



# BI-MONTHLY LEGAL NEWS

## Vol. No. 7(III) May-June 2014

*Partners for Law in Development*

### Updates from the UN

- India's 4<sup>th</sup> and 5<sup>th</sup> periodic report reviewed at the 58<sup>th</sup> session of the CEDAW
- UN Special Rapporteur on violence against women calls for stronger laws to promote gender equality
- Working Group on discrimination against women in law and practice reports to the United Nations
- UN Human Rights Council passes resolution on protection of families
- UN human rights experts urge Sri Lanka to stop promotion of hatred and faith based violence

### International Developments

#### *Asia*

- Malaysia Court to rule on transgender rights
- Burma to enact law regulating inter religious marriages and conversions
- Brunei sultan introduces strict Sharia penal code
- Kyrgyzstan parliament approves bill against gay propaganda
- Iran Government shuts down newspaper for questioning heteronormative marriage

#### *Beyond Asia*

- Denmark forgoes 'gender identity disorder' diagnosis for change in gender
- Egypt makes sexual harassment a criminal offence
- African Commission on HR adopts resolution condemning discrimination based on sexual orientation
- South Africa inducts openly gay man into Parliament
- Canada introduces law criminalising buying sex – putting sex workers in further danger
- England and Wales introduce law criminalising forced marriage

### National

#### *Judgements/Orders*

- Supreme Court rules bodily injuries are not necessary to prove a charge of rape
- Delhi High Court reprimands state government for failure to launch campaign against sexual offences
- Bombay High Court rules against monetary relief to children of aggrieved woman if domestic violence is not established
- Delhi High Court dismisses PIL for Uniform Civil Code

#### *News*

- Law Commission calls for review of death penalty
- Juvenile Justice Act to be repealed and re-enacted
- MWCD proposes amendments to the NCW Act, sends out concept note for One Stop Centres for women affected by violence

### Resources

- 'Fighting Inequality From The Basics: The Social Protection Floor And Gender Equality': UN Women
- 'The Business of Women's Human Rights: A Primer on the CEDAW & the UN Guiding Principles on Business & Human Rights': IWRAW-AP

### Obituaries

- Human rights activist and lawyer Mukul Sinha passes away
- Satya Rani Chaddha, pioneering anti dowry activist passes away

## Updates from the UN

### India's 4<sup>th</sup> and 5<sup>th</sup> periodic report reviewed at the 58<sup>th</sup> session of the CEDAW

The Indian government's 4<sup>th</sup> and 5<sup>th</sup> periodic report, presented by a delegation led by the Secretary of the Ministry of Women and Child Development, was considered by the CEDAW committee at its 58<sup>th</sup> session. The Committee asked incisive questions about budgetary allocations to women's empowerment, protection against intersectional discrimination, steps taken to combat human trafficking without harassment to sex workers, approaches to combatting sex selection, measures to ensure parity of participation of women in public life, including in the legislature and the judiciary. Further, concern was expressed about statements by leaders on victim blaming, accountability for police inaction in implementing the law; questions regarding steps taken to rein in sexual violence against women by armed forces in conflict areas, and during communal violence were asked by the Committee.

You can access the report submitted by the Indian government [here](#).

Source: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14813&LangID=E>

### UN Special Rapporteur on violence against women calls for stronger laws to promote gender equality

The United Nations Special Rapporteur on violence against women and its causes and consequences, Rashida Manjoo, while reporting to the UN Human Rights Council, stated that efforts to promote and protect women's rights and gender equality are facing hurdles due to the absence of legal binding agreement to address violence against women at the international level.

Lack of holistic approach addressing individual, institutional and structural factors has also been argued as a major cause behind violence against women. The report has called for adoption of different norms and measures to fight violence against women and highlights the importance of poverty reduction measures, employment opportunities and benefit schemes in achieving gender equality and ending violence against women.

You can access the report of the Special Rapporteur [here](#).

