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Updates from the UN

CEDAW releases its concluding observations on the combined 4th and 5th periodic report of India

The CEDAW committee has released its concluding observations on India's periodic report, presented at the 58th session of the CEDAW in July 2014. The observations, while acknowledging and welcoming the several legislative reforms undertaken by the government since the previous periodic report in 2007, also flagged some areas of concerns and recommendations. The committee expressed its concern on the lack of a comprehensive anti discrimination legislation addressing all forms of discrimination against women. It also expressed concern about the rising number of cases of violence against women, including sexual violence, acid attacks and violence in conflict areas and border zones.

The committee expressed its concern at the lack of financial and operational autonomy of the National Commission for Women and its state commissions, and encouraged the government to strengthen the autonomy, capacities and resources of the NCW.

You can read the entire document [here](#).

OHCHR presents report on birth registration and its impact on human rights

The Office of the United Nations High Commissioner for Human Rights (OHCHR) presented its annual report on the 'Birth registration and the right of everyone to recognition everywhere as a person before the law' to the Human Rights Council.

The report is an overview of the global rates of birth registration. Further, it considers the consequences and impact of non-registration on human rights. It also analyses the barriers to access to birth registration, provides examples of good practices and makes a number of recommendations to ensure the universal implementation of this right. The report provides examples of good practices and makes a number of recommendations to ensure the universal implementation of this right

The report can be accessed [here](#)

UN High Commission for Human Rights Navi Pillay concludes term, succeeded by Zeid Ra'ad Al Hussein

After a six year tenure as the United Nations High Commissioner for Human Rights, Navi Pillay has retired early this month. Pillay was a member of a non-white minority in apartheid South Africa, and a front-line, grassroots lawyer who acted as a defence attorney for many anti-apartheid activists.

In 1995, Navi Pillay was elected by the UN General Assembly to be a judge on the International Criminal Tribunal for Rwanda. She later went on to become the President of the Tribunal. She

played a critical role in the Tribunal's ground-breaking jurisprudence on rape as war crime, as well as on issues of freedom of speech and hate propaganda. She then went on to serve as a judge on the International Criminal Court in The Hague before taking on her role as the UN High Commissioner for Human Rights. During her tenure, Pillay has been very vocal and active on issues relating to children, detainees, victims of torture and of domestic violence, and a range of economic, social and cultural rights.

Pillay is being succeeded by Zeid Ra'ad Zeid al-Hussein of Jordan as the new High Commissioner for Human Rights. Zeid, who is Jordan's Permanent Representative to the UN will be the first Arab and Muslim to become the UN High Commissioner for Human Rights. As president of the governing body of the International Criminal Court (ICC) from 2002 to 2005 Zeid was closely associated with establishing the ICC. In 2002, he helped usher into being the International Criminal Court. In 2004, he wrote a [report](#) on alleged sexual abuse by peacekeeping forces in Congo.

Source: http://www.nytimes.com/2014/08/14/world/europe/for-un-leader-on-human-rights-finish-line-looks-blurry.html?_r=2
<http://www.un.org/apps/news/newsmakers.asp?NewsID=110>
<http://www.un.org/apps/news/story.asp?NewsID=48064#.VAIMRMWSw0Y>

UN General Assembly's Open Working Group on Sustainable Development Goals submits proposal

UN General Assembly's Open Working Group on Sustainable Development Goals completed its mandate and submitted a report with a proposal for sustainable development goals at the 68th session of the UN General Assembly. The Open Working Group is the outcome of the mandate set out during Rio+20 in its document '[The future we want](#)'. The Open Working Group also provided the basis for their conceptualization.

The proposal contains 17 goals with 169 targets covering a broad range of sustainable development issues, including ending poverty and hunger, improving health and education, making cities more sustainable, combating climate change, and protecting oceans and forests.

Though welcome, the proposal fails to address certain issues such as ensuring women's full participation in peacekeeping, peace building, and reconstruction, protection of human rights for all and respect, protection, and fulfilment of sexual and reproductive health and rights for all.

Source: <http://sustainabledevelopment.un.org/content/documents/4538pressowg13.pdf>
<http://www.womenmajorgroup.org/womens-8-red-flags-following-the-conclusion-of-the-open-working-group-on-sustainable-development-goals-sdgs/>

UN recognises same-sex unions amongst its own staff

In a welcome move, the United Nations has recognised LGBTI marriages amongst all its staffers, in a landmark policy which will give same-sex couples the same benefits as heterosexuals. Previously a union of only those staff members who were citizens of countries where same-sex marriage is legal was recognized by the UN. Same-sex couples will now be able to enjoy UN staff benefits, including health insurance coverage, and the opportunity to accompany their partner during home leave.

