



Editor's Column

History is repeating itself. Despite all major political parties commitment to give political space to women, the long-standing Women's Reservation Bill ensuring 33.3% reservation for women in Parliament and state legislatures failed to figure in the list of legislative business to be taken up in the monsoon session of the Parliament.

Lok Sabha Speaker Meira Kumar's bid to hold an all-party meet to test the water on women's reservation failed to break fresh ground as many parties stayed away and others expressed opposition to reservation of seats for women in no uncertain terms. No consensus seems to be in sight with many constituent partners of the ruling alliance demanding 'quota within quota.'

Though women constitute nearly 50% of the population, their number in Parliament and state legislatures has always been negligible. Therefore, asking for 33.3% reservation is not illogical or absurd but a legitimate demand of women.

The latest attempt to get all political parties to discuss the issue of reservation has reached-as in several times in the past-a dead end. No consensus seemed to be in sight.

FOCUS

WOMEN'S RESERVATION BILL

Now the ball is in the Government's court. But if the same kind of objections are raised whenever a consensus is sought, the bill would

die a natural death. Can the government allow that to happen? When will India's women, who hold almost "half the sky" would find their place in the nation's decision-making process?

As far as NCW is concerned, it has held many strategic sessions, comprising women MPs and women's groups to get this bill passed in the Parliament. For NCW, this is not merely a women's issue but a national issue and should be taken up as a nation's priority. Once it becomes a law, given its uniqueness and far-reaching significance, the bill would not only revolutionise electoral politics in India but would be a harbinger of social change ending age-old discrimination in the political system.

Chairperson writes to Law Ministry on 'exclusive' fast-track courts

NCW Chairperson Ms. Mamta Sharma has written to the Law Minister Shri Salman Khursheed to set up 'exclusive' fast-track courts to dispense quick and exemplary punishment in cases pertaining to heinous crimes inflicted, specifically, on women, such as rape dowry death, domestic violence, trafficking, sexual assault, etc.

In her letter she said, "while the increasing crime graph is a cause of grave concern, it is a matter of further concern that the recorded cases represent perhaps a small fraction of the actual crimes against women and comparatively few convictions are secured after a long legal process causing further harassment and suffering to the victims."

She urged the Ministry of Legal Affairs to take up with the Chief Justices of the States the issue of setting up of 'exclusive' fast-track courts to deal with crimes against women, adding that special recruitment and training of sufficient number of judicial officers, proficient in concerned laws, along with adequate budget provisions would be required to address the issue holistically.

Health cover for domestic help

The Union Cabinet has cleared an annual insurance cover of ₹ 30,000/- for domestic workers in the 18-59 age bracket, under the Rashtriya Swasthya Bima Yojana. This will entitle them to cashless treatment at empanelled hospitals anywhere in the county, with the help of a smart card.

The scheme is expected to benefit around 47.5 lakh workers, majority of them women. To enroll, helps will need identification certificates from two of the four eligible entities-employer, residents welfare association, registered trade union and the local police.

The states will have to bear 25% of the cost of making the scheme available. In case of North-East and Jammu and Kashmir, the state government will have to bear 10% of the cost.

Working group on "Women's Agency and Empowerment"

The Planning Commission has constituted a working group on "Women's Agency and Empowerment" for the 12th Five-year-plan under the Chairpersonship of Secretary, Ministry of Women and Child Development. NCW Member-Secretary Ms. Zohra Chatterji has been nominated as the member of the above working group.

Ms. Chatterji has also been nominated as the Chairperson of the subgroup-Legal Framework for Women of the working group-on 'Women's Agency and Empowerment' to appraise the implementation of existing women specific and women-related legislative frameworks, mechanisms for their implementation as well as identify areas for reform and suggest corrective measures.

NCW requested for UID Cards for the widows of Vrindavan

The National Commission for Women on the orders of the Supreme Court conducted a survey on the widows of Vrindavan and thereafter submitted its findings to the Supreme Court on April, 2010.

One of the findings of the survey was that many widows are unable to get ration cards and other incidental benefits as they lack proof of residence.

