



Rashtra Mahila

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Editor's Column

The government's decision to amend the Hindu Succession Act, 1956 in order to give Hindu women (it includes Jains, Buddhists and Sikhs) equal coparcenary (joint ownership) rights in ancestral property is a rightful step towards empowering women and thereby changing the power equations. Under Mitakshara law, Hindu women do not enjoy equal rights when it comes to ancestral property. The proposed amendment will set right this anomaly and make the law uniform across the country.

Admittedly, no movement to empower women in the country can be successful as long as a law exists that discriminates against women's property rights and thus, makes them dependent on male support.

The Hindu Succession Act, as it exists today, reinforces a patrilineal line of inheritance or succession of property in a Hindu joint family by excluding, a daughter's right to be a coparcener merely on the basis of her sex.

However, some of the forward-looking states like Andhra Pradesh, Tamil Nadu, Karnataka and Maharashtra have already given equal rights to the daughters in the ancestral property. In Kerala, where a matrilineal system is followed among the Nair community, property is passed on through the daughters.

Having decided to amend the law, the govt. should ensure that the Bill is passed by the Parliament as soon as possible. Once implemented, it will also bring down crimes against women, particularly, relating to dowry. Society too, must be supportive of women, who

claim their rightful place and not frown upon their actions.

For, equality for women is not just a matter of equity for the so-called weaker sex, who have no less contribution than men to the society, but a measure of modernity of the Indian society. The govt. should go ahead with the suggested amendments and undo the wrong that has been perpetuated on women from time immemorial.

Charter for Women Victims

The Institute of Social Sciences recently organised a seminar on 'Charter for Women Victims of Crime, sponsored by NCW. Justice Ranganath Misra delivered the inaugural address. The other speakers were Prof. Chokalingam and Prof. Edmund Weller, President of the International Society of Victimology.

Delivering the keynote address

Focus

The Hindu Succession Act

Justice V.S. Malimath suggested various steps to protect the interest of the victim. In the present criminal justice system, the accused get all consideration whereas the victims are forgotten soon enough. Therefore, there was a need to draw up a charter to provide adequate safeguards to the victims. He said that whether the accused had been convicted or being tried, interim compensation should be given to the women victims.

In India, sexually abused women are looked down upon even though they may be victims of circumstances. The victims, often, therefore, do not

register their complaints. In case of acquittal, the victims should have the right to appeal against the sentence or the judgement, if it is not adequate. In cases of bail, the victim is not heard at all. Again, cases are withdrawn with the change in govts. The accused often threatens the victims and the witnesses and there is no law to protect them. Therefore, there is a need to enact a law to protect the victim and the witnesses. The victim should also be treated with courtesy at the police stations and should also be given proper medical treatment. For this, gender sensitization of the criminal justice system as well as of the doctors attending the victims is necessary.

Profile in Courage

Hemlata of Rajasthan refused to marry a boy after his father demanded dowry. This incident is seen as one among those that are gradually bringing in winds of change in this state, inspite of low female literacy.

A post-graduate from a prestigious private college in Ajmer, Hemlata refused to get married to groom Dinesh, when his father reportedly demanded Rs 2 lakh in cash and a Maruti car from her father.

The groom remained a silent spectator as his father negotiated with the bride's family.

When Hemlata came to know of the unjust demands, she told the groom to go back home as she didn't want to get married into a family which was so insensible and inconsiderate.

The groom and his father were later arrested on a police complaint by Hemlata's father and released on bail.

President Kalam Addresses Women of Tomorrow

Everyone assembled here has in him or her a piece of good news. And, the good news is that they don't know how great they can be. This advice came from President, A.P.J. Abdul Kalam, who was addressing a spellbound audience of about 600 girl students from various schools of Delhi on "Vision for Women of Tomorrow", organised by the National Commission for Women. The President said that he had been inspired by two women — his mother and the Carnatic music exponent, M. S. Subbalakshmi. The former, Mr. Kalam described as a woman of love, kindness and divine nature and the latter as 'mother of the Carnatic music.'

Refusing to accept the perception that women were 'disadvantaged,' he said sometimes it was the men who were at a disadvantage since women were excelling in almost all fields.

During the interactive session, Mr. Kalam was stumped by a volley of questions from the anxious girl students, who expressed concern over the increasing crime against women and the failure of the law enforcing agencies in protecting them. The youngsters wanted the President to know how injustice was done against girls in the country in the form of foeticide, rape and domestic violence.