Source: <http://www.independent.co.uk/news/world/politics/un-recognises-samesex-marriage-for-all-staff-9592586.html>

<http://static.squarespace.com/static/5367af22e4b0915380a1eb0a/t/53b5994fe4b0a0a0f104dcdc/1404410191862/st-sgb-2004-13-R1--14-05532.pdf>

International Developments

Asia

Iran bans permanent contraception to boost population growth

Iran's parliament has voted to pass a bill that will ban permanent forms of contraception such as vasectomies and similar female procedures, in order to boost its population. The bill, approved by the Parliament, will now go to the Guardian's Council, a panel of theologians and jurists before it is finally passed.

The bill is the parliament's response to a decree issued by the Ayatollah in May to increase the population to 'strengthen national identity' and counter 'undesirable aspects of western lifestyles'. The draft bill, if passed, would have the result of keeping Iran's highly educated female population in traditional roles as wives and mothers.

Source: <http://www.reuters.com/article/2014/08/11/us-iran-population/idUSKBN0GB1CI20140811>

Sri Lankan government bans civil society groups from holding press conferences

The Sri Lankan National Secretariat for NGOs, under the Ministry of Defence and Urban Development, has issued a circular to all NGOs preventing them from "conducting press conferences, workshops, journalism training and dissemination of press releases". The authority has claimed such activities are beyond the mandate of NGOs. The decision undermines the important role NGOs and the media play in the development of a nation by barring them from having legitimate dialogue and engagements with media outlets and journalists, is violates their freedom of expression.

This move by the Sri Lankan government comes despite increasing pressure from the international community to improve its human rights situation. Earlier, three human rights experts of the UN had [urged](#) Sri Lanka to stop the promotion of hatred and faith based violence. In February, the former UN Human Rights Commissioner Navi Pillai had visited Sri Lanka and called for an international probe to be set up to investigate war crimes by Sri Lanka.

The silencing of NGOs is all the more alarming as Sri Lanka's periodic report is to be reviewed by the UN Human Rights Committee in October 2014, and civil society groups are supposed to submit alternative reports to the UNHRC as part of the process.

Source: <http://www.aljazeera.com/news/asia-pacific/2014/07/sri-lanka-bans-ngo-news-conferences-20147911164236904.html>

Afghan court sentences seven gangrape accused to death, President assures execution

In a gang rape case with high public and media visibility, an Afghan primary court has sentenced all seven accused to death. The accused were all found guilty of kidnapping, robbing and gang raping four women who were returning from a wedding.

The trial has been at the centre of a lot of public attention, and President Hamid Karzai had recently met a delegation of women activists and assured them that the accused would be executed if convicted. Under Afghan law, the President must ratify an execution before it can be carried out. The convicted men however have a right to appeal against the decision in an Appellate court.

The gangrape, the trial and the public attention are reminiscent of the heinous gangrape in Delhi, in December 16, 2012. However, instead of focusing on and implementing the retributive aspect of penal law, one can only hope that such cases will lead to far reaching changes in policy as well as attitudes to cases of sexual violence in a country where a climate of patriarchy, poverty and a lack of rule of law causes violence against women to be rife.

Human rights activist Mohammad Ali Danish from Afghanistan has translated a report on the gangrape as well as President Karzai's assurances to civil society groups. You can read the report [here](#).

Source: <http://www.independent.co.uk/news/world/middle-east/death-sentence-handed-down-after-afghan-gangrape-9717805.html>

Kuwait adopts new telecom law giving government sweeping censorship powers

Kuwait has passed a new telecommunication's law, providing for the establishment of a Commission for Mass Communication and Information Technology with sweeping discretionary powers to grant or rescind licenses to service providers as well as impose harsh penalties on grounds of 'morality' and 'national security'. It allows the government to do so without disclosing the reasons or criteria for its decisions. The law allows no appeal of a decision to refuse to issue a license or to summarily revoke one.

Kuwait has ratified the International Covenant on Civil and Political Rights (ICCPR) and the Arab Charter on Human Rights that protects the right to freedom of opinion and expression, as also guaranteed under Article 36 of the Kuwaiti Constitution. It allows governments to restrict expression to protect certain, specified interests, such as the "protection of national security or of public order, or of public health or morals," but only when restrictions are absolutely necessary and strictly proportionate to the risk of harm to those interests. The new Kuwaiti law exceeds these limitations by allowing authorities to sanction speech if they deem it in any way harmful,

without considering whether sanctions are actually necessary or no greater than needed, and by not allowing appeals.

