

## **PREVENTION OF GENDER BASED VIOLENCE & GENDER SENSITIZATION**

1. SAFMA filed **Writ Petition No 6371/18 in Delhi High Court** challenging The Ordinance which prescribes Death penalty for rape of girls aged 12 and below. This was in pursuance of its concern over the increasing incidences of rape, and rather than finding long term solutions instead populist measures made leading to human rights violation. The Law Commission of India 262nd Report on The Death Penalty in 2015, states in focusing on death penalty as the ultimate measure of justice to victims, the restorative and rehabilitative aspects of justice are lost sight of. Reliance on the death penalty, “diverts attention from other problems ailing the criminal justice system such as poor investigation, crime prevention and rights of victims of crime”. The Commission also added that data available suggests majority of death row convicts in India are from economically vulnerable sections of society. SAFMA believes that Punishment aims to serve two purposes, deterrence & reformation. Reformation of the accused so that he can be a safe and productive member of society, and Deterrence, so that general public be deterred from committing such crimes. Capital punishment is barbaric and medieval being more about retribution, and it is being seen in India cases of child rape continue unabated inspite of amendment in 2013, often committed by family members and even by the so called ‘Godmen’/cult leaders. In a situation where society is becoming increasingly fragmented, family losing power of control, young men getting freedom like never before with unregulated access to the internet, and the causative factors being Impulse, unjust sense of entitlement Right (caste or class based) & Access to vulnerable victims - SAFMA stresses on the need for education and rehabilitation; and importance of educating young persons to be a good citizen and respect women so that in India the new generation grows up with a whole new value system. The Hon’ble High Court has appointed an amicus curie and President SAFMA nominated in the group.

2. SAFMA in continuation of efforts for providing justice to survivors of gender based violence filed Public Interest Litigation (PIL) in Supreme Court of India titled **SAFMA v Union of India & Anr. being WP (C) No 73/2015**; in order to protect economically backward section women; who enter into arranged marriages, mostly minors; and when subjected to violence by their husband and in laws rather than the perpetrators being punished instead they are inspite of having unequal bargaining power are compelled to ‘compromise and settle’ the matter. Many such girls /their parents come to SAFMA for advice. Cases handled by SAFMA are evidence of what hundreds of women are subjected to horrific acts of violence, often being falsely implicated in cases or even virtually imprisoned in their matrimonial homes – all to extract more money from the girl’s natal family. Disturbing also is the recent trend of Courts whittling down the provisions of the section 498A IPC and entering into the domain of the Legislature by Endorsing and legitimizing allegations that women file cases under 498 A IPC to extract money. A representation was made to govt. and subsequently PIL filed in the Supreme Court of India with prayer to have a uniform policy of registration of FIR, arrest and bial in cases of S.498A IPC in consonance of law of the land ie i) To immediately register FIR on complaint of cruelty and harassment by married woman as per the statute (IPC); ii) To create an enabling environment for women to make informed choices including scheme for rehabilitation and compensation for victim and children victim of S.498A IPC, in view of the fact that neither the natal family wants her back and it is impossible for her to live in the violent matrimonial environment; iii) To formulate a monitoring mechanism to track cases registered under S.498A, including studying the cause of low convictions in cases relating to S.498A IPC; iv) To formulate a case wise review system in cases of acquittal right from the investigation to prosecution

including review from service providers (eg. Police reports, case records, health intake forms and records and others).; v) To furnish statistics on steps taken to spread awareness especially in rural areas both among women and men of the provisions and laws for protection of women and available remedies specially the Prohibition of Child Marriage Act, 200; vi) To adopt appropriate measures in the field of education to modify the social and cultural patterns of conduct of men and women; vii) To harmonise laws or/and consolidate the laws including the Personal laws relating to marriage and maintenance aimed at providing better protection against violence to married women, including if required a separate Bill of Rights as suggested by the Justice Varma Committee as affirmative action policy/legislation.

The said case **was decreed on 14.09.2018** along with Criminal Appeal No. 1265 of 2017 and Writ Petition (Criminal) No. 156 of 2017. It is a matter of pride that Paragraphs of the judgement reproduce paragraphs of SAFMA writ in providing a rationale for the final decision.

3.To promote Gender Sensitisation SAFMA has developed a Handbook for Women **“Embrace the Change – A Women’s Initiative”** for Export Promotion Council for Handicrafts (EPCH) the apex body of Indian Handicrafts Exporters. Containing information in simple language on GENDER SENSITISATION ie What is Gender and Gender stereotyping; LAWS RELATED TO WOMEN ie women-specific legislation and women-related legislation; Labour laws & women, Constitution of India and special provisions for women; Laws providing Social security for women; laws relating to marriage & property of woman, Gender based violence; and Digital Empowerment for Women and exploring the world of internet. The book has been translated in Hindi and Telegu and workshops have been conducted in March in Bangalore, Narsapur, Jodhpur, Jaipur and Delhi benefitting about 250 women.

4.In recognition of SAFMA’s relentless efforts in work in the field of prevention of gender based violence, the NHRC invited SAFMA President to address participants of One Day Meeting on **”One Stop Centre”** on 26.09.2017. The objective of the meeting was to review status of implementation of One Stop Centre assessing the existing ground situation and to have inputs from all stakeholders and sharing of best practices. SAFMA President addresses senior officials from States of Delhi, Himachal Pradesh, Haryana, Punjab, Rajasthan, Uttarakhand, Uttar Pradesh, Ministry of WCD, Ministry of Health & Family Welfare, Ministry of Law and Justice, NALSA NGOs participated.

5.SAFMA is conducting Research Study titled **“Status and Functioning of Local Complaints Committees under The Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013 and awareness levels among women in the work force”** on behalf of NHRC. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came into force on 9.12.13, almost sixteen years after the Supreme Court laid down guidelines in the Vishaka case and an important provision of the Act was the setting up of Local Complaints Committees (LCC) under Section 6 according to which every District Officer shall constitute a "Local Complaints Committee" to receive complaints of sexual harassment from establishments having under 10 employees. Regrettably most States have not constituted the Internal Complaints Committee. Further it is mandatory for the District Officer to

designate one nodal officer in every block, taluka and tehsil in rural or tribal area & ward or municipality in urban areas, to receive complaints and forward to the concerned LCC within a period of 7 days. The aim to study the functioning of LCCs in Delhi, Haryana, and Odisha, including assessment and recommendation of viable alternative, if necessary; method of nominating members/nodal officer by the District Officer, and whether the composition of the LCC is in accordance with the Act; procedure followed by LCC on receiving complaint and action taken, if any; whether procedure followed is simple enough to be comprehended by poor, uneducated and rural women, including developing Model Regulation for filing of complaint, procedure to be followed by LCC; whether District Officer has taken measures under s.20 for creation of awareness on sexual harassment and the rights of the women; and empirical research into what extent the women in the work force are aware of what is sexual harassment, extent of harassment and the forum available for redressal of their complaint on being harassed, ie LCC. AND IF aware have they approached LCC, including barriers in approaching LCC. In addition NGO will assist women in filing complaints, if they so desire.

The deliverables/outcomes will comprise Assessment of LCC functioning, and recommendation of viable alternative, if necessary; Mechanisms to encourage women report harassment; including Model Regulation for filing of complaint, procedure to be followed by LCC etc; Identification of barriers in approaching LCC/Nodal Officer; Collection and Dissemination of information on details of LCC/nodal officer, including assisting women in filing complaints, if they so desire. Thereby enabling a safe working environment for women, resulting in increase in female participation in labour force.