"Laws alone cannot change the status of women in the country. The evolution of a good human being is necessary for this and the evolution starts at home. It cannot be taught," he said. In response to a question on continued discrimination against women, he said, the Government too, has to ensure enforcement of the laws.

On the hurdles faced by women in fulfilling their dreams, the President said they could realise their dreams if they struggled hard.

To a question on social discrimination faced by girl children, Mr. Kalam said this was because the older generations were not educated and believed in old traditions but hoped that when the students of today become parents, the problem would end. Administering an oath to lead an honest life, Mr. Kalam asked students to spread literacy, take care of the environment and be kind to the ailing,



President A.P.J. Abdul Kalam releasing a book on the occasion. Dr. Poornima Advani looks on



President of India with NCW members and officers



One of the school children putting a question to the President

the mentally and physically challenged.

To a query on why there were not many women in the areas of science and technology, Dr Kalam said, "there is tremendous potential for women to take part in the growth of science in the country" and added that women indeed were making their presence felt

in the area of scientific research.

Earlier in her opening remarks, the NCW Chairperson, drew attention of the President towards growing discrimination and violence against women, citing decreasing sex ratio as an example. The President also released several publications of NCW.

Members' Visits

● Member Baby Rani Maurya attended a two-day National Workshop on Dalit women sarpanches, organized by the All India Institute of Local Self-Government (Mumbai) and sponsored by NCW. The Member also addressed women workers employed at Jawaharlal Nehru Port Trust, Mumbai.

During 11-16 January, 2005, the Member visited Gujarat as a part of NCW Committee constituted to visit different places in Gujarat in the wake of communal disturbances. Other Members were Ms Nafisa Hussain and Ms Nirmala Sitharaman. The Committee visited Ahmedabad and Districts of Mehsana, Sabar Kantha and Godra and held meetings with the district Collectors and officials involved in relief/rehabilitation of women affected in the riots. The Committee also held a meeting with the Chief Secretary of Gujarat, Secretary (Home), Secretary (WCD), Secretary (Education), Secretary (Rural Development) on 15th January. On the same day, the Committee had a meeting with DGP, IG incharge of crimes against women cell and IG (Prisons). Later, the Committee also met with Minister, WCD. On 16th January, the Committee held a meeting with NGOs - SEWA and AWAJ and also met women affected in the riots.



At the workshop on Sarpanches, (from left) Dr. Sneha Palnitkar, Shri S.S. Hussain, Ms Baby Rani Maurya, Shri Suraj Bhan, Dr. J.B. Modi, Shri R.S. Chavan, Shri Ramanath Jha.

● Dr. Sudha Malaiya, Member, NCW attended Gender Review Meeting of Delhi on 27th December, 2004 and Gender Review Meeting on Haryana and Punjab at Chandigarh with the Chairperson. Dr. Malaiya inspected the Female Ward of Maharaja Yashwantrao hospital, Indore. She recommended having more nursing staff for the female ward, which had only a single nurse for two anti-natal and one surgical ward.

She inspected the Central Jail, Indore, on 5.1.2005 and attended a Public Hearing on violence against women on 06.01.2005. She asked SP, Indore, to confiscate porn CDs on girl students being circulated in the market.

Ms. Malaiya inspected the District Hospital and the District Jail at Dhar. She



महाराजा यशवंत राव अस्पताल, इंदौर में डा. सुधा मलैया एक डाक्टर से बातचीत करते हुए

Anti-foeticide information in schools

The National Commission for Women has brought out a handbook on female foeticide that will be distributed to school-children through the human resource development ministry.

The handbook of guidelines focusing on the horror of "Pre-Birth Elimination of Females" will be distributed in Class VIII-X in the Navodaya and Kendriya Vidyalayas and the Tibetan school under the Central government to make the students aware of this evil practice.

Maternity leave period increased

The Rajasthan Government has increased the maternity leave period for its employees from 120 to 135 days and allowed the male employees to take 15 day's break from work as paternity leave. Both the leaves will be provided on the birth of only two children.

NCW writes to women MPs on Reservation Bill

The National Commission for Women (NCW) has written to all women members of Parliament appealing to them for the early passage of the Women's Reservation Bill that seeks 33 per cent reservation for women in Assemblies and Parliament.

NCW demands cell in MEA

Expressing concern over increasing number of NRIs deserting their Indian wives, especially in Punjab, the National Commission for Women has urged the Centre to create a separate cell in the External Affairs Ministry to deal with the matter.

had a meeting with the District Programme Officer and / Child Development Project Officer, Dhar.

