



Editor's Column

The recent ruling by the Delhi High Court that sexual harassment can take place even outside the office premises acknowledges the changing nature of a woman's job. Now-a-days, a woman's work is not confined only to her office but she often works from her house or any other place. Though, the High Court, has taken note of the changing nature of a woman's job, yet a legal seal is necessary to remove any confusion. That is, if a man misbehaves with a colleague at her residence, he cannot escape departmental proceedings on the ground that the incident took place outside the office premises.

Taking a broader interpretation of the term 'workplace', the High Court has

enlarged upon the Supreme Court guidelines on sexual harassment at workplace, which have been quite clear in defining what amounts to sexual harassment as well as the redressal mechanism in case of a complaint. While these guidelines have definitely increased awareness among women employees

SEXUAL HARASSMENT AT WORKPLACE

and the employers, yet in cases of complaints with regard to sexual harassment, the guidelines are not followed properly. Many offices are yet to set up complaints committees and even if they have, they do not follow all the guidelines suggested by the Supreme

Court. Moreover, in many cases, the employers are loathe to enquire into such cases and take action against the guilty. In any case, many women prefer to suffer in silence rather than report such incidents. Even if someone does report, there is tremendous pressure on the woman employee to withdraw the complaint which is often perceived as hypersensitivity rather than preserving self-dignity.

While employers need to show zero-tolerance when it comes to sexual harassment, there is also need to educate people on this issue. The office ethics and work culture should be such that it would generate respect for women and create a harmonious atmosphere where men and women can work together with mutual respect and dignity.

Consultation on Victims of Torture

The Delegation of the European Commission to India in collaboration with the United Nations Information Centre (UNIC) organized a special event in New Delhi, to observe the "International Day in Support of Victims of Torture." In her welcome address, Ms. Daniele Smadja, Ambassador, Head of Delegation of the European Commission to India said that the European Union was fully committed to upholding absolute prohibition of torture and other cruel, inhuman degrading treatment. Their organization was a leading source of financial support to the efforts of civil society organizations around the world to prevent torture and to provide assistance to the victims.

Giving the keynote address, Justice Rajendra Babu, Chairperson NHRC said that torture was a crime under domestic as well as international law. There is an absolute prohibition against it and no exceptional circumstances whatsoever could justify torture. He said most of the victims of custodial deaths and brutality belonged to the economically and disadvantaged sections of the society. As far as NHRC was concerned he said it had taken up redressal of individual cases involving torture and custodial death, intervened in pending court proceedings, reviewed domestic laws and international conventions, engaged in training of police and prison personnel as well as encouraged efforts of NGOs and had been working for the spread of human rights education and awareness.

Speaking on the occasion, Dr. Girija Vyas, Chairperson NCW said that on this historic day all states must reaffirm in their resolve to ensure that torture protection framework was applied in a gender-sensitive manner to help to end violence against women, to prevent, investigate and punish acts of violence against women and to provide full access to justice to the victims, including health services and rehabilitation for the harm they have suffered.



At the Consultation from (Left) Mr. Jerome Bonnafont, Dr. Girija Vyas, Ms. Daniele Smadja.

From the Complaints Cell

- A woman had complained to the Commission about domestic violence and dowry harassment by her in-laws and husband. She stated that she wanted to go back to her husband's house but he was having an extra-marital affair and was not accepting her. On the complainant's petition, a letter was sent to S.P. Alwar, Rajasthan, for conducting an investigation into the matter and submitting the action taken report to NCW. According to the SP's report, the dispute was compromised and the complainant had filed a divorce case against the accused. The case being sub-judice, has been closed.
- A man sent a complaint to the Commission regarding "dowry harassment" and abuse of the complainant's daughter, who was being repeatedly beaten by her husband and in-laws. They demanded 1 lakh rupees and threw her out of their house. Upon receiving the complaint, NCW sent a letter to S.P., Mathura, U.P. asking him to enquire into the matter and submit a report within one month. According to the report sent by the SP, the dispute between the girl and her in-laws has now been resolved and the girl is living with them. The complainant doesn't want any action now and hence the case is closed.

Bihar tops in crime against women

According to the National Family Health Survey report, in Bihar, a woman is raped every 7 hours, killed for dowry every 8 hours; and cases of torture by in-laws and husbands for dowry, filed in police stations, occur every 5 hours.

In Bihar, 59 percent of married women experience spousal violence. The national average is 37 per cent.

Competing with Bihar are Rajasthan and Madhya Pradesh both ties in second place with 46%. Tripura, Manipur (with 44%) in third place, followed by UP, Tamil Nadu (42%), West Bengal, Assam (40%), Arunachal Pradesh (39%) Orissa (38%) Jharkhand (35%).

