Institutions and authorities for promotion of women’s rights

41. **Ministry of Women and Child Development (MWCD):** MWCD is the nodal Ministry for issues pertaining to gender and children and has been working for empowerment of women. The vision of the Ministry is to have empowered women living with dignity and contributing as equal partners towards the development of the country in an environment free from violence and well nurtured children with full opportunities for their growth and development in an environment free from exploitation. The mission of the Ministry is to promote social and economic empowerment of women through cross cutting policies and programmes, mainstream gender concerns, create awareness about their rights and facilitate institutional and legislative support for enabling them to develop to their full potential. Ministry prepares its policies and programmes in accordance with the priorities outlined in the Eleventh Five Year Plan (2007-2012) document for inclusive growth and development of women and children. The Ministry has successfully evolved policies, plans of action, legislations, programmes and schemes for advancement of women and children and has been implementing them with the support of State Governments/UTs, Government and Non-Government Organisations for achieving its mandate.

42. **The National Commission for Women (NCW):** National Commission for Women (NCW) was constituted on 31st January, 1992 as a statutory body, in pursuance of the National Commission for Women Act, 1990 to safeguard the interests of women. It has a wide mandate covering almost all aspects of women’s development, viz., to investigate and examine the legal safeguards provided for women under the Constitution and other laws and recommends to Government, measures for their effective implementation; review the existing provisions of the Constitution and other laws affecting women and recommend amendments to meet any lacunae, inadequacies or shortcomings in such laws; look into complaints and take suo-moto notice of matters relating to deprivation of women’s rights etc. It takes
up such issues with appropriate authorities; conducts studies/research on issues of relevance to women, participates and advises in the planning process for socio-economic development of women. The Commission evaluates progress of planning process; inspect jails, remand homes etc. where women are kept under custody and seek remedial action wherever necessary.

43. Some of the issues taken up by NCW are: gender and law enforcement; impact of displacement on women; sexual harassment at workplace; women in detention; anti-arrack movement; issues concerning prostitution; political empowerment of women and technological empowerment of women. The National Commission has conducted many legal awareness programmes, investigated various individual complaints (in the year 2010-11, 14,151 complaints/cases were registered by the Complaint and Investigation Cell of NCW). It took suo-moto cognisance in case of violation of women’s rights in incidents such as the mysterious death of Ms. Scarlett Keeling, UK Citizen in Goa in 2008, the case of sexual harassment and abuse of 13 students of Siliguri Women’s College by tour operators in Agra in 2010, the case of an 18-year-old Dalit girl and her 70-year-old father who were burnt alive by persons belonging to another community in Mirchipur village of Hisar in Haryana State, the case of physical assault of a school principal by a library secretary in Malarna Dungur of Sawai Madhopur District in Rajasthan State etc.

44. NCW has addressed many practices namely, sati, devadasi and other religious practices: witch hunting; acid attack on women; honour killing etc. Witch hunting is a traditional practice linked with religion that is prevalent in some parts of India such as the states of Bihar, Jharkhand, Rajasthan, Gujarat, Odisha and West Bengal. NCW has been conducting workshops, seminars and awareness programmes across the country highlighting the ill effects of witch hunting.

45. NCW has studied the efficacy of various legislations and made recommendations and suggestions on different laws and they are pending consideration by the Government. Some of the pieces of legislation the Commission has focused on, in recent times, are review of implementation of the Protection of Women from Domestic Violence Act; the Protection of Women against Sexual Harassment at Workplace Bill, 2010; the Prevention of Crimes in the Name of Honour and Tradition Bill 201C; the Domestic Workers Welfare and Social Security Act, 2010; the Revised
Scheme for Relief and Rehabilitation of victims of Rape; the Scheme for relief and rehabilitation of Offences (by Acids) on women and children. NCW drafted a Bill "Compulsory Registration of Marriage Act 2005", the implementation of PC&PNDT Act; the Family Courts (Amendment) Bill, 2005; the Older Person’s Maintenance, Care and Protection Bill, 2005; the amendment of laws relating to rape and sexual assault; the Medical Termination of Pregnancy Act, 1971; the Foreign Marriage Act, 1969; the Guardians and Wards Act, 1890; the amendments to Criminal Procedure Code, 1973 for making offence under Section 498-A compoundable and removing restrictions on lodging of complaint in respect of offences under sections 494 and 495 of the Indian Penal Code; the strengthening of laws to curb incidence of sale of minor girls; the Commission of Sati (Prevention) Act, 1987; the Hindu Marriage Act, 1955; the Prohibition of Child Marriage Act; the Indecent Representation of Women (Prohibition) Act, 1986; the Immoral Traffic (Prevention) Act, 1956 (for elimination of child prostitution and devising a comprehensive package for rehabilitation) etc.

46. Based on the recommendation of the Parliamentary Committee on Empowerment of Women (14th Lok Sabha) on the subject, “Plight of Indian Women deserted by Non-Resident Indian (NRI) husbands”, the National Commission for Women was nominated as the coordinating agency at the national level for dealing with issues pertaining to NRI marriages. The NRI Cell was formally inaugurated on the 24th of September, 2009. The Cell deals with complaints received from India and abroad concerning cross country marriages where there is any deprivation of women’s rights or any issue involving grave injustice to women. During the year 2010-2011, 540 cases were registered in the NRI Cell.