Source: [http://www.wunrn.com/news/2014/06\\_02/06\\_16/061614\\_un.htm](http://www.wunrn.com/news/2014/06_02/06_16/061614_un.htm)

### Working Group on discrimination against women in law and practice reports to the United Nations

The Working Group on discrimination against women in law and practice has submitted its report to the United Nations addressing discrimination against women in economic and social life.

The report states that discrimination legislation in a number of countries has led to a subordinate status for women. Though there are anti-discriminatory measures taken by some states, gender

equality has not been fully achieved. Women do not have equal opportunities for participation in business sectors and exploitation of women in jobs has added to the crisis faced by women.

The Working Group has asked for a gender responsive and accountable system at the international, regional and national levels to eliminate all forms of discrimination against women.

[Source: http://www.wunrn.com/news/2014/05\\_14/05\\_19/051914\\_working.htm](http://www.wunrn.com/news/2014/05_14/05_19/051914_working.htm)

## UN Human Rights Council passes resolution on protection of families

The United Nations Human Rights Council has, in its 26<sup>th</sup> session, passed a [resolution](#) on the protection of families. Through the resolution, the Council decided to convene a panel discussion on the protection of the family at its 27<sup>th</sup> session. It also calls upon the High Commissioner for Human Rights to draft a report on the status of the family, and to ‘liaise with States and stakeholders to ensure their participation in the panel discussion’.

While the resolution does not provide a definition of family, it re-affirms that ‘the family is the fundamental group unit of society, entitled to protection of the state’. However, the resolution does not acknowledge that in all societies, there are diverse forms of families and intimacies, including non-heterormative families. The resolution, in its text, does not accommodate this diversity of family forms.

The resolution also fails to acknowledge that within families, human rights violations of individuals, especially in the form of sexual violence gets concealed, and is often outside the ambit of state protection.

India is among the 26 nations, which includes Russia, UAE, Indonesia and Pakistan among others, to vote on favour of the resolution.

[Source:http://www.article19.org/resources.php/resource/37605/en/un-hrc:-%E2%80%9Cprotection-of-the-family%E2%80%9D-a-thin-veil-for-censorship](http://www.article19.org/resources.php/resource/37605/en/un-hrc:-%E2%80%9Cprotection-of-the-family%E2%80%9D-a-thin-veil-for-censorship)

## UN Human rights experts urge Sri Lanka to stop the promotion of hatred and faith based violence

Three independent UN experts have called on Sri Lanka to adopt urgent measures to stop the promotion of racial and faith-based hatred, and violence against Muslim and Christian communities by Buddhist groups with extremist views, and bring perpetrators of this violence to justice. The Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, stressed upon the inadequate responses from the police and the judicial authorities leading to an atmosphere of impunity, while the Special Rapporteur on minority issues, Rita Izsák, urged the government to put in place protective measures to ensure the personal security of all individuals belonging to religious minority communities.

The Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, called on the government to take urgent measures to bring the perpetrators of killings to justice, and to adopt effective protective measures.

In the last two years, more than 350 violent attacks against Muslims and over 150 attacks against Christians have been reported in Sri Lanka. Muslim and Christian communities are reportedly

subjected to hate speech, discrimination, attacks and acts of violence throughout Sri Lanka frequently. The statements of the human rights experts, in this context of fear and violence, are of significance for the cause of protecting human rights of minorities in Sri Lanka.

Source:<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14812&LangID=E>

## International Developments

### Asia

#### Malaysian Court to rule on transgender rights

A Malaysian appeals court is expected to rule whether a Sharia code prohibiting transgender people from expressing their gender identity violates their fundamental rights. According to a [recent investigation](#) by Human Rights Watch, transgender people are routinely detained by police and are subjected to physical and sexual abuse. It is argued that Section 66 in Negri Sembilan's Shariah Criminal Enactment 1992, which prohibits cross-gender attire, violates constitutional articles and do not apply to those diagnosed with gender identity disorder and that the law is inconsistent with Article 8(2) and 10(1)(a) of the Federal Constitution which govern gender discrimination and freedom of expression respectively.