In a significant initiative, the NCW has take up the matter with the Director General and Mission Director, UID, to issue unique identity cards to such widows as a first step towards delivering further facilities like ration cards etc. to them.

NCW's response to Section 498 A and Prohibition of Sexual Harassment at Workplace Bill

- The Rajya Sabha Committee on Petitions is reviewing a petition praying for amendments in Section 498A of IPC filed by Dr. Anupama Singh. The petitioner has prayed that Section 498 A be amended so as to make it bailable, non-cognizable and compoundable.

However, according to NCW, Section 498 A is a very important legal recourse available to women to combat cruelty and torture perpetrated on them. NCW is strongly opposed to any dilution or amendment of the provision, which it feels, will set up dangerous precedent, and would be detrimental for the women victims of crime. NCW has provided facts and figures supporting the view that the Section, in fact, has been put to little use, and has not been misused as alleged.

- After country wide deliberations and national consultations, the National Commission for Women had sent a final draft on "Prohibition of Sexual Harassment at Workplace Bill 2010" to the Ministry of Women and Child Development on 12th February, 2010.

The Ministry has tabled the Bill on 7th December, 2010 in the Lok Sabha and it has been referred to the Parliamentary Standing Committee on HRD as "Protection of Women against Sexual Harassment at Workplace Bill 2010."

In the draft, NCW has proposed inclusion 'domestic workers' in the Bill.

Judicial, Prosecution Officers, Defence Personnel and Prison Officers Visit NCW

Higher Judicial officers, SP/DCP and above, Prosecution Officials, Defence personnel and Prison/Correctional administrators from all over the country visited NCW and interacted with the Members and officers of NCW.



Ms. Zohra Chatterji interacting with the visiting officers

Among the topics discussed were issues relating to dowry, non-registration of FIRS, insensitive behaviour of the police and the judiciary, problems of corruption and inefficiency in the police, shoddy and prolonged investigation in rape cases, etc. However, there were divergent views regarding section 498 A. Some suggested it should be compoundable, others felt if made compoundable, it would cause more harassment to women. Member Secretary Zohra Chatterji presided over the meeting.

Street Plays

On 15th August, the National Commission for Women launched Street-plays by Drishantar and SBS Foundation at Burari and Raghuvver Nagar in New Delhi, in order to create awareness on women-related issues and their rights as the street plays are the simplest and affective way of directly spreading messages on contemporary issues to a target audience.

The plays mainly focused on issues such as female foeticide, domestic violence, need for education of girl children, gender equality etc.

The plays also highlighted penalties and punishments that would be meted out to the perpetrators, who violated women-related laws.



Heavy fine, strict punishment for female foeticide

The Delhi government is considering imposing a heavy fine and strict punishment for those involved in prenatal sex selection test. As per existing legislation, any ultrasound clinic can be closed down if it conducts sex determination tests.

The 2011 census data said that the sex ratio of 866 women per 1,000 men in the Capital is the fourth lowest among all the States and Union Territories.

Registration of FIR on running trains

Now complaints of molestation, eve-teasing or other forms of crimes against women can be lodged in running trains.

Affected women can register FIRs with the T.T. or the guard, who will immediately send the report to the concerned, Railway Protection Force post.

This will also help the police to nab the culprits quickly. Earlier, the complainants had to detrain to lodge complaints with the government railway police and consequently incur additional expenses as well as harassment.

Free ultrasound for pregnant women

From 1st August, under the aegis of Janani Shishu Suraksha Yojana, pregnant women will not have to pay for ultrasound test in government hospitals. The hospitals will also bear the transport costs incurred by the pregnant women, when they come to the hospitals for delivery.

Raise age for child maintenance to 21: Court

A trial court in Delhi has urged the centre to amend the Hindu Maintenance Act enacted 60 years ago, which entitles a child to get maintenance only till the age of 18, saying that now the age should be increased to 21 so that the child is able to finish his studies and earn a livelihood.

