



Rashtra Mahila

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Chairperson's Farewell Letter

As I prepare to lay down my office in January, 2005, I am overwhelmed by a variety of emotions. By the honour given to me in placing me at the National Commission for Women first as a member in 1999 and then as its Chairperson in January, 2002; by the fraternal support and cooperation given to me by numerous individuals and organizations in the Government and outside; by the media and the academia-with whom I had extensive interactions during this period.

Above all, I shall always carry with me the kindness and affection showered on me by multitudes of women whom I met in a variety of circumstances throughout the length and breadth of the country - be it in public hearings, collective meetings or through individual interviews.

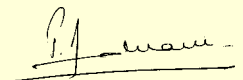
In all this, I am conscious that I have received more than I have given and I go back a changed person, with my knowledge enhanced, empathy deepened and perspectives widened. I have no doubt that the Commission will continue to strive even more to realize the vision of the empowered woman. I will be content to be part of this mighty endeavour, wherever I am.

I would also like to take this opportunity to bid farewell to all readers of Rashtra Mahila, with whom I developed a distant kinship through our News Letters and who had indirectly been a source of inspiration to me during my tenure.

As I am about put my signature, my thoughts go out to thousands of men, women and children, who have been afflicted by the tragedy that struck our eastern shores and the Islands last week. Let us all dedicate ourselves to building a nation and society that cares for all its members, specially, the marginalized ones, like women and children.

My contact numbers : Tel. : 022-22182508, Fax : 022-22185637, E-mail : padvani@rediffmail.com




(Poornima Advani)

Editor's Column

1st December was the World AID Day. This year it was dedicated to women and girls. The idea was to highlight the links between gender inequality and the epidemic. Today, nearly half of those living with HIV/AIDS worldwide are women. In India, 36% of people estimated to be living with HIV, are women. The recently released UNAIDS/WHO AIDS update mentions that serious epidemics are underway in several states of India and the problem is being compounded by India's large population.

There are many causes of women's and girls' vulnerability to the infection like ignorance, lack of knowledge about the means of transmission and the ways of

protection against it, socio-cultural biases, lack of employment opportunities, economic dependence, poverty, prostitution, sexual violence and exploitation within relationships.

In India, awareness of HIV/AIDS among women is distressingly low—only 20% of women in some areas have correct knowledge about the disease. Moreover, women who are affected, have hardly any access to care and treatment, often abandoned

Focus HIV/AIDS

by the family members and shunned by the society.

The social consequences of such

a staggering number of women living with AIDS are alarming, more so in poor countries, where they hold families and communities together. It is unfortunate that despite a decade of high profile campaign against HIV/AIDS, and substantial funding, the country has not achieved a marked decline in incidence.

Deeply concerned, the NCW has called for a thorough review of the National AIDS Control Programme (NACO) to make it more women-friendly. It suggested redefining immuno-deficiency and delinking it from AIDS to avoid unnecessary scare that was making life of affected women difficult. All cases of HIV are not AIDS and this has to be made clear to all to save the victims from

+ stigma and ostracization related to AIDS.

The NCW has recommended to the government, a plan of action based on four pillars—awareness and training, care and treatment, support and rehabilitation, enforcement and penalty. It has also recommended free treatment to people living with AIDS and promotion of women-friendly reproductive and sexual health services in both public and private sectors. Finally, there must also be a review of laws to empower women and a liberal employment opportunities alongwith health education on HIV/AIDS to combat the spread of the dreaded disease. In addition, a strong political commitment to change the socio-economic causes are called for.

Meeting of Chief Justices

A one-day All-India Meeting of Chief Justices of High Courts on Women Empowerment vis-a-vis Legislation and Judicial Decisions was organised by NCW in New Delhi on 11th December, 2004. The Chief Justice of India, Shri R C Lahoti was the Chief Guest. The CJI delivered the inaugural address and also presided over both the working sessions. Justice B P Singh and Justice B N Srikrishna shared the dais along with the CJI and the Chairperson of the National Commission for Women. Among other dignitaries present on the occasion, were Prof. N.R. Madhava Menon, Director of National Judicial Academy, Bhopal, Prof. Nomita Aggarwal, Dean and Head of the Department of the Faculty of Law, Delhi University and Prof. Ranbir Singh, Director of NALSAR, Hyderabad.

Speaking on the occasion, Justice Lahoti advocated the need for appointing more women judges to High Courts, also as Chief Justices to ensure speedy delivery of justice to women.

