

MINUTES OF THE MEETING OF THE COMMISSION HELD ON
16TH, 17TH & 20TH OCTOBER, 2000

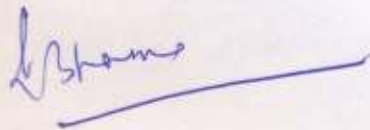
Present in the meeting were:

1. Smt. Vibha Parthasarathi : Chairperson
2. Smt. Vijay Daksh : Member
3. Dr. Poornima Advani : Member
4. Ms. Anusuiya Uike : Member
5. Smt. Nafisa Hussain : Member
6. Smt. Reva Nayyar : Member Secretary
7. Smt. Leena Mehendale : Joint Secretary
8. Ms. R. Bhama : Deputy Secretary
9. Shri S.M. Imran Ali : Law Officer (present during the discussion on issues pertaining to the Legal Unit).

16th October, 2000

At the outset, Chairperson welcomed all present. Smt. Reva Nayyar, Member Secretary, who had joined on 16th October, 2000 was introduced to the Commission. Chairperson accorded a special welcome to Member (Nafisa Hussain) and to Member Secretary at their first Commission meeting.

Chairperson also congratulated Member (V.Daksh) on behalf of the entire Commission, for the timely seminar - 'Kal Aaj Aur Kal' and requested all the Members to list out the strengths and weaknesses of the seminar according to the experience of each one.



Agenda Item No.1

Leave of Absence.

Leave of absence was granted to Member (K.S.Reddy), who was away in Chennai.

Agenda Item No.2

Confirmation of minutes of the preceding meeting.

The minutes of the preceding meeting were confirmed subject to the following:

- (a) Additional discussion on 'Agenda Item No.22 - Maintenance of Parents & Dependants Bill, 2000 - Himachal Pradesh'.

- Although the Commission had approved its earlier stand taken on the previous Bill, in May, 1997, which approved the setting up of Tribunal for Petitions on Maintenance, Joint Secretary, NCW (who was not present during the Commission's meeting, when this was discussed) expressed reservation about the setting up of a new machinery (Tribunal), which would normally be at the State Headquarters. Since women in the present scenario have difficulties in even reaching the district headquarters, where such petitions are currently filed, access to the tribunal would become even more difficult as they would have to travel to Shimla (State Headquarter); in the case of HP and its hilly terrain, access would be rendered even more difficult.

The Commission agreed that while sending its comments on the Bill, the above reservation would be incorporated.

- (b) Agenda Item No.8 - Consideration and approval for holding public hearings in the financial year 2000-2001.

Member (P.Advani) pointed out that in addition to the list of public hearings Member proposes to hold, it was also decided that the budget for public hearings per Member would be limited to Rs.1 lac.

P. Advani

Agenda Item No.4

Draft Policy for Women of the Govt. of Maharashtra.

It was suggested that since Govt. of India would shortly bring out a draft National Policy on Empowerment of Women, there is a need to look at Maharashtra policy carefully.

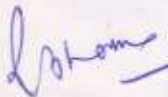
It was felt that NCW may suggest that a link be established between the policy for Empowerment of Women and the country's Population Policy. It was decided that the Commission would have a meeting of an expert committee to discuss the population policy and the women's empowerment policy - and the links and contradictions between them. One session should be devoted to China's policy as she has already implemented a one-child norm, the consequences of which are being seen now. The invitees of the meeting would include field NGOs, professionals, academics, representatives of Planning Commission, demographic experts, etc.

Meanwhile, an interim reply would be sent to the Govt. of Maharashtra suggesting that a link between the policy for Empowerment of Women and Population Policy of Maharashtra is necessary. The role of State Commission for Women should be specified in order to ensure qualitative improvement of women's participation in the Panchayati Raj and Urban Local Bodies. Training of women in Panchayati Raj institutions of ULBs should be incorporated.

• **Agenda Item No.5**

Working of the Complaints Cell - Hearing of Complaints.