[http://www.malaysia-chronicle.com/index.php?option=com\\_k2&view=item&id=287751:msian-court-to-rule-on-transgender-rights&Itemid=2#ixzz35ArkyuIj](http://www.malaysia-chronicle.com/index.php?option=com_k2&view=item&id=287751:msian-court-to-rule-on-transgender-rights&Itemid=2#ixzz35ArkyuIj)

#### Burma to enact law regulating inter-religious conversions and marriages

Burma has drafted a bill that would encourage further repression against Muslims and other religious minorities. It aims at protecting the country's majority Buddhist identity by regulating religious conversions and marriages between people of different faiths. It would require those seeking to change their religion to obtain permission from panels of government officials. The proposed law would also violate the [right of women](#) to freely choose a spouse and to enter into marriage, under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), to which Burma is a party. Also, if enacted, the bill would violate Burma's obligations to uphold the rights to freedom of religion, conscience, and expression under international law. The proposed restrictions on conversion, proselytizing, and speech contravene the Universal Declaration of Human Rights, which states that "[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom;" and that "[e]veryone has the right to freedom of opinion and expression; this right includes freedom ... to seek, receive and impart information and ideas."

<http://america.aljazeera.com/articles/2014/5/28/women-rights-groupdecriesmyanmarbidtocurbconversions.html>

## Brunei Sultan introduces strict Sharia Penal Code

The sultan of Brunei announced the introduction of tough Islamic criminal punishments that have sparked international condemnation. The initial phase of the code introduces jail terms of fines for indecent behaviour, failure to attend Friday prayers and out-of-wedlock pregnancies. The second phase, which will be implemented later in 2014, includes the stricter penalties such as severing of limbs and flogging for theft and robbery. Death by stoning will be introduced next year for offenses including sodomy and adultery. Brunei is the first country in east or southeast Asia to implement a Sharia penal code on a national level.

<http://www.foxnews.com/world/2014/04/30/brunei-sultan-introduces-strict-sharia-penal-code/>

## Kyrgyzstan Parliament approves bill against gay propaganda

In an alarming step, the human rights committee of the Kyrgyzstan parliament has approved a discriminatory anti-propaganda bill that is closely modelled on Russia's ban on "gay propaganda," enacted in 2013. The Kyrgyz bill would also eliminate freedom of assembly for LGBTI organizations by criminalizing "the organization of and participation in peaceful gatherings that aim to make available to society any information regarding positions on any form of non-traditional sexual relations." The bill would amend the Criminal Code, the Code of Administrative Responsibility, the Law on Peaceful Assembly, and the Law on Mass Media, and would introduce a range of criminal and administrative sanctions on those who speak or act in a way that creates 'a positive attitude toward non-traditional sexual orientation.' It defines 'non-traditional sexual relations' as 'sodomy, lesbianism and other forms of non-traditional sexual behavior', and claim that the law is needed 'to safeguard and protect the traditional family, human, moral, and historical values of Kyrgyz society'.

<http://www.humanrightsfirst.org/press-release/kyrgyzstan-parliament-approves-russian-style-anti-propaganda-bill>

## Iran Government shuts down newspaper for questioning heteronormative marriage

Iran shut down an independent newspaper known for publishing views critical of the religious conservatives in Iran. The two stories that prompted the authorities to close down the newspaper includes the coverage of an ongoing investigation into a widespread financial corruption case which involved high ranking officials as well as a satirical piece regarding "the marriage crisis" in Iran. The satirical article says, "the public's taste has changed over the years, which is a curable disease if the cure comes in small doses. We have to find out what we have fed the public that as soon as they hear "opposite sex," they get heartburn and want to file for divorce. It could be because people are used to living with members of the same-sex for a long time and being segregated from the opposite sex. Under the circumstances, many people lose interest in opposite sex and become sexually attracted to members of the same-sex. It is the kind of urge that human can't control." Many conservatives condemned the piece as promotion of homosexuality and an assault on the institution of marriage.