47. Governments of all the 28 States and 7 UTs have established the State Commission for Women (SCW). These are independent autonomous statutory bodies constituted under the respective State laws and are funded by the State Governments. Since NCW and SCWs are established under separate statutes, there is no structural control or hierarchical structures between these bodies, but, they carry out similar functions. Regular meetings, seminars and discussions are held by NCW with the SCW. NCW coordinates with SCW on matters relating to deprivation of women’s
Articles 2: Obligation to eliminate discrimination

71. As stated in the earlier reports, the Government has adopted and continues to adopt various measures, policies, programmes and legal measures for operationalising its commitment towards eliminating discrimination. Discriminatory provisions with regard to the natural guardian of the minor child have been repealed. The Personal Laws (Amendment) Act, 2010 has amended the Guardians and Wards Act, 1890 and the Hindu Adoptions and Maintenance Act, 1956. This Act is aimed at bringing gender equality in the matter of guardianship under the Guardians and Wards Act, 1890 and in the matter of giving in or taking in, adopting a son or a daughter by the father or mother under the Hindu Adoptions and Maintenance Act, 1956. Under sub-section (b) section 19 of the Guardians and Wards Act, 1890, the mother was not included as Guardian along with the father. But with this amendment the mother is included along with the father. Sub-section (c) of Section 8 of the Hindu Adoptions and Maintenance Act, 1956 incapacitates a married woman from taking in adoption merely on the basis of her marital status and is discriminatory in nature. Therefore, Section 8 has been amended to give similar right to a female Hindu, irrespective of her marital status, as that of a male Hindu. Similarly, sub-section (2) and (3) of Section 9 curtails the right of the mother to give in adoption if father is alive or is of sound mind or has not renounced the world completely and finally. The rights of the father and mother under sub-sections (2) and (3) are discriminatory in nature. Therefore, Section 9 of the Hindu Adoptions and Maintenance Act, 1956 has been suitably amended to give similar right to a female Hindu.

72. Similarly Hindu Succession Act, 1956 has been amended with effect from 9-9-2005 conferring equal rights to the Hindu women to inherit properties in the joint family coparcenary properties. With this amendment, a daughter has a same right as a son to inherit equal share in the joint family property of her parents irrespective of her marital status. This Act brings in a central amendment which is applicable to all the state governments. Prior to this some states like Andhra Pradesh and Karnataka had made these changes which conferred equal rights to a daughter to inherit joint family properties.
properties. This amendment has repealed the restriction in Section 23 with regards to the right of residence of a woman in her parents’ dwelling house. Section 24 which denied rights of a widow to inherit her husband’s property upon her remarriage has also been repealed.

94. National Commission for Women (NCW) has suggested a number of amendments to the Dowry Prohibition Act, 1961 to make its implementation more effective. Taking note that cruelty to women is taking serious dimensions, NCW has suggested enhancement of punishment and more stringent for those who demand dowry and lesser penalty for those who give dowry as they are victims. As a preventive measure, NCW has suggested compulsory registration of marriage and the list of gifts that are given to be registered; provide tax exemption on gifts to facilitate parents to settle property by way of gifts openly to the girls; marriage expenses in no case to exceed 20% of the annual income of the bride's parents or guardians. It has also recommended that greater emphasis should be placed on the proper and strict implementation of the provision relating to Dowry Prohibition Officers and Advisory Boards by appointment of full time officers who shall be accountable to the Advisory Board. The amendments include, allowing a woman to file a case where she permanently or temporarily resides, to include parents and relatives of the bride as aggrieved persons and who can complain and link the Protection of Women from Domestic Violence (PWDV) Act (year), with the dowry laws for quick relief. One of the key amendments suggested is, widening of the definition of dowry by changing the word “in connection with marriage” to “given before the marriage, at the time and at any time after the marriage.” These recommendations have been considered in the Ministry and thereafter discussed by an Inter-Ministerial Group (IMG) constituted for this purpose. The proposed amendments to this Act are currently with the Ministry of Law & Justice for their views.

276. Sex Ratio: As per Census 2011 the overall sex ratio increased from 933 in 2001 to 940 in 2011. As in 2001, in 2011 also, the State of Kerala and the Union Territory of Pondicherry reported above unity sex ratio. Besides these two, the number of States
and Union Territories registering an upward trend has risen from 24 in 2001 to 29 in 2011, the increase ranging from one point in Uttarakhand to forty-five points in Delhi. Among the major states, Bihar, Jammu and Kashmir and Gujarat have experienced a decline in the sex ratio; it ranged from 2 points in Gujarat to 9 points in Jammu and Kashmir. A point to be noted is that the States having historically a low sex ratio such as Punjab, Haryana, Delhi and Chandigarh have shown appreciable increase in the sex ratio in Census 2011.