The Commission was informed that Govt.'s sanction had been received for the posts of four full time Counsellors to be engaged at the rate of Rs.4,000/-



p.m. The Commission decided that as the amount is very meagre, the Commission should insist on a consolidated fee of at least Rs.10,000/- p.m., else no qualified Counsellors could be recruited. As the recruitment through advertisement would take some time, in the meantime, the Commission would go ahead and recruit Counsellors upto 31.3.2001. The existing applications received in the Commission would be screened by a committee comprising Member (V.Daksh), Joint Secretary and one other Member to be nominated by Chairperson. Temporary appointments may be made on the payment of Rs.400/- per day for full time work.

The setting up of a 24 hour Control Room in NCW was felt to be not feasible immediately. However, since it is an important structure, it should be taken up once all the Counsellors are in place, and begin to function satisfactorily.

Agenda Item No.6

Sexual harassment and victimisation of a woman officer of NTC at workplace.

It was decided that Member Secretary would look into the matter and decide on an appropriate strategy for action.

Agenda Item No.7

**Programme of the National Foundation of Communal Harmony
- Involvement/funding by NCW.**

It was decided that a reply would be sent by Chairperson to the effect that the Commission was willing to consider proposals specifically relating to women as and when received. Annual Reports of the Foundation would be obtained and the Foundation would be called for discussion.



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Daksh

Agenda Item No.8

Recommendation to Govt. for free supply of Sanitary Napkins to women below the poverty line.

The Commission did not agree to a general accommodation as proposed by the Bharatian Indigenous Women's Right Action Confederation.

The Commission, however, should, separately take up the matter of provision of sanitary napkins to women in jails, remand homes and places of custody.

Agenda Item No.9

Proposal that NCW should select any one subject for the year and focus on that subject.

The matter was considered. The Commission felt that whatever NCW is doing should first be completed. Several issues need to be taken up at any one point of time and the Commission needs to take advantage of the different strengths of Members.

However, since the proposal was initiated by Member (K.S.Reddy) and she was not present, it was felt that Member may place her specific ideas before the Commission in its next meeting.

Agenda Item No.10

Request of Export Inspection Council of India to suggest names of NGOs to be associated with the Complaint Committee on Sexual Harassment.

JS informed the Commission that several such requests asking NCW to suggest names for Complaints Committee on Sexual Harassment had been received. It was, therefore, felt that the Commission should have a list of 50-60 names from different parts of India, which could be suggested. Members were asked to send in names.

In this specific case, the following names could be sent:

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Mumbai : Smt. Pushpa Bhave
Chennai : Smt. Geeta Ramakrishnan
Calcutta : SUNLAAP
Cochin : Shri Upendra, Retd. High Court Justice

Agenda Item No.11

List of Legal Awareness Programmes recommended by the Screening Committee and approved by CP.

The list of Legal Awareness Programmes were noted by the Commission.

Agenda Item No.12

List of PMLAs recommended by the Screening Committee and approved by CP.

The List of PMLAs was seen and noted.

JS informed that in the last 4 years 180 applications for holding PMLAs were received, out of which, less than 30 were sanctioned, indicating that effective use was not being made of this scheme of NCW. The Commission was also informed that for clarity on the scheme and the procedure, a brochure had been printed. It was decided that in all pending applications, a copy of the brochure could be sent and follow up done.

Agenda Item No.13

List of studies/workshops/conferences recommended by the Screening Committee and approved by CP.

It was decided that MS would systematise the procedure and would also come into the following cases:

Cases in which sanctions were issued/funds were released after the Commission's meeting on 29-30th May, 2000 (as the Commission has decided at its May meeting that all such proposals would come up before the Commission).

Home

It was also felt that the credentials of the Society for Social Development, Gwalior, MP needed to be checked as Member (V.Daksh) expressed her reservation.

Agenda Item No.14

Training of Women for political participation.

It was decided to have a meeting of experts for brainstorming on the training strategy. The office bearers of all the major political parties should be invited to discuss as to how to increase the participation of women in their organisational hierarchy and for increasing the number of women candidates fielded.