<http://gozarnews.ir/107993/%D8%B4%D8%A8%D8%A7%D9%87%D8%AA-%D9%87%D8%A7%DB%8C-%D8%A7%D8%B2%D8%AF%D9%88%D8%A7%D8%AC-%D9%88-%D8%A2%D9%85%D9%BE%D9%88%D9%84-%D8%B2%D8%AF%D9%86.html>

## Beyond Asia

### Denmark forgoes ‘Gender Identity Disorder’ diagnosis for change in gender

In a positive move, Denmark became the first European country to forego the requirement for ‘Gender Identity Disorder’ diagnosis or any psychological assessment/opinion for a person to legally obtain their preferred gender. The parliament has also removed requirements such as medical intervention, compulsory surgical intervention and compulsory sterilisation.

The law, which comes into force on 1<sup>st</sup> September 2014, shall make the individual the sole decision maker on their preferred gender, without any conditions being imposed by the state. The only requirement would be for the applicant to be 18 years of age or above and be willing to serve a ‘reflection period’ of 6 months from the date of submitting the application for legal change of gender to a relevant authority. This move by the Danish parliament recognises and upholds the right to life and bodily integrity of an individual.

Source: <http://www.newsdaily.com/article/430676cfe4f0cb059fa40a2bcbc15b67/denmark-ends-forced-sterilisation-for-sex-change>

<http://webcache.googleusercontent.com/search?q=cache:http://www.washingtonblade.com/2014/06/12/denmark-allow-legal-gender-changes-without-sterilization-surgery/>

### Egypt makes sexual harassment a criminal offence

In a welcome step, Egypt’s outgoing president approved a decree making sexual harassment a criminal offence punishable by up to 5 years in jail, or fine of 3000 Egyptian Pounds. The decree defines sexual harassment as any sexual or pornographic suggestion or hints through words, signs or acts.

A UN research from 2013 suggested that 99.3% of Egyptian women had experienced sexual harassment; however, it is often the victims who are blamed for their experience, rather than the harassers. It now remains to be seen whether the law will be implemented by the police. In Egypt, like in most other parts of the world, sexual harassment is not seen as a crime and police rarely file such complaints. As important as this decree is, sexual harassment is also a social problem and needs to be dealt with at that level also.

Source: <http://www.theguardian.com/world/2014/jun/06/egypt-criminalises-sexual-harassment>

<http://www.aljazeera.com/news/middleeast/2014/06/sexual-harassment-made-crime-egypt-201465172339220160.html>

### African Commission on HR adopts resolution condemning discrimination based on sexual orientation

In light of Uganda and Nigeria passing draconian anti-homosexual laws, the African Commission on Human and People’s Rights adopted the Resolution 275 condemning acts of violence,

discrimination and other human rights violations against persons on the basis of their sexual orientation and/or gender identity. This move by the principle human rights body in Africa is an important step towards the equal recognition of the rights for all persons regardless of sexual orientation or gender identity.

This landmark resolution confirms that acts of violence, discrimination and other human rights abuses affecting LGBTI persons and human rights defenders in Africa violate State obligations under the African Charter on Human and People's Rights.

Source: <http://www.ijrcenter.org/2014/06/10/african-commission-on-human-and-peoples-rights-adopts-resolution-condemning-violence-and-discrimination-against-lgbti-persons/>

<http://www.achpr.org/sessions/55th/resolutions/275/>

## South Africa inducts openly gay man into Parliament

South Africa created history by inducting an openly gay man as a Member of Parliament. Zakhele Mbhele has a strong background in LGBTI rights, serving as the head of the LGBTI student group at Johannesburg's University of Witwatersrand and serving on the board of the city's pride festival.

It is believed that Mbhele's arrival on the African political scene could not be timelier for those looking for any sign of good news for LGBTIQ people facing brutal, draconian policies in countries like Uganda and Nigeria with its introduction of the draconian anti-homosexual laws.

