



Editor's Column

The National Commission for Women has applauded the Union Cabinet's clearance for introduction of Protection of Women Against Sexual Harassment at Work Place Bill 2010 in Parliament as a major victory for women rights. The Commission had forwarded a draft bill to the government in 2004 after extensive consultations with various stakeholders. The Commission hopes that the Bill will be passed in the coming winter session of the Parliament and will soon become a law.

Under the proposed legislation, women will have a forum to complain against harassment that may include physical contact, demand or requests for sexual favours, sexually-coloured remarks or even showing pornography. The legislation will apply to all organized and unorganized sectors and there is a penalty provision for employers, who do not comply.

The Bill has also made provision for compensation for women that can

be deducted from the salary of the guilty person. The penalty, if harassment is proved, will be levied keeping in view the victim's mental suffering and trauma, income and financial status of the victim, medical expenses incurred by the victim and loss in career opportunity because of the incident.

FOCUS Sexual Harassment at Workplace Bill, 2010

The bill proposes to bring in its ambit all private sector undertakings, enterprises, institutions, establishments, societies, trusts, non-government organizations, units or service providers carrying out commercial, professional, vocational, educational, industrial, health services or financial activities - including hospitals and even nursing homes.

Acknowledging victims' need for absolute confidentiality, the bill says no information on the complainant or the complaint can be made known to the media or public "in any manner".

Under the proposed bill, an employer will be liable to a fine of Rs. 50,000 for failure to comply with those provisions, which will require all employers to provide a safe working environment for women.

The bill provides protection not only to women, who are employed but also to any woman, who enters the workplace as a client, customer, apprentice, and dailywage worker or in an adhoc capacity. Students, research scholars in colleges or university and patients in hospitals have also been covered. Regrettably, domestic helps are not covered by the bill.

If enacted, the bill will ensure that women are protected against sexual harassment at all workplaces, be it public, private or unorganized. This will contribute to realization of their right to gender equality, life and liberty and equality in working conditions everywhere. The sense of security at the workplace will no doubt improve women's participation in work, resulting in their economic empowerment and inclusive growth.

Do you know?

According to the 2010 Human Development Report, India fares worse than Pakistan when it comes to gender equality. In fact, the country ranks lower than all other countries in South Asia, save Afghanistan.

On maternal mortality also India trails Pakistan. The figure for Pakistan is 320 deaths per 1,00,000 live births. In India, the figure stands at 450. The adolescent fertility rate in India is 68 births as compared to 45 births per 1,000 live births in Pakistan.

To commemorate the birthday of Smt. Indira Gandhi on 19th November, 2010. Dr. Girija Vyas, the Chairperson of the National Commission for Women held a press conference to apprise the media of the various initiatives taken by NCW to improve the lot of women.



On the occasion of Smt. Indira Gandhi's birth anniversary, the Chairperson garlanding her statue.

The Chairperson said that the Commission had reviewed the 1986 Act and had drafted amendments to the Indecent Representation of Women (Prohibition) Act, 1986, to broaden the definition of "indecent representation" and expand the scope of the Act to include electronic and digital media and make punishments more stringent which would include, fine and imprisonment and sometimes both. The applicability of the Act will be extended to audio visual media, electronic media and also SMS, MMS chips, including internet. Every advertising agency, media group, production house, should create and maintain a self-regulatory mechanism. A Central Authority may be set up to regulate or prohibit indecent representation of women.

Concerned over blatant vulgarity on prime time television, the Commission has also demanded that the amended Act be passed immediately to ensure monitoring of the electronic media.

The demand comes in the wake of public outrage over two reality shows *Big Boss* and *Rakhi Ka Insaaf*.



Chairperson addressing the press. Sitting on the dias (from left) Member Secretary Ms. Zohra Chatterjee, Ms. Ranjana Kumari, Ms. Yasmeen Abrar, Ms. Wansuk Syiem

Dr. Vyas said that unless a law was enacted, shows like these could not be stopped.

Speaking about marriageable age for girls, Dr. Vyas said that NCW had conducted nationwide consultation with various stakeholders to come up with the recommendation regarding appropriate age of marriage.

Calling for clarity in marriageable age, Dr. Vyas said that contradictory provisions in a number of laws on the minimum eligible age for marriage has led to varied interpretations of these laws by courts in recent child marriage cases. In a bid to bring about clarity on this issue, the NCW had recommended to the government to make 18 years the marriageable age for girls and 21 years for boys.