A list of resource persons for the meeting were requested from Members to be sent by 20th October, 2000. Some names, which were suggested were:

1. Mr. Vinay Sahasrabudhi, Distt. Thane.
2. Ms. Sneha Palitkar, All India Institute of Local Self Govt., Mumbai.
3. Ms. Margaret Alva, M.P.
4. Ms. Najma Heptullah, MP.
5. PRAKRITI
6. Stree Adhar Kendra.
7. Ms. Hemlatha, Bangalore.
8. Ms. Fla Pathak, Ahmedabad.
9. Prof. Sushila Kaushik.

Daksh

Agenda Item No.15

Creating an enabling environment for Women's Empowerment - Strategies for using the empowered women.

It was felt that initially, statistics would be needed, for which perhaps a study could be initiated. Meanwhile, the Commission could write to Panchayati Raj Departments of States to obtain names of the earlier elected Sarpanches - Panches, who have been left out due to rotation of seats, who have already been empowered.

Agenda Item No.16

Draft National Policy on Home Based Workers.

The Commission felt that the policy needs to be drastically revamped as it lacks sufficient depth.

About 70-80% of home based workers are women and children, the policy, however, does not focus on this at all; for it suggests no specific policy initiatives for women and children. The policy needs to specify strategies in the context of ground level realities, with focus of women and children. (In fact, under the heads "the context"; "who are home based workers" and "Extent of home based work", the extent of the participation of women and children in this sector is not even indicated).

Identification of Departments other than labour which would be implementing the policy need to be done and linkages need to be spelt out. Other Ministries/Departments which would necessarily be involved in the implementation of this policy would be - industry, social welfare, animal husbandry, forestry, Ministries looking after weaker sections, SC/ST - besides the Department of Women & Child Development. Linkages also need to be established with the policies of such other departments.

The appendix to the policy lists the types of employment in which home based workers are engaged. The list comprises only traditional areas; no thought has been invested in introducing innovative areas of work (e.g. as introduction of a laundrettes scheme in which washing machines could be given to women on hire). Even traditional areas in which there is substantial

Home

concentration of home based workers especially women, such as dairy, poultry, mushroom cultivation, growing of Amla, Harda, printing of textiles, etc. has not been mentioned.

With regard to skill development, no plan of upgradation of skills or imparting of new skills have been included.

The occupational hazards have been mentioned under working and living conditions. However, suggestions to correct the adverse consequences, such as redesigning of machinery to make it ergonomically suitable for women to work on, exercising/facilitating correction of posture for relieving some of the adverse effects have not been given any thought.

No mention is made of the linkages between raw-material and producers. There is a pressing additional need for building up an information base for the workers providing information about markets, information about alternative raw-materials, information about the results of R&D, information about market prices, information about innovative and good practices, information about import substitutions, information about packaging, information about marketing etc.

Even the access to existing schemes have not been specified or made simpler.

Under the para of export policy, has been mentioned that support be given to export initiatives, however, the need for control of imports of quality raw-materials has not been included.

No subsidy has been provided for purchase of light weight, easy to transport, and easy to use machinery, such a machine would reduce the exploitation of home based workers by middle men.

Though there is some mention of social security, it is not specified as who will give the fall back wages. Social security insurance for home based workers has also been ignored. It could perhaps be on the same lines as the crop insurance provided to farmers.

The policy talks of ensuring minimum wages, though in most work involving home based workers, there is no concept of minimum wages. (Such

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workers are self-employed and paid contract rates for piece work). In this context, it is also mentioned that the contract rates are laid down for "men" and for "family as a unit", but no such rate is specified for women.

There is also no mention of self-help groups or cooperatives and how they can be integrated within the policy.

In short, the Commission felt that the policy only states generalities. It is neither substantive nor specific and thus needs total overhauling.

A reply on the above lines would be sent to the DWCD and the Ministry of Labour.