277. According to Census 2011, the child sex ratio (CSR) in the age group 0-6 years has dipped to 914 against 927 girls per thousand boys recorded in 2001 Census. Except for the states of Himachal Pradesh (906), Punjab (846), Chandigarh (867), Haryana (830), Mizoram (971), Tamil Nadu (946), Andaman and Nicobar Islands (966) showing marginal improvement, rest of the 27 states/UTs have shown decline. The decline in the CSR is a matter of serious concern for the country and the Government is taking concerted efforts to strengthen the regulations and prohibition of the use of medical technology for selective elimination of the girl child and create a favourable environment for the girl child through its various programmes and schemes. Awareness generation: To create awareness against the practice of pre-natal determination of sex and female foeticide, several activities have been undertaken. A comprehensive mass media campaign has been launched to create awareness about the imbalance in child sex ratio in the country and the provisions of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (PCPNDT Act) etc. Grants have been provided to NGOs to organize advocacy workshops at the state, regional, district and block levels. Cooperation of the religious and spiritual leaders as well as the medical fraternity has also been sought to curb the practice. For example, Punjab has involved Jathedars of Takht Shri Damdama Sahib and Anandpur Sahib in advocacy against female foeticide. The NGO run by Swami Agnivesh has been supported by the Government through grants to enhance public awareness against female foeticide. Similarly in Jammu & Kashmir, Imams of mosques have been involved in the campaign. The Government has launched the “Save the Girl Child Campaign” in 2007 and women achievers from various fields have been associated with this campaign.

278. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act (PCPNDT Act) was enacted on September 20th, 1994 and further amended in
2003. Under the Act, up to 31st March 2011, 41018 bodies using ultrasound scanners etc. have been registered and 409 ultrasound machines have been sealed and seized for violation of the law. As of 31st March 2011, 869 cases are pending in the courts/police for various violations of the law non-registration of the centre/clinic, non-maintenance of records, and communication of sex of foetus and for other violations of the Act.

279. Following the publication of the 2011 Census figures, Ministry of Health & Family Welfare has initiated the following steps for effective implementation of the PC&PNDT Act:

i. Minister of Health and Family Welfare (HFM) has addressed the Chief Ministers of all states/UT administration, exhorting them to ensure effective implementation of the PC & PNDT Act and community mobilization in the matter of declining sex ratio in the 0-6 year age group.

ii. Hon’ble Prime Minister of India has urged Chief Ministers of all states to provide personal leadership to reverse the declining trend in child sex ratio and address the neglect of the girl child through focus on education and empowerment.

iii. A ministerial meeting was held under the Chairpersonship of Hon. HFM with Health Ministers of States on 28th September, 2011 at New Delhi to strengthen effective implementation of the PC & PNDT Act.

iv. The reconstituted Central Supervisory Board (CSB) held its 17th meeting on 4th June, 2011 to review progress made by the States in respect of the implementation of the Act, deliberate on the proposed amendments to the Act and suggest strategies to meet the challenge of skewed child sex ratio in the country.

v. 17 states with the most skewed child sex ratio have been identified for a concerted attention. A meeting of Health Secretaries of these States was convened on 20th April 2011 to evolve strategies and action plans for the effective implementation of the PC&PNDT Act. Some of the important actions points include the need to:
a. Constitute/ reconstitute State supervisory boards, and appropriate authorities and advisory committees at state/ district and sub-district levels and conduct regular meetings.

b. Constitute State Inspection and Monitoring Committees (SIMC) for checking the activities of ultrasound facilities indulging in advertisement and/or determination/revealing of the sex of the foetus.

c. Identify districts and map reasons for skewed CSR.

d. Conduct regular surveys and update registrations and renewals to avoid multiple registrations and irregularities.

c. Analyse and scrutinise Form-F for effective monitoring and tracking of the Ultrasound clinics.

f. Make ultrasound manufacturers accountable and get regular details of the sale of the machines.

g. Take immediate action against any breach of the provisions of the Act and Rules.

h. Sensitise and conduct training for law enforcers, medical practitioners, judiciary etc. for effective implementation of the Act.

i. Enhance in-house capacities for building strong cases against offenders that can successfully withstand the legal scrutiny, and devise interstate coordination mechanism for regulating activities of USG clinics across borders.

i. National Inspection Monitoring Committees have been reconstituted for regular state monitoring and surprise inspection of the clinics on the ground. Random inspections of ultrasound facilities were undertaken in the states of Gujarat, Uttar Pradesh and Rajasthan in January-February, 2011.

ii. During appraisal of the annual Programme Implementation Plan (PIP) States have been asked to access funding available under NRHM for strengthening infrastructure and human resources for effective implementation of the PC&PNDT Act.

iii. Chief Secretaries in the states/ UTs to take effective measures and regularly monitor implementation of the PNDT Act.
iv. Conduct regular appraisal meetings through zonal and state-specific reviews and PC & PNDT will be high priority on the agenda in all future review meeting in Reproductive and Child Health issues.

280. Website: An independent website “pndt.gov.in” was launched on 28th April 2010 which in addition to providing relevant information relating to the PNDT Act, Rules, Regulations and activities, enables online filing of data from clinics in the field to the district and state levels and their retrieval at the district, state and national levels. Training is being imparted in a phased manner to user groups about online usage with the facility to file a complaint online against doctors, maternity homes and clinics.

