always have a plan before stepping out.
4. Appoint a “Safety Buddy”, who would take your call irrespective of his/her situation or location. You may have a safety code that might tell your buddy that you are in trouble.
5. If travelling in a cab or an auto, pretend to be speaking to your folks on the mobile, giving your whereabouts.
6. For safety at work, always keep your colleagues informed about your whereabouts, while you are out for meetings.
7. For those living alone, the front door, hinges, windows should be of good quality and change the safety devices when required.
8. Before travelling to a new place, keep a road map of that area and be aware of the various exit routes that can be used in case of an emergency.
9. For dealing with road rage, do not hesitate to say sorry while alone.

*(Courtesy: the Statesman)*

## Important Decisions

### ● **Soon, a Prison for Women, by Women**

Taking cognizance of the directive of the National Commission for Women that all states should have at least one prison exclusively for women to ensure better security and privacy, the Karnataka government will convert the existing jail in Tumkur into an all-women's prison to ensure that women prisoners and undertrials are treated with dignity and not harassed and exploited inside the common jail.

The prison authorities have asked the PWD to renovate the historical jail to relocate women convicts lodged in over 100 jails and sub-jails across the state. Once the renovation is complete, the process of shifting women prisoners from different parts of the state to Tumkur Jail will begin.

Besides roomier cells and recreation centres, the renovated prison will have a hospital, a creche to accommodate up to 60 children of

the inmates, and classrooms for continuing education for the convicts. Current figures reveal that 180 women convicts and another 200 women undertrials are languishing in different jails across the state.

### ● **Women can use present law to fight past crimes**

A city court has held that women subjected to violence by their husbands even before the Domestic Violence Act came into force can sue their husbands under the Act. The act came into force in October, 2006.

### ● **'Victim's Testimony enough to nail rapist'**

A rape accused can be convicted on the statements of the victim under oath, even if they are not supported by any independent witness, a Delhi Court said.

The court said an accused could be convicted on the basis of the victim's testimony alone if it inspired confidence and looked natural.

The court's observations came in a verdict sentencing 19-year-old Sandeep Kumar, an electrician, to a seven-year jail term for raping a woman after trespassing into her house on the pretext of repairing a fault. A fine of Rs. 5,000 was also imposed on the convict, who was found guilty of house trespass and rape.

### **Pregnant Woman thrown out of train**

Taking note of the heinous incident of a pregnant woman along with her three-year old daughter being allegedly thrown out of a running train by two constables of Govt. Railway Police (GRP) in Lakhimpur Kheri district of U.P., the National Commission for Women Chairperson, Dr. Girija Vyas said that she would write to the U.P. Govt. for a report of the incident and ask for compensation to be given to the victim, who died instantly while the child was undergoing treatment.

## Profile in Courage

A day before her marriage, 15-year old Bhuvaneshwari ran away from her home in Aragalur village, 430 km west of Chennai, travelled 80 km to Salem town and walked into the district collector's office to lodge a complaint.

She said her parents tried to marry her off to a 35-year-old man despite her opposition. The collector handed

over the case to the Superintendent of Police.

The girl, who recently passed her Class 9 exams, told the police officer that she wanted to continue her studies and her dream was to qualify for the Indian Police Service.

The SP warned the family that if they proceeded with the wedding, they'd be prosecuted. The father said

he was unaware that child marriage was illegal and punishable under the law. The age of consent for marriage is 21 for boys and 18 for girls. After negotiations, it was decided that the groom would marry Bhuvaneshwari's 20-year-old cousin instead.

On his part, Bhuvaneshwari's father said he would support his daughter in whatever she chose to do.

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