Agenda Item No.17

Report on Project on Development and Empowerment through education and Training of Financially & Socially Weaker Section - Setting up an expert Committee to improve the report.

Member (V.Daksh) stated that the work has been given to Dr. O.P. Saurya. The question was, how to make the payment. Chairperson would look into the matter.

Agenda Item No.18

Approval of Annual Report of the Commission for 1998-99.

Members present were requested to accord their approval in order that Chairperson could see the report by 20th October, 2000.

Agenda Item No.19

Subjects and Areas which the NCW can take up in the current financial year.

The Commission decided to take up the following policies/subjects:

Population, health, training of women, education and training (for economic activities), agriculture, policy for SC women, regularity of



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meeting with State Commissions for Women and Women Parliamentarians, other ongoing programmes already taken up by the Commission such as tribal policy, the review of laws, amendments in NCW Act, etc.

Agenda Item No.20

Request by 'Kali for Women' to reproduce extracts from the Commission's Report on Widows of Vrindavan.

The proposal was agreed to, in principle. However, extracts of the report proposed to be reproduced by Kali for Women be obtained to confirm the contents before issue of permission.

Agenda Item No.21

Seminar on Human Rights and Empowerment of Women in India.

Themes and sub-themes of the programme prepared by Member (K.S.Reddy) were circulated and accepted by the Commission. The title of the seminar would now be "Human Rights and Empowerment of Women with Specific reference to the Health of Women" and not National Seminar on Human Rights and Empowerment of Women in India as notified in the meeting of 22.8.2000.

The changed dates for the seminar would now be 25th & 26th November, 2000.

Regarding sanction of budget, CP would discuss the same with Member (K.S.Reddy) on her return. Before sanction, it would ascertain as to how much Tirupati University would contribute.

K. S. Reddy

Agenda Item No.22

Taking up of issues of occupational health hazards in agriculture and prioritisation of recommendation (on all subjects) already sent by NCW to Govt.

The proposal to take up issues on occupational health hazards in agriculture was approved in addition to workshops on Devadasis and prostitutes. A need was felt to have more public hearings and greater contributions from experts. Since considerable work had been done by former Member Indira Basavaraj, it was felt that Member (K.S.Reddy) be requested to deal with the subject.

ADDITIONAL AGENDA - 16TH OCTOBER, 2000

Agenda Item No.3

Action Taken Reports - January, 2000 to May, 2000.

It was decided that Member Secretary would examine the relevance of pending items and screen the ones which were still relevant. All Action Taken Reports would be taken up in a special meeting in November, 2000.

Agenda Item No.23

Code of Criminal Procedure (Kerala Amendment Bill, 2000) and (A.P. Amendment Bill, 2000).

The recommendations proposed in the Kerala Amendment Bill as well as A.P. Amendment Bill were approved. However, the Commission's recommendations regarding maintenance - 1/3 of income or Rs.5,000/- per month, whichever is more - which has been sent by the Commission, should be reiterated.



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Agenda Item No.24

Proposed Christian Marriage Bill, 2000 - suggestions made by Majlis, Bombay.

As per Annexure 'A' (enclosed).

F.No.6-144/99-NCW(L)
National Commission for Women
(Legal Unit)

Sub: Christian Marriage Bill

A meeting was convened on 20.10.2000 in the CP's Chamber to discuss the proposed Christian Marriage Bill, 2000, sent by Government of India and the Bill proposed by the Kerala Women's Commission.

It is important to mention that the Commission had already sent its comments on the Bill proposed by Government on 19.12.99. However it was decided in the Commission's meeting, held on October 16 & 17, 2000, that the Bill proposed by the Government may be examined in the light of the Bill proposed by the Kerala Women's Commission. The relevant provisions of both the Bills were discussed and the following decisions were taken.

(1) To substitute the definition of "Desertion" as given in Sec.2 in Government Draft with the definition as given in Kerala draft given as below:

Desertion means the withdrawal from cohabitation with the petitioner of other party to the marriage without reasonable cause and without the consent or against the will of such party and included the wilful neglect of the petitioner by the other party to the marriage.