Source: <http://www.advocate.com/world/2014/05/30/south-africa-gets-its-first-openly-gay-parliamentarian>

<http://www.mambaonline.com/2014/05/22/exclusive-meet-africas-first-openly-gay-black-mp/>

## Canada introduces law criminalising buying sex – putting sex workers in further danger

The Canadian federal government has introduced, in the House of Commons, Bill C36, a new legislation on sex work, targeting people who 'exploit' sex workers. The bill, known as the 'Protection of Communities and Exploited Persons Act', is being introduced pursuant to the Supreme Court judgment last year which struck down three provisions in the Canadian Criminal Code, 1985 regarding sex work. These provisions pertained to the prohibition on keeping a brothel, living on the avails of sex work and communicating in public for the purpose of sex work. Under the new bill the purchase of, as well as financially benefitting from sex work shall be a criminal offence.

With the introduction of this bill, which effectively bans the sale of sex in public places, sex workers will be forced to pass over the process of screening of clients which is vital for their safety. The new law would, instead of 'protecting' sex workers, may in fact put them in a more vulnerable position.

Source: <http://www.ctvnews.ca/politics/government-tables-new-prostitution-legislation-1.1852364>

<http://womensenews.org/story/prostitution-and-trafficking/140621/canadas-prostitution-bill-opposed-both-sides#.U7ENHJSSxDK>

The Supreme Court judgment can be accessed [here](#).

## England and Wales introduce law criminalising forced marriage

England and Wales has introduced a new law making it a criminal offence to force people into marriage. Under the Anti-social Behaviour, Crime and Policing Act, 2014 forcing someone to marry will carry a maximum seven-year jail sentence. Further, breaching a forced marriage protection order - which can be issued by courts to prevent people being married against their will – carries a penalty of maximum five years imprisonment.

An important aspect of the Act is that prosecution is not important. Reporting is an option and pursuing the criminal justice process is a choice.

Source: <http://www.bbc.com/news/uk-27830815>

<http://news.sky.com/story/1282965/forced-marriage-becomes-criminal-act-in-uk>

The Act can be accessed [here](#).

## National

### Judgments/ Orders

## Supreme Court rules bodily injuries are not necessary to prove a charge of rape

The Supreme Court has recently observed that a charge of rape will sustain even when there are no visible injuries on the body of the victim. Hearing an appeal in the case of *Krishan vs State of Haryana* (Crl. Appeal No.1342/2012), the Court upheld the conviction of the accused by the Trial Court and the High Court of Chandigarh.

Rejecting the appellant’s counsel’s argument that the victim was habituated to sex, and there were no injury marks on her body, the Supreme Court held that ‘it is not expected that every rape victim should have injuries on her body to prove her case’. The Court further emphasized that one cannot expect every rape victim to go and lodge a complaint at the police station immediately after being raped.

The Supreme Court’s judgement indicates, to some extent, the shift in the understanding of rape in judicial discourse, from notions of victimhood which required the victim to prove that she did not consent, by showing injuries on her body. However, it still remains to be seen if this shift has percolated to the lowest rungs of the judiciary, where the fate of countless rape cases are decided on such questions of evidence, decided by judges with little or no training or sensitization to deal with cases of sexual violence.

You can access the judgement [here](#).



Source:<http://www.livelaw.in/expected-every-rape-victim-injuries-body-prove-case-sc-read-judgment/>

## Delhi High Court reprimands state government for failure to launch campaign against sexual offences

The Delhi High Court has taken a very serious view of the lack of implementation by the Delhi Government of an effective awareness campaign against sexual offences against women, and imposed a fine of Rs 2 lakhs on it, to be deposited in the Nirbhaya fund. Observing that the government agencies themselves are not sensitized enough to take up the issue effectively with the public, the Court also stated that the ‘focus of the awareness campaigns should not be to gain personal publicity for the ministers, but rather to educate the public at large incorporating such material and photographs which are relevant for such campaigns’

The Court had earlier directed the Delhi Government and the Union Ministries of Home Affairs, Women and Child Development, and Information and Broadcasting to spell out their plans to undertake mass awareness programmes on sexual offences concerning women and children.

