



Editor's Column

In a landmark judgment, the Supreme Court has given permission to a 26-year-old woman to medically terminate her 24-week-old pregnancy as the foetus is suffering from anencephaly, a serious birth defect in which a baby is born without parts of brain and skull.

The woman had challenged the Medical Termination of Pregnancy Act (MTP Act) 1971 that prevents abortion beyond 20 weeks even in cases of fatal risk to the mother and the foetus. She has argued that the ceiling is unconstitutional and violated her right to live, calling it "unreasonable, arbitrary, harsh and discriminatory".

Admittedly, with the present advancement of medical science and technology, much more information can be gained about

the condition of the foetus after 20 weeks than earlier. Hence, the Act, which is 45-year-old now, should have been amended a long time ago to spare women the trauma of pursuing legal battles for terminating foetuses that are medically termed as "not compatible

FOCUS

Update Abortion Laws

with life". The Attorney General's contention that any relaxation would facilitate female foeticide is questionable as there are specific laws to deal with such issues.

The National Commission for Women has also given proposals for amendment of the MTP Act to provide for abortion where the "pregnant woman is a minor or pregnancy is a result of rape or incest or pregnant woman is physically and mentally challenged or continuance of the foetus would involve risk to the mother

or the foetus is suffering from grave abnormalities."

Internationally, too, a woman can seek an abortion in case of abnormal foetus. However, each country has its own time limit, which in most cases is more than 20 weeks. Switzerland, Great Britain and the Netherlands are the only nations that do not have a ceiling.

Here it is relevant to mention that the Health Ministry in 2014 had suggested amendment to the law allowing abortion beyond 20 weeks in certain circumstances. Then why should it take so long for the idea to become a reality? Since the issue is not politically contentious, there is no valid reason why the decade-old law should not be amended expeditiously, when lives of so many expectant mothers are hanging in the balance.

NCW Chairperson and Member call on the President of India

NCW Chairperson Lalitha Kumaramangalam with Member Sushma Sahu called on the President of India, Shri Pranab Mukherjee to discuss issues relating to women's safety and gender justice.



Important Decisions

- Pregnant women working in Govt and private sectors soon will be entitled to 26 weeks of maternity leave, helping them to balance their professional commitments with personal lives and stop expecting mothers from leaving their jobs. A group of ministers, headed by the Finance Minister, has agreed to the Labour Ministry's proposal. If the Union Cabinet clears the proposal, India will become one of the forty countries where maternity leave spans more than eighteen weeks.
- The Union Cabinet cleared a model law that allows shops, malls and cinema halls amongst other establishments to run 24x7 throughout the year. It also provides for women to be employed in night shifts if the provisions of shelter, rest room, ladies' toilet and adequate safety and transportation are provided to them along with provisions for drinking water, canteen, first aid and crèche.

Workshop on Women's Entrepreneurship Opportunities

The UNDP India recently held a workshop in partnership with CII on 'Skill development and entrepreneurship opportunities for women', in Delhi. The objective of the workshop was to present the business case for women's increased participation in the workforce within the private sector, regional governments and skill providers; develop strategies to scale and broaden existing efforts with participants' support.

Speaking on the occasion, the Chief Guest, NCW Chairperson, Lalitha Kumaramangalam said that India's demographic dividend would become the biggest challenge in 20 years hence if gender equality was not addressed in employment and entrepreneurship. She stressed on the need for strengthening soft skills of women so that their latent potential was converted into equitable opportunities for personal and professional growth. However, she was optimistic and said very soon women would become equal partners in country's progress, leading to changes in the lives of women across the country.

All participants agreed that more needs to be done to achieve gender parity, and right jobs must be identified for right women.



NCW Chairperson delivering a lecture at UNDP workshop

Role of Women in 'Make in India'

Yuva Vikas Kendra organized its 12th Annual Lecture in Guwahati on 'Role of Women in Make in India: Opportunities and Challenges ahead'

NCW Chairperson, Lalitha Kumaramangalam, in her keynote address said that 'Make in India' was not only an issue for foreign investment but an innovative idea for the country to surge ahead through developmental activities. She said women have to take more responsibilities for the project. In India, even today, women face many problems. Though

many women are directly engaged in agriculture, they have no legal land rights. The Chairperson said women must be aware of gender-related laws such as the Dowry Prohibition Act, the Domestic Violence Act, the Sexual Harassment Act, etc. She appreciated the Central Government's schemes like Dhan-Jana Yojana, Atal Pension Yojana, Health Insurance Schemes for women. She appealed to women to develop their skills to become self-reliant.

About 180 participants, including senior citizens, women and youth were present in the lecture.



NCW Chairperson addressing the gathering

From the PPMRC Cell

The National Commission for Women in collaboration with the Ministry of Panchayati Raj has undertaken a massive nation-wide capacity-building training programme for elected women representatives. The Tata Institute of Social Sciences, Mumbai, has been commissioned by NCW to develop training modules and create framework for large scale implementation. To make the training – its content delivery, pedagogy and implementation process most effective and relevant to the grassroots women leaders, Proof of Concept (PoC) exercise is most crucial. The PoC exercise in one of the states is expected to provide the foundation for the massive implementation strategy to reach out to elected women representatives across the country. Jhalawar district in Rajasthan has been selected for the exercise and capacity building programmes were conducted in two phases from 2nd – 4th May and 16th – 18th June, 2016, respectively

Consultation on 'Human Trafficking'

The Legal Cell organized a consultation on 'Human Trafficking' in the Conference Hall of NCW chaired by the Chairperson. The consultation was attended by Member Rekha Sharma, Member Secretary, Preeti Madan, Dr. Lopamudra Baxipatra, Joint Secretary, WCD, Ms. Chhaya Sharma, DIG, NHRC, Mr. P.M. Nair from TISS and Ms. Bharti Ali from Centre for Child Rights and Mr. G. Nagarajan, Under Secretary, NCW.