2. To substitute the "ground for nullity" of marriage given in section 24(1)(b) of the Government draft with the ground suggested in Kerala draft in Sec.33(1) which says.

Sec.33(1) that the respondent was important at the time of the marriage and at the time of the institution of the suit.

3. To add the provision as given in sec.33(4) in the Kerala Draft to Government Draft as one of the grounds for nullity of marriage. It says:

At home

- 33(4) that one of the spouses has been proved on medical examination to be suffering from any incurable genetic disorders inhibiting the consummation of the marriage.
4. As provision for properties acquired by wife or husband after decree of judicial separation was not available in Government draft it was decided to borrow these provisions from Kerala draft and to incorporate them in the Government draft. These provisions are as follows:

-Properties acquired by the wife or husband after decree of judicial separation

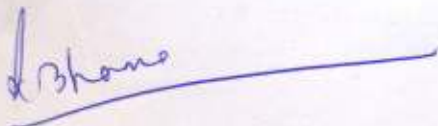
Sec.28: (1) In every case of judicial separation under this Act, the wife/husband shall from the date of the judgement and while the separation continues be considered as unmarried with respect to property of every description which she/he may acquire or which may come to or devolve upon her/him.

(2) Such property may be disposed by her/him in all respects as an unmarried woman/man and on her/his demise the same shall, in case she/he dies, intestate, go as the same would have gone if her/his husband/wife had been the dead. Provided that if any such wife/husband again cohabits with his/her wife/husband, all such property as she/he may be entitled to when such cohabitation takes place shall be held to agreement in writing made between the parties whilst separate.

Regarding contracts etc. by wife or husband after decree of judicial separation

Sec.29: In every case of judicial separation under this Act, the wife/husband shall while so separated, be considered as an unmarried woman/man for the purposes of contract and wrongs and injuries and suing and being sued in any civil proceeding and her husband/his wife shall not be liable in respect of any contract, act or costs entered into, done omitted or incurred by her/him during the separation:

Provided that where, upon any such judicial separation, alimony or maintenance has been decreed or ordered to be paid to the wife/husband and the same is not duly paid by the husband/wife, he/she shall be liable for necessaries supplied for her/his use.



Provided also that nothing shall prevent the wife/husband from acting jointly at any time during such separation, in exercise of any joint power for rights given to them.

Recession of decree of Judicial Separation

Sec.30. The Court may, on the application by petition of either party and on being satisfied of the truth of the statement made in such petition rescind the decree where the parties have expressed a desire to come together and to resume cohabitation or where, for any other reason, the Court considers it just and reasonable to rescind the decree.

To insert the provision of "Protection to Deserted wives" in the Government draft as given in Kerala draft which says as below:

Protection to deserted wives

Sec.31. Any wife deserted by her husband may apply to the District Court or Family Court, as the case may be, to protect the assets of the deserting husband, from the creditors of the husband, till a decree of divorce is duly passed by a Court of competent jurisdiction. The Court after hearing the parties pass appropriate orders.

The Court of competent jurisdiction may review or modify the order passed under this section on application of affected parties.

Sec.38 of Government draft deals with "Adulterer or adulteress to be a co-respondent". It was decided to substitute these provisions with the provisions as given in sec.45 in Kerala draft and says as follows:

Adulterer or Adulteress to be a co-respondent

45 (1) On a petition for divorce or judicial separation presented on ground of adultery, the petitioner shall make the alleged adulterer or adulteress a co-respondent, unless the petitioner is excused by, the Court so doing on any of the following grounds namely:

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- (e) that the respondent is living in adultery and that the petitioner knows of no person with whom the adultery has been committed;
 - (f) that the name of alleged adulterer or adulteress is unknown to the petitioner although the petitioner has made due efforts to discover it;
 - (g) that the alleged adulterer or adulteress is dead;
 - (h) any other ground which the Court may regard as sufficient in the circumstance of the case.
- (2) The provisions of sub-section (1) shall so far as may be apply in relation to the answer of respondent praying for divorce or judicial separation on the ground of adultery, as they apply in relation to petition for divorce or judicial separation presented on that ground.