You can access the order [here](#).

Source:<http://www.thehindu.com/news/cities/Delhi/court-fines-delhi-government-for-failure-to-launch-campaign-against-sexual-crimes/article6039604.ece>

## Bombay high court rules against monetary relief to children of aggrieved woman if domestic violence is not established

The Nagpur bench of the Bombay High Court has ruled that if domestic violence is not established by an aggrieved woman against her husband, then her children cannot be given monetary relief under the Protection of Women from Domestic Violence Act of 2005. The Court quashed a magistrate’s order granting monetary relief to the minor children of a man accused of domestic violence, even though he hadn’t been found guilty of domestic violence.

The High Court has taken a very narrow and restrictive view of the definition of ‘domestic violence’. As defined by Section 3 (d) of the DV Act, domestic violence would also include ‘mental injury or harm caused to the aggrieved persons’. Such a definition should include cases where the women has filed a claim on behalf of her children, and the husband refuses to support them.

You can read the order [here](#).

Source:<http://www.dnaindia.com/mumbai/report-if-domestic-violence-not-established-then-no-maintenance-to-children-1991737>

## Delhi High Court dismisses PIL for Uniform Civil Code

The Delhi High Court has dismissed a public interest litigation seeking directions to the Government of India to implement the Uniform Civil Code, and institute a committee of ‘religious gurus’ to help in the implementation. The PIL was based on an earlier judgement of the Supreme Court in 1995, in *Sarla Mudgal vs UoI*, wherein the Court had expounded on the need for a Uniform Civil Code, but had not issued any directions for its implementation.

The High Court, in its decision, held that the judiciary does not have the competence to issue directions to the legislature to enact a law in a particular manner. It also warned against enacting a uniform code in one go as it might be detrimental to the integrity of the nation. The decision of the High Court is a welcome one, given the political context within which the clamouring for a uniform civil code is rising. Without a blueprint prepared by any previous government, such a code will only serve to alienate minorities, without giving any guarantee of betterment in the condition of women. Even after the Hindu law of succession was reformed in 2005 to make women equal coparceners along with male siblings, there is no evidence of it actually uplifting the condition of Hindu women, especially in matters of inheritance. As such, this indicates that a law making all the personal laws uniform in the country would not by itself be any surety for the amelioration of women in minority communities.

You can read the judgement [here](#).

Source: <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/high-court-dismisses-pil-for-a-uniform-civil-code/article6087561.ece>

Op-Ed: <http://www.thehindu.com/opinion/op-ed/the-importance-of-piecemeal-reforms/article6167344.ece?homepage=true>

## News

### Law Commission calls for review of death penalty

Since the disruption of India's eight year execution free run last year, the efficacy of capital punishment has led to an unrelenting public debate. The Law Commission of India's Consultation Paper (May, 2014) has endeavoured to put rest to a matter which was first addressed by the commission in 1967 by now floating a consultation paper inviting comments from the public. Thirty days have been provided to the public to submit their responses through a questionnaire. The commission proposes to collect data from various trial courts, High Courts, as well as the Supreme Court, in addition to consulting prison authorities regarding the conditions of the death row. There may also be the involvement of law schools, for conducting researches on themes of capital punishment, both qualitative, and quantitative.

While one hundred and forty nations worldwide have abolished capital punishment, India continues to be amongst the fifty-nine nations who continue to hold onto the death penalty. Furthermore, twenty of these fifty-nine nations have abstained from the practice.

While the Law Commission has acknowledged that the United Nations Resolution of 2007, urging a moratorium on executions with a view to abolish the death penalty, has not proved to put enough pressure on India, the decision of the Supreme Court to commute the death sentence of fifteen convicts on the grounds of violation of fundamental rights urges the need for a reassessment.