She said that NCW would sign an MOU with the Centre for Social Research to conduct workshops in 6 states where child marriage was rampant.

While speaking on rape victims, Dr. Vyas said the NCW had submitted a draft scheme for relief and rehabilitation of the victims to the government after extensive all-India consultation with all stakeholders and NGOs.

Under the scheme, the NCW had proposed interim financial assistance of Rs. 20,000 and restorative support services up to Rs. 50,000. The final amount of Rs. 1.3 lakhs is to be directly disbursed by the District Board within a period of 1 month from the date on which the

affected person deposes in the trial or within 1 year from the date of filing of FIR, (whichever is less) in case where the recording of evidence has been unduly delayed for reasons beyond control of the victim.

In special cases, the assistance may be increased by the State Board up to Rs. 3 lakhs, in cases involving minor girls, mentally-challenged, handicapped women,

HIV/AIDS affected women or those, who get pregnant because of the rape, etc.

Dr. Vyas also released a book entitled “Study on Maternal Mortality Rate and Infant Mortality Rate in Five Districts of Bihar”. Later, she gave away prizes to the winners of the Essay Competition held during the Vigilance Awareness Week.



Shri Vibhash Tripathi, Shri Harishankar, Ms. Jasvinder Kaur and Shri V.K. Asthana receiving the 1st, 2nd, 3rd and 4th prize respectively.

Members' Visits

Member Yasmeen Abrar visited the Central Jail at Kota to assess the condition of female inmates. The women section of the jail had 23 inmates. The condition of the jail was generally clean and good. However, as a single hall was allotted to the female section, it was overcrowded. All inmates were undertrials and married, with four women having children with them. The inmates are provided with recreational and medical facilities, including yoga training.

The member suggested that the female wing should have a separate kitchen, so that the quality of food would improve. The inmates should be taught stitching and embroidery and the children should be provided with some education related training.



Ms. Abrar talking to the inmates

● **Woman harassed for dowry can't be punished for giving it, says HC**

The Delhi High court has ruled that a woman harassed for dowry cannot be punished for giving it.

Till now, the husband and his family had been armed with a powerful tool to dissuade a married woman and her parents from pursuing a case of dowry harassment by filing a counter-case against the woman for giving dowry, which is also an offence under the law. But not anymore.

The Court ruled that "Victims of circumstances" cannot be made to pay for their vulnerability. It noted that the Dowry Prohibition Act also contains such stipulations. Therefore, if a complaint is lodged by a man relying on the woman's statement that her family had fulfilled dowry demands, this cannot boomerang on her and form the basis of ordering a case against the woman and her family. It should be checked if they were "victims of circumstance" and if the dowry was given when confronted with a threatening situation (created by the bridegroom's family).

In most instances, the case against the wife is lodged as a counter-case by her husband booked for dowry harassment.

● **Rape age fixed at 18**

The government has fixed 18 years as the maximum age until which forceful sexual intercourse with the wife can be deemed as rape. The National Commission for Women, which had proposed inclusion of marital rape as a punishable offence in the IPC, said it would have preferred doing away with age limit to accept all rape as rape irrespective of the woman's age.

● **Maternity leave can't be limited based on number of children**

Madras HC Bench has ruled that a woman government employee, who delivered twins in the first delivery itself cannot be denied maternity leave benefits for her second delivery on the ground that she already had two surviving children.

● **Sex after false promise of marriage is rape : Court**

Stating that sexual relationship with a woman on false promise of marriage amounts to rape, a sessions court in Mumbai convicted a 20-year-old man for sexually exploiting his colleague. Saying that the accused caused damage to the victim's reputation and left behind a trail of misery, the Additional Sessions Judge sentenced the accused to five years of rigorous imprisonment for rape and cheating.

Screening a film on breast cancer

Namrata Singh Gujral's 1A Minute, created to build awareness round cancer, specially breast cancer was screened recently in New Delhi. It traces the struggle of celebrity women with cancer as they relate their experiences. The screening was organised by Uniglobe Entertainment in association with the National Commission for Women and Nargis Dutt Memorial Charitable Trust.

Speaking on the occasion, Dr. Girija Vyas, Chairperson, National Commission for women said, "It gives me immense pleasure to be associated with this campaign called 1A Minute. We hope that the film will be able to connect with people across the world making them realize the gravity of the cancer situation worldwide. With the increasing number of breast cancer patients across the globe, it is time that people took control of the situation. I sincerely hope that people come, watch this film and support it in every way as a small step can help save the lives of thousands of underprivileged people who cannot fund their treatments".

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