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DELHI CHARTER OF WOMEN'S RIGHTS BILL, 2015

Statement of Objects and Reasons

The Charter of Women's Rights Act, 2015 seeks to ensure the physical, social, religious, cultural, psychological and economic safety and well-being of women in the National Capital Territory of Delhi; and

Whereas the Justice Verma Committee Report dated 23 January, 2013 recommends a Bill of Rights for women to effectuate the Fundamental and Constitutional Rights of Women as also under the Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights; and

Whereas The Government of the National Capital Territory of Delhi seeks to introduce, through this law, a mechanism to ensure justiciability of the human rights of the women residing in or visiting Delhi as enumerated in the Bill of Rights and as such adopts the Statement of Objects and Reasons from the Justice Verma Report of the Committee on Amendments to Criminal Law, 2013 dated 23 January, 2013 which read as follows:

“A charter to set out the rights guaranteed to women under the Constitution of India, and to provide for justiciability of the various rights;

And in consideration of India's commitment to international conventions including Convention on the Elimination of All Forms of Discrimination against Women and the International Covenant on Civil and Political Rights.

And to recognize the historical distinctions, exclusions and restrictions on the basis of gender, while also taking note that certain practices including cultural, social, political, religious and customary norms are patriarchal and impair the agency, dignity and equality of women.

And being firmly convinced that any practice that hinders or endangers the normal growth and affects the physical and psychological development of women and girls should be condemned and eliminated;

And being determined to ensure that the rights of women are promoted, realised and protected in order to enable them to enjoy fully all their human rights;”

This Law being the Charter of Women's Rights Act seeks to ensure a timely and efficient mechanism for the realisation of Women's Rights as enumerated in this Act.

And whereas this Law seeks to recognise Women's Rights in a broad and expansive sense;

And whereas this Law seeks to supplement the existing statutes and constitutional guarantees that seek to protect and empower women;

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in this, the sixty fifth year of the Republic of India, as follows:

Chapter I

1. Short Title, Extent, Commencement and Application

(i) This Act may be called the Charter of Women's Rights Act, 2015.

(ii) It shall come apply to the whole of the National Capital Territory of Delhi.

(iii) It shall come into force on such date as the Government of the National Capital Territory of Delhi may specify.

2. Definitions: In this Act, unless the context otherwise requires

a) "Child Rights Commission" shall mean the Delhi Commission for Protection of Child Rights formed under the Commissions for Protection of Children's Rights Act, 2005.

b) "Civil Law" shall mean any law which is not limited in applicability to any religious group or community.

c) "Commission" means the Delhi Commission of Women constituted under the Delhi Commission for Women Act, 1994.

d) "Court" shall mean any Court presided over by a member of the Delhi Judicial Service or the Delhi Higher Judicial Service or any Court of Record;

e) "Girl Child" shall mean any female child aged less than 18 years.

f) "Legislative Assembly" shall mean the Legislative Assembly of the National Capital Territory of Delhi.

g) "Marginalized Woman" shall mean any woman who suffers disadvantage by virtue of her caste, community, occupation, religion, geographic region, age, physical or mental condition or economic status.

h) "Person" shall mean any person and shall include any company or association or body of individuals, whether incorporated or not.

i) "Rights" shall mean any and all of the Rights enumerated in this Act from Chapter III to Chapter VII.

j) "State" means the Government of the National Capital Territory of Delhi.

k) "Woman" shall mean any female person;.

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CHAPTER II

Composition, Duties and Functions of the Commission

Member.

4. **Procedure:** Notwithstanding anything to the contrary contained in Chapter II of the Delhi Commission for Women Act, 1994, the procedure followed by the Commission with respect to rights under this Bill are as follows
- (1) The Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by principles of natural justice and subject to the provisions of this Act and the rules made thereunder, the Commission shall have powers to regulate its own procedure including the fixing of places and times of its hearing.
 - (2) For the purpose of proceedings under this Act, the Commission shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matters, namely;—
 - (a) summoning and enforcing attendance of any person and examining him on oath;
 - (b) requiring the discovery and production of any document or any other material which is produceable as evidence;
 - (c) requisitioning any public record or copy thereof from any court or office;
 - (d) issuing commissions for the examination of witnesses or documents;
 - (e) power to punish for contempt arising out of wilful failure to comply with any order of the Commission;
 - (e) such other matters as may be prescribed.
 - (3) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196, of the Indian Penal Code (45 of 1860), and the Commission shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).
5. The Commission shall be empowered to carry out the following judicial functions, in appropriate cases:
- (1) Award compensation for the violation of any of the Rights, where there is any active violation or gross negligence of Rights by the State and by other people who owe duty of care to the complainant;
Issue any direction or order, including order for compensation, as may be deemed necessary to any person who has violated the Rights of any Woman to ensure observance of and compliance with such Right, provided that no such order may be issued which is within the jurisdiction of any Court or Tribunal as per any special statute; Provided that any order under this Section 3 may be passed

by the Commission on the basis of complaint received from any woman or from any other person on behalf of such woman or by the Commission on its own initiative.

