



# Rashtra Mahila

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## Editor's Column

Despite the Supreme Court decision in the Gita Hariharan case in 1999, that a mother is the natural guardian of her children, the Mumbai regional passport office rejected a 19-year old girl's passport form because she mentioned only her mother's name on the form which was not accepted as a substitute for her father's name. Fortunately, a judgement given by the Mumbai High Court has since clarified the legal position and directed the passport authority to grant her a passport as a special case, as long as she mentioned the foster-father's name in place of the real father.

The Mumbai girl refrained from giving the name of her biological father because he had abandoned her mother and her since her birth and she thought it justified to leave his name out as he had not communicated with her ever since she was born.

However, the passport office should have been satisfied with the mother's name, as the Supreme Court has ruled that the mother should be given equal rights as a natural guardian. Nevertheless, forms in India-whether those needed for applying for a PAN card, a mutual fund, a bank account, or

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**MOTHER'S  
RIGHT**

admission to professional bodies and educational institutions - often make the father's name mandatory but not the mother's name. This, indeed, is a retrograde step which compromises gender parity.

Admittedly, the society is changing and with the ever-increasing number of single mothers, whether by choice, widowed or divorced, the mothers often

face problems in getting admission for their children in schools or getting passports, etc.

Recently, at a seminar organized by the National Commission for Women, Women & Child Development Minister, Smt. Renuka Chowdhury promised to take up with the ministries concerned, the issue of incorporating the mother's name along with the father in all official forms pertaining to children.

She further added that in the case where either of the parents is to sign, the option should be left to the adult child whether to get it signed by the mother or the father.

Today, with the changing social milieu, not only the laws need to keep up with the times but there should be a perceptible change in the mindset of those who still consider the father as the head of the family.

## 3 year child care leave

The Centre has increased maternity leave for its employees to six months and has also cleared paid leave for two years to take care of children.

The order, effective from September 1, increases maternity leave of women employees from 135 days to 180 days for each of their two children. From now on, women employees can take paid leave up to two years (730 days) during their career for taking care of their two children without affecting their seniority. Even if a woman has only one child, she can take the two-year leave termed "child care leave". This will be besides the maternity break they are entitled to.

A woman employee can avail of child care leave in any combination till her two children are 18 years of age. In line with the Sixth Pay Commission proposals, the new leave regime for women means that during their stint with the government, they can avail of paid leave of as much as three years, provided they do it only for two children.

The government has notified that child care leave can also be availed of in continuation of the six month maternity break. It means that a woman employee deciding to have only one child can continue on paid leave for two-and-a-half years at a stretch.

## Marriage registration bill passed in Arunachal

The Arunachal Pradesh Assembly today unanimously passed the Registration of the Marriage Bill for compulsory registration of marriages in the State.

The Supreme Court in a 2006 judgement had directed all State Governments for enactment of a legislation for compulsory registration of marriage.

The SC had said such registration would be of critical importance in preventing child marriages and marriages without consent of the parties.

## NCW asks for enquiry into police action in Mangalore

The National Commission for Women (NCW) has demanded an enquiry into police action against peaceful demonstrators in Mangalore and adjoining places, and also against the erring policemen.

During her two-day visit to Mangalore, Chikmagalur and Udupi in Karnataka, NCW Chairperson Dr. Girija Vyas found that 19 churches had been attacked in the recent violence.

She was specially critical of the brutality with which policemen dealt with the protestors, particularly, women.

Dr. Vyas said policemen had reportedly entered nunneries, churches and chapels while dealing with rioters. Some nuns were also injured in the process. Those responsible for such incidents should be brought to book, she said.



Member Neeva Konvar and Dr. Girija Vyas visiting a victim of police atrocity.

The NCW has also demanded that all those arrested should be produced before the magistrate and no fresh arrests should be made unless there were serious charges against the individuals.

## Seminar on Security for Night Shift Workers



At the seminar on security for women workers Dr. Girija Vyas (2nd from right) and Ms. Neeva Konvar (right)

The National Commission for Woman in collaboration with the Karnataka State Legal Services Authority, All India federation of Women Lawyers and ASSOCHAM organized a seminar on 'Security Measures for Night Shift Women', at Bangalore.

Dr. Girija Vyas, Chairperson NCW, said that "all companies should have an internal code for women working in night shifts for their safety and security". She said that all drivers must be verified by the police and wear uniforms and the call center owners must provide the police a complete

record of the antecedents of the drivers. NCW has recommended that there should be global positioning system in the vehicles for tracking the position of transport vehicles and provision of radio talkie should be a pre-condition while outsourcing taxis.

Bangalore and Ludhiana were found to be highly insecure zones with 44 and 45% of working women respectively being prone to high rate of crime in the metropolitan cities.

## Members' Visits

- Member Neeva Konwar was the chief guest at a seminar on 'Women Work and Empowerment', organised by Sri Venkateshwar College in New Delhi.