281. Advertisements regarding gender testing kits over the internet: A threatening factor that is emerging to adversely impact the efforts of the government is the website advertisements regarding the availability of gender-testing kits. On the basis of a news report in the newspaper daily Hindustan Times dated 23rd November 2007 indicating the availability of such kits from the United States of America (USA) and Canada in the markets of Punjab and their online import/purchase and sale to clients by some Genetic Centres, the Honourable High Court of Punjab and Haryana issued notices to both the Central and State Governments. Further, on 29th November 2007 the Customs Department was requested to examine the possibility of intercepting the import of the kits into the country under the Customs Act. They were also requested to furnish details of importers to facilitate the Ministry to take appropriate action against them under the PC & PNDT Act. Accordingly, the Customs Department alerted its field personnel to seize the imported kits. Further, the Ministry of Information and Technology has been requested to block sex selection websites on Google and other sites.

282. Training of the Judiciary: The Government has recognised the critical need to orient and sensitise the judiciary in the efficient filing and disposal of cases and thereby facilitate the implementation of the Act, has taken some steps in this direction. From September 2005, the National Judicial Academy, Bhopal, has started providing training to trainers from the State Judicial Academies, who in turn will train the judiciary in their areas. The National Law School of India University at Bangalore conducted sensitisation workshops for judicial officials and has so far trained 120
judges on PC & PNDT Act. Orientation workshops/refresher training of public prosecutors, judicial officers etc. are also being undertaken by States to sensitise the Judiciary and strengthening effective implementation of the law. Capacity building for Public Prosecutors and Judicial Officers on effective implementation of the PC & PNDT Act are scheduled from 18th-19th November 2011 at Chandigarh Judicial Academy.

Article 16: Equality in marriage and Family Relations

357. Legal measures have been adopted to address the discriminatory provisions with regards to the natural guardian of the minor child. The Personal Laws (Amendment) Act, 2010 has amended the Guardians and Wards Act, 1890 and the Hindu Adoptions and Maintenance Act, 1956 removing the discriminatory provisions. Hindu Succession Act, 1956 has been amended with effect from 9-9-2005 conferring equal rights to the Hindu women to inherit properties in the joint family coparcenary properties. (For Details, lookup Article 2).

358. VIOLENCE AGAINST WOMEN:

359. The National Crime Records Bureau (NCRB) collects and records the data on crimes in India. Crimes against women are categorised into two categories viz., crimes under Indian Penal Code (IPC) and crimes under special and local laws (SLL). Crimes of (i) Rape (Sec. 376 IPC) (ii) Kidnapping & Abduction for specified purposes (Sec. 363- 373 IPC), (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC) (iv) Torture - both mental and physical (Sec. 498-A IPC) (v) Molestation (Sec. 354 IPC) (vi) Sexual Harassment (Sec. 509 IPC) (vii) Importation of girls (up to 21 years of age) (Sec. 366-B IPC) are categorised under the IPC category. While the special and local focuses on cases falling under (i) Immoral Traffic (Prevention) Act, 1956, (ii) Dowry Prohibition Act, 1961 (iii) Indecent Representation of Women (Prohibition) Act, 1986, (iv) Sati (Prevention) Act, 1987.
Table 5: Incidence of Crime Against Women during 2005-2009

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Crime Head</th>
<th>Year</th>
<th>Percentag e variation in 2009/2008</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2005</td>
<td>2006</td>
</tr>
<tr>
<td>1</td>
<td>Rape</td>
<td>18,359</td>
<td>19,348</td>
</tr>
<tr>
<td>2</td>
<td>Kidnapping and abduction</td>
<td>15,750</td>
<td>17,414</td>
</tr>
<tr>
<td>3</td>
<td>Dowry Death</td>
<td>6,787</td>
<td>7,618</td>
</tr>
<tr>
<td>4</td>
<td>Torture</td>
<td>58,319</td>
<td>63,128</td>
</tr>
<tr>
<td>5</td>
<td>Molestation</td>
<td>4,175</td>
<td>36,617</td>
</tr>
<tr>
<td>6</td>
<td>Sexual Harassment</td>
<td>9,984</td>
<td>9,966</td>
</tr>
<tr>
<td>7</td>
<td>Importation of Girls</td>
<td>149</td>
<td>67</td>
</tr>
<tr>
<td>8</td>
<td>Sati Prevention Act</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>Immoral Traffic (Prevention Act)</td>
<td>5,908</td>
<td>4,541</td>
</tr>
<tr>
<td>10</td>
<td>Indecent Representation of Women (Prohibition) Act</td>
<td>2,917</td>
<td>1,562</td>
</tr>
<tr>
<td>11</td>
<td>Dowry Prohibition Act</td>
<td>3,204</td>
<td>4,504</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>1,55,553</td>
<td>1,64,765</td>
</tr>
</tbody>
</table>

Source: National Crimes Record Bureau

360. A total of 2,03,804 incidents of crime against women (both under IPC and SLL) were reported in 2009 as compared to 1,95,856 in 2008 recording an increase of 4.1% during 2009. These crimes have continuously increased during 2005 - 2009 with 1,55,553 in 2005, 1,64,765 cases in 2006, 1,85,312 cases in 2007, 1,95,856 cases in 2008 and 2,03,804 cases in 2009. The rate of crime has increased marginally from 17.0 during the year 2008 to 17.4 during 2009. The IPC component of crimes against women has accounted for 95.6% of total crimes and the rest 4.4% were SLL crimes against women. In the year 2009, 43.9% of cases were cases registered under cruelty by husband and other relatives, 2.8% cases
under the Dowry Prohibition Act, 1961, 1.2% cases under the Immoral Traffic Prevention Act, 1956, 4.1% of cases of dowry death, 5.4% cases of sexual harassment, 19% of cases of molestation, 10.5% were rape cases, 12.6% cases of kidnapping and abduction, 0.4% cases of other types.