“The female members of the Bar may be encouraged in the profession, may be given assignments as Court Commissioners for inspections and recording statements of witnesses. Preference may be given to female lawyers in the matter of assigning legal aid work or *amicus curiae*



At the meeting of Chief Justices of High Court, Chief Justice R.C. Lahoti and NCW Chairperson Dr. Poornima Advani



Chief Justice Lahoti interacting with NCW Members (from left) Ms. Nirmala Sitharaman, Dr. Sudha Malaiya, Ms Baby Rani Maurya and Chairperson NCW

briefs so that they have more and more effective appearances in courts,” he said.

Asking the judges and lawyers to treat women with courtesy and dignity while appearing in the court, Mr. Justice Lahoti said that any gender bias has to be carefully guarded against in the courtroom and this protection should be extended to women present or appearing in the court either as a member of the staff, party, witness or member of the legal profession. Directing the lawyers to begin court proceedings involving women on time and proceed in an orderly manner so that it concludes expeditiously, the Chief Justice said it was necessary to prevent the need of repeated appearance of women.

Mr. Justice Lahoti suggested that examination and cross-examination of women witnesses must be conducted by the court itself or

under the direct supervision of the presiding judge.

Landmark decisions delivered by the Indian Judiciary in the past two decades bore testimony to the fact that judges could not be accused of gender injustice but such sensitivity was individual and needed to be institutionalised, he said.

In her opening remarks, the NCW Chairperson, Poornima Advani, sought a ban or curtailment of trial by the media and televised re-creation of crime that often hampered investigations. Ms. Advani also suggested amendments in women-related laws to make them more women-friendly.

Mr. Justice Lahoti also released a book “Search for a Vision Statement on Women Empowerment vis-a-vis Legislation and Judicial Decisions,” written by Dr. Padma Seth.

Members' Visits

● Member Baby Rani Maurya visited Varanasi, Bhadohi and attended a regional workshop on dalit women, organized by the UP State Commission for Women in Varanasi and public hearings on dalit women organized by Dr. SSR Foundation, in Varanasi and Bhadohi. Later, she called a meeting at the Circuit House, Varanasi, to inquire into a case of police atrocities on women marching peacefully in a demonstration against water pollution by the Coca-cola management in Mehndiganj (Varanasi). She also attended a public hearing on dalit women involved in potato-grading and zardozi work in Farrukhabad.

On 10th December, the Member attended a workshop on women development at Taoru in Gurgaon, where women were honoured for becoming economically self-reliant. On 14th December, Ms. Maurya, visited Agra and attended a public hearing on violence against women commuters in the railways, to understand the problems faced by women commuters and discuss the safety measures which needed to be taken by the railway authorities.

The member attended a public hearing on violence against dalit women in Nasik. She also visited Ludhiana and attended a regional workshop on dalit women organized by SIRD (Nabha). Dalit women belonging to Punjab, Haryana and Himachal Pradesh, participated in the workshop.

● Member Dr. Sudha Malaiya alongwith Chairperson attended a public hearing on women manufacturing kites. She also heard Zahira Sheika's complaint against Teesta Sitalvad for wrongful confinement. MsMalaiya visited the Paper Manufacturing Industries at Nadiad and Anand to study the impact of mechanization of paper rolling on women. The member inspected the District Jail, Nadiad, and interacted with the inmates. Most of the under trial women prisoners were booked for dowry harassment. Later, she had a meeting with the district administration.

Ms Malaiya inspected the Mahila



Ms. Baby Rani Maurya felicitating a woman at Taoru.



Dr. Sudha Malaiya with women prisoners at Nadiad.

Protection Home at Juhapura and interacted with the inmates. She visited the Tribubandas Foundation run by Amul Dairy and also visited Raj Kamal Vanita Utkarsh Mandali Ltd. and Shriju Mahila Hastakala Udyogic Sahkari Mandali Ltd. and interacted with women workers. Later, she met a group of women entrepreneurs engaged in different Commercial and entrepreneurial activities.

● Ms. Nafisa Hussain attended a Public Hearing of women engaged in Karchobi (Embroidery) organized by Haryali at Pilibhit in U.P. Ms. Hussain visited the faculty of Technology and Engineering, M.S.

University and also had a meeting with the NGOs at Vadodara. Later, she had a meeting with the wholesale dealers of kites and held discussions with women engaged in manufacturing/production of kites.