Source: <http://www.thehindu.com/news/national/law-commission-calls-for-review-of-death-penalty/article6047542.ece>

### Juvenile Justice Act to be repealed and re-enacted

After the amendments in 2006, and 2011, The Juvenile Justice Act, 2000 is to be brought to change once again. The Ministry for Women and Child Development has not only decided to repeal and re-enact the existing Juvenile Justice Act, but additionally a draft of the proposed bill has been made. The Juvenile Justice Bill, 2014 has been constructed, and a copy has been uploaded in order to allow comments from all stakeholders, viz. the civil society organisations, non-governmental organisations, and individuals, by July 3, 2014.

While the Juvenile Justice Act has been under great scrutiny, subsequent to the December 16 Case, with respect to the provisions relating to the juveniles in conflict in law, falling under the age group of 16 to 18 years, there have been a plethora of other issues raised by the Women and Child Development. The concerns raised range from the quality of care and rehabilitation measures in Homes, to the inadequate provisions regarding legal counsels for the children. In addition, the matters are inclusive of the increase in reported incidents of abuse of children in institutions, family and communities, delays in various processes under the Act, such as decision by the Child Welfare Committees and Juvenile Justice Boards leading to high pendency of cases, the delays in adoption processes, as well as the inadequacy while dealing with the offences against children.

Source: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=105729>

<http://www.newindianexpress.com/nation/Juvenile-Justice-Bill-to-be-Tabled-Soon/2014/06/20/article2289454.ece>

You can access a draft of the re-enacted bill [here](#).

## MWCD proposes amendments to the NCW Act, sends out concept note for One Stop Centres for women affected by violence

The Ministry of Women and Child Development has proposed amendments to the NCW Act of 1990, the legislation which provides for the establishment of the National Commission of Women.

According to the proposed amendments, the NCW will be given broader powers of enforcement. The commission will be able to issue arrest warrants, and levy a fine of Rs. 5000 in the event that summons are ignored. Furthermore, the draft amendments say that the commission would be able to approach the concerned High Court or the Supreme Court for directions, as well as for orders or writs. In addition, if the commission's inquiry is reflective of violation of women's rights, by either a public servant or private person, it would have the power to recommend an initiation of prosecution to the respective government or authority.

However, the proposed amendments do away with the basic minimum qualifications required for selection as a member of the commission, leaving it entirely at the discretion of the Central Government. The amendments also provide that only a union civil services officer can serve as the Member-Secretary of the Commission. The proposed amendments, in effect, further weaken the autonomy of the commission, making it more subservient to the executive.

In a separate development, the MWCD has created a [concept note](#) for One Stop Crisis Centers, also called 'Nirbhaya Centers', and has asked for comments from interested members of the public. The concept note elaborates that the 'the centres will provide support and assistance to all women affected by violence, both in private and public spaces, and will be integrated with a Women Helpline in all 640 districts and 20 additional locations in the country'. The centres will provide medical as well as police assistance, psycho-social support and counselling, legal aid and shelter, according to the concept note. The concept note also proposes that the centres will be

stand-alone institutions, not based in public hospitals as is the norm in other countries like England and Wales, South Africa, Bangladesh etc which the concept note cites.

While the initiative to set up such centres throughout the country is welcome, the space for consultation provided by the government is very limited. The concept note was published on the MWCD's website, with only a period of ten days given for comments and responses. The decision making process in public policy measures like this should be more inclusive and structured to allow larger participation.

You can access a submission by several academics, activists and women's organizations regarding the proposed amendments to the NCW [here](#).

Source: <http://indianexpress.com/article/india/india-others/ncw-to-get-civil-court-status>

<http://timesofindia.indiatimes.com/india/660-Nirbhaya-Centres-to-be-set-up-across-India/articleshow/37716232.cms>

Op-Ed: <http://www.kractivist.org/nirbhaya-centres-centres-of-misplaced-magnanimity-vaw/>

## RESOURCES

[‘Fighting inequality from the basics: The social protection floor and gender equality’: UN Women](#)

This report, by the UN Women, reflects on social security models in Central America and Dominican Republic and analyzes the frameworks, methodologies and practical implementation from the perspective of gender equality. This study defines a conceptual framework and analytical approach to the social protection floor from a gender perspective, focusing primarily on the basic social security guarantees but with a holistic approach along the lines of the United Nations Social Protection Floor Initiative.