The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016 was thoroughly examined and it was concluded that the draft bill in its present form suffered from legal lacunae and flawed consultation process. Therefore, there was need to have a relook at the entire Bill, as owing to ambiguity and obscure provisions of the Bill, it would not be effective and could not be accepted in totality. A letter with regard to the same has been sent to the Ministry of Women & Child Development.

Profile in Courage

A young bride called off her marriage minutes before the Jaimala ceremony after finding the groom was drunk. The incident took place at Naugachia at Bhagalpur district in Patna. The bride, a teacher at a Government school, realizing that the would-be husband was completely drunk, threw the garland on the floor of the Mandap and ran her to her make-shift room, leaving everybody stunned. The girl's stand drew wide appreciation from her relatives. The Baratis were taken hostage till the dowry amount was returned to the girl's family.

Expert Committee meeting

A meeting of the Expert Committee on social, economic and political empowerment of women of the North East States was held in the Commission, attended by the Chairpersons of North East States, resource persons and representatives from the state governments as well as personnel from the Tata Institute of Social Sciences. The participants deliberated upon the draft reports submitted by each state and deliberated on their recommendations.

Intervention by NCW

- A woman had filed a complaint against her husband alleging dowry harassment and domestic violence. In her complaint, she had also stated that her husband had filed a divorce petition against her in Georgia, USA. The Commission took up the matter with the Ministry of External Affairs to provide help to her under the scheme for providing legal and financial aid to women deserted by NRIs or overseas spouses. The Ministry, on perusal of the matter, found it an appropriate case for granting aid to the complainant.
- A complaint was registered with the NRI cell of NCW regarding desertion of an Indian woman and her minor child by her NRI husband without providing any financial support. She also said that she had registered a complaint with the Mumbai police but no action was taken. The Commission pursued the matter with the Indian Consulate in the USA as well as with the Mumbai police. After Commission's intervention, the Mumbai police has filed a charge sheet in a Mumbai Court.
- The Commission received a complaint from a woman faculty member of IIM Ranchi, alleging that her complaint of sexual harassment at workplace was not properly enquired into by the ICC, which was also not constituted as per law. NCW took up the matter with Director of IIM Ranchi, seeking clarification to which a point-wise reply was received. However, the Commission prima facie, found the reply not satisfactory and the Director has been summoned to the Commission to depose on 26 July, 2016.

Members' Visits

- ❖ Member Sushma Sahu, along with Advocate Manish Kumar visited Motihari to conduct an enquiry into a case, wherein a resident of Ramgarhwa District – East Champaran (Motihari) was kidnapped and raped by one villager. He also took her picture on his mobile and made an MMS. After coming to know of the incident, her parents went to the house of the accused and warned them that they would report the matter to the police. The family of the



Member Sushma Sahu (Centre) listening to the complaints

accused, thereafter, threatened them of dire consequences. After two days, the accused along with his brother not only raped the woman in the presence of several persons but brutalised her, too. Later, the victim was given primary treatment and was medically examined after a week. However, the Police officials did not arrest any one of the accused. The enquiry team recommended stringent action against the doctor and police administration. Later, summons was issued to Dr. Prashant Kumar, Civil Surgeon Motihari, to appear before the Commission but he failed to do so. Thereafter, summons was issued through the Principal Secretary, health department, Bihar. The civil surgeon appeared on the due date and deposed before the NCW team. The team also wanted to know the status of cases reported during the last ten years wherein medical investigations under section 376 of the IPC had been done and also enquired about the doctor, who was responsible in this particular case. ● The Member along with Chairperson, NCW met the President of India Shri Pranab Mukherjee and the Union Home Minister Shri Rajnath Singh to discuss matters related to the condition of women in Bihar and also discussed atrocities committed by the police and medical officials. ● The Member visited Sambalpur, Bhubaneswar, Cuttack and other districts of Odisha from 13th to 16th July, 2016 to enquire about the heinous crimes against women. The Member also wrote a letter to Hon'ble Home Minister about the condition of women in Odisha.

- ❖ Member Rekha Sharma, who is in charge of Eastern State Commissions, such as West Bengal, Odisha, Chhattisgarh, Jharkhand and Andaman & Nicobar, attended a regional consultation organized by NCW on Draft National Policy for Women at Bhubaneswar. ● The consultation was also attended by some NGOs of eastern states.



Member Rekha Sharma (in glasses) conducting enquiry at Yamuna Nagar

● Taking suo motu cognizance of a report, "Rajasthan woman tattooed with abuse, allegedly by in-laws," an Inquiry Committee headed by Member Rekha Sharma visited Jaipur to enquire into the case. The Committee will send its observations and recommendations to the concerned authorities. ● Taking suo motu cognizance of the report "Boy writes to PM: Punish the Rapists", an Inquiry Committee headed by Member Rekha Sharma visited village Jhotwara in Rajasthan to enquire into the case. The Committee will send its observations and recommendations to the concerned authorities. The Member visited a DDA flat in Kalkaji to investigate into a complaint submitted by a lady against her daughter-in-law. ● Ms. Sharma, taking note of a report, "Mentally challenged girl was raped in Haryana Government Hospital", visited Yamuna Nagar in Haryana to enquire into the case. She met the Chief Medical Officer, Medical Superintendent, DSP, the Inquiry Officer as well as eye witnesses. She found that the alleged rape had been committed by a contractual worker, working in the hospital, without police verification. The Inquiry Committee is trying to get suitable compensation for the victim and help her rehabilitation.

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