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Agenda Item No.29

Inquiry Committee to inquire into public atrocities committed on the women of Vill. Senari, Distt. Jahanabad.

In view of the fact that NHRC and the Patna High Court were looking into the matter, at this late stage, the Commission would not institute an inquiry.

Agenda Item No.30

Procedure to be followed for screening proposals received for studies/seminars/conferences/workshops.

It was decided that Member Secretary would look into the matter and decide the procedure.

Agenda Item No.31

Status and entitlements of PSS/SPAs in NCW.

It was decided that the matter would again be placed in the next meeting of the Commission after checking the basis and amount of reimbursement of residential telephone being allowed to PS to MS as also the position in other Commissions.

Agenda Item No.32

Conducting PMLAs in jails of Andhra Pradesh.

The Commission felt that because of a large number of under-trials languishing in jails, PMLAs should be held not only in Andhra Pradesh but also in other parts of the country. As a pilot project, PMI.As could be sanctioned in Gujarat and Maharashtra.

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Agenda Item No.33

Public hearings of Dalit Women - proposals of NGOs.

The proposal was approved in principle. Financial norms of other public hearings would be followed. Each public hearing should be organised so as to ensure attendance by at least 100 women with about 30-40 speakers. The schedule should be drawn up and circulated. The Report of each hearing should be circulated as and when received without waiting for all the Reports to be received.

Agenda Item No.34

“Year of Women’s Empowerment - 2001 - suggestions for celebrations.

It was felt that programmes and activities for the Year of Empowerment of Women - 2001 should be chalked out. Some of the suggestions were:

- (a) Public hearings of disadvantaged women, e.g. Dalit women, women in prostitution, victims of dowry and domestic violence etc. The proposed programme for 8th March, 2001 - Women Breaking New Grounds - would also form part of the activities.
- (b) It was also decided that the NCW logo would be changed. An open competition would be held calling for entries through press release and letters to be sent to colleges of Art/Artists etc.

Agenda Item No.35

Grievances regarding Indian Women doctors settled in Australia.

The subject matter of such a grievance was not covered by the mandate of NCW. It was felt to be a diplomatic matter, hence the petition would be sent to the Ministry of External Affairs.

d. Sharma

Agenda Item No.36

Representation made by Mrs. Sushma Jain, JS, Legislative Deptt. - Harassment in day to day work.

The Commission decided not to intervene in the matter as it is a purely administrative matter involving supersession. Moreover, a case is also pending with the Central Administrative Tribunal. There is no mention of sexual harassment in the petition.

However, the Commission felt that in this and other cases, there is subtle gender discrimination in cases of promotion and women are often faced with a glass ceiling. Commission should put this and all such cases together and then prepare a report on the subject.

Agenda Item No.37

Any other item with the permission of the Chair.

- (1) Expert Committee to deal with proper monitoring and speedy disposal of the crimes of dowry death.

A note was circulated by JS. JS elaborated that the terms of reference were:

- (a) How complaints are dealt with by the police investigative machinery? and
- (b) How to arouse public sensitivity/ social awareness on the issue?

CP desired detailed terms of reference/backgrounder. CP also suggested that a meeting will be held with the persons, whose names have already been suggested in the meeting. More names could come up as also suggestions on an expanded terms of reference.

Members were requested to send suggestions for names in the Expert Committee.



(2) Maternity benefits to Daily Wagers employed in the Commission.

Member (V.Daksh) quoted a news item from 'Rashtriya Sahara', where it was reported that the Commission was not allowing maternity benefits to Daily Wagers in the Commission. JS pointed out that Commission's decision had been taken earlier, on which no action had been taken and this issue require urgent and early action.

CP said she was aware of the matter and is looking into it, but also added that sharing of such information with specific journalists/newspaper was an irresponsible act.

The meeting ended with Vote of Thanks to the Chair.