An increasing trend in cases of rape has been observed during 2005-2008. However, incidence of rape has marginally declined during 2009 as compared to 2008. Offenders were known to the victims in as many as 20,311 (94.9%) rape cases. Kidnapping and abduction cases have reported an increase of 12.2% as compared to 2008 (22,939). Dowry deaths cases have increased by 2.6% over the previous year (8,172). Cruelty by husband and relatives cases in the country have increased by 10.1% as compared to 2008 (81,344). Incidents of molestation in the country have decreased by 4.2% as compared to 2008 (40,413). The number of sexual harassment cases has decreased by 9.9% as compared 2008 (12,214). A decrease of 28.3% has been observed in importation of girls cases, as 48 cases were reported during the year 2009 as compared to 67 cases in 2008. Cases under Immoral Traffic (Prevention) Act, 1956 have registered a decline of 6.9% during the year 2009 as compared to 2008 (2,659). No case was registered under Sati Prevention Act, 1987 in 2009 as against one case reported from Chhattisgarh in 2008. A decline of 17.6% was noticed in cases under Indecent Representation of Women (Prohibition) Act, 1986 as compared to previous year 2008. The cases under Dowry Prohibition Act, 1961 have increased by 1.7% as compared to the previous year-2008 (5,555).

Thirty five cities having population over 10 lakh have been identified as Mega cities as per population census 2001. A total of 23,983 cases of crimes against women were reported from these 35 cities as compared to 24,756 cases in the year 2008 reporting a decrease of 3.1%. The rate of crime in cities at 22.2 was comparatively higher as compared to the National rate of 17.4. Among 35 cities, Delhi (3,701) has accounted for 15.4% of total crimes followed by Hyderabad (1,896) (7.9%). The crime rate was significantly higher in Vijayawada, Lucknow and Vishakhapatnam at 92.6, 55.5 and 54.6 respectively as compared to average of mega cities at 22.2. Delhi city has accounted for 23.8% of rape cases, 38.9% of kidnapping and abduction cases, 15.2% of dowry deaths and 14.1% of molestation cases among 35 cities. Cities like Bengaluru, Chennai, Mumbai and Jaipur have booked more cases under Special & Local Laws among the mega cities.

State Initiatives

XXXII
363. Violence against women has been addressed through law, policy and support services. Various legislation to address specific problems have been enacted and constantly being reviewed in order to meet the exigencies of the situations. The central and state governments are constantly reviewing the situation through its regular five year plans.

364. Progressive elimination of violence against women constitutes one of the key objectives of the National Mission for Empowerment of Women (NMEW), which is proposed to be achieved through coordinated action for review and effective implementation of existing laws relating to violence against women, formulation of new legislations, and monitoring their implementation through institutional structures at various levels.

365. Directives and guidelines issued periodically by Central Government for effective implementation of laws relating to VAW and to ensure better protection to women and to prevent incidence of crimes against them. On 4th September, 2009, a comprehensive Advisory on Measures relating to crimes against women was issued by the Ministry of Home Affairs in consultation with the MWCD. The Advisory emphasised on enforcement of the existing legal provisions on crimes against women and children, a proactive role for law enforcement agencies in detection and investigation of crimes, gender sensitisation and awareness building through trainings, legal literacy camps, greater media and community involvement, speedy investigation, providing rehabilitation, and other support services to victims of crimes. The advisory stressed on increasing representation of women in the police department at all levels through affirmative action so that they constitute about 33% of police force. It also provided detailed guidelines for improving safety for women in public places, for those working in night shifts, and for female students in areas with high crime rates. The establishment of adequate infrastructure for women in the form of Special Cells, Crimes against women cells, specialized sexual assault treatment units, family courts and Fast track courts was also emphasised.

366. Bhoomika Centres - Government of Kerala, in association with NRHM has launched District level Gender Based Violence (GBV) Management Centres, one per district at district / general hospitals, to address the above mentioned issues. The Centre focuses on the medical care of victims of GBV / social abuse and is funded under State Plan Fund. For coordinating activities and counselling of cases one female coordinator / counsellor has been posted in each GBV Centre. The main objective of
this centre is to provide counseling to the victims of GBV and to strengthen the counselling to the victims GBV and to strengthen capacity of healthcare providers and other stakeholders respond to issues of survivors of violence against women. During 2010-11, a total of 2,285 cases of GBV were addressed by the centres. For each case, a minimum of 3-7 follow-up were given. Besides, cases were further referred to legal cells, police, probation officers of Social Welfare Departments, NGOs etc.