Source:<http://www.arabtimesonline.com/NewsDetails/tabid/96/smId/414/ArticleID/208698/reftab/73/Default.aspx>

Malaysian government to carry out policy study of human rights issues in the country

The Malaysian government is set to carry out a Policy Research for National Human Rights Action Plan (NHRAP), to enable better implementation of human rights laws in the country. Various ministries, departments and 40 academic experts from various fields of expertise from local universities would be involved in the study that will take 18 months and is divided into two phases.

The report will analyze the human right situation in the country and propose an appropriate action plan accordingly. The research group, which has been formed, would undertake the study based on civil and political rights, economic, social, religious and cultural rights, rights of vulnerable groups, rights of aboriginal/indigenous people and international obligations.

Source:<http://www.theborneopost.com/2014/08/14/govt-to-conduct-study-on-human-rights-issues-says-nancy/>

Beyond Asia

ECHR upholds France's ban on burqa to encourage citizens to 'live together'

The European Court of Human Rights (ECHR), accepting the argument that France's ban on wearing a burqa encourages citizens to 'live together', upheld the 2011 law banning burqas in public.

The case was brought by a 24-year-old French woman, who argued that the ban on wearing the veil in public violated her freedom of religion and expression. The ECHR held that the law did not violate Article 8 (right to respect for private and family life), Article 9 (right to respect for freedom of thought, conscience and religion) and Article 14 (prohibition of discrimination) of the European Human Rights Convention.

What is striking about this judgment is that the Court observed that the French Government had not shown that the ban introduced in 2011 falls under the context where there is a general threat to public safety. It went on to observe that the ban forced women to give up completely an element of their identity that they consider important, together with their chosen manner of manifesting their religion or beliefs, whereas the objective alluded to by the Government could be attained by a mere obligation to show their face and to identify themselves where a risk for the safety of persons and property. Despite this, the ECHR went on to accept the argument by the Government on the ban encouraging citizens to 'live together', which in fact is not part of the rights guaranteed by the Convention.

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

Source: <http://www.bbc.com/news/world-europe-28106900>

<http://www.theguardian.com/world/2014/jul/01/france-burqa-ban-upheld-human-rights-court>

Suriname amends law to allow mothers to pass nationality to their children

In a welcome move, the Suriname National Assembly is set to amend its 1975 Law on nationality and residence and allow mothers to pass on their nationality to their children. This amendment will also give women the right to confer their nationality to their spouse. The amendment will further introduce safeguards to prevent statelessness due to loss of nationality.

The inability, largely of women, to pass on their nationality to their spouse or children has had grave consequences including statelessness, fear of deportation, lack of access to social services and benefits including health and education. Studies show that it can also increase vulnerability to violence including child marriage and other related human rights abuses.

Source: <http://www.trust.org/item/20140813164527-45elj/?source=itBlogs>

<http://www.caribjournal.com/2014/07/26/suriname-united-nations-welcomes-changes-to-nationality-law/>

Papua New Guinea passes law making registration of marriage compulsory

Papua New Guinea has passed a legislation outlawing polygamy, attributing it to the high rates of domestic violence, gender inequality and the spread of AIDS. The Civil Registration Amendment Bill makes it compulsory to register all marriages, including customary ones. Marriages involving more than one spouse, however, will not be recognised.

Traditionally, customary marriages (including polygamous ones), in Papua New Guinea are common in rural areas and were not officially recorded. The reason behind polygamous marriages (which is prevalent in mountainous highlands regions) was to increase agricultural productivity and better manage domestic responsibilities. It is unclear how registering marriages in itself will curb the spread of AIDs, or be an assurance against domestic violence.

Source: <http://www.ipsnews.net/2014/07/outlawing-polygamy-to-combat-gender-inequalities-domestic-violence-in-papua-new-guinea/>

Arizona and California recognise transgender people's right to marry and have children

Two US Courts, the Arizona Appeals Court and the Superior Court of California, in separate rulings a week from each other, upheld the legal recognition of gender identity as well as transgender people's right to marry and have children.

The Arizona Appeals Court, overturning the previous court's ruling that the marriage between the parties was illegal since one of the parties (who had undergone a sex change operation and his

amended birth certificate recognised him as male) was legally female because he could still bear children, held that the marriage was valid and thus could be dissolved through divorce.