Ms. Konwar appealed to the students to help in empowering their fellow sisters and brothers residing in rural India. She also explained various legislations enacted for the protection of women.



*Ms. Neeva Konwar (2nd from left) at the seminar.*

- Member Yasmeen Abrar visited Guwahati in connection with the preparations of the seminar on Diyan Pratha. She also met officials of the Assam State Commission for Women and representatives of ten NGOs and discussed various issues related to harassment of women.
- Member Manju Hembrom attended a meeting on trafficking of women and children in the districts of Sahibganj and Pakur respectively, in Jharkhand.

At both the meetings, ex-MP, Ex MLA, DM, SP, CDPO, all Pradhans and officer in charges of thanas were present. The local administration, the police and the village Pradhans were asked to identify the traffickers so that they could be booked and incidents of trafficking contained.

Ms. Hembrom visited Bhubaneswar to assess the situation prevailing at district Bargah, where Rajni Majhi, a 20-year old girl was burnt alive. She met the Chief Secretary to discuss the case and also spoke on the phone to S.P. And DM and asked them to submit a detailed report to the Commission at the earliest.

## Tougher laws for NRI Marriages

To prevent non-resident Indians and overseas Indians deserting their wives after marriage, the Centre has decided to enforce compulsory registration of all marriages solemnized in India and help women fight their cases in India and abroad.

The pro-forma for the registration will be uniform across the country and contain all relevant information to establish the identity of grooms.

Overseas grooms will have to mention their social security number, passport particulars, identity card/labour card, etc at the time of marriage registration.

The comprehensive registration from will help identify and track overseas grooms in case of dispute or distress. The government is also developing a more effective system

of serving notices and summons by fast-track courts in litigations related to overseas Indian marriages.

Besides, timely registration of FIRs, suitable bilateral agreement with foreign countries, information campaign to educate prospective brides and provision of more funds for women to defend their cases in foreign countries are some of the measures the government plans to take to help Indian women deserted by their overseas Indian husbands.

The National Commission for Women will be the coordinating agency and will receive and process all complaints related to Indian women deserted by overseas Indians.

The state governments will have to pass on information regarding court orders against accused NRIs to emigration authorities to prevent such people from leaving India.

Provisions on serving notices, summons and enforcement of maintenance order will be made part of the mutual legal assistance treaties, especially, with the US, UK, Canada, Australia and New Zealand, where the problem of desertion of Indian women by overseas Indians is acute.

The ministries also decided to launch a vigorous campaign to educate prospective brides and their families about the precautions they need to take before forming alliances with overseas Indians.

## Important discussions

### • Kin of incapacitated staff can also get jobs : SC

The Supreme Court has said that appointment on compassionate grounds is not restricted to death-in-harness cases only. The kin of those, who seek retirement on account of incapacitation can also avail themselves of this facility.

When an employee dies in harness, his family is thrown into penury and sudden distress on account of stoppage of income but where a person is permanently incapacitated due to serious illness or accident, and his services are consequently terminated, the family is thrown into greater financial hardship. Because not only the income stops, but at the same time there is a considerable additional expenditure by way of medical treatment as also the need for an attendant to constantly look after him," observed a the Bench.

### • No alimony for wife earning well: High Court

The Delhi High Court has ruled that a woman earning sufficient income is not entitled to maintenance from her estranged husband. The observation came while the high court set aside a

family court's order of Rs. 7,500 monthly maintenance in a matrimonial dispute to a woman earning Rs. 80,000 a month.

According to a Supreme Court ruling, a woman is entitled to maintenance if her independent income is insufficient to maintain the standard of living she was accustomed to while living with her husband.

The Delhi high court accepted the woman's Rs. 80,000 monthly income as sufficient for self-maintenance.

### • Abortion till 24 weeks to be legal

In the wake of nationwide debate regarding abortion laws, which the Nikita Mehta case generated, the Centre is planning to legalise termination of pregnancy till 24 weeks from the existing 20 weeks norm. With so much of technological and medical advancement, the centre felt there was a need to review the Medical Termination of Pregnancy Act.

Mumbai-based Nikita Mehta was denied permission to terminate her pregnancy after 20 weeks though the foetus was detected with a heart problem. At present, the law

states abortion can be done only upto 20 weeks if the child is found to have some problems or beyond 20 weeks if the mother's life is at risk.

### MCD starts helpline on sexual harassment

The Municipal Corporation of Delhi (MCD) has started a sexual harassment complaint helpline for their employees and students studying in MCD schools, which will ensure confidentiality of the complainant.

A person can either mail the complaint to the civic agency or call them to register the complaint. This is being done in the light of the fact that many of the complaints go unreported due to pressure from superiors.

Around 25 cases of sexual harassment have been reported so far out of which 13 are from the education department. Now the complainants will have a direct link so that they don't feel hesitant in coming forward to report such instances.

The e-mail address where complaints can be sent is [helplinecomplaintsmcd@gmail.com](mailto:helplinecomplaintsmcd@gmail.com) and the telefax is 23919312.

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