The court made these remarks while hearing the plea of a boy whose father stopped giving him maintenance when he turned 18.

The court expressed its limitations in not being able to direct the man to pay maintenance as the law did not provide for such a provision. "This court has no option but to allow the defendant (Father) not to pay maintenance to the son. At the same time, the court feels that the aforementioned provision should be amended. A child (other than a married daughter) should be entitled to maintenance till he/she attains the age of 21 provided he/she is still pursuing his/her studies or otherwise incapable of earning his/her livelihood or it be left to the court to determine till when a child be provided maintenance." the judge said.

IMPORTANT DECISIONS

• Financial status not sole criterion for custody

A Delhi city court has denied a father the custody of his minor child stating just his financial status cannot be considered as the reason for granting the child's custody.

Noting that the child's welfare is the sole criterion for decision in such cases, the Additional Sessions and Civil Judge refused a Delhi resident's plea seeking his son's custody from his separated wife and allowed him to visit his son once a month.

• NRIs dumping wives will invite punishment for cruelty: Court

A New Delhi city court held that abandoning wives by NRIs grooms after the wedding or ill-treating and abusing them will trigger criminal prosecution against such men and they can be punished for perpetrating cruelty.

• Pay maintenance to estranged wife

A Delhi trial court has said that a woman's qualification and her ability to earn a living do not affect her right to seek maintenance from her estranged husband.

The court rejected the contention of the man, who refused to pay maintenance to his wife saying that she was well-qualified and competent enough to maintain herself. The additional sessions judge said, "When a man marries an unemployed woman, promises to look after all her needs and wants her to be a homemaker, he cannot say that the wife is qualified enough to maintain herself even after their separation."

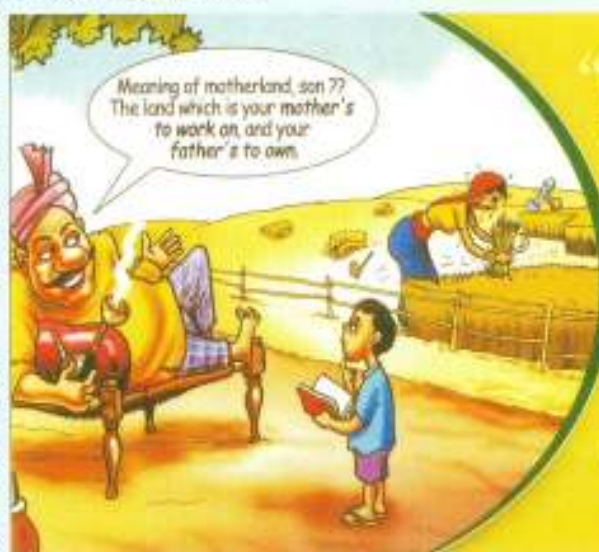
The court directed the husband to pay a maintenance of ₹ 15,000 per month to the wife from the date of filing of the application before the trial court. The court also directed the man to clear the arrears of maintenance within 2 months from the date of the order.

• Denying wife money is violence: HC

The Bombay High Court has ruled that denying financial support and access to matrimonial home to the wife by her husband is domestic violence. Upholding the lower court order, the court said that the estranged wife, who was thrown out of the house in 2011, can file a complaint under the Domestic Violence Act.

The husband's lawyers claimed that all incidents of alleged abuse were before 2005. So, the Domestic Violence Act cannot be given retrospective effect. The wife's lawyers contended that since the marriage had not yet been dissolved, the cause of action still continued.

The HC agreed. "The denial of access to shared household to the wife took place prior to coming into force of the Act, but such denial continued even thereafter," the judge said. The court held that the husband could not be allowed to "defeat the provisions" of the law by depriving his wife, who is legally entitled to a shared household. "By giving relief to the wife for such continuous breach of the legal right, would not amount to giving retrospective effect to the provisions of the Act of 2005," the judge said while dismissing the husband's petition.



It's time to change your attitude towards women

74.8% of rural women in India are agricultural workers but only 9.3% own the land.

NCW is working for women's property rights.

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