The Superior Court of California, in a case of divorce, the wife, in an attempt to avoid paying spousal support, argued that the marriage was invalid since the husband's (who had undergone a FTM sex change operation) birth certificate had recognised him as a female at the time of the marriage. The Court ruled that the husband was legally male, and that Louisiana law would recognize this as a marriage between a man and a woman.

Source: <http://transgenderlawcenter.org/archives/10969>

Ugandan anti-homosexuality law held to be unconstitutional

The Ugandan Constitutional Court, in a much awaited decision, struck down the widely condemned anti same-sex law, which came into law earlier this year.

The law was challenged by 10 petitioners which included academics, journalists, MPs, human rights activists and rights groups on the ground that it violated the constitutional right to privacy and dignity, as well as the right to be free from discrimination and cruel, inhuman and degrading treatment. The Court, however, nullified the Anti Homosexuality Act because it was passed by the Parliament without the requisite quorum as required by law.

Irrespective of the reasoning for the ruling, this has come as a relief for civil society stakeholders and service providers who within weeks of the passing of the law were falsely targeted as being engaged in the promotion of homosexuality.

More information on the law and the petition is available [here](#) and [here](#) respectively.

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

Source: <http://www.theguardian.com/world/2014/aug/01/uganda-anti-gay-law-null-and-void>

http://www.nytimes.com/2014/08/02/world/africa/uganda-anti-gay-law-struck-down-by-court.html?_r=0

Croatia to allow same-sex civil unions

In a progressive step, the Croatian Parliament is soon to approve the Life Partnership Act which grants same-sex couples many of the same rights as that of an opposite sex marriage, with the exception of adoption. Though the law will grant more legal rights to same-sex couples than they currently have, but the unions will not have the status of a marriage.

Though Croatia has recognised the unregistered cohabitations of same-sex couples since 2003, and agreeably the Life Partnership Act does give civil unions the same status as that of marriage, however, in a conservative country like Croatia, this move is a step forward.

Source: <http://www.pinknews.co.uk/2014/06/25/croatia-parliament-to-vote-on-civil-partnership-law-next-month/>

http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=11294508

Kenyan High Court directs NGO coordination board to register a trans rights group

The Kenyan High Court, in its landmark ruling in favour of a transgender rights group, directed the government's Non-Governmental Organization (NGO) coordination board to grant them recognition. The coordination board had claimed that the organisation Transgender Education and Advocacy (TEA) did not qualify to register as a NGO because in the paperwork filed, the names of some of the members did not match their gender markers.

Referring to the board as 'unfair, unreasonable, unjustified and in breach of rules of natural justice' in its treatment of TEA, the Court criticized the coordination board's decision on grounds that it had failed to fulfil its statutory functions. The Court went on to direct the board to pay for the legal costs that TEA had accrued during the trial.

Source: <http://dot429.com/articles/4719-kenyan-high-court-orders-legal-recognition-of-transgender-rights-group>

<http://www.nation.co.ke/news/Court-allows-transsexuals-to-register-lobby-group/-/1056/2394700/-/x4q9ox/-/index.html>

Egypt's civil society signs declaration on 'Women's Rights in Islam'

Concluding the Conference on Women Issues and Contemporary Islamic Diligence, Civil Society Organisations in Egypt have signed the Alexandria Declaration on 'Women's Rights in Islam' after participants discussed the legitimate rights of women from the Islamic perspective. The Declaration is grounded on the principles of Islamic Sharia, along with some Ijtihad-based efforts.

The declaration highlights the fundamental principles of political, economic, social and cultural rights and states that these principles should be applied to all women issues in Muslim communities in accordance to their different cultures and economic and political conditions. The declaration stresses on the role played by the state and the society to provide support for women's access to their rights.

Source: <http://www.libyaherald.com/2014/03/11/alexandria-declaration-on-womens-rights-in-islam/#axzz3AZcnLEu9>

<http://thecairopost.com/news/102513/news/alexandria-declaration-of-women-rights-in-islam-launched>

Colombian court rules in favour of same sex couple's adoption rights

In a precedent setting judgment, the Colombian Constitutional Court ruled that a lesbian woman could adopt her long-time partner's biological child. The ruling, though, does not apply to every case of adoption by same-sex couples.

The petitioner filed an appeal in court after the Colombian Family Well-being Institute rejected her partner's application to adopt the petitioner's biological daughter. The Court, while rejecting the decision of the Institute, held that the petitioner had a right to request for an adoption of her child by her partner regardless of the sex.

Though a welcome judgement, its applicability is limited to certain situations only. The ruling shall only be applicable to same-sex couples who are adopting one of the partner's biological child. Further, the couple would have had to be living together for a period of at least two years.