367. The Protection of Women from Domestic Violence Act, 2005 seeks to prevent violence at domestic front and provides for remedial measures to women who are victim of domestic violence. This Act has come into effect in October 2006 and has been adopted in compliance with the government’s commitment under the Beijing Platform for Action (BPFA) and CEDAW. It provides immediate and emergency relief to women facing domestic violence in the form of protection order, right to residence, temporary custody order, monetary reliefs and compensation for emotional distress resulting from violence. It also provides for a coordinated implementation mechanism consisting of protection officer, service in the form of facilities and shelter homes that are mandated to provide better access to justice and other support services.

368. State has taken various steps for implementation of the Protection of Women from Domestic Violence Act, 2005 (PWDVA). As on October, 2010, a total of 6,439 Protection Officers (POs) have been appointed across the country by all States/UTs. However, most of them have given additional charge to officers who are discharging other duties. While the appointment of full-time, independent POs has been advocated for, the current approach ensures that women have recourse to POs, till such time as full-time officers could be appointed. 14 States/UTs have confirmed registration of Service Providers and 17 have informed that shelter homes have been notified. 16 States/UTs have notified medical facilities, including district, sub-district and community Health Centres for providing assistance to women under the Act. Delhi has notified Mahila Courts, which specifically look at issues relating to women, to provide swifter justice to women. In 2010, guidelines have been issued by the MWCD to State Governments/UTs for effective implementation of the Domestic Violence Act. Keeping in view that police are often the first
point of contact, States/UTs have been advised to ensure that contact details of POs are made available at all police stations and emergency Police Control Rooms. Wide dissemination of the law and regular sensitisation of functionaries has also been emphasised.

369. Training programmes for implementing agencies under the Act including POs, (Saps), police, judicial officers and other NGOs are organised on a periodic basis. Awareness generation programmes about the law have also been undertaken, through the print and electronic media. A national campaign “Bell Bajao” was launched in August 2008, as a collaborative initiative between the Government, UN Trust Fund, UNIFEM South Asia Regional Office and Breakthrough, an NGO. The campaign used innovative media outreach and encouraged men and boys to become active agents in preventing domestic violence.

370. Dowry: Dowry Prohibition Act was enacted in 1961 to curb the evil of dowry. The Act defines “dowry” and penalises the giving, taking and demand for dowry. It also lays down a built-in implementation mechanism in the form of Dowry Prohibition Officers to ensure effective and efficacious enforcement of the law. Implementation of the Act vests with the State Governments, which are responsible for appointment Dowry Prohibition Officers and conferring such additional functions and powers as may be necessary. MHA in consultation with MWCD have issued an advisory on 20th October 2009 to all the States Governments/UTS to adhere to procedures laid down by the Honourable Supreme Court in the case of DK Basu -vs- State of West Bengal (CRI CWP No. 539/86), wherein it is suggested that reconciliation and mediation between the warring spouses should be given utmost priority and booking charges under Section 498 A of IPC.

371. Another detailed advisory of 4th September 2009 enumerates various steps for improving effectiveness of the machinery in tackling atrocities against women including dowry deaths. (xxv and xxvi) of the advisory specifically states that dowry related cases must be adjudicated expeditiously to avoid further harassment of women and ensuring appointment of Dowry Prohibition Officers and notifying Rules under the Dowry Prohibition Act, 1961. Majority of the States/UTs have established ‘Women Cells’. Some
States/UTs have also set up ‘All Women Police Stations’ at the district level and Mahila desk’ at the Police Station level.

372. Recognising the need for strengthening the existing law in order to make it more effective to address the evil of dowry, the government is considering amendments to the Act, which were initially proposed by the National Commission for Women.

**The salient features of the proposed amendments in The Dowry Prohibition Act by the National Commission for Women are:**

iv. A comprehensive provision for definitions, including strengthening the definition of “dowry” and introducing a definition of “person aggrieved”.

v. Provision for authentication of “gifts” received by the parties, which is to be excluded from the definition of dowry.

vi. Protection Officers (POs) already appointed under the PWDVA 2005 are proposed to be given the responsibility of implementing the law in place of Dowry Prohibition Officers. An Advisory Board is proposed to be set up to assist the POs in their functions.

vii. Increasing penalties for “taking and demanding dowry” so as to increase the deterrent effect of the law.

viii. Role of various functionaries under the existing law have been further strengthened.

373. The above proposal has been discussed in an inter-ministerial group. However, before finalising the amendments, wider consultations with various stakeholders including lawyers, practitioners, existing DPOs and NGOs are being held to make the law more effective and responsive to changing social norms.

376. **Honour Killings and Honour Crimes:** Acts of violence, mostly committed by family members predominantly against female relatives who are perceived to have brought dishonour upon the family may be referred as Honour Crimes. Such crimes including honour killings are presently dealt with under the provisions of the Indian Penal Code (IPC) and are investigated and prosecuted as offences therein. Since ‘Honour Killing’ is not classified separately under the Indian Laws, the same is covered under ‘murder’ as defined under section 300 of IPC, 1860 (IPC) and punishable under section 302 of IPC. An advisory issued by MHA on 4th September 2011 as noted in XXXVI
paragraph earlier, urges State Governments / UTs to take special steps to curb the violation of women’s rights in cases of honour killings. A group of Ministers (GoM) has also been constituted under the Chairmanship of Union Finance Minister to consider the issue of amendments in the Indian Penal Code or enact separate legislation to address the issue of honour killings and related violence.