6. (1) The Commission shall not pass substantive orders on any dispute that falls within the ambit of the rights conferred by any of the legislations enumerated in the Schedule to this Bill.
(2) In the event that the Commission makes a determination that the subject matter of the dispute falls within another legislation, the Commission may do the following:
 - (i) Advise, counsel and provide legal aid to complainants to approach the appropriate authority;
 - (ii) In exceptional cases, upon written request made by the complainant, file suits, writs, complaints, petitions, intervention applications or other proceedings in a representative capacity before the appropriate authority to secure the Rights enumerated.
Provided that the costs for the proceedings referred to in sub-clause (ii) shall be borne by the Commission.
 - (iii) Such other assistance as the Commission may deem fit in the facts of the case.
7. The Commission shall perform the following administrative functions:
 - (1) Provide information and legal aid to any woman for the purpose of pursuing her rights under any of the statutes listed under the Schedule to this Act.
 - (2) Carry out desk and empirical research on the issues affecting the effective exercise of Rights;
 - (3) Identification and liaising with experts who have proven ability and expertise in the field of women's rights and allied areas;
 - (4) Identification of legal proceedings or areas of law that require the active intervention of the Commission to carry out the objects of this Act.
 - (5) Such other matters as maybe prescribed
8. The State Government may, by notification, regulate and limit the amount of compensation that may be awarded in terms of Section 5(1) and (2) hereinabove. The State shall also be empowered to recover the amount of compensation so

- given from officers whose acts of omission or commission have caused the violation of Rights for which such compensation has been awarded.
9. Any scheme, rule or regulation formulated by the Commission under Section 4 (2) and 7 shall be placed before the Legislative Assembly within 90 days of the formulation of any such scheme, rule or regulation. The same may be varied at any stage by the Legislative Assembly by a majority of vote of members present and voting.
 10. Any failure to obey the direction or order passed under Section 5 (1) hereinabove shall be punishable with a fine not exceeding 50 percent of the annual income of the Government servant concerned and may further be punishable with imprisonment for upto six months, in addition to the fine. Such offences shall be non-cognizable and shall be initiated on a complaint from the Commission to the Metropolitan Magistrate having jurisdiction as per the provisions of the Code of Criminal Procedure, 1973.
 11. Nothing in this Act shall apply to any matter that is in conflict with the Commission for Protection of Child Rights Act, 2005.
 12. In case of any issue, complaint or proceeding concerning the Girl Child that does not come within the purview of the Commission for Protection of Child Rights Act, 2005, no rule, regulation or scheme shall be passed by the Commission without consultation with the Delhi Child Rights Commission.
 13. No award of compensation or direction or order passed under Section 3 shall, if such direction or order concerns a Girl Child as complainant or as the subject of such order or direction, shall be passed without consultation with the Child Rights Commission.
 14. The Commission shall be empowered to make Committees as defined under Section 8 of the Delhi Commission for Women Act, 1994 for the purpose of ensuring effective implementation of Acts as specified in the Schedule to this Act.

CHAPTER III

Right to Life, Security, and Bodily Integrity

15. Every woman shall be entitled to:
 - i) respect for her life and the integrity and security of her person, both within her home and in public spaces.
 - ii) enjoy the right to dignity inherent in a human being.
 - iii) the right to privacy
 - iv) The right to freedom of speech on all media, including digital media

v) the right to exercise complete autonomy in personal relationships including with respect to her choice of partners.

vi) the right to equal opportunity and non-discrimination

16. Every woman has the right not to be subjected to medical or scientific experiments without her informed consent; with an exception in the case of an emergency;

17. Every woman shall be protected from all forms of violence whether the violence takes place in private or public, including unwanted or forced sexual intercourse or activity;

18. The State shall protect and rehabilitate every woman who is has been a survivor of trafficking and shall offer all forms of medical and psychological treatment as may be necessary to ensure rehabilitation.

19. The State shall promptly provide effective mechanisms and accessible services for information, redressal, rehabilitation and reparation of every woman being a survivor of violence.

CHAPTER IV

Democratic and Civil Rights

20. Every woman shall be ensured the right to participative governance through participation without discrimination in all elections; representation at all levels in electoral processes; equal opportunity for partnership in decision making and implementation of development and economic programs.

21. The State shall ensure protection to every woman whose right to freedom of thought, conscience, religion, and belief, including the right to adopt, convert, and to hold opinions without interference is interfered with.

22. Every woman shall have the right to manifest her religion or belief in worship, observance, practice, teaching, ideas, or opinions of her own choosing, either individually or in community with others, both, in public or private.