Source: <http://www.afp.com/en/news/colombia-court-allows-lesbian-adoption>

<http://www.telesurtv.net/english/news/Colombia-Approves-First-Same-Sex-Adoption-20140828-0066.html>

US Federal Immigration Board allows domestic violence victims to seek asylum

The United States Federal Immigration Board, in a historic decision, held that women who are victims of severe domestic violence in their home countries can be eligible for asylum in the United States.

The decision came after a woman who has been brutally beaten by her husband fled to the US and sought asylum. The Board clarified the interpretation of the term refugee. It observed that foreigners may qualify for asylum if they have a 'well-founded fear of persecution' based on race, nationality, religion, political opinion or 'membership in a particular social group.' The Board held that women who face domestic violence in a country that does not have laws to protect them from the same will come under the category of 'membership in a particular social group'.

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

Source: <http://www.sfgate.com/nation/article/Domestic-violence-ruled-a-reason-for-political-5714402.php?cmpid=twitter-mobile>
<http://www.nytimes.com/2014/08/30/us/victim-of-domestic-violence-in-guatemala-is-ruled-eligible-for-asylum-in-us.html>

National

Judgements/Orders

Supreme Court makes observations on the nature and legality of fatwas

While disposing a petition seeking all fatwas to be declared illegal and void, the Supreme Court made some observations on the nature and legality of fatwas or edicts by Shariat Courts, also known as Dar-UI-Qazas. The Court observed that while the decisions of the Dar-ul-Qaza have no legal sanction and are not backed by the law of the land, the practice of issuing fatwas in itself is not illegal. The Court made it clear that a fatwa is 'only an opinion, not a decree binding on the court or the state or the individual', and that it is within the discretion of the persons concerned to accept, ignore or reject it.

The Apex Court also gave its advisory opinion to the Dar-ul-Qaza, asking it to not issue any fatwa on rights, status and obligations of individuals, unless asked by the person involved or directly

interested. The Court also held that any person trying to illegally enforce a fatwa would have to be dealt with in accordance with the law.

While the judgement does not infringe upon the rights of religious minorities protected under Article 25 of the Constitution, it however leaves out edicts and diktats of a similar nature made by other bodies such as caste panchayats, which affect the rights and status of women in matters of autonomy and choice.

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

Source: <http://indianexpress.com/article/india/india-others/shariat-courts-not-legal-cant-issue-diktat-to-impinge-individuals-rights-sc-on-fatwa/>

Op-Ed: <http://indianexpress.com/article/opinion/columns/faith-and-fatwa/>

Supreme Court issues directions on arrest in cases of cruelty under Section 498 A of the IPC.

The Supreme Court, while hearing a Special Leave Petition in Arnesh Kumar vs State of Bihar, has issued a set of guidelines for the police to follow in arresting the accused in cases under Section 498 A of the IPC, which deals with cruelty by husband or his relatives.

The guidelines set by the Court instruct the state governments to direct the police to not automatically arrest the accused when a case under Section 498 A is registered, but first to ‘satisfy themselves about the necessity for arrest under the parameters flowing from Sec 41 of the CrPC.’ Section 41 (1) (b) of the CrPC lists out five conditions that the police must satisfy themselves of the necessity of arrest in cases involving cognizable offences punishable with imprisonment of 7 years or less. The Supreme Court also directed that all police officers be given a checklist of all the conditions specified under Sec 41(1)(b) of the CrPC, and that while producing the accused for further detention before the magistrate, the police shall file a report furnishing the reasons that necessitated the arrest, and the magistrate shall only authorise further detention only after satisfying himself of the reasons in the report. Further, the Supreme Court directed that the decision to not arrest the accused has to be forwarded within two weeks to the magistrate.

Apart from issuing the guidelines, the Supreme Court made several observations about the ‘phenomenal increase in matrimonial disputes in recent years’, leading to the Section 498-A being misused by disgruntled wives to harass their husbands and relatives. The provision was introduced by the Parliament in 1983, in light of increasing cases of domestic violence and dowry related deaths through the country. Even today, despite stringent laws, women are subjected to cruelty and violence in their matrimonial homes at the hands of her in laws and husbands. Though there may well be cases of inappropriate use of the law, the observations of the Supreme Court belittle the magnitude of the problem of violence against women within the matrimonial home.

