



Editor's Column

Divorce in India continues to be a cumbersome, longstanding and painful process. In sync with Indian psyche that marriages are sacrosanct and cannot be tinkered with, whatever be the circumstances, the courts are against granting divorce to couples, even when they have decided to part ways amicably. Such an approach not only infantilizes grown-up adults but also clogs the courts themselves.

However, in a recent ruling, the Madras High Court has observed that if a married couple wants divorce by mutual consent, it is not a court's business to deny them judicial separation by insisting on knowing the reason for their decision.

Noting that a court could not act like a fact-finding authority, a two-judge Division Bench said, "In case the marriage is a failure and the parties wanted to put an end to the marital bond, the court should respect the sentiments and grant divorce. It is not the intention of the legislature to deny divorce in spite of the parties taking a conscious

decision to part ways.

Coming down heavily on a Family Court in Tirunelveli for having dismissed a joint divorce plea filed by a couple, who have been living separately from July, 2014 onwards, the judges said, "Once it is convinced that it would not be possible for the parties to live together, and they have opted to dissolve the marriage peacefully, the endeavour of the court must be to grant a decree of

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PAINLESS DIVORCE

divorce rather than compelling them to live separately even thereafter."

Setting aside the order of the Family Court, which had dismissed the petition on the ground that parties have not assigned any reason for not being able to live together, the Bench added, "Whatever be the reason, psychological, or otherwise, it stands established that the parties have not been able to live together and have mutually agreed that their marriage should be dissolved. This is all Section 13-B of the Act requires, and when that ingredient stands satisfied, it is not possible to throw out the joint petition against the wishes of the parties."

Recently, in a similar ruling, the Supreme Court has allowed an estranged couple's plea for divorce by mutual consent by waiving the waiting period of six months, exercising its power under the Constitution to do "complete justice".

A two-judge Bench of the apex court granted relief to the couple after taking into consideration their several years of litigation, separation after a few days of marriage and both parties' desire to move on with life. The Bench said, "We are of the view that it is a fit case to invoke our jurisdiction under Article 142 of the Constitution of India and grant a decree of divorce by mutual consent by waiving the statutory period of waiting."

Admittedly, the problem in India lies in the fact that women are still viewed through the prism of patriarchy and considered dependent on their husbands. But the social reality has changed considerably with women becoming economically independent. In such a scenario, a couple's decision to mutually end their marriage is normal. Courts must not stand in their way.

Important Decisions

- The Delhi High Court has said that Passport Authorities cannot insist upon mentioning the name of the father in the document as there is no legal requirement upon insisting upon the father's name in the Passport. The court was dealing with a petition filed by a youth, whose renewal of passport was rejected by a Regional Passport Officer for not mentioning the name of his biological father.
- The Delhi Police has launched five all-women PCR vans that would respond to women's distress calls. The vans will be deployed around Delhi University and prominent market places based on the volume of the calls. The vehicles would be patrolling around Vigyan Bhawan, Jesus & Mary College, Khan Market Metro Station, American Centre at Kasturba Gandhi Marg and Moti Lal Nehru Marg.

Complaints received by NCW in August, 2016

Month	Complaints received	Number of complaints on which action taken	Closed
August, 2016	1793	1666	777

NCW took Suo-moto Cognizance of 26 cases in August, 2016

Gender Just Food & Nutrition Security in India

The India Food Security Portal organized the Second National Conference on 'Gender Just Food & Nutrition Security in India' in New Delhi. The Conference brought together national policymakers, researchers, donors and implementing agencies to present the most recent evidence on gender and food security in India that will contribute to the ongoing local policy debate. The Indian Government is currently finalising National Policy for women 2016, focusing on empowerment of women, health and nutrition, economy, education, governance and decision-making, violence against women, environment and climate change.

Delivering the keynote address at the inaugural session, NCW Chairperson, Lalitha Kumaramangalam said that alcoholism has increased steeply in the country and gender aspect of development has not kept pace with the over-all development of the country. Regional marginalization of women has been increasing even when they constitute 50% of the population. She highlighted that women still lacked access to money and the right to spend it, which denied them of empowerment to take independent decisions. The NCW is working towards gender imbalance and highlighting the necessity of nutrition for women.