Ms . Hussain visited Godhra and had a meeting with the NGOs and paid a surprise visit to Civil Hospital in Devgadhi Baria. She also visited the sub-Jail and had a meeting with the NGOs, followed by a visit to the Nootan Girls High School at Devgadhi Baria. Ms. Hussain, along with Mr. Jaleel Ahmad, investigated into the rape of a woman in the District Hospital, Bareilly. Ms. Hussain and Ms. Sudha Malaiya also

investigated into the rape of a blind girl by a blue line bus driver at R.K. Puram.

The member visited Gaziabad to investigate into the alleged rape of Vijalaxmi by her father. Ms. Hussain along with Member Ms. Ansuiya Uike visited Nokha village in Bikaner to investigate into the dowry death case of Ms. Bharati Joshi.

- Member Anusuiya Uike visited Jaipur along with Member Nafisa Hussain to inquire into a case of alleged parading of a naked woman at village Virat Nagar, Jaipur on 8th December, 2004.

- Member Uike along with Member Nafisa Hussain attended a meeting with Rajasthan State Commission and officers of Deptt. of Women and Child Development on the pending cases referred to by the National Commission for Women on 9th December, 2004 at Jaipur.

Investigation by NCW

The Commission took, suo motu cognizance of the news printed in the *Times of India* dated 26.10.2004 about the rape of a blind girl by a bus driver at R.K. Puram, New Delhi. A two member investigation team comprising Member Nafisa Hussain and Dr. Sudha Malaiya was constituted. The team visited R.K. Puram and Vasant Vihar Police Station and also met the victim, her father, the accused and police officials.

The team appreciated the action of Vivek Vihar, R.K. Puram and Vasant Vihar police in arresting the accused in no time but was critical of Vasant Kunj Police. The team suggested that the media should not show video and picture of the victim and the Govt. should give compensation to the victim.

Public Hearing

The National Commission for Women held a Public Hearing on

the condition of Bonded Labourers in Rice Mills of Red Hills at Thiruvallur, Tamil Nadu.

About 500 men, women and children, working as bonded labourers in rice mills had assembled.

Observations/Findings

- There are over 10,000 bonded labourers in rice mills in Redhills. Thousands of Irula tribal families are kept as bonded labour in hundreds of paddy processing units of rice mills.

- Many rice mills are without basic amenities of drinking water, light, toilet, bathrooms.

- The loan is carried from one generation to another. Thus, even children are made to work to return the debt incurred by their parents.

- Cleaning, boiling, drying the wet paddy, packing and carrying are done by adults.

- Wages are given every four days, at the rate of Rs. 8 per bag, which is violative of the minimum wages fixed by the State Government labour department for rice mill workers at Rs. 84 for 8 hours of work.

- The women workers are compelled to start working on the fourth day after delivery.

- The deponents complained of beating, wrongful confinement, sexual harassment of women workers and exploitation of child labour.

Recommendations

- Immediate release of bonded labour families, who have already filed complaints to the RDO and their rehabilitation in a fortnight.

- Prosecution of the employers under provisions of the Bonded Labour Act, SC/ST Prevention of Atrocities Act, Factories Act and securing the arrears due.

- Payment by the owners of rice mills under the Minimum Wages

During the month of October, 2004, 522 complaints were registered in the Complaints Cell under various heads such as Dowry, Dowry death, Sexual Harassment at workplace, police apathy etc.

Act, along with penalty, as prescribed under the Act.

- Take strict action against district officials, who have failed to implement the Bonded Labour Act.

- Rehabilitation of the bonded labour families through provision of housing, milch animals and agricultural land within two months.

- Provide free and compulsory education to children labourers of rice mill workers of Redhills.

- Strict implementation of the provisions of Factories Act, (i.e. 8 hour shift, safety, prohibition of child labour), the Schedule Castes and Schedule Tribes Prevention of Atrocities Act, Maternity Benefit Act, ESI and EPF Acts and Minimum Wages Act.

- Prosecute the employers and their henchmen, who have sexually harassed women, beaten up children and adult workers. The mill owners, who were responsible for the unnatural death of Valli should be prosecuted under the Bonded Labour Act 19 of 1976, SC/ST Act and Minimum Wages Act, and IPC.

- To file necessary complaint and investigate the same relating to the workers named Balu and Mari.

- Constitution of vigilance committees for monitoring implementation of the above as per the Bonded Labour Act.

For further information visit our website at :

www.ncw.nic.in