377. Supreme Court in recent years has also taken a strong view against Honour Killings and passed several judgements condemning it.

i. Supreme Court Judgement in Arumugam Servai –vs- State of Tamil Nadu (criminal Appeal No. 958 of 2011) dated 19th April 2011 – The Administrative and Police Officials to take strong measures to prevent such atrocious acts. If any such incidents happen, apart from instituting criminal proceedings against those responsible for such atrocities, the State Government is directed to immediately suspend the District Magistrate / Collector and SSP/SPs of the district as well as other officials concerned and charge sheet them and proceed against them departmentally if they do not (1) prevent the incident if it has not already occurred but they have knowledge of it in advance, or (2) it has occurred, they do not promptly apprehend the culprits and others involved and institute criminal proceedings against them.

MHA has circulated the Honourable Supreme Courts judgement to all State Governments / UT Administrations.

ii. Criminal Appeal No. 1117 of 2011SLP (crl) No. 1208 of 2011 dated 9th May 2011 in the case of Bhagwan Dass –vs- State (NCT) of Delhi observed that ‘honour’ killings have become commonplace in many parts of the country, particularly in Haryana, western Uttar Pradesh and Rajasthan. Often young couples who fall in love have to seek shelter in the police lines or protection homes, to avoid the wrath of kangaroo courts. Further, Court relied on its earlier observation in Lata Singh Case that there is nothing honourable in honour killings and that they are nothing but barbaric and brutal murders by bigoted, persons with feudal minds.

iii. Honourable Supreme Court in Writ Petition (criminal) 208 of 2004 in Lata Singh’s case has directed “the administration / police authorities throughout the country will see that if any boy or girl who is major undergoes inter-caste or inter-religious marriage with a woman or man who is major. the couple are XXXVII
not harassed by any one nor subjected to threats or acts violence, and anyone who gives such threats or hassles or commits acts of violence wither himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law.”

378. A woman can seek reliefs under the provisions of Protection of Women from Domestic Violence Act, 2005 (PWDVA) which provides civil remedies including Protection Orders against violence perpetrated by members of the family. A draft Bill has been prepared by the Ministry of Home Affairs which seeks to introduce specific provisions relating to honour crimes under the Indian Penal Code and other criminal laws.

379. Taking cognizance of the incidents of killing /death of young couple marrying inter-caste, the National Commission for Women has proposed a law to address this issue, viz., the Prevention of crimes in the name of Honour and Tradition Bill 2010. NCW had been conducting social awareness programmes against honour killing along with pressing for a new bill.

380. Rape and Sexual Assault: The legal framework relating to rape is provided under Sections 375 to 376D of the Indian Penal Code. Keeping in view the limitations of the existing definition of rape under the law and the paradigm shift in understanding of sexuality and violence, the Government is actively considering a proposal to replace the existing provisions with a comprehensive law on sexual assault, which takes into account various forms of sexual assault that violate the bodily integrity and sexual autonomy of a woman. In the Criminal Law Amendment Bill the term "sexual assault" replaces "rape". The definition is widened to include object and digital penetration and the Bill imposes higher sentences for certain forms of acquaintance rape, particularly by relatives, those in positions of trust and those in positions of economic, social or political dominance. Marital rape of a woman who is separated from her husband is also penalised. Recently, a High Powered Committee was set up to examine the issues relating to review of Rape Laws, under the Chairmanship of the Union Home Secretary. The Committee has formulated the draft “Criminal Law (Amendment Bill, 2011”, after consultation with stakeholders. The bill is under examination in the Ministry of Home Affairs in
consultation with Ministry of Law and Justice. Sexual abuse of the minor child and sexual intercourse by a person misusing his authority attracts higher punishment under this Bill. Wider consultations with woman’s groups have been held and the suggestions made by the woman are in active consideration of the government.

381. A detailed advisory sent by MHA to all State Governments / UT Administrations sent on 4th September 2009 specifically advises on the Crime of Rape wherein it is advised all concerned department of the State Government should handle rape victims at all stages from filing a complaint in a police station to undergoing forensic examination and in providing all possible assistance including counselling, legal assistance and rehabilitation. Preferably, these victims may be handled by women so as to provide a certain comfort level to rape victim.

382. The Criminal Procedure Code (Amendment) Act, 2008, which came into effect on 31st December, 2009 provides for crucial reforms in the criminal justice system by providing better protection to victims of crimes. In particular, the amended law strengthens the procedural safeguards guaranteed to victims of rape and other crimes against women. In a significant change from the existing law, a victim of rape has been statutorily empowered, with the permission of the court, to engage an advocate of her own choice to assist the prosecution initiated by the state and at the same time, ensure that her interests are protected. The Amendment Act also provides for safeguards relating to recording of statements of women victims, in camera trials and protection of her identity. Trial for offence of rape and aggravated rape is required to be conducted as far as practicable by women judges. The Act of 2008 also mandates a three-month time limit for the completion of investigation of cases of rape and child sexual abuse.