Policy Dialogue on Gender-Just Food and Nutrition Security in India

August 29, 2016, Tamarind Hall, Indian Habitat Centre
INTERNATIONAL FOOD POLICY RESEARCH INSTITUTE - New Delhi



Ms. Nitya Rao & NCW Chairperson at the conference

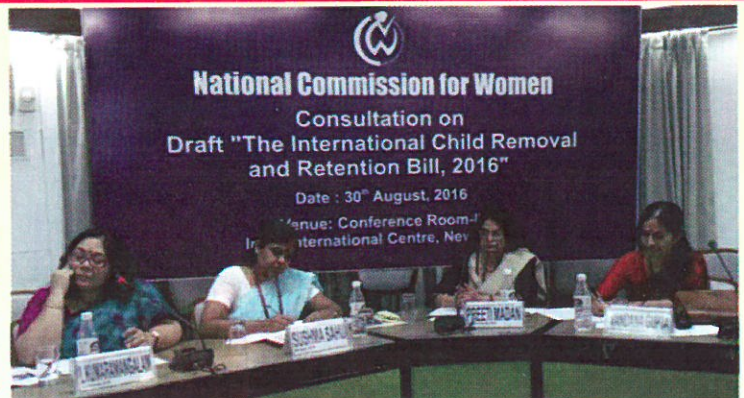
Condition of Women in Mental Asylums

The National Commission for Women organized a consultation on 'Improving the Condition of Women in Mental Asylums' based on NCW-NIMHANS research study at the Conference Hall of NCW. Smt. Krishna Raj, Minister of State, Ministry of WCD, inaugurated the Conference. The Chairperson, addressing the participants, lamented the deplorable conditions of many mental asylums all over the country. Dr. Pratima Murthy from NIMHANS and her team presented a model action plan for improving the condition of the inmates in psychiatric institutions.

Various stakeholders, such as, representatives from the psychiatric institutions, civil society, Ministry of Health & Family Welfare, Ministry of Women & Child Development and State Governments, shared their views during the consultation. Later, deliberations were held on issues and challenges faced by women admitted in these institutions in order to bring out an action plan for monitoring the well being of the inmates as has been proposed in the research study.

From the NRI CELL

The Commission organized a consultation in New Delhi under the chairpersonship of Lalitha Kumaramangalam on International Child Removal and Retention Bill, 2016 to discuss and review the draft legislation. The Consultation was attended by stakeholders from the Ministry of External Affairs, the Telangana and Punjab Police, the National Human Rights Commission, the National Commission for Protection of Child Rights, Telangana State Commission for Women, State Commission for NRI Affairs in Punjab, legal experts and mothers, whose children had been abducted.



At the consultation (from left) NCW Chairperson, Member Sushma Sahu, Member Secretary Preeti Madan, Joint Secretary Vandana Gupta

Do you know?

According to the Delhi Police data for this year till July 31st, two women lost their lives every five days over dowry dispute. There has been a 15 to 25% surge in cases of dowry deaths as well as cruelty by husbands and in-laws this year.

The Obstetrics & Gynaecological Society of Hyderabad recently hosted ICOG-FOGSI National Conference on Fertility Regulation and Women's Health at Hyderabad. About 1000 gynaecologists across India attended the conference.

Admittedly, violence against women is a serious human rights violation, starting from sex selective abortion, infanticide, sexual abuse, child marriage, incest, child prostitution, acid throwing, trafficking, marital rape to psychological abuse, etc.

FOGSI, the Federation of Obstetricians & Gynaecologists of India and FIGO, the international body of worldwide Obstetricians and Gynaecologists are committed to speak up, focus on and work hand in hand with all stakeholders in this issue. While FIGO has a highly proactive working group on violence against women, FOGSI has a violence against women (VAW) cell.

Speaking on the occasion, NCW Chairperson Lalitha Kumaramangalam said that as about 30% women face violence, gynaecologists should develop a women and victim-friendly approach and work in tandem with the police to prevent such violence. The inaugural session was followed by a well-attended, public forum and cyclathon in which 300 men, women, boys and girls actively participated raising slogans and holding placards. Colleges, IT sector, the media and NGOs working for the welfare of women took part in this initiative.



The Chairperson (2nd from left) with others at the inaugural ceremony.

Profile in Courage

In a show of exemplary courage, a 26-year old North-Eastern woman fought a man, who tried to molest her and got him arrested in South Delhi's Khirki Extension area. She fought tooth and nail with the accused and raised an alarm, which attracted some passersby. The woman also kept hold on the accused, who was later nabbed by the police of a PCR van that reached the spot. On her complaint, a case under Section 354-A was registered at Malviyanagar Police Station and the accused was arrested. The Jt Commissioner of Police Robin Hibu, who is also the nodal officer for the North-East people in Delhi, hailed her exceptional courage and said that a letter of appreciation and a reward of Rs. 5,000 will be presented to her in a ceremony.