This approach includes basic economic protection for women during pregnancy and during and after child birth and the provision of care for dependent persons and minors as indispensable components of social security. Moreover, the social protection floor is also an entitlement that ensures that the benefits its guarantees reflect the economic, social and cultural rights to which every member of the society is entitled.

Source: <http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2013/1/combatiendo-desigualdad-summary%20pdf.pdf>

[‘The Business of Women’s Human Rights: A Primer on the CEDAW & the UN Guiding Principles on Business & Human Rights’: IWRAW-AP](#)

[The IWRAW-Asia Pacific has published a user friendly primer for civil society organizations to understand the linkages between the CEDAW and the UN Guiding Principles on Business and](#)

[Human Rights \(UNGP\). The primer, apart from elucidating the salient aspects of both the CEDAW and the UNGP, also looks into the role that big businesses can play in addressing human rights issues, especially of women.](#)

[You can find the primer here.](#)

## OBITUARY

### Human rights activist and lawyer Mukul Sinha passes away

Mukul Sinha, eminent trade unionist and human rights activist has passed away after a long battle with lung cancer.

Mukul was a doctorate in Physics from IIT Kanpur and worked in the Physical Research Laboratories in Ahmedabad where he organised the workers due to which he was eventually had to lose his job. Along with N.N. Patel, he formed the Gujarat Federation of Trade Unions to work for labour rights and trade unions. Their work was focused at building a strong trade union trade union and working class movement in Gujarat.

During the Gujarat riots of 2002 his organization was a prominent player in the fight against communalism in the state. They organized many demonstrations and programmes against communalism, actively participated in the Nanavati Commission, and handled high profile cases like the Sohrabuddin case. Jan Sangharsh Manch, founded in 1990 under the umbrella of New Socialist Movement, fielded a core team of 20 activists and lawyers to take up riots cases.

In response to the need of a political party in Gujarat which stands beyond communal biases, the New Socialist Movement party was formed in 2004. Under Sinha's leadership, the party contested the Gujarat assembly elections from Shahpur in 2007 and Sabarmati in 2012. In 2010 he was elected the President of the Trade Union Centre of India, and re-elected to the post again in 2012, holding the office till his demise. His death has been a loss for the trade union and labour rights movement.

[Source: http://indianexpress.com/article/india/india-others/mukul-sinha-who-fought-for-2002-riot-victims-succumbs-to-cancer/](http://indianexpress.com/article/india/india-others/mukul-sinha-who-fought-for-2002-riot-victims-succumbs-to-cancer/)

### Satya Rani Chaddha, pioneering anti-dowry activist passes away

One of the most prominent and persevering voices of India's anti dowry movement in the 1980s, Satya Rani Chaddha has passed away at the age of 85. Satya Rani, who had lost her own daughter in 1979 to dowry related violence, is widely known and respected as an outspoken activist against dowry and domestic violence. Along with Shahjehan 'Apa', she was one of the founding members of Shakti Shalini, a Delhi based NGO dedicated to fighting against gender based violence.

Satya Rani waged an immense life long legal battle to get justice for her daughter. After 22 years, the Delhi High Court declared her son-in-law guilty of abetting the death of her daughter, but he absconded immediately and is yet to be found. Undeterred, Satya Rani made it her life's mission

to fight for victims of dowry and domestic violence, and has touched the lives of countless women through her work and activism. Her demise will be deeply felt by everyone within the women's movement.

Source: <http://www.livemint.com/Specials/ltOkZTJF9pkky8dWh8NarO/Satya-Rani-Chadha-The-face-of-Indias-antidowry-movement.html>