The lowest percentage of wife beaters were found in Himachal Pradesh (a mere six per cent) and some of the northeastern states. Delhi and Kerala recorded a relatively modest 20 per cent.

NCW for new law to curb indecent representation

The National Commission for Women (NCW) has sought a self-regulatory mechanism or a new law to deal with indecent representation of women in the print and electronic media.

The need to re-look at the existing legislation is also being felt in the wake of representation of women in the television serials which may not be necessarily derogatory but do not show women in appropriate light. The serials often encourage violation of laws.

The NCW has already held a consultation in Mumbai with film directors and those in advertising for framing the new law. The second round of consultation was held in Kolkata and the final round will be in New Delhi before the draft Bill is approved. The NCW has suggested self-regulation by publishers and exhibitors with agencies and firms setting up an internal committee which could screen advertisements.

There could be a media-watch committee. The definition of "advertisement" should be widened to include posters and any visible representation made by laser light, fibre optic or any other media.

The Commission has recommended enhancement of the punishment on first conviction with fine, which may be raised to Rs. 10,000 and imprisonment for at least six months extendable to five years with a fine up to Rs. 5 lakh for a subsequent violation. The new regulation should cover child pornography also.

TWO MEMBERS JOIN NCW

Ms. Yasmeen Abrar, has been renominated to the Commission for a period of three years with effect from 15th July, 2008. Ms. Abrar is the daughter of a well-known freedom fighter of Rajasthan. A brilliant student, she grew up in a political family. A former Member of the Rajasthan Legislative Assembly from 1998-2003, she was also a consultant at Rashtriya Mahil Kosh and has been a PCC member of Rajasthan. Widely travelled in India and abroad, Ms. Abrar has been working for the upliftment of women and children for the last two decades. Ms. Abrar's invaluable experience as a former Member of the National Commission for Women, will help her to work more effectively in the NCW. We welcome Ms. Abrar to the Commission.



Ms. Neeva Konwar, has been renominated to the Commission for a period of three years with effect from 15th July, 2008. Ms. Konwar, a former lecturer, worked as an Executive Member in Assam Seva Samiti for destitute children and leprosy patients and in Mahila Imdad Committee in Assam. A former Vice-President of the Indian Council of Social Welfare, she was also director of the Allahabad Bank as well as the General Secretary, AIMC. She has attended International Conferences in USSR, Singapore, Beijing etc. Ms. Konwar had undertaken a study tour in New Zealand and Australia. As she has held a number of important political posts, her experience as an administrator and a former Member and a social activist will be an asset to NCW. We welcome Ms. Konwar to the Commission.



Do You Know?

- 44 of 543 MPs in Lok Sabha (8.1%) are women.
- 26 of 242 members in Rajya Sabha (10.7%) are women.

Making a difference

Escorted by armed men with bows and arrows because of the lurking danger of wild animals, everyday, Kamala and other women of village Malkangiri in Orissa would trudge along a 2-km. long rocky terrain to a stream on a hill to fetch water.

Finally, Kamala took the initiative and convened a meeting of women to find a way out. They decided to bring water from the stream to their village by setting up hollow bamboo poles.

More than a hundred women from Mahupadar and its neighbouring villages started working on joining hollow bamboo poles and polishing them for a water pipeline. The day they had set up the 'pipeline' and water flowed into the villages it was time to celebrate.

However, soon they found out that during summer, the bamboo pipes could not supply enough water, though the stream had sufficient water.

The women then started work on the second phase of their project. They collected dry logs and carved them into semi-circular units to direct the flow of water from the stream into the pipeline and constructed reservoirs in the village for storage.

To cap it all, they connected the reservoirs to their homes with the bamboo pipes.

The villagers, thanks to their women brigade, now not only have clean drinking water but enough to water the fields and have been growing paddy, pulses and vegetables.

More women constables to be recruited

A total of 1,067 women constables will be recruited in Delhi police bringing the total strength of the capital's women police personnel to around 4,600. Delhi Police, at present has a total strength of around 65,000.

The recruitment process has begun and women in the age group of 18-25 years can apply for the post of constables.

Among the new recruits, 535 will be from the general category, 239 from OBC, 196 from Scheduled Castes and 97 from Scheduled Tribes.

Members' Visits

- Member Nirmala Venkatesh visited Kanti Village near Allahabad to enquire into barbaric action of the police on unarmed villagers, who were protesting against the land Mafia, trying to dispossess them of their land.

The Member talked to the Dalit women, including pregnant women, brutally beaten up by the police. Later, while talking to the SSP and the DM, she asked them to file FIR against the guilty and arrest them while the menfolk arrested by the police officials should be released immediately. They were further directed to deploy a lady doctor as well as a team of police officials, led by a senior lady officer, in Kanti Village for the security and treatment of the affected people, particularly women, who have sustained serious injuries on their hips, thighs, and hands as a result of police brutality. The DM and the SSP were asked to send the action taken report within a week.