Making a Difference

A woman has mortgaged her 'Mangalsutra' to construct a toilet in her house at Barakhanna village in Bihar's Sasaram, following which Rohtas District Administration made her the ambassador of total sanitation programme. Phool Kumari took the step after she had failed to raise adequate money by working as a cook.

Suo-Motu Cognizance

- Member Rekha Sharma, heading an enquiry committee visited Behrampore Mental Hospital to enquire into a media report "Mental patients stripped of dignity, live naked" wherein it was reported that about 50 inmates of a mental asylum at Behrampore in West Bengal are forced to remain naked, because of alleged callousness of the authorities. Twenty of them are women. They say their clothes are so badly infested with bugs that they prefer to go nude. Later, the Commission sent a letter to the Superintendent, Behrampore Mental Hospital to furnish a report regarding the number of inmates alongwith their case history and facilities made available to them.
- The Commission has taken cognizance of the report that appeared in several electronic and print media captioned "Two women injured in separate acid attacks" wherein it was reported that two women, one an

eighteen year old girl at Paatika Bazar in Murshidabad and another a 40-year-old woman from Joynagar sustained injuries after they were attacked with acid. Member Rekha Sharma, as Chairperson of the Inquiry Committee went to Murshidabad to inquire into the matter.

● Taking suo motu cognizance, Member Rekha Sharma along with Ms Geeta Rathee JTE (legal) visited Mewat to investigate into the media report captioned “Couple murdered, their nieces gang raped in night of horror” wherein it was reported that a couple was murdered and their two nieces were allegedly gang raped by masked armed men, who also tortured the rest of the family. The Member met the rape victims and the injured and assured them of fair and speedy investigation. She told the SP and his team to properly investigate the case so that the victims get speedy justice. The District Magistrate also promised to take steps to ensure security and rehabilitation of the victims. Ms Sharma also visited the Medical College, wherein the victims had been admitted. The Director and the doctors on duty assured her of best medical help to the family.

Members' Visits

❖ Member Sushma Sahu alongwith Shri Raman, PS to Chairperson visited Coimbatore to enquire into a complaint received in the Commission. ● The Member alongwith Ms. Mridu visited Nari Niketan, in New Delhi. ● The Member alongwith Ms. Geeta Rathi, Technical Expert (Legal)(Jr), visited Agra to enquire into a newspaper report that a resident of Agra, who was also a recipient of Bravery Award was facing police apathy. In this connection, the team met the victim and her family members. The



Member Sushma Sahu at the Jan Sunwai at Allahabad

Member also enquired about the complaint from SHO, Moantola. The SHO informed that action was being initiated. ● Ms. Sahu alongwith counsellors, Shri Sarvesh Kr. Pandey and Smita Jha attended a Jan Sunwai at Allahabad. At the Jan Sunwai 44 cases were taken up. Out of which 32 were closed, and in 12 cases directions were given to police authorities for speedy action. 13 cases, taken up on the spot were forwarded to police authorities for further action. ● The Member alongwith NCW Chairperson, Sr. Coordinator, Kanchan Khattar and counsellors attended a Jan Sunwai in New Delhi on 19th September, in which about 80 complaints were heard by the Chairperson and the Member, in the presence of the complainants, and lawyers of the Delhi State Legal Services Authority.

❖ Member Rekha Sharma inspected the DumDum Correction Home in West Bengal which has 368 inmates. ● Later, she visited the Alipore Jail helped by 32 NGOs. Though the home was over crowded, the women seemed to be happy. Many vocational courses like baking, stitching, painting, embroidery, candle making etc, are conducted for the inmates.



Member Rekha Sharma speaking at the programme on 'Save the Girl Child'.

● Ms Sharma attended a large Mahila Jan Sunwai organised by NCW in which 50 complaints were heard. Most of them were settled and the rest were referred to the police for further action. ● The Member attended another NCW organised Jan Sunwai at the Crime Against Women Cell in Nanakpura, Delhi. ● Ms Sharma was the chief guest at a programme on "Save the girl child " organised by World Vision India . While speaking on the occasion, the Member urged the people to educate their daughters instead of giving dowry for their marriage. Interacting with a large number of students, she said that there were a lot of opportunities for the new generations and they should remain focused on their goals.

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