The Member had an interactive meeting with women entrepreneurs & SHGs of Dhar on 07-01-2005. The Member suggested that SHGs in the urban area should also be provided with the same kind of facilities as the

IMPORTANT DECISIONS

Judges' gender no bar to hear sexual offence case : SC

● In a major judgement, the Supreme court has ruled that no case could be transferred from one court to another on the ground that a lady judge would find it "embarrassing" to hear a case pertaining to sexual offences.

The two judge bench said that judges should hear and decide cases of any type, irrespective of their gender, as that was their duty.

Even 'illegal' wife has a right to maintenance: SC

● In an important judgement, the Supreme Court has held even in the case of an illegal second marriage, the wife is entitled to maintenance if the husband deserts her.

Ruling that maintenance could be granted even if a marriage was declared to be "null and void," the court said that section 25 of the Hindu Marriage Act enabled a court to award maintenance at the time of passing "any type of decree" resulting in breach in marriage relationship.

The court said section 25 was an enabling provision which helped prevent a financially dependent spouse from becoming a destitute. "It empowers the court in a matrimonial case to consider facts and circumstances of the spouse and decide whether or not to grant permanent alimony or maintenance."

No alimony if wife hid crucial facts

● A woman will not be entitled to alimony if she has concealed facts such as a former marriage, inability to conceive, frigidity, incurable diseases like leprosy, mental illness or venereal diseases from her prospective husband.

This flows from a judgment of a division bench of the Bombay High Court which denied permanent alimony to a woman, whose marriage was annulled nine years ago on the grounds that she hid her epilepsy. The bench held that even though the law permitted the wife a right to alimony, her conduct prevented the court from granting her the alimony.

Harsher penalty for wife bashers

● To replace the lapsed Domestic Violence Bill 2002, the UPA government is working on a new one, which envisages that, apart from the usual penalties, a jail term and monetary fines, the draft Bill will give the court powers to drive an abusive husband out of the house he shares with his wife. The new draft has a provision for a protection order, which the court can use to prohibit the abuser from entering the victim's workplace. Depending on the nature of the case, the court can also direct the perpetrator to look for alternative accommodation and let the victim stay in the shared house, or pay her money to rent a separate house. The abuser can also be asked to return his wife her 'streedhan' or any other property or valuable security, she is entitled to either singly or jointly.

SHGs in rural areas and asked the District Urban Development Authority to take up the matter with the Deptt. of Industry and WCD and Deptt. of Urban Development.

She also visited Indira Export Pvt. Ltd. - a readymade Garment Export Industry, Rau, Indore, which had more than 100 women workers and the

pharmaceutical company PETIKO. She directed the GM, DIC to identify requirements of disposable glasses, shoe covers and head caps manufactured by the SGHs of Manglyia village and provide linkages between the SHGs and the Industry. She also visited Ranbaxy Ltd. in district Dewas on 7th January, 2005.

Surveillance Cell against Foeticide

The Union Health Ministry is contemplating setting up a national surveillance cell to check foeticide. The Cell would monitor and enforce laws related to prenatal diagnostic tests. Speaking after releasing a report on "Violence Against Women: Health Sector Perspective" brought out by the National Commission for Women (NCW) and the United Nations Population Fund (UNFPA) recently, the Union Health Minister, Dr. A. Ramadoss, said it was likely to be headed by a retired senior police officer and would focus on States like Haryana, Punjab, Himachal Pradesh, Delhi and Gujarat with adverse sex ratios. Besides, carrying out covert operations to detect illegal tests, the Cell would be empowered to conduct raids.

The Government is also looking at ways to strengthen the Pre-Natal Diagnostic Tests Act, one of which could be the cancellation of registration of centres violating regulations. This was particularly true of States where the two child norm was in force, as a result of which the incidence of foeticide and infanticide had gone up, Mr. Ramadoss said. Another way would be to monitor sex-determination clinics and register the suppliers of ultrasound machines.

This is India

An eight-year old girl of Mundadhouda in Maithon (Jharkhand) was recently married off to a dog complete with dowry of about Rs 22,000 in cash, a colour television, bed and other household items. This was done to 'ward off evil' since the bride, had grown teeth on the upper portion of her jaws, considered a bad omen by the community. The father of the girl said: "Had we not done it, the entire family would have to face serious trouble".

For further information visit our website at :

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