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

Source: <http://barandbench.com/content/212/section-498a-used-%E2%80%9Cweapon-rather-shield-disgruntled-wives%E2%80%9D#.U7Tq5ZSSySp>

Bombay High Court rules in favour of property and licensing rights of women in two separate judgements

The Bombay High Court has, in two separate judgements, safeguarded the property and licensing rights of women. In one case, a full bench of the Bombay High Court has ruled that the Hindu Succession (Amendment) Act of 2005, which makes daughters equal coparceners in a Hindu Undivided Family, will have retrospective effect from the date of the enactment of the principle act. Disagreeing with an earlier decision of a division bench of the same court, the full bench held that ‘the amended section has retrospective effect from the date of enactment of the principal act, and is applicable to all daughters born before or after 2005 as a daughter becomes a coparcener in her own right by virtue of her birth’.

The interpretation applied by the High Court prevents the black letter of the law from rendering any mischief, and safeguards the rights as equal coparceners of countless women born before 2005.

In another case, the Bombay High Court has struck down a discriminatory state policy which prevented ‘married daughters’ from seeking transfer of a retail licence previously held by a deceased family member. The impugned state policy, a Government Resolution dated 20th February 2004, excluded ‘married daughter’ from the expression ‘family’ for the purpose of being entitled to be considered for retail licenses. Relying on precedents, the High Court held that the Government Resolution was violative of the provisions of Article 14, 15 (equality and non discrimination) and 19(1)(g) (freedom of trade) of the Constitution.

You can read both the judgements [here](#) and [here](#).

Source:<http://www.livelaw.in/daughters-entitled-ancestral-property-bombay-high-court-full-bench-read-judgment/>

<http://www.dnaindia.com/mumbai/report-bombay-high-court-strikes-down-maharashtra-government-resolution-excluding-married-daughter-from-getting-kerosene-license-2012405>

<http://www.thehindu.com/news/national/daughters-entitled-to-family-property-rules-bombay-high-court/article6319295.ece>

Irom Sharmila released from house arrest by Imphal Session Court, rearrested 3 days later

A sessions court in Imphal, Manipur, has ordered the release of anti AFSPA activist Irom Sharmila, who has been on an indefinite hunger strike for the past 13 years against the draconian legislation which allows the armed force to disregard human rights in conflict areas with impunity.

Irom Sharmila had been kept under house arrest at a government hospital in Imphal where she has been force fed for the last thirteen years, under charges of attempting to commit suicide. The

sessions court reasoned that there was no supporting evidence to prove that she was attempting to commit suicide, and that there was only an allegation against her.

Her release comes in the wake of recent [recommendations](#) by the CEDAW in its concluding observations to the Indian government's 4th and 5th periodic report, wherein the Committee urged India to amend or repeal the AFSPA to protect the human right of women. The Special Rapporteur on Violence against Women in her [report](#) on her India visit expressed concern about the climate of impunity and disregard for human rights that the AFSPA fosters.

Irom Sharmila was however re-arrested three days after the court ordered her release and charged with attempting to commit suicide (Section 309 of the IPC), even though the court had declared the charge unsustainable.

Source: <http://www.firstpost.com/living/not-just-afspa-force-feeding-irom-sharmila-is-also-a-bodily-autonomy-debate-1688265.html>

Kupwara Sessions Court dismisses revision petition by Indian Army in Kunan Poshpora rape investigations

A Sessions Court in Kupwara in Northern Kashmir has dismissed the first legal challenge by the Indian Army seeking to end further investigations in the case in June 2013 by a Judicial Magistrate in Kupwara.

The Kunan Poshpora incident occurred on February 23, 1991, when units of the [Indian army](#) launched a search and interrogation operation in the village of Kunan Poshpora, located in the district of Kupwara. At least 53 women were allegedly gang raped by soldiers that night. The Sessions Court, while dismissing the army petition, held that a delay in investigation does not debar the investigative agencies from unravelling the truth.

Earlier, in June, the Jammu and Kashmir High Court had directed the state government to explore the possibility of compensating the affected women.

Source: <http://www.kashmirilife.net/court-dismisses-revision-petition-by-army-in-kunan-poshpora-63520/>
<http://www.dnaindia.com/india/report-after-23-years-justice-in-sight-for-kunan-poshpora-victims-1998954>

News

One Stop Centre for victims of rape opened in Delhi

The first One Stop Centre for rape victims was opened in Delhi at the Sanjay Gandhi Memorial Hospital. The centre is designed to provide rape victims help with registering complaint as well as psychological counselling and support. The centre will also facilitate admission of the victim to the hospital if she requires treatment, or find her a shelter if she has no place to stay.