Member Nirmala Venkatesh talking to an injured woman

- Member Manju Hembrom attended a one-day workshop on 'causes and solution of suicide and alcoholism' at Puducherry.

Speaking on the occasion, Ms. Hembrom said that many police and administration official's are not aware of the Prevention of Domestic Violence Act in the territory of Puducherry. She urged women to approach the SP or the Collector and the Women's Commission if police personnel did not register FIRs. She said NCW was organizing workshops to sensitize administrative officials, police personnel and NGOs about the Act. and was also providing funds to NGOs which are at least three years old to spread awareness and undertake research studies.



Ms. Manju Hembrom (left) and Chairperson Puducherry Commission, at the workshop.

Consultation on Scheme for Victims of Rape

The National Commission for Women and the Ministry of Women & Child Development recently organized a consultation on scheme for victims of rape in New Delhi, attended by NGOs, the civil society groups, lawyers, police officers etc. Speaking on the occasion, the NCW Chairperson Dr. Girija Vyas said that acting on the directives of the Supreme Court, the Commission has evolved a scheme to "wipe out the tears of the unfortunate victims of rape". The Commission has recommended a compensation of Rs. 2 lakh in instalments to rape victims starting from the time the first information report is filed. The first instalment of Rs. 20,000 has to be given to the victim when she registers the FIR. The second instalment of Rs. 50,000 is recommended after police investigation confirms rape. The Commission also calls for setting up of a Criminal Injuries' Compensation Board to examine the financial loss of a victim. It says, in some cases, the victims are too traumatized to continue in employment, which would necessitate reimbursement. The Board would also have to monitor implementation of the schemes by the state Governments and attend any complaint received in this regard. The Commission said that to claim financial help, the victim is required to produce a medical certificate and a copy of the FIR. The Board has to be satisfied with the claim that a rape has occurred to order an interim financial relief of Rs. 20,000. The Commission said for the implementation of the scheme under the Board, district-level committees should be set up by the District, Magistrate to consider the claims.

The Union Ministry of Home Affairs would issue directives to State Governments for directing the public prosecutors to plead before the competent court for suitable compensations to the victims. The State Government shall establish in every district, a monitoring committee, which shall be headed by the Superintendent of Police of the district. This committee will also be under the Board. It will have a police officer, preferably a woman, a social activist, lawyer and a doctor apart from representatives of the Panchayati Raj Institute of municipality. They all have to be nominated by the District Magistrate to be a part of the committee. Stating that no one could really compensate a victim of rape, Ms. Renuka Chowdhury Minister of Women and Child Development said that the government's attempt was only to financially help the sufferer. She said often the rape victim did not have money to seek medical help at that time, so there was the need for immediate monetary relief. She also stressed the need for expediting enactment of the sexual assault law.



At the consultation (from left) Dr. Girija Vyas, Ms. Renuka Chowdhury, Ms. Nirmala Venkaesh, Ms. Manju Hembrom.

for further information visit our website at : www.ncw.nic.in

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Important Decisions

- **Bid to stop dowry law misuse :** To prevent misuse of dowry harassment laws, the Commissioner of Police issued a circular that no arrests will be made without prior investigation and prior permission of a DCP. According to the order, only the main accused will be arrested unlike previous instances when even the distant relatives were not spared. Earlier, a mere allegation or the name of a relative lodged in the First Information Report (FIR) by the complainant was enough to arrest the entire family.
- **Maintenance for live-in partner :** The National Commission for Women has said that a woman in a live-in relationship should be entitled to maintenance if she is deserted by her man. In far-reaching recommendations to the ministry of women and child development, the Commission has sought a change in the definition of "wife"-as described in Section 125 of CrPC, which deals with maintenance - and suggested that it include women involved in live-in relationships. The move aims to harmonize other sections of the law with the Protection of Women from Domestic Violence Act that treats a live-in couple's relationship on par with that between a legally married husband and wife.
- **Man to pay for child maintenance even if wife financially competent : Court :** A city court has ruled that a man cannot evade the responsibility of maintaining his child by stating that his estranged wife is financially competent to take care of him/her and directed the man to pay Rs. 2,500 to his daughter as monthly allowance.
- **Married girl's wealth can go to parents :** The Law Commission for the first time has recommended that self-acquired property of a married Hindu woman without an heir would simultaneously pass on to her parents as well as to her husband's family. In case the parents of a woman are no more, a part of her property would go to the heirs of her father. It would involve an amendment in section 15 of the Hindu Succession Act.