383. The Government has formulated a new Scheme ‘Financial Assistance and Support Services to Victims of Rape to provide a helping hand to enable survivors of rape to cope with the trauma suffered and to tide over her immediate and long-term needs. The proposed Scheme is founded on the principle of restorative justice and flows from the specific directions of the Honourable Supreme Court in Delhi Domestic Working Women’s Forum vs. UOI &Ors. (1995) The proposed Scheme provides for the following, (i) Interim financial assistance of Rs 20,000/- to the affected woman; (ii) Support services such as shelter, counselling, medical aid, legal assistance, education and vocational training depending upon the needs of the victim.

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384. The scheme envisages establishment of Criminal Injuries Compensation Boards at the Central, State and District levels for its effective implementation. While the Central and State Boards would be primarily responsible for coordinating and monitoring implementation of the Scheme and District level Board will be responsible for grant of compensation, a District Monitoring Committee will facilitate access to rehabilitation and support services. Recognising the need for speedy disposal of applications, the scheme proposes to lay down the time within which the relief would be available to the victim.

385. Acid Attacks:

Few studies have reported an increasing trend in cases relating to acid attack. Acid attack is a crime which can be committed against any man or woman; it has a specific gender dimension in India. Most of the reported acid attacks have been committed on women, particularly young women for spurning suitors, for rejecting proposals of marriage, for denying dowry etc.

386. Currently Supreme Court is considering the issue of amending the Indian Penal Code and the Criminal Procedure Code to deal with acid attack as a special offence in Cr. A 129 of 2006, Lakshmi –vs- Union of India and final judgement is awaited.

387. A High-Powered Committee constituted under the Chairmanship of the Home Secretary to examine the issue relating to the review of rape laws, as noted in para. 324 above, has recommended insertion of Section 326A and 326B, Hurt by acid attack in draft “Criminal Law (Amendment) Bill, 2011.

388. The National commission for Women has suggested a separate legislation to deal with the offence of acid attack and as part of the proposed legislation has suggested that the Central government should establish a National Acid Attack Victims Assistance Board, which will provide assistance to the acid attack victims by way of ensuring medical treatment and other services such as psychological counselling. The board has also been given the task to
recommend to the Government strategies to regulate and control inter-alia the production and sale of acids. It has been suggested that the board administers a fund to be called The National Acid Attack Victims Assistance Fund to which the Central and State government can give grants apart from others. It has been provided that the board can give interim financial relief up to Rs. 1 lakh within a period of 30 days directly to the hospital.

389. The Law Commission of India in its July 2008 report, condemns such acts and has suggested for incorporation of a new offence hurt by acid attack / Section 326-A which provides for stringent punishment for persons causing grievous hurt by throwing acid. It also recommends that the distribution and sale of acid be strictly regulated and the sale of acid across shop counters be banned, and for setting up a Criminal Injuries Compensation act, which should provide both interim and final monetary compensation to victims of certain acts of violence such as rape, sexual assault, acid attacks etc. and should provide for their medical and other expenses relating to rehabilitation, loss of earnings, etc.

390. Delhi being identified as a city with higher number of crimes, many initiatives has been taken to address crimes/violence against women in Delhi. For crimes against women, cells have been set up in the Delhi Police at nine districts in Delhi primarily dealing with dowry-related violence and domestic violence. 24 hour help lines have been set up in these cells which are monitored by the central control room Delhi Police. These cells also act on the complaints of sexual abuse, sexual harassment, molestation and other gender-related complaints. Crisis intervention centres have been set up in nine districts to address complaints of rape and sexual abuse. Special courts headed by women have been set up for speedy disposal of the cases. Similar initiatives such as Mahila police stations, help lines, and special courts, fast track courts have also been undertaken in other cities/state government.

391. The “Safe City Free of Violence against Women and Girls” Initiative was launched by the Department of Women and Child Development, Delhi Government, in collaboration with Jagori, UNIFEM and UNHABITAT, on the 25th of November 2009. This initiative deals explicitly with sexual harassment and violence against women and girls in public spaces and not domestic violence, and not sexual
The first phase of the project lasted for 18 months, from November 2009 to April 2011. One of the major outputs of this project is an overarching Strategic Framework, which will address all the themes and issues brought out by the research and surveys, and propose short, medium and long-term interventions which can make Delhi a safer city for women and girls in the public place.

The potential partners for implementation of this Framework include different departments of the Government of Delhi (including, among others, the Departments of Transport and Education, Mission Convergence and Bhagidari Cell) in addition to the Department of Women and Child Development, which is the focal point for this activity. Other governmental bodies with a central role are the Delhi Development Authority (DDA), the Municipal Corporation of Delhi (MCD), the New Delhi Municipal Council (NDMC), and the Delhi Police. Further, civil society actors such as resident welfare associations, city planners, community groups, youth and student groups, men’s groups, women’s special interest groups (working with minority and marginalized communities), will also have a critical role to play.