Earlier, the Union Finance Minister, in the [budget](#) for the National Capital Territory of Delhi, had announced allocation of funds for setting up of one stop centres for victims of sexual violence in each district in government hospitals. The budget also provided for setting up three new forensic science laboratories in the capital to expedite forensic investigations and reporting. In June, the Ministry of Women and Child Development had sent out a [concept note](#) on One Stop Crisis Centres and solicited comments and feedback from members of civil society.

While it is certainly a step in the right direction, it is also important to emphasize that the One Stop Centres be accessible to victims of all forms of sexual violence, and not just rape or aggravated forms of sexual violence. It should also be accessible to persons from the transgendered community as they often have to face sexual violence on a routine basis.

Institutional reform is an important aspect of structural change, but parallel processes of sensitization and training of persons within such institutions are just as cardinal to provide holistic justice for victims of rape and sexual assault.

Source: <http://indianexpress.com/article/cities/delhi/delhi-gets-first-one-stop-centre-for-rape-victims/>

Central Administrative Tribunal questions constitutionality of certain provisions of Sexual Harassment at the Workplace Act

The Central Administrative Tribunal (CAT) has, in a recent order regarding four cases of sexual harassment, observed that Section 4 and 7 of the Sexual Harassment at the Workplace Act of 2013 are 'un-constitutional'. These two sections deal with the constitution of internal and local complaints committees, and specify that at least two members of the committee should be persons 'committed to the cause of women'.

In the CAT's reasoning, such a stipulation would vitiate the process of fair trial, as the members would already be 'biased' in favour of women. The tribunal's understanding is emblematic of insecurities and institutional prejudices against women which necessitated the enactment in the first place.

Source: <http://www.thehindu.com/news/national/karnataka/cat-finds-illegality-in-law-against-sexual-harassment-at-workplace/article6204747.ece>

University of Delhi introduces third gender as a category in application form for post graduate program

The University of Delhi has created space for a third gender category in its application forms for post graduate program. This will allow applicants from the transgender community to be admitted under a separate category under the Other Backwards Class category.

Earlier in April, the Supreme Court had delivered a landmark [judgement](#) granting legal recognition and protection to the transgender community. In July, the University Grants

Commission had notified a third gender category enabling transgendered persons to avail benefits of all scholarship schemes and fellowship programs in higher educational programs.

While it is a progressive step from the University, it is also important to develop a mechanism for sensitizing the university community and also to protect transgendered persons from harassment. Until 2013, the University followed its own [Ordinance XV \(D\)](#) for prohibition of and punishment for sexual harassment. In its definition of sexual harassment, this ordinance included any behaviour that discriminates against a person based on his or her 'gender identity or sexual orientation'. However, the newly enacted Sexual Harassment at the Workplace Act makes no mention of different gender identities and sexual orientation, thereby depriving the transgendered community of any framework for redressal in case of harassment within the university.

Source: <http://timesofindia.indiatimes.com/home/education/news/Transgendered-get-space-in-DUS-PG-admission-forms/articleshow/40135765.cms>

Op-Ed: <http://scroll.in/article/674803/Is-Delhi-University-really-prepared-to-enroll-transgender-students?>

NHRC recommends monetary compensation in two cases of child sexual abuse by policemen in Delhi

The National Human Rights Commission (NHRC) has made recommendations to the Delhi Government for monetary compensation in two separate cases of child sexual abuse by policemen. In both cases, the Commission concluded its inquiry and held the accused policemen guilty. The NHRC is empowered under Section 18 (a) of the Protection of Human Rights Act of 1993 to make recommendations, after due inquiry, to the concerned government to compensate the complainant or victim

In the first case, the Government of Delhi has paid Rs.5 lakh as monetary relief to a minor girl on the NHRC's recommendation, and held that the accused policeman had prima facie attempted to 'outrage the modesty' of the minor girl. In the second case, the NHRC has recommended a compensation of Rs 3 lakhs to be paid to a minor victim of attempt to rape by two policemen.

Both these cases indicate a pattern of impunity with which police officials abuse their power, especially against the youngest and weakest targets, despite a plethora of legislative amendments in sexual violence laws.