23. Every woman shall have the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.

24. Every woman shall have the right to freedom of peaceful assembly and the right to freedom of association.

CHAPTER V

Equality and Non-Discrimination

25. (1) Every woman shall have the right to equal opportunity in matters of public or private employment.
(2) Every woman in public or private employment shall be entitled to a workplace free of all forms of discrimination.
26. Every woman, irrespective of her sexual orientation, shall have the right to equality before the law and equal protection of all the laws.
27. No woman, subject to the applicable personal laws, shall be unfairly discriminated on grounds of gender including-
 - (1) Preventing women from inheriting family property.
 - (2) Any practice including traditional, customary or religious practice that impairs dignity of women and undermines equality between women and men, including the undermining of the dignity of the Girl Child.
 - (3) Any policy or conduct that unfairly limits access of women to land rights and finance and other resources
 - (4) Discrimination on grounds of pregnancy
 - (5) Limiting access to health care, education and other social welfare.
 - (6) Denying access to opportunities including employment or contractual opportunities or failure to accommodate diversity.
28. Every woman, subject to the applicable personal laws, shall have the same rights in case of separation, divorce and annulment of marriage provided that no personal law shall bar any woman from taking advantage of any civil law which is in terms more advantageous to her.
29. Every woman shall have the Right to Free Education upto the under-graduate level
- 30..Every woman especially the Girl Child shall be protected from all forms of abuse, including sexual harassment in schools and other educational institutions and the State shall provide for sanctions against the perpetrators of such practices.
- 31..Every woman who suffers abuse and sexual harassment shall have access to counseling and rehabilitation services;
32. Every woman shall have the Right to Reproductive and Sexual Health.
33. Every woman shall have the right to nutritious and adequate food as well as access to clean drinking water.

CHAPTER VI

Right to Secured Spaces

34. Every woman shall have the right to access to housing/shelter and to acceptable living conditions in a healthy environment.
35. Every woman, irrespective of her marital status shall have access to adequate housing/shelter
36. Every woman shall have access to Public Transport facilities without fear of the risk of violation of her dignity in any form by means of teasing, molestation, stalking or any other form of intimidatory behaviour.

CHAPTER VII

Special Protections

37. Every elderly woman shall have specific measures commensurate with her physical, economic and social needs as well as her access to employment and professional training;
38. Every elderly woman shall have the right to freedom from violence, including sexual abuse, discrimination based on age and the right to be treated with dignity.
39. Every woman with disability shall have special protection and specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
- 40.. Every woman with disability shall have freedom from violence, including sexual abuse, discrimination; and the right to be treated with dignity
41. Marginalized Women shall be provided facilities and aid to help them fulfil their special physical, economic and social needs.
42. Every woman in detention shall be provided with an environment which is suitable to their condition and should be guaranteed the right to be treated with dignity.
- 43.. Every pregnant woman shall have access to appropriate medical facilities for pre-natal and post-natal care, and shall be entitled to be provided information on maternal and child health and safety, from all Government-run healthcare facilities.

MISCELLANEOUS

44. Rule-making power: The Government shall formulate necessary Rules to give effect to the functioning of the Commission for effective implementation to this Act.

45. Power to Remove Difficulties:

(i) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

(ii) Every order made under this section shall, as soon as may be after its made, be laid before the Legislative Assembly.

SCHEDULE

The following Acts are specified in the schedule to the Charter of Women's Rights Act, 2015:

1. Employers Liabilities Act 1938
2. Equal Remuneration Act, 1976.
3. Maintenance & Welfare of Parents & Senior Citizens Act, 2007.
4. Maternity Benefits Act.
5. Protection of Women from Domestic Violence Act, 2005
6. The Beedi & Cigar Workers (Conditions of Employment) Act, 1966
7. The Bonded Labour System (Abolition) Act, 1979
8. The Child Marriage Restraint Act, 1929 (19 of 1929)
9. The Cinematograph Act, 1952
10. The Commission of Sati (Prevention) Act, 1987 (3 of 1988)
11. The Contract Labour (Regulation & Abolition) Act, 1970
12. The Dowry Prohibition Act, 1961 (28 of 1961) (Amended in 1986)
13. The Employees' State Insurance Act, 1948
14. The Equal Remuneration Act, 1976
15. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
16. The Married Women's Property Act, 1874 (3 of 1874)
17. The Maternity Benefit Act, 1961 (53 of 1961)
18. The Medical Termination of Pregnancy Act, 1971 (34 of 1971)
19. The Minimum Wages Act, 1948
20. The Minimum Wages Act, 1950
21. The Muslim Personal Law (Shariat) Application Act, 1937
22. The Muslim women (Protection of Rights on Divorce) Act, 1986
23. The Payments of Wages (Procedure) Act, 1937

Draft for Discussion
5th August 2015

24. The Payments of Wages Act, 1936
25. The Prohibition of Child Marriage Act, 2006
26. The Protection of Civil Rights Act 1955
27. The Sexual Harassment of Women at Workplace (PREVENTION, PROHIBITION and REDRESSAL) Act, 2013
28. The Trade Unions Act 1926
29. The Workmen's Compensation Act, 1923