Source: <http://nhrc.nic.in/dispatchive.asp?fno=13344>

<http://nhrc.nic.in/dispatchive.asp?fno=13351>

Resources

‘Speak! The Truth is still alive: Land, Caste and Sexual Violence against Dalit Girls and Women in Haryana’: Women Against Sexual Violence and State Repression

The report published by Women against Sexual Violence and State Repression is an effort to expose and analyze the continuing onslaught of sexual violence against the Dalit girls and women in the state of Haryana in North India. The report provides evidence of the interlinked operation of caste, patriarchy and neo-liberal policies, each of them steeped in violence. It examines the economic and cultural transformation triggered by the neo-liberal boom in Haryana that has created new avenues for violence against Dalit women. It also seeks to bring some of the most recent of these violations under scrutiny, to expose the institutional mechanisms that provide immunity and impunity to perpetrators, and collude with them to attack and intimidate those who are struggling for justice.

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

‘Socio Economic Status of Women Manual Scavengers’: Jan Sahas Social Development Society

Jan Sahas with support from UN women has released a baseline study report on socio-economic status of women manual scavengers in the three states of Bihar, Madhya Pradesh and Uttar Pradesh. It analyzes the extent of women’s participation in local governance structures, their access to various government schemes and services. The report focusses on understanding the status of opportunities available and rights exercised by women through various pointers of development like education, health, employment, livelihood and nutrition.

You can access the report [here](#)

‘Sexuality and Politics: Regional Dialogues from the Global South’ : Sexual Policy Watch

This two volume e-publication is a compendium of selected papers presented during a series of regional dialogues in Asia, Latin America and Africa to critically reflect on Sexuality and (Geo) Politics. It greatly contributes to the ongoing contemporary research and analysis on the relationship between sexuality and politics in the 21st century, with a special focus on perspectives from the global south. It has as its central premise the understanding that sexuality is always related to power, whether defined in political, cultural, scientific or religious terms. Based on this premise, it looks into four sets of intersection namely sexualities and the state/political processes, sexualities and religion, sexualities and science and sexualities and economics.

The first volume brings together six papers selected from those presented at the Dialogues, while the second offers a more comprehensive and expanded overview that pulls together major threads

of discussion raised at these regional exchanges and connects them with the wider field of theorizing and research on the various subjects they have addressed.

The e-publication can be assessed [here](#)

‘Situational Analysis of Acid Violence in Eastern India’: Acid Survivors Foundation India

The Acid Survivors Foundation India has released a comprehensive report on the situational analysis of acid violence in Eastern India. The report looks at acid violence as a gender based crime and based on its situational analysis, it stipulates remedial measures to fight the menace of acid attacks.

You can read the entire report [here](#).

‘Using Law to Address Sexual Harassment against Women in the Workplace in India’: North East Network

The North East Network has released a guide for working women on sexual harassment at the workplace. It provides a brief overview of the act including the different forms of harassment with illustrations, constitution of committees and the grievance redressal mechanism. It also discusses the dos and don’ts for women and explains myths and facts associated with sexual harassment.

You can access the guide [here](#)

‘PWDVA- Maharashtra State Handbook on Protocols, Best Practices and Reporting Formats’ : MOHIM

This handbook produced by MOHIM Cell, collaboration between the Department of Women and Child Development and Majlis Legal Centre aims to ensure a well-coordinated, multi- agency response to domestic violence. The Handbook covers provisions, procedures and protocols as stipulated under the Act and also provides best practices in keeping with the spirit of the Act. In addition it also contains reporting formats and lays down a three tier bottom up system to monitor the implementation of the DV Act in Maharashtra.

‘Publications on Protection of Women from Domestic Violence Act 2005 and Cyber Child Abuse for Parliamentarians’ – Centre for Legislative Research and Advocacy

Centre for Legislative Research and Advocacy (CLRA) has released two new publications for Parliamentarians. The handbook on domestic violence contains detailed information of the act for parliamentarians to take the lead to resolve the impediments in the effective implementation of the act.

The policy brief on cyber child abuse highlight the various facets and aspects of this issue to the Parliamentarians to better comprehend, prevent and combat the growing menace of online child abuse with strategically crafted policy steps.

The publications can be accessed [here](#) and [here](#)

OBITUARY

Human rights campaigner Helen Bamber passes away

Human rights campaigner and early member of Amnesty International Helen Bamber passed away on 21st August 2014. Throughout her life, Helen Bamber worked with those who were the most marginalised: Holocaust survivors, asylum-seekers, refugees, victims of the conflict in Northern Ireland, trafficked men, women and children, survivors of genocide, torture, rape, female genital mutilation. She worked for Amnesty International and in 1985, founded the Medical Foundation for the Care of Victims of Torture, which aided thousands of people. She later founded the Helen Bamber Foundation, which aided victims of forced prostitution, child slavery and ethnic violence in the developing world. Her demise will be deeply felt by everyone in the global human rights movement.